

**PRAYER**

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

We move to Condolences

**CONDOLENCES**

MR McCOY Mr Speaker, it is with regret that we record the passing of Edith Lillian Cooper on the 21<sup>st</sup> August. Edith was a mother, gran and great gran of a large extended and loving family. Edith, known affectionately as either “Sac” or “Boob” was born on Norfolk Island in June 1926. She was the eldest daughter of Fred and Polly Snell and was one of 12 children. Edith finished school at a very young age following a fall from a horse, then stayed at home to help care for her siblings. At the age of 17 Edith married Sidney Cooper and there were five children, Phyllis, Sidney, Wesley, Christine and Gary. Edith later met her life partner Ron Christian and they had a son, Raymond. Edith had 13 grandchildren and was great grandmother to five. She was also Nan to many more in the paddock at Cascades. The family home was always filled with laughter and always had a steady stream of kids passing through, all eager to dip into Nan’s bottomless lollie jar. With her mother Polly, Edith was a foundation member of the RSL Ladies Auxiliary. She loved to go rock fishing, play cards, potter in the garden and rarely missed the opportunity to go to Housie. Norfolk Island participated in a major Scouting Jamboree in 1960 and Edie gave unstinting help in fund raising. Her son Sid and Kerry Douran carried the troop flag for the march through Sydney and Edith was very proud. She always looked forward to the weekends when all her family and friends would visit. She was a wonderful cook and during her lifetime managed the tearooms at Ferny Lane where she catered for Qantas. She worked at the Garrison Restaurant and also with her daughter Phyllis and son in law Norm at “Trick’s Takeaways”. She especially looked forward to Bounty Day and the family table. There was always much fun and laughter among the sisters, all of whom are well renowned cooks. Edith was strong and very independent, always putting the need of others, especially her family, before herself. She was a typical Norfolk of her time, courteous with a great sense of humour and as has already been said, a community helper at all times. To the family of the late Edie Cooper, to her relations and many friends this House extends its deepest sympathy

Mr Speaker it is also with regret that this House records the passing of Margaret Ann Corbett on the 23<sup>rd</sup> August in New Zealand. Moppy, as she was known to all her friends on the Island, arrived in 1990 and having a love for the Norfolk lifestyle she became a resident. She first worked at Smithy’s Restaurant, then World Traders and later for Warren Langman at Enchanted Earth and evenings at the Bowling club. Moppy was involved with the local Gym and enjoyed working out and cycling. She also enjoyed horseriding, jetskiing and being at the beach and played touch football. During her stay here she made many friends in her sporting and social activities and workplaces. She was a hard worker and was always willing to lend a hand and a cheerful smile. Margaret left Norfolk in 1996 to go to Australia then returning to her home, New Zealand where she worked at Queenstown. To Margaret’s family in New Zealand and to her friends we extend our deepest sympathy.

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

**PETITIONS**

MR SPEAKER Honourable Members are there any Petitions.

MR GARDNER Thank you Mr Speaker. I present a Petition from 257 residents and concerned people of Norfolk Island in relation to damage and devastation done by the Kestrel. Mr Speaker I will read the Petition. To the Honourable Speaker and Members of the Legislative Assembly of Norfolk Island. This Petition of the residents and concerned people of Norfolk Island brings to attention of the House the damage and devastation done by the Kestrel or Sparrowhawk to other bird species on Norfolk Island and Phillip Island. The Kestrel came to Norfolk Island in the late 60's. Since that time they have bred and are presently a pest and are harmful to other bird species. Kestrels are particularly active on Phillip Island where they impact upon the Sooty Tern, Whalebird by eating both fresh eggs and those with developing chicks and also eating young birds and adults. Several other sea bird species are under threat, in particular the Grey Ternlet which is estimated to be down to one tenth of its previous population. The decrease in the number of White Terns and Robins can be attributed partly to the Kestrel. Requests to the Norfolk Island National Park Authorities to eliminate the Kestrel has brought no action. The undersigned Petition is therefore prey and ask the Legislative Assembly to take immediate action to eradicate the Kestrel. Mr Speaker this Petition was certified by the Clerk of the House dated 12<sup>th</sup> of September, 2000.

MR SPEAKER Thank you Mr Gardner. Honourable Members are there any Notices to be given this morning. Are there any Questions Without Notice.

#### **QUESTIONS WITHOUT NOTICE**

MR McCOY Thank you Mr Speaker. I have a question I wish to direct to the Minister with responsibility for Tourism Mr Smith and the question is has the quota of hotels on Norfolk Island been increased.

MR SMITH Thank you Mr Speaker. No.

MR McCOY Thank you Mr Speaker. Supplementary Mr Speaker. How in that case, can an advertisement be placed in the Norfolk Island telephone book for an extra hotel, claiming to be a hotel.

MR SMITH Thank you Mr Speaker. I'm not aware of that happening but I can certainly check it out. There is a quota on hotels which number is 5 and to change that number it would have to be done by the Legislative Assembly by resolution and it certainly hasn't happened, so there is only 5 hotels registered in Norfolk Island at the moment.

MR SPEAKER Thank you.

MR McCOY Thank you Mr Speaker. Supplementary to that Mr Smith. How in that case can that hotel, which is incomplete claiming to be a 4.5 or graded as a 4.5 star rating. How has that grading happened.

MR SMITH Thank you Mr Speaker. It's always been said with the project that Mr McCOY is talking about that they were going to be aiming for 4.5 stars. They can't be graded until the property is finished which is some time off as I understand it.

MR McCOY Thank you Mr Speaker. Supplementary. This question may be answered by either the Minister for Finance or Minister for Tourism. From what the Minister for Tourism has just said, is there a degree of false advertising and is the Government liable to be sued.

MR SMITH Thank you Mr Speaker. I can't give an opinion on that. Obviously Mr McCoy is asking for a legal opinion and I couldn't give that.

MR SPEAKER Yes and if in fact you are seeking a legal opinion, Standing Orders require that that not be a component to be raised at the appropriate Minister.

MR Well I'll allow someone else to ask some questions.

MR BATES Thank you Mr Speaker. I have a question for Mr Nobbs responsible for Finance. What is the Government doing about proposals to lease telephone lines similar to the audio text arrangements and why is it taking so long to reach a decision when it could prove quite lucrative for the Government.

MR NOBBS Thank you for that Mr Bates. The decision hasn't been made as far as I'm aware in relation to this particular aspect of an application that we had for a, it's a bulletin board service, it's not the ordinary audiotext service and to date there hasn't been approval given for that. There was a need to seek clarification to negotiate further with the particular applicant and this is being done at the present time because from advice I received there was a need to seek additional information from the applicants and also there was ongoing negotiation as to certain aspects and so to this point in time it hasn't been finalised Mr Bates but I can assure you that it is progressing but that we need to deal very carefully with any applicants, I believe seeking a Government contract which it amounts to.

MR SPEAKER Thank you.

MR BATES Yes a further question to Mr Nobbs, Minister for Finance. Given that anomalies exist with the FIL, especially with transfers between accounts in the same name, has the Government addressed the problems and if so what is it doing about them.

MR NOBBS Thank you Mr Bates for that. I think that all Members are aware by now of my feelings in relation to FIL. I believe it is quite a terrible impost as a tax. I don't agree with it at the level of 1%, I mean maybe if it came down to the original it may be more acceptable but at the present time it's far too high. The Finance Committee has been wrestling with this particular problem, we've got officers working on these issues at the present time. The bottom line really is unfortunately that we're still getting about \$750,000 in revenue from the FIL and it's very difficult, and I guess it would be very difficult to convince the Members that we should cut it immediately and so we're looking more at how we can reduce the figure, how we can stop the rorting seems to come to mind, but I shouldn't say that because they are doing through the sending of funds offshore, those sort of aspects in relation to the FIL, how we can stop that and if Mr Bates could bear with me we're actually working on it and I would hope that these sort of things will come into line as we look, particularly as we come up to the commencement of the next years budget which I've said will commence in November and it will commence in November.

MR WALKER Thank you Mr Speaker...I direct a question to the Chief Minister Mr Nobbs. Can the Minister advise whether or not the total amount of fuel levy collected is dedicated to roads or is simply consumed within the consolidated Revenue Fund.

MR NOBBS Thank you Mr Walker for that. I don't believe that there is a direct line from the fuel levy comes in this pocket and is put straight into the road issue but it is in the context of the use in the last 14 years, I think it is from memory, the fuel levy has contributed about 50% or maybe a little less than 50% to the

average cost attributed to roads maintenance and reconstruction, that's over the last 14 years, since 1988, the funds collected amount to about 50% of the actual expenditure on roads. So in theory it goes in there. I mean we're not collecting more than we are expending on the roads.

MR WALKER Thank you Mr Speaker. A further question to the Minister Mr Nobbs. Can the Minister please advise if he has any plans to compensate for, or reduce the 53% increase levied on pensioners for motor vehicle registration.

MR NOBBS At the moment there are no plans. I mean they get a reduction in certain aspects of it. I haven't received any requests from the Social Services in relation to these increased charges. So there is no plan at this stage in relation to motor vehicles or any of the other charges and bearing in mind that there are quite a number of other charges as well as the motor vehicle ones that have been increased and will be published in this weeks gazette. I think there's about 10 pages of them actually.

MR MCCOY Thank you Mr Speaker. I have a question I wish to direct to the Minister with responsibility for Health and the Environment. At what point would the Minister cause an inquiry where continual and considerable variations to an approved building application are sort as to whether subsection 42 (2) of the Norfolk Island Planning Act has been breached.

MR GARDNER Thank you Mr Speaker. If there was anything that wasn't in accordance with the Norfolk Island Plan I would certainly undertake Mr Speaker to initiate an inquiry to find out the facts and actually be very sure of my facts before I was to go out and accuse anybody of breaching anything.

MR MCCOY Thank you Mr Speaker. I have a further question I wish to direct to the Minister with responsibility for the Environment. Where a construction proposal will cause significant land disturbance, involves extensive clearing, modification of vegetation and incompatible building structures why have you not directed that an environmental impact assessment be carried out prior to planning approval being granted.

MR GARDNER Thank you Mr Speaker. I'm not certain as to which planning application Mr McCOY might be referring but I've got a pretty good idea, I think it was a job that he was working on for some time. The approval that was given for the undertaking of the building activity that's taking place at the moment at that site if I'm correct in assuming that it's one that we're both talking about that approval was given in 1998, well before I came to office as the Executive member responsible for planning.

MR BATES I have a question for Mr Gardner, Minister responsible for Agriculture. In July I sought information on what the Government was proposing in order to allow the importation of plant material needed to develop local primary industry. Has any progress been made since then.

MR GARDNER No.

MR BROWN Thank you Mr Speaker. I direct this question to the Chief Minister. Can the Chief Minister confirm that the transfer of land will be achieved by January as originally stated.

MR NOBBS Thank you Mr Brown for that. I mean that's really nice of you to give me the opportunity to answer that question. I said that I was hopeful that it would be achievable by the 1<sup>st</sup> of January and if not, by Foundation Day may be a reasonable fall back. It appears that due to the complexity of the issues involved in the Plan that we may be held up and we may not achieve the 1<sup>st</sup> of January deadline which

is unfortunate but I think it's progressing, the Plan is progressing now and it's on track and maybe we would look to Foundation Day as being an appropriate day to transfer the land to Norfolk Island. That's the second option. I will keep you informed as to the progress or the responsible Minister for Lands may wish to add something to that.

MR SPEAKER I just wanted to ensure that the other Minister had an opportunity.

MR GARDNER No I don't think so at this stage Mr Speaker. I think the Chief Minister has adequately addressed that question and I guess I can just emphasise the fact that the review is well under way. The Land Task Force Group are addressing all the requirements that are necessary for the transfer of land in the future.

MR BROWN Thank you Mr Speaker. I direct this question to the Chief Minister, it relates to the use of motor vehicles within the Administration. Can the Chief Minister advise whether there is a policy and guidelines document in relation to the use of Administration motor vehicles, in particular can the Chief Minister advise whether that document covers private use of such motor vehicles and the driving of such motor vehicles to licenced premises, and finally can the Chief Minister advise whether the policy is being adhered to.

MR NOBBS Thank you for that Mr Brown. Wherever you go in the Public Service the home garaging of vehicles is a very touchy question I guess and members of the public are always concerned about that and they are on Norfolk Island and I've been aware of this for some time now. We're currently in the process of a review, and I've asked the CEO to initiate a review in relation to this because there are concerns and Mr Brown is quite right. There is a policy and whether it's being followed or not to the letter I'm not too sure, but some people have approval and this is a hangover like the CEO has full use and his wife has full use of their particular vehicle, 24 hours a day 7 days a week and be it at a pub or wherever. I mean that's an accepted arrangement that's been in place for as long as I can recall that a vehicle was provided to the CEO and he used it for his work and then after hours and the like. So there are certain exceptions to the normal of taking a vehicle home and garaging at home but I will get back to you if I may on that Mr Brown thank you.

MR BATES A question for Mr Gardner Minister responsible for planning. Could the Minister inform the House if all signs including sandwich boards are subject to planning board approval and are they all considered using the same criteria.

MR GARDNER No currently they are not Mr Speaker and thank you Brian for that question. Brian raised this issue at a meeting of Members Mr Speaker 2 or 3 weeks ago. I undertook at that time to send off some ministerial requests to the Service and also to Crown Counsel in relation to the legality or otherwise of some of the sandwich board signs that are existing around the island and particularly in relation to Mr Bates' query at that time as to the use of temporary signage for real estate purposes for the sale of properties. I'm still awaiting that advice. As soon as that's available I'll forward it to Mr Bates and other Members.

MR BATES Question for Mr Cook Minister for Immigration. Could the Minister inform the House if any newly established businesses that is those businesses less than 5 years old, including new accommodation establishments have a) TEP holders on their staff and b) wholly or partly owned by non-residents.

MR COOK Yes through you Mr Speaker in answer to Mr Bates. There are 2 questions in a sense or 2 branches to the question he's just put to me. I appreciate what he has raised and I want to be in a position to be able to answer that fully and completely and accurately and one of the problems that has emerged

fairly clearly, and I have sort advice from the legal services section is in this whole matter of new businesses and what is actually comprised in that concept and whether the matters that refer to new businesses in the guidelines are in fact in accordance with provisions of the Act. I think it would be appropriate if I could defer answering the question today so that I can provide the fullest possible response to Mr Bates' question and I intend to do so at an early time and give him full information in response to that question, both questions he's put.

**MR BROWN** Thank you Mr Speaker. I direct this question to the Minister for Immigration. Can the Minister please advise the House of the progress which has been made in considering the draft Immigration Bill prepared by Miss Bronwyn Paddick.

**MR COOK** Yes Mr Speaker and in response to Mr Browns question, I intended to make a brief Statement in due course as to the progress in that particular area that is obviously of considerable concern because of matters which will be later dealt with today and other matters of course which arise out of that review. The review which was provided by Miss Bronwyn Paddick of course has required us to, in a sense review the review and to look at the matters contained within it and to consider all the various recommendations, the reasons for advancement of changes which have clearly been put forward in that review. I can inform Mr Brown that the Immigration Committee which I asked to, in the first instance to consider these matters and to advise me upon them has been meeting regularly. I've spoken to the Chairperson from time to time as Joan Kenny. She's assured me that the Committee is working through the whole of the review, answering all the specific matters that are raised by way of recommendation and giving me the advantage of the Committee's views on those particular matters. I'd also taken the course, this was raised at the Intergovernmental meeting when Minister Ruddock was here. He and his officers were provided with copies of the report and they were asked for some preliminary input as to what they may consider were advantageous or other concepts which were raised in that report and quite a few matters that they have raised were obviously of value and will require careful consideration. The matter which I rely on mostly in this situation is the advises from the Committee, they represent the community and they will be bringing forward those recommendations to me. I will put them all together and my own input and those who advise me from the Immigration office and I can assure Mr Brown that those recommendations, I understand from Mrs Joan Kenny she says they are 3 quarters of the way through the report and I have asked her to continue to make the efforts that the Committee has made to date. They are meeting regularly outside the usual times where they consider applications and so forth and permits which normally come before them, and I'm satisfied that they are putting in very considerable effort into bringing forward their advises to me. Mr Brown and Members of the Assembly can be satisfied that that matter is going to be advanced very quickly. I will require of course a degree of input from the Legal Services Section which will assist me also to come forward with a considerable number of proposals and in due course proposed legislation for consideration of all Members of the House.

**MR BROWN** Thank you Mr Speaker. I direct this question to the Chief Minister. Is the Chief Minister able to advise whether the millennium tent was in fact insured prior to the damage which it sustained recently, and if so has a successful insurance claim been lodged.

**MR NOBBS** Thank you Mr Brown for that in relation to the millennium tent. The last advice I received was about a week ago I guess. The tent was insured. There is finalisation of the claims, there is still one outstanding cost that needs to be included in that but I don't know whether that's been achieved to date, but the majority of it and the insurance company is aware of the claim. There's been a preliminary claim lodged or whatever you have to do in that sort of circumstance but

they are finalising up on the actual costs involved in it and that's all I can say at this stage Mr Brown.

MR WALKER Thank you Mr Speaker. A question for the Minister of Tourism with responsibility for Education Mr Smith. Can the Minister inform us as to whether it is normal for the School children at Norfolk Island Central School to sing God Save the Queen or alternatively Advance Australia Fair at School functions and assemblies.

MR SMITH Mr Speaker it's an interesting question and I'm pleased Mr Walker has asked it because that was raised with me just a little while back. There's a tune that is sung in Australia called Advance Australia Fair but it's also sung in Norfolk Island with Norfolk Island's own words which I think came before Advance Australia Fair actually. That has been sung over many many years at the School and God Save the Queen as far as I recall has been sung at all major School functions and to my knowledge Advance Australia Fair doesn't get sung at any of those particular events, although recently I understand that some school child had gone home and was singing Australia Fair and on checking I found that the kids were just actually learning the song and I think there was some confusion in the community that our School kids were being taught how to sing Australia Fair to use it in public functions but as I understand that is not going to happen.

MR WALKER Supplementary Mr Speaker. Is there any official recognition for a particular song or anthem as the National Anthem of Norfolk Island.

MR SMITH I'm not really sure. God Save the Queen has always been the one I have assumed would be the Anthem that we generally use, unless anybody else can add to that, that's all I can answer at this point.

MR GARDNER Maybe I can provide some supplementary advising on that Mr Speaker. I'm certainly aware that things like the South Pacific Games and Mini Games Norfolk Island has always used God Save the Queen as the recognised National Anthem for those sporting activities.

MR BROWN Thank you Mr Speaker. I direct this question to the Chief Minister. Is the Chief Minister aware of the difficulties being encountered by some of large buses on our roads in that the roads are simply not large enough for the buses to be easily driven along them, and if so, what action will the Chief Minister be taking to widen and strengthen the roads so that the buses can be more easily driven along them.

MR NOBBS Thank you for that Mr Brown. That's the chicken or the egg question I think that refers to doesn't it. We've has a report in relation to the roads, I think it was in response to a question at the last meeting from Mr Bates in relation to a proposal which I had that we would be attempting to have the roads done up at the same time as the airport resurfacing. As a consequence of the land review it was necessary for an engineer to look at the roads on the island here and their standards and the like and establish through a set of codes which we had drafted up but hadn't been formally accepted, actual standards for the roads. This engineer visited the island in the past week. He provided me with a report in relation to the roads generally. We've got 2 problems in relation to damage to the roads. The first is the water situation and the need to get the water away from the roads as quickly as possible. The second is the size of the vehicles because the engineer gave some tremendous figure of how much damage one class of a vehicle graded say 8 tonnes did to a road in comparison to the same number of passes, of something like I think it's 15,000 equivalent passes on the same bit of road by a small sedan. Now those are the 2 issues that we really have to look at. How big do we allow vehicles to traverse on our roads, how big should they be and that issue will need to be addressed by the Assembly very shortly I believe.

The other alternative is as Mr Brown suggests is to upgrade the roads. Well the roading proposal that we have to do something like 75 km of road and that includes both chip seal and also asphaltting, but the asphaltting which is quite expensive would only be on the heavy use roads. I think the proposal put by the engineer and that's only an estimate, at his stage is for the expenditure of \$10m on that 75km of roading and the proposal that he suggests the sooner we get on with it the better because the longer we leave it the more expensive it will become and the suggestion is that we need to look at he next 5 years to do that \$10m worth of road works. So there will have to be some fairly significant decisions made in relation to roading in the weeks ahead and I will have, this week a copy of that report to all the Members as I stated on Monday. The Executives will be dealing with it on Thursday and it will go out from there to Members and hopefully we will start considering the implications of that report at next Mondays Members meeting. I hope that answers your question but there are more questions than answers really to that particular problem Mr Brown but it's something that we will need to address and address fairly quickly.

**MR BROWN** Mr Speaker could I ask a further question along the same line. In respect of large buses does the Chief Minister propose to take any action to make the roads safer, perhaps that could be by discouraging the importation of further large buses or perhaps that could be by encouraging the use of a pilot vehicle before each of the large buses but does the Chief Minister propose to take any action at all to make the roads safer for the ordinary driver.

**MR NOBBS** At this particular point, right now there is no proposal in hand to do anything like that at this particular point in time, although we have been looking at, and I have talked to the Roads guys in the absence of the responsible Minister Mr Smith and George you may like to add something to this, in the last week when he was away I was doing his job in relation to safety issues on the roads and the need to do it. We've got a particular problem at the moment of course as you well know Mr Brown that we don't have any metal to fix the roads up but that is also creating hazards on the roads and as soon as that becomes available, we can do up these areas because there are a lot of wash outs on the sides of the roads which need proper filling and consolidating so once those areas are complete and the vehicles can travel more on their proper side of the road that that will assist in some degree but there are problems around and that's what I'm saying, we are looking at it but I have not got any proposal before me at the present time, unless Mr Smith would like to add something to that I'm not too sure.

**MR SPEAKER** Could I just offer an opportunity to Mr Smith.

**MR SMITH** Yes I'm not sure that Mr Nobbs covered everything but we do have a 5 year plan that I think I've tabled in the House. Maybe I've even done that twice that covers the capital works programme for the Works Depot which includes most of the roading which is required to be done, timeframes attached, costs attached to it as well. There has been another track that has been taken and that's having the roads assessed by the engineer that assesses the airport runway. That report is in hand. I think Ron actually mentioned that but of course it comes down to 2 things. One is the metal to do anything with the roads and the other one is the funds to be able to do what we need to do.

**MR MCCOY** Thank you Mr Speaker. I have a question I wish to direct to the Minister with responsibility for Immigration. How many Temporary Entry Permits have been granted to facilitate the purchase of businesses on Norfolk Island.

**MR COOK** Mr Speaker through you. To the best of my knowledge and understanding at the present time there has only been 2 actually involving a couple of who purchased a business on Norfolk Island. Those persons had applied for and had considered a General Entry Permit application to enable them to



purchase this business which was in full operation and appears to be in a central part of the business area of Norfolk Island and supplying a facility to tourists and so forth and the intending vendors of the business had a real problem in relation to their departure from Norfolk Island for the purposes of taking care of relatives in New Zealand who required urgent attention. They expressed very clearly to the Committee and to the, from their representations made in their applications and other material and then to the Executive Member their concerns that the situation which had developed and their need to leave the island urgently. In the application which had been made when it came for consideration, it was granted, that is the General Entry Permit but it was considered that it should be granted but it was not able to be granted because there was then no place on the quota and they were invited to, as required to be put to them under the Act to have their application subsist. That did in fact occur and their application was subsisting to be placed on the quota when that opportunity arises. They are, as I understand it in the priority of any persons available for consideration going onto the quota who have subsisting applications, they are first cabs off the rank. The matter gave considerable concern because the business was, as it were providing of service to the community and it had functioned successfully. There was also a serious humanitarian consideration of the needs of the persons who had, up to that stage conducted a business and were required to take themselves from Norfolk Island as soon as possible to New Zealand and who intended to thereafter remain living in New Zealand. These persons themselves were General Entry Permit holders and they had had to change their expectations of being able to continue to live on Norfolk Island by the development of this serious health situation in New Zealand of a very close relative. In those circumstances there is always a discretion in the Executive Member to consider all aspects of the application which is brought, is well mindful of the situation that the guidelines which have been laid down as being applicable together with the Immigration Act and it must never be lost sight of the fact that those guidelines must always conform to the terms of the Act provided that a Temporary Entry Permit normally would not be granted if it's effect was to circumvent the quota. They are difficult considerations, there have been instances of such a situation in the past and discretion being exercised on not dissimilar grounds. In this particular case there was the intending and urgent reasons for departure from the island of 2 persons and 2 persons coming onto the island. I'm not suggesting in one moment that that is some resurrection of the one off one on policy but it simply is a situation I advert to is that the coming of these 2 persons onto the island in the circumstances would not increase the effective number of residents on Norfolk Island. I simply mention that as a fact and certainly not as a rule or a principle was applicable. After full and due consideration and being aware of the priorities of these persons for consideration to go onto the General Entry Permit situation that I've adverted to was determined that a Temporary Entry Permit in those special and exceptional circumstances and it's to be made perfectly clear that this is not a policy or a intended situation that is going to apply as it were across the board. These matters have to be examined very carefully in the interests of all involved and the rights and the protection of the community, the community's entitled to have the protection of the terms of the Act, but I do point out that I have received consistent advice from the Legal Service Section which gives me concern, and also we are having appeals which have been successful when they have gone to the Minister in Australia and his repeated statements to myself as Executive Member and to previous Executive Members who have made decisions on these matters who had the responsibility prior to myself that the guidelines must be taken into account only as they accord with the provisions of the Act and this is a matter which obviously requires in due course and that's what I mentioned earlier, there will be a real attempt made to progress all necessary changes to the Act, particularly to the nature of permits and so forth and the holding of such permits and the guidelines which will clearly require to be put in place consequent upon those amendments. It wouldn't appear appropriate at this stage when there is that situation likely to develop at a fairly early date all other things being equal to tinker with the guidelines and then have to do it again when the amendments came in. These things take considerable time and effort and the input from quite a number of appropriate sources. So in answer to the question that was put to me there has been to

my knowledge, one instance and these applications must be considered as exceptional and the application was based as it was appreciated from all the material on strictly humanitarian grounds.

MR MCCOY Thank you Mr Speaker. Supplementary to that question or answer. Has then vendors of the business that Mr Cook is indicating, have they had their General Entry Permit cancelled, and if not can they return to Norfolk Island within 183 days and continue on their existing General Entry Permit.

MR COOK Mr Speaker in answer to Mr McCoy's question. In this particular instance, and it must be appreciated the effect of the sale was to bring about a situation that the GEP, because the condition on the GEP was that the holders of their GEP operate and conduct this particular business and by reason of the sale they immediately took themselves out of that situation once that sale was completed of being able to fulfil that condition. If indeed there is a breach of conditions on a GEP and a period of some 14 days elapses then the situation is that the GEP is deemed to be cancelled, under the operation of the laws of Norfolk Island Application can be made to the Executive Member to avoid that consequence in a situation where there may have been either some inadvertence to the law or there is some appropriate reason advanced but in this particular case no such application has been made and that General Entry Permit must by operation of law deem to be cancelled. I will add that in those circumstances representation was made that by reason of the terms of the agreement those persons were required to give assistance to the incoming purchasers who had of course at all times remained off the island to assist them in the operational starting up of the business. In careful consideration of all of the factors and having received very strong and clear assurances of the date of their intended departure and the circumstances of their departure they were, a direction was given to the Immigration Officer to refrain from taking process to have those persons deported from the island as being prohibited immigrants, and in all the circumstances I believe that was a proper fair and just determination to enable the completion of this matter and the whole process which had been put in place to be properly completed.

MR MCCOY Thank you Mr Speaker. I have a further question I wish to direct to Mr Cook in his capacity as Minister for Immigration. Has any persons where a visitors permit is in force made application to facilitate employment of that person beyond 7 days.

MR COOK To the best of my understanding and this would have been dealt with administratively and I understand that is the situation, I think 2 persons have made application for increase of the time in which they normally would be restricted of any work on a visitors permit, that's 7 days to a period of 14 days, to my understanding those 2 persons who applied to an Officer in the Immigration Department who processed the application, I understand that is in accordance with protocol received that privilege to extend their work time during their visit and those persons were associated with particular aspects of construction of a tourist accommodation unit on the island.

MR MCCOY Thank you Mr Speaker. Supplementary to that answer. Have Temporary Entry Permits been granted to persons who are employees of offshore construction companies where the business or profession is already provided for in Norfolk Island.

MR COOK Mr Speaker through you to Mr McCoy. I understand basically what the question is being directed to and it's again related to, as I appreciate it to the construction of a rather large accommodation unit situation here on the Island. It would appear that either an association with a local resident, either in some combined venture there has been some engagement of personnel to work on that project. It's very difficult, and I do not have precise evidence at the moment. I certainly

will endeavour to follow it up by appropriate Enquirer to ascertain the real position as to who does precisely employ such persons an operation is being carried out under a business name and I would imagine in due course I can receive appropriate information as to who are the persons entitled to use that business name because in all applications which have been made in respect of possible employment of such persons after advertisements have been inserted in the local papers and so forth, which appears to have been the case in this particular instance we're referring to. The persons who conduct the business are those who would have the responsibility of being the employers of any such persons.

MR MCCOY Thank you Mr Speaker. Supplementary to that thank you In that case how is it possible under the Immigration Act of 1980 for an offshore construction company to operate in Norfolk Island independently of any existing Norfolk Island construction firm.

MR COOK I'm bit concerned at being able to properly answer Mr McCoy. I rather think that there is some degree of legal element in this Mr Speaker which requires careful consideration. An employee of course applies for a Temporary Entry Permit an employer doesn't apply under the Immigration Act for the right if it's offshore to him to engage employees. It's the employee as I understand it who is the applicant for a Temporary Entry Permit, not a company or some entity outside. It's a situation in which I would wish to respond to Mr McCoy's concerns and any implications which necessarily arise from it and I would assure Mr McCoy that I will seek advice from the Crown Counsel as to any limitations which exist under the Immigration Act upon an offshore employer engaging employees to work on some project on Norfolk Island.

MR WALKER Thank you Mr Speaker. A question to the Chief Minister Mr Nobbs. Can the Minister report as to when the promised full report from Mr Bill Gloyne in relation to the offshore finance centre might be available.

MR NOBBS Thank you Mr Walker. I transferred my e-mail with me on my trip and I haven't been able to recover it, and I understand there's now, since I've been back. I mean I understand there's been correspondence from Mr Gloyne on that e-mail, and I'm not too sure what it is at this stage but I will let you know as soon as I can, but there is no full report available at this stage. My understanding is that it is in relation to an extension of the papers that were given to you earlier during his recent visit.

MR WALKER Thank you Mr Speaker. A question for the Minister of Immigration Mr Cook. Could the Minister indicate when we might expect the promised RPI review to take place and be completed.

MR COOK Yes through you Mr Speaker to answer Mr Walker. I have sort and obtained from Mr Graeme Donaldson who is the Officer who is in charge of matters relating to the RPI and who advises me on these matters as to this review. He recently visited Canberra in respect to a pro bono legal conference which was held in Canberra. He took the opportunity at my request to interview Officers from the ABS. Some of these Officers had input into the original concepts here on Norfolk Island and the problems with the programme were examined and Mr Donaldson has reported to me on those and he has given me a short report, which I think would be most appropriate that I will pass to Mr Walker for his information and I think when Mr Walker is able to read this report he will understand that a lot of the problems in going ahead with the report. There appears to be quite a deal of problems with our software here as I understand it and also the determination of what basket of goods should be properly considered in any such RPI determinations. It appears that the Australian situation is a bit caught up with the GST at the moment and they are reviewing their whole sort of determinations and calculations and it would appear that Mr Donaldson also asked the

authorities in Canberra as to the costing of assistance that they would provide to us in setting up an appropriate programme for our own RPI and without going into all the details of his report, if it satisfies Mr Walker I'll pass a copy of that report to him for his information.

MR WALKER Thank you Mr Speaker. A further question for Mr Cook, Minister for Immigration, responsibility for Social Welfare. Can the Minister indicate how many residents are currently on the under employed or unemployed welfare payment.

MR COOK I'm afraid I cannot immediately answer that request for information from Mr Walker. I will undertake to obtain that material and I will provide it to him at the earliest possible date, having in mind his pending departure from the island. As soon as he returns he'll find the answer waiting for him.

MR WALKER Supplementary Mr Speaker. If indeed there are people on that listing, will a concerted effort be made to have these residents placed in employment considering we have some 100's of TEP employees currently on the island.

MR COOK Mr Speaker through you. They are obviously matters that may require consideration and these matters that Mr Walker has brought forward will require some consideration and some advice from me from the committee that assists me on these matters. Mr Bates of course who is here along side me is involved in that committee and I'm quite sure that full consideration will be given to these matters as they are required to be given and I will report back to Mr Walker in due course.

MR BROWN Thank you Mr Speaker. I direct this question to the Minister for Immigration and it relates to the Museums. Can the Minister advise whether any tour operator has been provided with exclusive rights to use the various Museum premises at Kingston, and if not, is the Minister able to advise whether all tour operators are treated equally in applications to use any of the Museum facilities.

MR COOK Mr Speaker through you. I am grateful for this question from Mr Brown. It's fairly topical at the moment if I might say. I have certainly received an application to use 2 Museum buildings in particular. I don't want there to be any confusion. I'm sure Mr Brown has most carefully phrased his question that it relates to Museum buildings and not to other building within the general area of Kingston. I want that to be understood because those buildings are in different controls and other persons than myself may have the obligation to deal with it and question of any approval for use of such buildings. I wish to indicate that the application was received. It went in the first instance to the Director of Museums who provided a response to that particular application. Not being satisfied with that response as is their right an application was made to me for my consideration for the use of 2 of the Museum buildings. The application was duly considered and further advises called for from the Director and I might say in view of the possible impact or involvement with KAVHA I passed a request for KAVHA to give me some input into that situation. I did receive back a general indication of their response and they felt that it was largely a matter for the Museums to determine rather than a KAVHA situation. I respect that advice quite clearly. I was grateful for the input of the advises that I received from that source. I determined that it was not appropriate to, in the circumstances the advice, particularly from the Director of Museums and other appropriate considerations as to the risk of harm to persons who might enter the premises late at night and suffer some degree of injury from the state of the premises or from having access to the land on which, certainly one of the Museums stands which whole land and building is in the control of the Museums that that application should be refused. So the answer to your question, first part of the question Mr Brown is that no, no permission has been granted. It has

been quite firmly refused. Further representations have been made to, as it were provide for some degree of access so that for instance actors might go forward to some part of the building but the tour people remain outside the lands, and simply observe what's happening on the portion of the Museum that is required to be used by the actors. This again has been not acceptable and that has been conveyed very clearly because at the present time it would appear that there has to be fair and appropriate consideration given to such usage and there can't be precedents being set. I have called for and before finally determining that aspect of the matter, which I'm inclined as I've indicated quite clearly not to agree to, I've called for the original circumstances in which it appears that another tour operator quite some time ago has been allowed at least to put actors on some part of the Museum and other members taking part in the tour don't actually themselves go on the land but observe what's happening. I'm seeking to have all the material relevant to the original grant of such permission and the circumstances in which it was granted considered. I believe that if indeed it appears that there is no justification and no proper approval has ever been given, I think it would be appropriate for me to act consistently and consider whether or not I should then apply a principle that it would be inappropriate for the Museums to be used in that way. If indeed it appears that a different situation arises and there has been some precedent set well I will have to look at the application in the light of that information. I hope that answers your question. I have to be careful as you appreciate Mr Brown because the matter is still not been finally determined, at least in that second aspect.

**MR BATES** Thank you Mr Speaker. A question for Mr Nobbs Minister responsible for Finance. Given that speculation in property and businesses is as detrimental to young people trying to establish themselves and causes inflated prices, will the Minister investigate a form of capital gains tax designed to minimize such activity and to allow the public purse to also benefit where this type of activity takes place.

**MR NOBBS** Thank you Mr Speaker. I will take the suggestion on board from Mr Bates and do precisely that. Thank you.

**MR BATES** A question for Mr Smith I think, responsible for Works. It's to do with the Cascade Cliff. It is obvious that the drainage system at the base of the Cascade Cliff is not working. Are the contractors liable to fix it or is it now our problem and who is paying for the excavator or digger working there yesterday.

**MR SMITH** Thank you Mr Speaker. There's 2 or 3 answers in that question or 2 or 3 questions in that question I suppose really. The one about the excavator that was working there yesterday, I was not aware of what they were doing yesterday. I did go down there but there was nothing happening at that particular time. There is a...

**MR BATES** I understand they were looking for the end of the drainage pipe on the seaward side. I understand that but that may not be correct.

**MR SMITH** There is a defects liability period which the contractor has to fix up any difficulties and there are some down there in relation to the safety fence and the draining on the road that goes up to the stockpile as you probably have seen as well Mr Bates. I am aware that we cleared the drain on the south side of the jetty I suppose that was being done a couple of weeks ago because it had totally blocked up. Whether that should be charged to the contractors or not I'm not sure or whether that's going to be an ongoing problem until we have it fixed by them. I really can't give an accurate answer to that.

**MR BATES** Further question for Mr Nobbs responsible for Electricity. A local resident has spent a lot of time and effort in developing household use of electricity generated by solar panels and is keen to further its development.

What is the Government's policy re such activity and is it doing anything to encourage such development.

MR NOBBS

Thank you Mr Speaker. There is no designated policy that I'm aware of in relation to promotion of alternate energy and support, particularly support for I presume you mean financial, support for an applicant who may wish to further study or put in place alternate energy proposals. However I have spoken to a couple of people on the island here or actually more than a couple who are very keen. I've been in contact with them and they are looking to, one in fact is looking at an application under an Australian, I think it's a greenhouse or one of those projects at the present time to gain funds to assist him to put in a unit which would be operated as a trial. The Electricity section are also extremely keen in being involved in monitoring the operation of any of these alternates. We've been through the system of looking at some solar activity in the past. I understand in the last 7 or 8 years I think it was there were reports done and people brought over here in relation to solar. There's been monitoring of the wind situation in the island. I'm in contact now with an Australian company and I have been for some time actually who are placing a wave action generator in at Portsea in Victoria and that's being constructed at the present time and will be operational. We are looking at those things but there are no actual funds that have been allocated at this stage, other than taking some funds from the Electricity Undertaking at various times. There's been no dead set programme put in place to look at furthering alternate energy but with the cost of fuel rising all the time, it's becoming now imperative that we progress this and I would assume that if we don't have something in the budget at budget review, it might not be appropriate at that time but I would definitely be putting something forward as a proposal in the budget of 2001/2002.

MR SPEAKER

Thank you. Honourable Members Questions Without Notice has expired. There are Questions On Notice at this meeting. There are 4 Questions On Notice and I just want to enquire whether the appropriate Ministers want to respond to any of those this morning.

## QUESTIONS ON NOTICE

MR NOBBS

Thank you. I was asked if I may Mr Speaker. I was asked question 10, 11 and 12. Mr Walker asked me a question in relation to the outstanding payments of that. Mr Walker received an answer but I think it would create more confusion than clarification if proceed with it and I beg your indulgence into providing this at the next meeting if I may and I'd be able to expand on this considerably as you are probably aware, we've instituted as a special officer operating in this particular area at the present time and we're looking and I understand the issue of summons' and the like are right up to date, that the response has been terrific and it's proving well worth while. So I'll have more information in regards to the action we're taking and those sorts of things at the next meeting if I may. The second one Mr Speaker is one from Mr McCOY. It's in relation to Government housing and it's been floating around for some considerable time now and I thank Mr McCOY for his indulgence in this issue. I've got a document to table and some very brief answers to the particular questions but I'll read the questions if I may Mr Speaker. The first one was has the review of Government housing arrangements been carried out which the Minister undertook to initiate in response to a Question Without Notice on the 17<sup>th</sup> of March 2000. The answer Mr Speaker is that a review has been completed and I table this document. New housing arrangements for externally recruited employees has been incorporated into the Human Resources Policy and Procedures document. I might just add that that Human Resources Procedures document has not been completed as yet for submission to the Assembly but it's been progressed at the rate of knots at the present time. Question 2, what section of the Administration is responsible for arranging residential accommodation for Public Servants or Officers, Consultants

seconded from offshore. The answer to that Mr Speaker. This responsibility forms part of the functions of the Corporate Services area. Question 3, what arrangements are in place for payment of rentals of houses leased to the Administration. The answer Mr Speaker is formal leases are entered into on commencement of the tenancy with payments effected by the Accounts Section. Question 4 and the last one in this one, last part of this question is what arrangements are in place for cost recovery of damage to houses leased to the Administration. The answer is that most leases contain bond provisions and claims in this area are then referred to the occupant for their attention and rectification, and that's question 11. Question 12, it's in relation to duty payable on imported machinery and the like. The first part of the question is this. Does the Norfolk Island Government intend waiving customs duty payable on the heavy equipment, plant or structures brought into Norfolk Island for the upgrading of the National Park Roads if the successful contractor is an offshore company. The answer to this Mr Speaker is, to my knowledge there has not been an approach to the Norfolk Island Government to waive customs duty on plant and equipment imported into Norfolk Island for this project, that's the National Parks road project. However it should be noted that the Customs Act 1913 provides that customs duty is not payable on goods imported by or for the Commonwealth provided the Commonwealth raises and order for items to be imported prior to their importation. Question 2 asked by Mr McCOY, the second part of this question sorry. Will a similar exemption be offered to local contractors. The answer Mr Speaker. I'm unable to respond to this question apart from advising that no local contractor has sought exemptions from the payment of customs duty for goods imported for this project as a tender is yet to be awarded. Question 3. If answers to 1 above yes and the answer to 2 above is no will the Minister advise how local contractors can be competitive when bidding for Government contracts. In summary the only answer I'm able to give to these questions is that I have been advised by Parks Australia that the tender documents for the project have not been finalised and therefore the tender has not been awarded. As a note I would like to add the following if I may Mr Speaker. In the past duty exemption has been granted for plant and equipment imported into Norfolk Island to undertake Government work such as the Airport upgrade and the Cascade Cliff Safety Project. The arrangement has been that off island contractors may seek duty exemptions for plant and equipment which is brought in to undertake the specific project provided that the plant and equipment is exported from Norfolk Island at the conclusion of the project. In addition the use of such plant and equipment is limited to the specific project unless authorised by the relevant Executive Members. If the plant and equipment is sold or otherwise disposed of in Norfolk Island then duty is payable on the value of such plant and equipment at the date of importation into Norfolk Island. Thank you Mr Speaker.

MR GARDNER Thank you Mr Speaker. I have a response to a Question On Notice No 13. Mr McCOY to ask the Minister for Health and Environment a question appearing on the Notice Paper. Mr Speaker the advice that I've received from Crown Counsel is that with the exchange of correspondence that's taken place between the Commonwealth and the Administration of Norfolk Island in relation to the issuing of a licence for the temporary establishment and operation of a rock crushing facility on the Whaling Station site that in effect that exchange of correspondence constitutes that memorandum of arrangement that is required.

MR SPEAKER Thank you Honourable Members. We have concluded Questions On Notice. Presentation of Papers. Are there any Papers for presentation this morning.

## **PRESENTATION OF PAPERS**

MR NOBBS I'd like to table the regulations if I may. It's the Public Sector Management Amendment Regulation No. 7 of 2000. The contents of that is in relation to territorial instrumentality as designated under that Act and is to ensure that the Norfolk Island Hospital, those bodies and organisations formed under

the Norfolk Island Hospital Act, the Norfolk Island Government Tourist Bureau and the Gaming supervision are not declared a territory instrumentality and then to which the Act applies.

MR SMITH Thank you Mr Speaker. I would like to table the Inbound Passenger stats for August 2000 and move that they be noted.

MR SPEAKER The question is that the Paper be noted.

MR SMITH Thank you Mr Speaker. I'm pleased to be able to report that our monthly total of visitors for August 2000 was more than what we had last year. Total of 3,267, a little bit down on the year of 1998 for the same month, however the year to date figures are 6,250 which is more than we've had in the last 2 years for the financial year to date. The average overnight stay is still at 7.18 which is pretty standard. The visitors market contribution numbers, NSW was up quite a bit, it's up to 35% of the market for the month of August. Qld down a little bit at 24% and New Zealand 22% which is around the same as its been over the last couple of years. I'd like to also report from the visitor arrivals, in the categories of age groups between the age of 0-34 we had 227 people visit. Between the ages of 35-65 we had 1870 and for those 65 and over we had 1174 for the month of August Mr Speaker.

MR SPEAKER Thank you. Any participation in the debate. The question is that that Paper be noted.

QUESTION PUT  
QUESTION AGREED

MR SMITH Mr Speaker I would like to table the tourist Accommodation Amendment Regulations of 2000 and I think I can move that they can be noted so I can speak to it, and I move that they be noted Mr Speaker. I table these Regulations as an exposure in the last sitting of the House before it went to Executive Council. It did go to Executive Council shortly after that sitting of the House and as I'm required I'm tabling it again in this forum here. This is the Regulations that fix up an anomaly that we had created I guess with the Tourist Accommodation Moratorium Bill. I meant that conditional registrations which were intended to be able to be extended, under the Moratorium, actually couldn't happen because of this conditional registrations expire at the end of 31 July each year, and this allows for what we did with the Moratorium to carry on so that conditional registrations can still go ahead.

MR SPEAKER Thank you. Further participation.

MR MCCOY Thank you Mr Speaker. I'd like to enter into the debate on this Accommodation Regulation because there are a couple of issues, firstly the Minister with responsibility for Tourism has said that the Tourist Accommodation Moratorium Act of 2000 affected the people who had conditional registration for tourist accommodations ability to renew their conditional application. That appears to be correct but also, the other problem is that the Government had no means to charge a fee for that renewal to take place. It has been suggested that persons who had conditional registrations or development approvals under the Act may not be permitted to renew those applications as a result of the Tourist Accommodation Moratorium Act. The Tourist Accommodation Regulation was proposed to rectify that but, that's one issue. The main thrust of that is I question what are the people getting for their money. The renewal appears to cost \$1005, simply for a renewal for a conditional registration. Now that gives them the ability to remain in the market place to one day possibly build their units. But I find it to be quite confusing and that's why I ask. What are they getting for their money, and in some instances some of the accommodation applications have been held back because there is no gravel for them to start their construction. The other issue is the fact that we do have a moratorium in place for the further issue of



licenses and I do appreciate the moratorium was not supposed to effect the conditional applications. The fact of the matter is in the conditional applications there is a possibility for a further 239 units to be constructed and part of the reason that we have a moratorium in place is to conduct a review as to the effect of the deregulated accommodation industry. Now yesterday I was with the Chief Minister and looking at the problems that are now occurring up at the Post Office and the Bond Store area with parking, and quite clearly as it has been indicated that if the 239 proposed units come on line that will mean that there will be another 739 possible beds in the market place which could theoretically see an increase in the amount of hire cars that are on the road and also the amount of buses that are required to transport the visitors around, and as we've heard Questions Without Notice this morning from Mr Brown alluding to some concerns as to what effect that will have on the roads on the island. The Chief Minister responded with that we are possibly faced with a \$10m bill over the next 5 years to repair those roads. So Mr Speaker I'm suggesting that these regulations possibly go further than they have and that it be referred to a standing committee for consideration and I look to the other Members for their input.

MR WALKER

Thank you Mr Speaker. The manner in which the conditional registrations has been put forward under the recent Tourist Accommodation Amendment Regulations 2000 does not adequately distinguish between proposed tourist accommodation developments which are well advanced in terms of construction activity and proprietor commitments and those which are not well advanced. The appropriate way to draw such a distinction for the purposes of the present moratorium might be more appropriately achieved by an amendment to the Tourist Accommodation Act 1984. There is some doubt as to the validity of the amendment regulations and these regulations provide, in spite of the terms of the Moratorium Act that registration of a tourist accommodation house under Section 7 4(a) of the Act may be extended by the Executive Member for the further period ending on the next following 31<sup>st</sup> July. Hence it appears to be the case that the prohibition imposed by the Moratorium Act has been reportedly been unimposed by the amendment regulations. There is a view that this is impermissible and the regulation concerned, regulation 25c of the principle regulations as inserted by regulation 5 of the amendment regulations is invalid. A means of seeking to ensure that a more discriminating approach is taken to continue conditional registrations would be for a Motion to be moved in the Legislative Assembly for the disallowance of the recent amendment regulations which would in turn encourage appropriately framed amendments to the Act itself to be brought forward urgently during the 65 days within which the regulations are capable of being disallowed. Mr Speaker the passage of an amending Act would be the appropriate mechanism for resolving doubt over the validity of the amendment regulations. In addition pursuing an amending Act would also enable a more discriminating approach to be taken to subsisting conditional registrations of different kinds. Thus it would be possible in an Act to distinguish between those conditional registrations where construction activities have substantially commenced and where therefore financial commitments have been incurred as opposed to those conditional registrations where planning permission has not been obtained, work has not commenced and therefore financial commitments of a binding nature have not been entered into. Mr Speaker a move to have a disallowance Motion for the October sitting would be a blunt instrument in that if the regulations were disallowed both the moratoria's conditional registrations as well as those that are under moratoria's would fall. On the other hand an amending Act would serve both to address the technical issues as to the validity or not of the regulations as well as the more fundamental policy issues. Mr Speaker there is much concern in the community that the advancement of further construction of tourist accommodation in the rural sector would be irresponsible and contrary to the objectives of the Norfolk Island Plan. I urge the Minister to heed this concern of the community and bring forward the appropriate amendments to the Act rather than have the regulations disallowed and the possibility of litigation to follow.

MR GARDNER Thank you Mr Speaker. Just a couple of comments on that if I may Mr Speaker. That legal advice that Mr Walker was reading from I see was dated yesterday and we're often very much criticised as Executive Members of not keeping the full membership informed of developments and therefore I just question the reasoning why that information wasn't shared with the membership before we came in so we were able to I guess save some waste of time that's obviously occurred. We need to now go away and interpret what's been said there to see whether it actually stacks up or not. That's an opinion that's been given, I think we need to have it very carefully checked and I think in the interest of being team players that it would certainly be beneficial to all Members if the non-Executives who are seriously critical at times of the Executive about the lack of openness in Government were to actually stand by their comments.

MR BROWN Thank you Mr Speaker. I don't have my Standing Orders with me but I have a recollection that either in our Standing Orders or in those of the Commonwealth there is a provision to the effect that if a Member reads from a report it's possible to ask for the report to be tabled and if I'm correct in that regard, could I ask that the report from which Mr Walker has read be tabled so that indeed as the Minister for Health has indicated we can all have the benefit of it.

MR SPEAKER The provision to which you refer Mr Brown is encompassed in Standing Order No. 198, that is our own Standing Orders. I'll read it to you. Document quoted from by a Member may be ordered by the House to be laid upon the table. Such order may be made without notice immediate upon the conclusion of the speech of the Member who has quoted there from.

MR BROWN Mr Speaker I've got no reason to think that Mr Walker won't be happy to table it but it would be helpful if he could indicate whether he's happy to do so.

MR WALKER Mr Speaker I would be quite happy to have this distributed. I have only read my interpretation of a full and lengthy report which has been given to me but I am quite happy for that full report to be tabled and distributed to Members.

MR SPEAKER Thank you Mr Walker if you'd undertake that, that would tidy that matter. Further contribution in the debate.

MR MCCOY Thank you Mr Speaker. I may need some guidance from you on this issue but I do move that the regulation be referred to

MR SPEAKER Order. We have one Motion before us Mr McCOY and the Motion before us is that the regulations be noted.

MR MCCOY That's why I am seeking your advice as to when..

MR SPEAKER Yes we would need to settle the matter that is in front of us before we can contemplate another.

MR SMITH Thank you Mr Speaker. It worries me not how we deal with this personally. I've taken this through the processes so that people are well aware of what we are doing. That's the reason I tabled it in the House at the last sitting so that if any Members have any difficulties, I would have thought that they might certainly discuss them certainly with themselves or at least with everybody else. However I know that that sometimes is not always possible. If after I'm finished what I'm going to say I'm going to propose that we put this off to the end of the meeting if there is some way that I can do that to check on some of the things that Mr Walker has said. As far as I'm aware 24c and under the amendment refers to registration of a

tourist accommodation house under subsection 7 4(a) which is only for the condition of registrations, it doesn't, as far as I can understand, doesn't apply to every other tourist accommodation house on the island. A couple of other things that have been said. Mr McCOY said that there is no fee that could be charged. That's not actually quite true John. There was a bit of confusion some months ago with one of the people who had an application in and he believed that he didn't have to pay another fee but that turned out to be incorrect, but I have made as you'll see and as you will be aware in the regulation a change to a couple of things because there in sub regulation 25b (b) of the regulation there is the ability to have to be charged for up to 10 units or something or more than 10 units but there was no specific 10. You couldn't actually register 10 units and pay for those. That's one of the parts of the amendment that I've got here in front of me. As to the question of what are people getting for their money. I think I said recently at a meeting of the ATA when I was asked that very question that they are getting the benefit of us carrying this forward, even though we have the moratorium in place. We could have said at that time no, at the end of July 2000 all these registrations will just fall over but we didn't. We made it so that they could carry on and build their properties as some of them have already done and progressed that. So what are they getting for their money, they are getting a second bit of the cherry really which they might not have got otherwise. You also mentioned the renewal fee of \$1005. That's for large properties. The smaller ones are far less than that, perhaps I just mention that for clarification. The other issues that have been raised. I need to check on what Mr Walker has. If he's got some advice that makes the regulation contrary to what we're trying to achieve I would be quite happy to somehow move that we talk about this later on in the meeting some time today Mr Speaker. Can you give me some direction in how I would do that.

MR SPEAKER Yes if you want to do that with the agreement of Members we could suspend further discussion on this matter and I would call it on again before we close towards the end of the day or at an appropriate time during the process of the proceedings today. That's not a complex process if Members would want to do that. If you want to propose that the Members want to do it.

MR SMITH I think that it the way to go Mr Speaker.

MR SPEAKER Could I just see how Members feel about that. Are Members comfortable that we do that.

AYE

MR SPEAKER Thank you. We will suspend discussion upon that and I will call it on towards the end of today's sitting. Are there any other Papers to be presented this morning. If there are no further Papers, sorry Mr Cook.

MR COOK As a reminder Mr Speaker so I don't fall down on what the Chief Minister just asked me. He has some financial indicators I think a document that he wished to I think place forward. I'm not sure whether that's appropriate but I do...

MR SPEAKER If you'd care to do that now.

MR COOK Well he has asked me to put forward the Financial Indicators for August 2000 and he's asked me to read the comment which has been supplied by the Finance Manager. As you are aware effective from the 1<sup>st</sup> of July 1999 the Revenue Fund adopted accrual accounting principles. All revenue and expenditure reported in the Financial Indicators as far as possible is accrued. Accruals of substantial revenue such as Customs Duty, FIL, and fuel levy have been included albeit it on an estimated assessment based on historic records, for example in respect of Customs Duty shipping imports received in August may not be fully assessed for duty

until late September, early October. FIL and fuel levy receipts will not be known until late September. Overall as best can be determined at 31<sup>st</sup> of August is that the Revenue Fund income is about 103% of budget which is a good result. Overall expenditure at the end of the second month of the financial year is 8% behind budget which is the normal trend. In accordance with the request of the Chief Minister I've read that material out and I present the Paper.

MR SPEAKER Thank you indeed.

MR NOBBS Thank you Mr Speaker. Thank you Mr Cook for that. I think that Mr Cook has covered it very effectively. I don't know if any Members have comments on it or not but I was just slightly indisposed as they say at that time. Sorry about that.

MR SPEAKER Thank you. No further Papers this morning. If we could move to Statements Honourable Members. Are there any Statements this morning.

MR COOK Mr Speaker I wish to make a Statement in fact it's a reply to a question which was raised on the last occasion by Mr McCOY and I undertook to provide information in relation to it. Mr McCOY had posed the question in the Questions Without Notice. It says as to the sitting of the House of the 19<sup>th</sup> of July I asked Mr Cook a question as to whether all non-residents on Norfolk Island apart from visitors are immigration permit holders under the Norfolk Island Immigration Act 1980. Mr Cook indicated a number of 81 persons are on Norfolk Island without a proper status. Has this situation been rectified. I have received from the Immigration Officer a statement as the present situation of persons who are presently on Norfolk Island who may fall into these 2 categories. Firstly those whose permit may have expired and has actually expired between the 8<sup>th</sup> of September and the 15<sup>th</sup> of September and there are 6 of such persons. In almost every instance they have been written to informing them of the situation if they did not immediately apply for an extension of their Temporary Entry Permit if that appears to have been available to them action would be taken to remove them from the island as the normal process and they are given the opportunity to make an application for a Temporary Entry Permit extension and 2 of the persons out of those 6 have applied for a Temporary Entry Permit to be extended. So far as some 22 other persons who presently have not a permit formally in place, these would appear to be some 22 persons and almost all of them are Temporary Entry Permit applicants and those Temporary Entry Permits are being processed and 3 of the persons are in the process of applying for a General Entry Permit and that is also being processed. I think there are on those lists I think 2 persons who have been written to and it has been made very clear to them that unless they obtain a permit or seek a permit in an appropriate form they will be removed from the island. To the best of my capacity at the moment that's the information that I'm able to provide to Mr McCOY and I'll make that information available to him for his perusal and any other Members perusal.

MR GARDNER Thank you Mr Speaker. I've got a series of Statements this morning. Hopefully I'll try and remain brief on all 3 of them. The first one is in relation to the joint Norfolk Island Griffith University Health Study that was undertaken on the island earlier this year and there was a notice in the paper on the weekend that Professor Lyn Griffiths and Ms Sharyn Quinlan will be arriving this coming weekend on the island with the full compliment of the health study results. It's proposed for those to be distributed through post office boxes upon their arrival and they have indicated their desire to meet with people interested on the island if they wish to discuss their results with the team. I will be meeting with them on Monday morning next week to discuss the results of the health study and what possible implications that may have in the development of our long term health strategy on the island. So I think that will be of value and I encourage people to take the opportunity if they have any questions in relation to their own personal health study results to seek out Professor Griffiths and

Sharyn Quinlan once they have received their results so that they can meet and discuss them with them. The second one Mr Speaker is in relation to the Plans of Management and the initiatives that are underway for the public consultation phase of those. As Members would be aware approximately a fortnight ago there was a public meeting that was held to discuss and make comment and representation about the Plans of Management for the Cascade Reserve. It was well attended by people on the island and following up on that was a meeting of interested residents on the Reserve with the Conservator and others to walk through the Plans of Management that are proposed in that area and I think to date it's proving of immense value to those people that have been involved to be walked through those proposed Plans of Management the way that they have been. I would also like to give notice this morning Mr Speaker in relation to the next proposed Plan of Management and the preliminary draft has now been prepared for the Selwyn Pine Reserve to let Members know and also those in the listening community that hopefully next week something will appear in the paper about that and the public consultation in relation to that Reserve will be up and under way and I commend those Officers for the work that they've put in so far and I think the community are responding very well to the invitation to have some input into the preparation of those Plans of Management.

MR BATES Can I move that the Statement be noted.

MR SPEAKER The question is that that Statement be noted.

MR BATES Thank you Mr Speaker. I'm wondering if the Minister is able to comment on, he said that the meetings had been very fruitful and well attended and of great benefit. Anything at the meetings will actually reflect in the plan or was it just a were the meetings just in the form of informing the public what was going to happen. I mean have the meetings developed into any changes being made to the plan or is it continued as it was proposed.

MR GARDNER Thank you Mr Speaker. I guess the way I interpret that question is it proposed that this is just a nice warm fuzzy feeling and all the consultation processes are being worked through. The purpose of these consultations is to try as best we are able and the Officers involved to draw out from people their long term aspirations for those Reserves and for that information and those ideas to be incorporated into the draft Plans of Management which will be then widely circulated amongst the community and circulated amongst Members of this House for their endorsement. Certainly I think if Members can recall the draft press release for the Cascade Reserve, there were a number of issues that had been dot pointed in there. At the meeting that followed that press release there were a number of other issues that were raised that were not in that press release. In other words the Officers, myself and members around this table certainly try to think of as many issues that need dealing with and that's why we go to the public so that we're able to extract even more information that may be of relevance to the Plans of Management for the Reserves. I fully expect that the consultation process that's being worked through and some of the ideas and feelings or all of the ideas and feelings will be incorporated in a draft Plan of Management to go out to further public consultation.

MR SPEAKER Thank you. Further participation. I put the question that that Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR GARDNER Thank you Mr Speaker. One other Statement Mr Speaker just in relation to the review of the Norfolk Island Plan. As Members and the listening public would be aware there has been quite a detail of articles in the Norfolk Islander of recent weeks relating to the review of the Norfolk Island Plan. Members of

the community would have received in their post office boxes copies of the public information questionnaire which is the first phase of this task and also an attached timetable of when members of the land initiative task force would be available in the Foodlands Mall for consultation. To date those consultations again have been successful. There has been an enormous amount of input received from the community in relation to the review of the Norfolk Island Plan and the consultation will continue for as long as we are dealing with the review. I have also written to all of the groups that I can possibly think of on the island that have an interest in conservation issues, environmental issues, planning issues and the like asking them directly for input into review of the Norfolk Island Plan as I think I said in the radio broadcast last week. Certainly those groups have very firm ideas on what should be contained in the Norfolk Island Plan and I welcome their comments as an important part of the process of reviewing the Norfolk Island Plan. We need to take that on board. It needs, like the Plans of Management to be incorporated in draft papers or a draft variations to the Norfolk Island Plan so that the whole of the Norfolk Island community are able to comment and have some input into it. I have been very up front with people saying that because they have very firm ideas that they might not achieve in the review of the Norfolk Island Plan everything that they've set out to do but I tend to feel that we are approaching a time where this is a matter for the community to give some (tape went blank) and that it needs to be run and needs to be, the variations of the Norfolk Island Plan need to go through this House as a community project rather than just strictly a Government or Legislative Assembly project. Therefore I invite through this forum as best I can any member of the public that has comment has criticism or whatever input that they wish to make into the review of the Norfolk Island Plan to please come forward and submit their comments and criticisms or whatever it may be to those Officers involved.

MR SPEAKER

Thank you.

MR GARDNER

Sorry Mr Speaker if I may just continue there. There is another very pressing and important issue in relation to the review of the Norfolk Island Plan and the land initiative that's currently underway on the island and I circulated to Members of the Assembly last week a paper for discussion dealing with the subject of the freeholding of certain Crown lands. At the Intergovernmental meeting held in June Senator MacDonald Minister for Territories tabled the Land Initiative Statement which among other things identified his in principle support for the withdrawal of the Commonwealth from the ownership of Crown land on Norfolk Island which was held as residential leasehold and rural residential leasehold, which it was proposed would be offered to leasees as freehold title on payment of an appropriate consideration and rural leasehold which would be transferred to the Norfolk Island Government. The reason for distributing that to Members, it is important that the Legislative Assembly make a decision on that as to whether they fully endorse that or whether there is another way in which they would wish the transfer of land to be dealt with and under who the titles would be vested in, and I would encourage people in the community to make representation to their elected representatives on this issue because it would need to be finalised in the near future so that it doesn't hold up the review of the Norfolk Island Plan and subsequently the land initiative that's underway. Thank you Mr Speaker.

MR SPEAKER

Thank you.

MR MCCOY

Can I move that the Statement be noted.

MR SPEAKER

Thank you. The question is that the Statement be noted.

MR MCCOY

Thank you Mr Speaker. I will give Mr Gardner the opportunity to respond. I see that his attention was away for a minute there. The real

question, what I have in my mind is, is the intention for the Commonwealth to sell the leasehold land to the present lease holders or is the intention that the land will be transferred directly to the Norfolk Island Government and then the Norfolk Island Government deals with the leasehold land proposition. Whether the Norfolk Island Government then offers the land for sale to the present leaseholders or whether it goes to referendum and the leaseholders then have an agreement with the Norfolk Island Government rather than as I believe is at present where they have arrangements through the Norfolk Island Government but with the Commonwealth of Australia. I just need to get some clear clarification as to what role the Norfolk Island Government will actually have in the transferring of this land. Whether it will be transferred to the Norfolk Island Government at first or whether the intention is that the leaseholders who presently hold those blocks will negotiate with the Commonwealth as to what price they will be paying for that land. It's a little confusing how it's been set out.

MR GARDNER Thank you Mr Speaker. I haven't as yet Mr Speaker seen any detail that relates to just how that process would be undertaken. Certainly the purpose for distributing that paper is to try and work those things out on how we best would like to see that undertaken.

MR NOBBS I'd just like to add something there. I don't think there's been anything worked out in relation to that. The Statement was made by the Minister for Territories in June and at that meeting the Norfolk Island Government's position was that we wanted the leasehold land transferred to Norfolk Island as it is and it would be then up to the Norfolk Island people to decide whether they went with freeholding or retained it as leaseholding and the like. The issue obviously has to be finalised because of the implications on the proposed plan that currently these leasehold blocks have fairly stringent conditions on them and they will then fall into, if they are freeholded they will obviously be able to be subdivided as the normal freehold and those sort of conditions that were in place as leasehold land will no longer be there. It's most important that we get a decision and get a decision as soon as possible from the Assembly and I do urge, as Mr Gardner has said the members of the public to provide their comments. It's an extremely important issue and to get their comments to whoever Members they happen to bump into as soon as possible.

MR MCCOY Thank you Mr Speaker. I just wonder if one of the Executives could sort of lay out what was the Commonwealth's given position on this matter during the Intergovernmental meeting, because it appears that there is not real, the Commonwealth has no real position here. They are not laying their cards on the table. As Mr Gardner indicated there hasn't been any real propositions put forward. So I'm still confused because as your quite aware, the non Executives did not attend the IGM where these matters were discussed. So that's why I do have confusion in my mind as to what the Commonwealth intends doing. Whether they wish to hand it back to the Norfolk Island Government and if that particular tack was actually taken or if not.

MR GARDNER Thank you Mr Speaker. For Mr McCoy's benefit I'll repeat the Commonwealth's position which I did in my introduction. Minister MacDonald tabled the Land Initiative Statement which among other things identified his in principle support for the withdrawal of the Commonwealth from the ownership of Crown land on Norfolk Island held as, residential leasehold, and rural residential leasehold which would be offered to leasees at freehold title on payment of an appropriate consideration and secondly rural leasehold which would be transferred to the Norfolk Island Government. That is the proposal that the Commonwealth have before us at the moment and as I said the reason for circulating paper is that we need to finalise that and whether we're comfortable with that or whether we would like to pursue some other avenue for the transfer of those lands to Norfolk Island.

MR MCCOY Thank you Mr Speaker. What I'm really referring to is whether the Norfolk Island took the tack that the whole shebang package of

leasehold land on Norfolk Island gets transferred back to the Norfolk Island Government. That's what I was looking for an answer for. I understood what Mr Gardner read out first but what I'm looking for is whether the Norfolk Island Government had approached the Commonwealth totally approached to take, for the whole leasehold issue to be transferred directly back to the Norfolk Island Government and then be handled by the Norfolk Island Government how the Norfolk Island people may wish to deal with it.

MR GARDNER Thank you Mr Speaker. The question that I responded to previously Mr Speaker was in relation to what the Commonwealth Government had proposed and I'd answered that question. I see the question has now changed to what the Norfolk Island Government wanted. Now we put that position very clearly. The position that the Norfolk Island Government wanted was that all leasehold land and Crown land on the island be transferred back to Norfolk Island.

MR SPEAKER Thank you. Any further debate. No further debate. I put the question. The question is that that Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR SPEAKER Are there further Statements to be made this morning.

MR NOBBS I have several Mr Speaker. The first one is in relation to a Public Service matter and that Mr Walker had asked certain questions in relation to a Public Servant being paid out for leave in lieu of actually taking leave and whether breaches of the Public Service Act had occurred. At the August meeting I provided Mr Walker with an answer and indicated that the Chief Executive Officer had instituted an investigation and was still considering the results of the report that was provided by the Internal Auditor. Mr Speaker subsequent to that I have been advised by the Chief Executive Officer that having considered the report and examining the evidence produced with the report that he concluded that a breach of the Public Service Act 1979 had taken place. As a result of that conclusion 2 Officers were charged by the Chief Executive Officer in accordance with provisions of the Public Service Act. I'm advised that having considered the responses of the Officers to the charges the CEO has taken disciplinary action. I must add that under the Act the Chief Executive Officer has discretion to deal with the charges or refer them to the Public Service Board and I must add that the CEO chose to deal with the matter himself and not refer it to the Public Service Board. As an addition to that I sort advice, not from the CEO, in relation to the impact of the Officers actions under provisions of the Public Monies Act where criminal charges may be laid. On the basis of such advice I will not be proceeding with charges against the 2 Officers. Mr Speaker the issues coming out of this particular investigation were quite significant. We had a situation where the roles and responsibilities of the position of the CEO and the relevant Executive Member and also the involvement and role of the Legislative Assembly was assessed when I obtained legal advice on the whole deal and I should note and it should be clarified that basically the role of the Legislative Assembly is one of setting of policy. The Executive Member as I said is a conduit to the CEO who is responsible for seeing the policies carried out. Now I believe that I will be furthering this matter in relation to policy issues and as Members you will be advised in due course of these proposals.

MR SPEAKER Thank you. Any further Statements.

MR NOBBS It relates to networking the nation. As Members are aware and I'll say it to the public again that the networking the nation has funded engagement of an independent consultant, Gibson & Qua from Brisbane to undertake a



competitive tender process for the provision of a range of telecommunication services. These services include the international telecommunication link including satellite earthstation cellular and mobile telephone services and the third item was a telemedicine pilot, mainly to do with video conferencing. The tender has been completed to the evaluation stage and a representative of Networking the Nation Mr Graham Wood visited the island recently to gain an understanding of our requirements and to assist with an application. A comprehensive application is being developed for networking the nation and funding will be sought for the above services based on the recommendations emanating out of the tender evaluation report. The Networking the Nation Secretariat has advised that the board will be holding their normal meeting at the end of November 2000 but have also advised that a special board meeting will be held earlier to consider Norfolk Island's application. This is due to the fact that the Chairman Mr Doug Anthony has expressed the desire to assist as soon as possible and the knowledge that our arrangement with Telstra has expired. On receipt of the board's decision a meeting of the tenders board committee will be convened to consider the alternatives against the known funding position. Thank you Mr Speaker.

MR SPEAKER

Thank you. Statements.

MR NOBBS

It's an update on the satellite landing system. I know Members and members of the public are interested and there was another plane floating around doing further tests last week and I submit the following information. Last week saw the successful conclusion of an important step in preparing the Honeywell satellite landing system for commercial operation. During the previous flight testing of the SLS 2000 by Airservices Australia Honeywell and Flight West Airlines some data dropout and auto pilot disconnect were experienced. Engineering analysis by Honeywell saw 2 personnel from Honeywell and Polaris Navigation Systems coming to Norfolk Island last week to identify and rectify some setup problems that were observed in our ground station. Troubleshooting by the Technician identified and rectified these problems and SLS was ready for a full flight inspection by Airservices Australia who arrived in their beachcraft super king air on Wednesday the 6<sup>th</sup> of September. The king air flew numerous approaches to runways 1129 and 04 and in addition to these straight in approaches a partial all but at a distance of 10 nautical miles were flown to each of the runways at plus or minus 40 degrees from the runway centre line. Further a long straight and level approach was flown at 2200 feet from a distance of 20 nautical miles. The performance of the satellite landing systems was well within acceptable limits, signal strength was extremely good and no dropouts were observed. Accuracy was continually monitored and checked and found within limits. Airservices Australia are well satisfied with the full flight inspection results and pending the final report by Airservices the results obtained indicate that the ground station is now operating 100%. On the air borne side work is continuing to resolve the auto pilot disconnect experienced on the Flightwest Fokker 100. It has been planned to conclude this work by this week allowing the final certification flying to be carried out. However this has not been possible to accomplish and the final set of test flights has had to be postponed. In order to ensure safe operation it is necessary that all issues from the aircraft operation be resolved. Meanwhile Honeywell is continuing working on the engineering issues and Flightwest Airlines is working aircraft availability to reschedule the Fokker 100 to carry out the final certification flying and achieve aircraft certifications. Once this has been completed Flightwest Airlines will be able to fly passengers to Norfolk Island using this latest and precise navigation technology which Members and the public are aware will promote safe, efficient landing in marginal weather conditions. Thank you Mr Speaker.

MR SPEAKER

Thank you.

MR BROWN

I move that the Statement be noted.

MR SPEAKER

The question is that the Statement be noted.

MR BROWN Thank you Mr Speaker. I wonder if the Chief Minister could assist by perhaps making some enquiries about this question. It's been suggested to me that assuming that the satellite landing system is approved it will be very helpful in times of bad weather when an aircraft gets to Norfolk Island and finds that the weather is bad, but it has been suggested to me that the particular aircraft will still not be able to leave Brisbane or Sydney to come to Norfolk Island if the Norfolk Island weather is outside of certain parameters, and what I'm wondering is do we indeed have a system which will only be used when the weather changes suddenly on the basis that, if the weather is known to be bad the aircraft won't be able to leave Australia. I'm only talking of the aircraft which are to be fitted with this system but I think it's a very important thing for us to understand. I'm not saying that I know the answer, I'm saying suggestion have been made to me and I'd be interested to find out what the answer is.

MR NOBBS As we're dealing with a safety issue, and I'm not ducking the issue but I don't think, my understanding is that that is not correct but I wish to be precise in this matter and I will come back to you but my understanding of it is that that will not occur, that the weather conditions will be taken into account in relation to the actual landing ability here but as I say I need to be precise on this because you've raised what is a real safety issue as far as I'm concerned.

MR SPEAKER Thank you. Any further participation. The question is that that Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR SPEAKER Chief Minister, any further Statements.

MR NOBBS Yes I have another one Mr Speaker. It's in relation to a burglary on the Finance Section on the 31<sup>st</sup> of August. My understanding is that the matter has been reported to the Police and there is an investigation currently underway and I'm not prepared to say any more than that at this particular point in time.

MR SPEAKER Thank you.

MR COOK Yes Mr Speaker thank you for the opportunity. I had intended to make a brief Statement today in relation, because I accept my responsibility that both the Legislative Assembly and the community would want to know the progress of the Paddick report and any changes to the legislation that might be considered appropriate. I answered Mr Brown's question earlier put to me to this effect and I don't think it would serve any useful purpose to repeat any of that material. I just simply wish to say that I undertake to the House and to the community to each occasion when there's an opportunity to make a Statement to bring such forward such a progress report for their information. The other thing that I wish to make by way of a Statement Mr Speaker is that I have received this morning a review of the Norfolk Island Legal Aid Scheme carried out at the request of the Administrator in February of this year by Mr Chris Staniforth, the Chief Executive Officer of the Legal Aid office in the Australian Capital Territory. Mr Staniforth attended at the island very recently and carried out extensive consultations with members of the community who had a real interest in this very important subject of legal aid and particularly those relating to the administration of justice. I wish to of course to be in a position to release his report and contents of that report for consideration of such persons and particularly members of the legal profession here on Norfolk Island. I want to let them know that a report has been received. I consider the appropriate course for me to take is of course refer the report for advice and comment to the legal aid committee and I will do so immediately and expect to have some input from them requested urgently as soon. As I am able to table the report and make it available I will do so. I will of course make it available to

Members of the Assembly who might privately wish to examine the contents of the report. At the moment I don't seem to have any copies of it but I will make sure that adequate number of copies are taken. This is an important aspect to the administration of justice on Norfolk Island. I know Mr Staniforth has cooperated very effectively to endeavour to give his review without delay. It's a lengthy document and requires careful and considered attention to the various recommendations and matters that he's borne attention to. I've only read it very briefly myself and I intend to study it most carefully as soon as I can.

MR SPEAKER Thank you. We have concluded with Statements Honourable Members. We move to Messages.

#### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – MESSAGE NO 11**

MR SPEAKER On the 29<sup>th</sup> of August 2000 pursuant to subsection 22 (1) of the Norfolk Island Act 1979 His Excellency the Governor General declared his assent to the Subdivision Moratorium Act 2000 which was Act No. 18 of 2000. The message is dated the 30<sup>th</sup> of August 2000 and signed A.J. Messner, Administrator.

#### **TOURIST ACCOMMODATION OWNERSHIP ACT 1989 – REFERRAL OF NON-RESIDENT HYPOTHETICAL APPLICATION TO THE LEGISLATIVE ASSEMBLY**

MR SMITH Thank you Mr Speaker. I move that this House in accordance with Subsection 8 (3) and paragraph 10a (7b) of the Tourist Accommodation Ownership Act 1989 directs the Minister for Tourism and Commerce to make the following ruling in respect of the application of James Edward Spencer and Susan Gaye Spencer that had the application been dealt with under the Act it would not be contrary to the public interest and the House would direct the Executive Member to deal with the application in accordance with the Tourist Accommodation Act 1984.

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

MR SMITH Thank you Mr Speaker. This is really a simple Motion in a sense. This refers to the people mentioned in the Motion, James Edward Spencer and Susan Gaye Spencer who intend to purchase an accommodation property and that property is Channers Corner. These people have made an application for a General Entry Permit to be able to operate the business once they have purchased it. Because of the lack of spaces in the quota in the GEP quota currently puts these people in a position where even though they want to buy the place, if they were to do that now they would be considered to be a non resident owner under the Tourist Accommodation Ownership Act. They have an opportunity under the Tourist Accommodation Ownership Act to make a hypothetical application which is what they have done to gauge the views of the Members of the Assembly who are the ones who decide whether they should be granted as non resident owners or should they not. In this case where their application is really just pending until spaces become available on the quota it would be up to Members to make up their own minds about whether these people should be granted non resident status under the Tourist Accommodation Ownership Act. One thing I will add is I received a letter from a member of the community this morning who is concerned about the proposed Motion and I understand what that person is saying. I would accept the argument Mr Speaker put forward in this letter, I would accept the concerns if this was referring to somebody purchasing a tourist accommodation property and were not going to live here. These people fully intend to live here and are only stopped at the moment purely by the quota of the GEP list. Just thought I'd voice that person's concern and I hope that that short explanation will help them to understand what we're doing here. Thank you Mr Speaker.

MR GARDNER Thank you Mr Speaker. I was just looking at the order of business and certainly in no way as to indicate an intention to agree or disagree to Notice No. 5 but I would have thought that it was probably more appropriate if it was allowable to suspend debate on this matter until after No. 5 has been dealt with. My own diggings around on this matter was that the people that are referred to in this Notice No. 1 if the Notice No. 5 was agreed to it would pick up a place on the GEP quota so I understand and therefore there would be no need to pursue this Notice and at the appropriate time if I can so move Mr Speaker to suspend debate and to change about the order of business on the paper.

MR SPEAKER It may be of interest to you Mr Gardner, on Monday when the Members met I asked them if they would care to do exactly as you are proposing and they declined that invitation and indicated that the order paper should be as it is.

MR MCCOY Thank you Mr Speaker. In relation to what Mr Gardner has said I wonder if Mr and Mrs Spencer have made an application to subsist until a General Entry Permit quota is put in place. So I believe that sort of information should be put forward to the Assembly Members if they have made an application to subsist on the grounds that there is no quota left.

MR COOK Mr Speaker maybe I can assist with Mr McCoy having my role and being involved in the matters dealing with this GEP application that has been made. They were to the best of my understanding recently informed formally, although there have been some informal advice given to them certainly by the Immigration Officer of their outcome of their application and the opportunities to apply to have their application subsist. To the best of my understanding they have conveyed informally and I only wish to be clear about this because I regard, if there is a formal request made to them under the terms of the Act, whether they wish their application to subsist then I can consider their response to that to be a formal request which then can be determined. However they have clearly conveyed information I believe informally certainly in that particular context I've just adverted to to the Immigration Officer and also to myself when there was an interview I held with Mr Spencer in the presence of the Immigration Officer that they wish their application to subsist. I have treated it in the circumstances where nevertheless have requested a formal response to my letter informing them of their rights under the Act and can only abide that formal response as a clear indication. However I want to make it quite clear that I have no doubt at all as was suggested by Mr Smith that these persons are anxious to conclude the contractual arrangements that they have presently entered into subject of course to the necessary permission to come here and so forth and they really do, and will in fact formally respond to that application to subsist and I think if that answers Mr McCoy's position then that's the information that I can convey at the present time to him and to the House.

MR SPEAKER Thank you. Any further debate.

MR SMITH Thank you Mr Speaker. I know that Members of the Assembly don't usually change their minds but, even though you stated what you stated earlier what the Members said on Monday I'm a little inclined to agree with what Mr Gardner is saying even though he wasn't at the meeting at the time and it would seem I suppose a little silly if we try to deal with this one now and it would be resolved, or it may be resolved under the Motion that's further on the Notice Paper that maybe I could move that we do just as Mr Gardner had proposed.

MR SPEAKER By all means Mr Smith.

MR SMITH Can I move that it be put on later on in the day or whatever words I need to use for that Mr Speaker.

MR SPEAKER

O.k. Is there any debate on that proposal.

MR BATES

Thank you Mr Speaker. I just feel that once decision may influence another and I see it as 2 entirely unrelated things. If we start dealing with things other than the facts before us, if we're swayed by another type of decision and make special circumstances for special people then I think we're falling into one big void or big trap. I certainly don't wish to see any changes to the present paper. Although the 2 may appear related they should be considered in isolation.

MR MCCOY

Thank you Mr Speaker. I am of a like mind to Mr Bates, and that's why I asked the question if they have applied to subsist because as Mr Cook said, they have not formally applied to subsist but if we do as Mr Smith has indicated well then will that mean Mr and Mrs Spencer will jump the queue in front of people who are presently subsisting. It is all very hypothetical as to what might happen.

MR COOK

Mr Speaker if I might assist in the discussion from advice that I have received from the Immigration Officer that there are presently awaiting persons who are being considered and I've included for the moment the situation of Mr and Mrs Spencer and their 2 children 9 people whose applications are subsisting. There is 2 other couples, there is the Spankers and then there's a single person who has succeeded in an appeal to the Minister for Territories and whose application was not able to be granted but whose been put in that position of being able to apply when there is a quota. The situation then is that there is now 9 people. There are apparently a further 11 applications, this is for the information of the Members, a further 11 applications for General Entry Permits which are simply in the process of being appropriately dealt with and will obviously in the preparation of documentation or the presentation before the committee with those applications. On the information that I have Mr and Mrs Spencer and their 2 children would be numbers 3,4,5 and 6 in that queue of applicants.

MR SPEAKER

Thank you. Honourable Members the matter before us is that we suspend debate in respect of this matter and list it after Item 5. Chief Minister do you want the call in respect of that. You earlier indicated...

MR NOBBS

Yes I did. I believe we should leave it as it is. This is a hypothetical and I can give him a reasonable answer in a matter of 2 minutes. I think it's a foreign ownership or non residential owner application and should be dealt with as such. If the Motion later on of Mr Brown's gets up well then it can be dealt with then but this we've got before us now a foreign ownership application and it should be dealt with now.

MR SPEAKER

Thank you. Any further debate.

MR SMITH

Yes although I agree with the sentiments of what Mr Nobbs is saying it would be quite interesting that if we approved and approved the Motion or agreed the Motion it would become redundant perhaps within 30 minutes which would seem a little silly, but I agree that this Motion is purely about non resident ownership application. It's not about immigration or anything else, in the way I'm dealing with it but of course the Motion that's further on in the Notice Paper is to increase the GEP quota, and if we do that. I don't know. I just get the feeling that Members are thinking that we're trying to do something a little unusual here but it's not, from my point of view anyway.

MR SPEAKER

O.k. I'm about to put this question.

MR NOBBS

Just a quick one. It's been put on the Notice Paper, the public know what the situation is and I think it would be a good idea to just

test the water of membership as to whether we've changed our views or what on foreign ownership and that's it.

MR SPEAKER Honourable Members the question is that we suspend debate on this matter and re-agenda it after Item 5.

QUESTION PUT

MR SPEAKER Would the Clerk please call the House.

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

MR SPEAKER The result of voting Honourable Members is the ayes are 5 the no's are 4, there are no abstentions, the ayes have it. We will re-configure this and we will re-slot it after Item 5 on the Notice Paper that we have in front of us, and on that basis Honourable Members I will call Notice No. 2.

**CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

MR NOBBS Thank you Mr Speaker. I move the following Motion that under Subsection 2b (4) of the Customs Act 1913 this House recommends to the Administrator that the goods specified in the first column of the schedule imported by the persons specified opposite and on the conditions mentioned in the second column of the schedule be exempt from duty. The first issue is football jerseys amount of duty applicable is \$259-35, it's for the Norfolk Island Junior Rugby League and the conditions are nil. The second one is a root rake and the amount of duty applicable is \$253-70, it was imported by Kiapara Excavators LTD on the Cliff project. The conditions that apply, that the items specified be donated to the Administration of Norfolk Island. Thank you Mr Speaker.

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

MR NOBBS I think it's a fairly straight forward Motion. The issue of for the football jerseys, I think they are above the \$200 limit by the policy and the root rake is a requirement that if goods, as I explained earlier are imported to do a job without paying duty to do a particular construction job or similar on the island and is not then re-exported, duty is applicable. However the Executive Member on the advice of the Legislative Assembly, I understand can vary that condition and the condition that applies to the root rake is that the item will be donated to the Administration of Norfolk Island.

MR SPEAKER Thank you. Any further debate. The question is that the Motion be agreed to.

QUESTION PUT  
QUESTION AGREED

**GOODS AND SERVICES TAX OR BROAD BASED CONSUMPTION TAX**

MR NOBBS Thank you Mr Speaker. I move that this House 1) requests the Executive Member with responsibility for Finance to authorize the Administration of Norfolk Island to engage Rangi Krishnan and Carol Krishnan of New Zealand to conduct a review of existing and future taxes and other revenue streams of the Norfolk Island Government and 2) authorizes the expenditure of \$59,000 to complete the investigation and provide a cost benefit analysis of implementation and operating a goods and services tax or a broad based consumption tax as a basis for determining what taxes, if any can be replaced and over what period of time.

MR SPEAKER Thank you.

MR NOBBS Thank you Mr Speaker. The Motion Mr Speaker, it results from a review that we are currently doing with the help of my Finance Committee and we're looking at the tendering and Government purchasing arrangement at the present time. There has been concern expressed in the past in relation to the non tendering of big ticket items and the opportunity of course to do this by the Tender Board just minuting that they have made this decision. The thought is that with large sums of money, and this is a significant expenditure of funding, that it should be passed as a Motion of the House not just normally as we would do, and I know this was accepted, the proposal was accepted in an unofficial meeting of the Members which we hold every week. However the Committee felt, and I agree with them that there should be an opportunity for this matter to be brought out into the public before we actually let a tender or a consultancy like this to carry out particular works where it won't actually formally go through a tendering process, although as I said there is an opportunity for the Tender Board and there should be, to agree that this item will not go for tender. In relation to the expenditure in the matter just briefly, in the current budget we've got \$50,000 have been allocated for a revenue base investigation. The original proposal was that we look at \$30,000 for a GST proposal but Members agreed when we were doing the budget to extend this by another \$20,000 to look at the whole revenue, of trying to broaden our revenue base and that funding will be used, the \$50,000 and then we will have to virement \$9,000 on top of that. I will just leave it at this particular point in time.

MR SPEAKER Thank you. Any further debate.

MR BROWN Thank you Mr Speaker. The Motion raises a number of questions. One question that it does not raise is whether or not we should introduce a GST. We're not being asked to vote on that. I'm not convinced one way or the other. I know that there are many in the community that are very much opposed to the possibility of a GST being introduced and I know that there are many others that think it's a wonderful idea. Probably the view depends on whether or not those people think they will pay less tax if a GST is introduced, but what the Chief Minister is endeavouring to do here as I understand it, is to engage competent consultants to provide us with a report on the basis of which we will then be asked perhaps at some stage whether or not we support the introduction of a GST. As I said I'm not convinced one way or the other at the moment. I do have a difficulty with the tendering question as the Chief Minister mentioned, \$59,000 is quite a lot of money. Such a thing would normally go out to tender but there are situations where it is justifiable to depart from that. It seems to me that there are really only 2 sensible options here. One is to go to limited tender to a number of firms who would be seen as being competent to provide the services and the other is simply to select one provider. I'll be interested to hear the views of other Members about that Mr Speaker. I'm somewhat reluctant to avoid at least a limited tender process but if it is the view of the majority of the Members that that's what we should do then I'll certainly accept that view. Thank you.

MR NOBBS I'd just like to make a couple of point if I may and I thank you Mr Brown for those comments because your very correct, that we're not

being asked to vote on whether we bring in a GST or not, it's to give us the means by which we can make a decision, and I like you, am probably a little bit stronger on the no side of it than you may be, but I have my doubts about GST as well. That is something that we need more information, we spoke about this before. Why these particular people have been selected in this way is that they both work for the New Zealand Inland Revenue. Rangi has been to the island in the past. Members will remember that he and another guy came over as part of an agreement that we had with the Inland Revenue. I know that Mr Bates and the previous and the present CEO and others have visited New Zealand and that they've got some excellent support from the Inland Revenue Department in New Zealand and Mr Krishnan is still actually working for that Department. So in a sense it's actually a continuation of what he's been doing in the past and that's why it was thought that it would be, without going to a tendering process that he has a knowledge of the island, he's got the basic where with all. He gave us a basic report initially last year if you can recall Mr Brown and he has the expertise in this area. He's done considerable work in New Zealand and also outside New Zealand in relation to GST and so the recommendation was that he should go be engaged, but we're definitely not being asked to vote whether we're bringing in GST or not because I would be the last person at this stage to vote on that because we just have not got the information available to us at this particular point in time to make a reasonable decision, and this is another one of these issues that continued on and I believe that at the completion of this we will then must have sufficient information to say whether we go ahead or we can the thing. Whilst I'm a bit reluctant as Mr Brown suggested to go with such a large sum on a non tendering arrangement I feel that the circumstances in this case warrant us taking the course that is proposed. Thank you.

MR SPEAKER Thank you. Any further debate. No further debate. The question is that this Motion be agreed to.

QUESTION PUT  
QUESTION AGREED

MR SPEAKER Mr Brown abstained. The ayes have it thank you.

### **REDUCTION OF MOTOR VEHICLE REGISTRATION FEES**

MR BATES Thank you Mr Speaker. I move that this House requests the Executive Member responsible for motor vehicle registration fees to take whatever action is necessary to reduce the cost of private vehicle registration to \$95 effective from the date the fee unit was increased to \$15.

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

MR BATES Thank you Mr Speaker. Members are aware that this House some little time ago increased the fee unit from \$10 to \$15. It's a 50% hike over a lot of our charges. I think it was unknown by the majority of people around this House that it would effect motor vehicle registration in the manner in which it did because I think a lot of us had assumed all the individual pieces of legislation were being looked at and adjustments made to a number of fee units so that anomalies would not reflect when the fee unit went up. I was motivated to put this Motion forward because I believe that recent circumstances have really placed a huge impact on the young family person on Norfolk Island. I believe with things that are happening in the community, interest rates are rising, young people are going to suffer there because the majority of them putting a home together would have a mortgage and those interest rates are on the increase. Fuel has increased substantially and looks like it's going to continue to increase. Every family needs a vehicle on Norfolk Island. There is not public transport. Mothers need to drive their children to school because there is no school pickup service. Most homes need 2 vehicles because husband and wives have



to work for necessity and they have to go in different direction and it's not practical to just have one vehicle in the family. Through no fault of this Assembly I believe with fuel increases we've just put up electricity 4c a unit. That has a huge impact on the young family person. I think we could have avoided putting up telephone rentals but the majority of the people around this table agreed to put up telephone rentals, further impact, nearly everybody has a phone these days. We're proposing to bring in compulsory third party insurance. I think that's a good thing. I don't think that's something we should go away from but again it's going to be the cost to these people that I'm talking about. Since the Motion appeared in the newspaper I've been approached by one of the hire car operators who said that they weren't opposed to an increase in the rates for hire vehicles but as they had locked their prices in until next April they thought it was a little bit difficult for them to cope with the increase at this point in time. I expected to get a letter from that person. I thought it might have been circulated to all Members and I thought other Members might have been approached. I haven't seen the letter, maybe it's around somewhere but if this Motion were successful I don't believe it would prohibit the Executive Member from looking at further implications of this to do with motor vehicles and if we saw fit at the time of introducing legislation to give effect to this Motion then maybe we can give more consideration to the effect it might have on hire vehicles, at least until next April anyway. I know Members are going to say well a lot of other fees went up but a lot of other fees are really in direct relationship to a service rendered and the user pay situation takes place there and a lot of those other services are not things that the average everyday young family needs to acquire on a regular basis. I just believe that they cannot avoid having 2 vehicles, I believe they cannot avoid using those vehicles and I just think this would give us an opportunity to say yes we do feel for the young person putting their home together and going forward and that we give them a small break by going ahead with this Motion and I commend it to the Members.

MR SPEAKER

Thank you. Any further debate.

MR BROWN

Thank you Mr Speaker. This Motion of course isn't restricted to vehicles owned by young people. It's restricted only to private vehicle registrations. There's something to be said for the Motion and there is something to be said for going further than the Motion presently does. The increase in registration fees came about by increasing the value of a fee unit, and this fee unit concept was introduced quite some years ago and it was said that that would enable the cost of the various services provided by the Administration, cost of various registrations and so forth to keep pace with inflation. But what we all missed is that from time to time we have in fact increased motor vehicle registration fees over the last 10 years. So this was not a case where the fee had in fact stayed unchanged for 10 years and been in need of a substantial increase now to take account of inflation over the years. If we had said that we would apply the 50% increase to whatever the registration fee was when the value of the fee unit was last previously set then it would be hard to argue against, but in this situation we have increased quite substantially registration charges and now partly by accident, as a result of increasing the value of a fee unit we've increased them again. But I wonder if it is fair to just adjust one registration fee and not pay attention to all of the motor vehicle registration fees. I think that there's something to be said for either saying well, it's a bit of a problem, it was a bit unintended but nevertheless it's reasonable, that it apply to everything. Alternatively we could be saying well we made a bit of a mistake there we better review it in the case of all regos. Certainly Mr Bates pointed to a difficulty for hire car operators. I expect that by now most hire car operators have in fact locked into charges not only up until the 31<sup>st</sup> of March next year, but until the 31<sup>st</sup> of March in the following year because rates are normally sent out to wholesalers by this time of the year. I think that the Motion is reasonable because of the things that I've said, but I think that it should go further and that it should carefully review all of our motor vehicle registration charges. Thank you.

MR SPEAKER

Thank you. Any further debate.

MR NOBBS

Thank you. The basis of the fee unit was, just to go back in history a bit and I appreciate what Mr Brown said, it was \$10 in 1981. It was set at that time so I'm led to believe. I wasn't here at the time. At the time, just reading from the 1981/1982 Annual Report and there is an interesting bit on passport requirements in this, that the census of population at the 30<sup>th</sup> of June 1981 established a residential population of 1849 people. Looking at what little information I can get the breakdown appears to be that there were about 1300 residents on the island and the remainder were made up with apparently TEP's and GEP's and others at that time. On the public finances the year 1981/82 revenue was \$3,413,214 and the expenditure at the time was \$3,681,774. Now there have been some changes since then fairly obviously in relation to that but the figures for this financial year for the revenue fund show a income of \$10,469,100 and expenditure of \$10,835,100 so whilst there is a considerable increase in costs and revenue in relation to the things that the Administration does. I understand that all the fees, and there is something like 10 pages of fees going in this weeks gazette, so it's not just the vehicle side of things that will be dealt with. I haven't got them right here with me at the moment but there are a considerable number to go in the list as I explained to Members, I think it was on Monday or maybe Thursday of Friday last week was being collated finally and checked and put together, and I understand it's about 9 or 10 pages of fees. Some have gone up considerably, some have not gone up considerably. I understand that these figures were done through the Service and the fee units were all completed and have been completed for quite some time but the issue of the dollar values in fees and charges has not as yet been completed. So that will be completed to the stage where they come into line with the fee unit equivalent. I believe that, just picking and choosing and changing one or two things is not really the way to go. I've accepted the arrangements that were brought in and voted on last year by the previous Assembly and I thought it was the understanding from the Members meeting the other day that there was support to allow the, when we spoke on this issue was to allow it to stand and not change things in isolation, but I am at the behest of the membership of course in relation to this and I would hope that in the next few weeks or months that we'll be able to get this thing finally settled down and in place and that then we would be able to go on as I have said and look at the actual expenditure stream in the Administration and take some aim at that from November onwards. My thought is to leave it as it is. As far as the user pays situation I think that since 1988 as far as I can gather here from information provided to me from the Service, there has been \$6.8m spent on the roading system here. That's in 14 years or something, 13 years, and 50% of that has been raised, as I mentioned earlier in the fuel levy. If the current fees are in place we should be raising the remainder of that requirement, I mean its averages, current average is something like \$508,000 a year expenditure and the average from the fuel is about \$226,000 which leaves a difference of about \$280,000 on average per year. The fees that generate from that increase will cover that figure, thank you Mr Speaker

MR BATES

Mr Speaker prior to the July meeting the Chief Minister promised that within two weeks he would bring forward to us proposals to raise an extra \$2m in revenue to be spent on the roads. He promised that before the August meeting and in that meeting said that he would certainly get onto it and to this point in time I have no idea what his proposals are to raise another \$2m out of this community. To me whatever he proposes, I feel is going to make such an impact on the young family members, the future community of Norfolk Island, the ones who are taking over. I think a lot of them are far less affluent than most of the people sitting around this table and feel that we really are doing the young populace of Norfolk Island an injustice with some of these things. I just see this as one very small token or acknowledgement of that situation. I would feel much more comfortable if I knew a little bit more about this \$2m in extra taxes. I've been trying to find out what it is so that I can give it due consideration but so far I'm completely in the dark. I'm certainly worried about it and the impact it might have on the total economy of Norfolk Island. I think it's one of the reasons why I decided some years ago that we could not continue on our present

taxation system and the more I've looked at our present taxation system the more I've become convinced that it is unfair and it is also difficult and costly to administer in many ways and those concerns I have had for quite a long period of time. If the Chief Minister doesn't see fit to give the young people a bit of a break well I can only do my little bit and try

MR NOBBS

Thank you Mr Speaker I don't think it's an issue we should be playing politics with to tell you the truth and I take exception to what Mr Bates has said in relation to my request for \$2m per year. The proposal that I had put, as I said earlier, was to raise an estimated sum of \$6.5m in the three years leading up to the overlay of the Norfolk Island airstrip. That proposal as I explained to Members and Mr Bates was here the other day, has gone out the window with the proposal to now not do that work as was thought would be possible at the time and in fact I think they were looking at if they did the work it would cost something like \$20m to do the job so the \$6m would have been a drop in the bucket anyhow. I told Mr Bates that I would have something for him after I returned from my recent leave but this present report has thrown that into some chaos so that has been withdrawn and I advised Members the other day. In relation to the young people may I just say this, that I am very supportive of the young and I do listen to them. One of the points that have been put to me and I really shouldn't say it but I'm getting a bit sick of this "not supporting the youth". One particular comment was made to me coming from the younger family people was this, that now we are going to be hit to leg all these requirements to upgrade, the roads, the electricity, to look after the hospital, to build a new school or additions to the school and revamp it, and things that should have been done years ago. And they are very disappointed, some of the ones who have come to me, in the fact that they are now having to support what should have been done years ago and I think you should take that into account, thank you Mr Speaker

MR McCOY

Mr Speaker thank you. I do support what Mr Nobbs has said. This is a bit off the track to what we are talking about here but I am of the firm belief that these things should have been addressed progressively over the last twenty years and unfortunately they haven't so that is an issue that we have to deal with nowadays and to try and get around and make the necessary improvements that are required on the Island. And really I question – I know we have a nice new airport and I know that there were problems at the airport before and I've often wondered why we spent money on the airport terminal in the way we did prior to putting that expenditure into a new hospital but that's the way it has happened and I guess it's now up to us to try and sort those problems out. But on the issue that's on the table, reducing the registration of motor vehicles, I don't consider myself to be in the affluent bracket at all but this increase through the increase in fees means that it will cost a little under a dollar per week. That is the increase we are being asked to pay for the registration on vehicles. That's for a private hire car. Now if you consider a \$6,000 vehicle to register it for \$145 is not a huge ask and I have not been approached by many people in the community be they young or otherwise who have said this is ridiculous and that's all I have to say on that issue

MR SMITH

Mr Speaker I would like to say something about this. I spoke to the Chief Minister about this last week when I was off the Island and the reason this has happened is because we increased the fee unit last year which was the proper thing to do at the time, however, at the time of doing that we went through all the legislation that had fee units attached. We picked certain things out of those fee units that obviously needed to be increased. Some had not been increased since the early '80s and those sorts of things were intend to be fixed up. Then the fee unit was adjusted up to \$15 instead of \$10 but from that point on all the other fees that we didn't agree to change were going to be adjusted on a formula so that they would stay the same but at the end of each financial year the Minister for finance and then the Assembly would adjust all fees by the RPI of the previous 12 months. Unfortunately during this process the Legal Draftsman finished his employment with the

Administration and left the Island. He didn't get to finalise that. Now there's been a few things happen over the last few months with this piece of legislation that we actually agreed to last year. We had to end up fixing it up in the House a couple of months ago. In that piece of legislation it spelt out the things that were to be increased, purposefully, but by accident, or I'll use that term today, by accident we've increased a whole lot of charges with this fee unit. We could say that's fortuitous and we could raise some extra revenue by doing that but I think that we've got to be a little careful with that. I think if we were intending to increase car registrations to whatever it is, I don't know what the number is, \$145 or something like that, then we should have said so. We increased registration last year. Mind you, only by \$20 at the time but if we are going to be saying, well it was due to go up anyway, and just not to anything about it, I think that's irresponsible. I'm inclined to agree with what Mr Bates has put here, particular with car registrations but I myself haven't seen the current list of things that are going into the Gazette this week. I don't know what those are. We might find that we are going this again in the next Sitting as well. Obviously other Members have already seen that list. I don't doubt that but I haven't seen it so I will support this to keep the car registrations where it was supposed to be.

SPEAKER

Thank you. Further debate

MR BROWN

Mr Speaker, I've heard several Members speak in relation to private motor vehicles but I haven't heard anyone speak in relation to other motor vehicles and if we are going to be fixing something that we think was a mistake. Are we planing to fix it all or are we planning to simply ignore the remainder. I should also say that because I have a number of commercial vehicles I have decided to abstain from voting on the question

MR BATES

Mr Speaker on that last note I believe that if this motion did go ahead the next step is that the legislation would need to be changed so that I think the fee units for a private motor vehicle is something like 9.5 so that at \$10 its \$95 and now 9.5 rounded up to an extra \$2.50 it becomes \$145 but I believe in the interim when the executive member was introducing changes to the legislation to make the number of fee units something different to 9.5 which would bring it more closely in line to \$95 at \$15 per fee unit that there is scope to review other motor vehicle registrations in the schedule. I don't think that prohibits him from doing that and I think if Members feel strongly enough about other vehicles in that schedule well then they should make that known in the meantime before the legislation comes before the House but I don't envisage that the motion, were it to get up, restricts only consideration in the legislation of private motor vehicles

MR SPEAKER

Honourable Members the question is that the motion be agreed to. I'll put that motion if there is no further debate

MR GARDNER

Thank you Mr Speaker. Just briefly if I could Mr Speaker. I've listened with interest to debate around the table and I'll certainly take on board Brian's concerns and others concerns here, and a bit like Mr Brown I guess we all have to declare that we have an interest in this. We all I think have private motor vehicles but it's a decision that has to be made somewhere along the line. I guess my concerns go a little bit further than that. I look at some of my other portfolio responsibilities and I look at things like tractors and vehicles that are used in primary production areas and things like that whether this is, again, just another matter where unintentionally those who are trying to produce things on the land on Norfolk Island are inadvertently being affected. Again, where in fact we are all very supportive of trying to assist in primary production, I intend certainly to support the motion but certainly also looking at a need to really have a long hard look at how those Schedules of Fees for all motor vehicles is being determined. I think that was an attempt by the previous Finance Review Committee on the one or two occasions that they met in the previous Assembly, in about April of last year prior to budget time when these fees were being looked at but

I'm also interested when I take on board as part of that review, some of the statistics that have recently come to life in relation to the use of heavy vehicles, trucks buses or whatever they may be and the damage they cause on the road and I think we have to look a little bit harder at the real impact of those sorts of vehicles on the road. In fact those figures are true and I think the Chief Minister may have alerted us to those figures this morning, that the passing of an 8 ton axle truck or whatever it may be, I'm not sure about those figures but it has an equivalent impact of about 18,000 or 15,000 times that of a private motor vehicle but really when you start to do the mathematics for the Schedule of Fees that are attached to motor vehicle registrations don't really truly affect the impact that they have on the road system. I was interested also whilst we were here with the visit of Mr Wilson Tuckey and a comment either to Members or at executives yesterday or the day before he made a comment that whether somebody uses a vehicle 24 hours per day or once every two years, you still have to provide the infrastructure so there should be some equality of the registration fees that are paid and maybe as part of the answer to our roads it would certainly be registration fees rather than fuel which is a user pays principle. The more you use the roads the more you pay in your fuel levy and maybe we should be addressing our concerns more at the registration and the fees that are covered by the registration but I'll leave debate there for the moment Mr Speaker

**MR COOK** Mr Speaker thank you very much I'm very alerted indeed to the problems that Mr Bates adverted to as far as young people are concerned and their struggles to meet the situation and also to the situation adverted to by the Chief Minister that young people feel that they may be going to be called upon to pay for lack of action from previous Assembly's or previous Government decisions however, I'm looking at the motion which is presently before the House and believe my obligation at the present time is to the motion before me and to vote upon it and determine whether or not I'm prepared to support it. I'm very mindful of the fact that it relates entirely to private motor vehicles. I take the point that Mr Brown has somewhat understated in his situation of there being other persons who should be entitled to some form of consideration and I'm just wondering if someone is expecting that if this motion is passed that it would somehow be a flow on to other considerations at a later stage. I'm intending to vote on the motion as it presently stands. What I am concerned about is if it is considered that somehow or other this motion is passed and it doesn't effectively deal with other considerations of the kind that have been touched upon for other motor vehicle fees and so forth that need to be considered we might be ending up in some discriminatory situation in which we could be considerably criticised. I intend to oppose the motion because I believe in its present form it has the effect of possibly leading to that eventuality

**MR BROWN** Mr Speaker, the Chief Minister made reference to young people and to comments which had been made to him to the effect that some young people resent the fact that the basic infrastructure of the Island might be in need of having some money spent on it and there seemed to be an implication that there should be a free ride and that a young person should come into this community with everything in spic and span condition and that in some fashion they should not have to contribute to that. Well I think it needs to be said and as part of this debate that Norfolk Island is different from most places because Norfolk Island has no government debt. If we were in a place where for every member of the community there were thousands and thousands of government debt I could understand someone saying well look, you've run up all this debt and you haven't done it wisely because this infrastructure isn't in satisfactory condition and you are expecting me to contribute to paying off all of this debt for something that I don't think you've done real well. But that's not what has happened here. Here what has happened is successive Assembly's have spent what they could afford to spend. Now it could well be said that some of them have spent money in undesirable areas. It could well be said that many of them have been unwilling to tackle the cost for the administration itself and that as a result little has been available to spend in other areas but I don't think that it is fair to complain that things are

not in perfect condition and therefore a young person shouldn't be expected to ever contribute to what he's come into. That's not realistic, thank you

MR BATES Mr Speaker, thank you. I'm just trying to play around a little and I'm just wondering if it would be helpful if my motion were to be amended and at the end these words added "...and at the same time review all other vehicle registration fees" and I hadn't finished it but "and make other recommendations to this House if they require adjustment" or something like that if that would help Members around the table. It doesn't restrict it only to private motor vehicles and I would be quite happy to add that to my motion if it would assist Members

MR SPEAKER Thank you. Further debate. No further debate. How did you want to proceed with that Mr Bates?

MR BATES Mr Speaker I haven't had any indication from Members if they would like me to add that or not but I gather from some of the things that have been said that if I can have approval to add that to my motion then I would seek permission to do so

MR SPEAKER Thank you yes. If you would just be specific about the words

MR BATES "...and at the same time review all other vehicle registration fees and if considered necessary make further recommendations to this House"

MR SPEAKER Thank you Mr Bates. Is that clear with Members?

MR COOK Mr Speaker I appreciate the endeavours made but what I find a difficulty is the first part of the motion more or less brings about a conclusion and the second part of the motion sort of covers the investigatory situation that I adverted to when other areas are examined and I'm just a bit concerned about involving one area and then another area. One a decision being made to actually effect a reduction so that there is a fait accompli and then the other part of it is some form of consideration of other changes that would therefore be necessary. I would have thought it might have been advisable to have the motion in a form where there was an examination made of the situation of the whole of fees which should be payable in respect of motor vehicle registration

MR SPEAKER Let's just tidy this amendment please. Mr Bates has a proposal for us in respect of an amendment. Is leave granted for this amendment to go forward

MR McCOY No

MR SPEAKER No? No. Leave is not granted. We are at the original motion Honourable Members. Any further debate? I put the question to you that the motion be agreed to

#### QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR NOBBS	NO
MR BATES	AYE
MR COOK	NO
MR McCOY	NO

MR GARDNER	AYE
MR WALKER	AYE
MR SMITH	AYE
MR BROWN	ABSTAIN

The result of voting Honourable Members is the ayes 5 the noes 3 with one abstention, the ayes have it. The Motion is agreed to

### **SUSPENSION**

MR BROWN Mr Speaker, before I move that motion I notice that it is a quarter past one and I wonder if Members would like to suspend for lunch at this stage

MR SPEAKER How do you feel Honourable Members. There are four matters yet to tidy. I would predict that some of them would entail some reasonable debate and so it may be a good idea if we would suspend at this stage unless you find that difficult. Yes. We will do that Honourable Members, we will suspend for an hour and we will return at 2.15pm

### **RESUMPTION**

#### **IMMIGRATION ACT – INCREASE OF QUOTA**

MR SPEAKER We are resuming debate on the question that that Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN Mr Speaker, quite some months ago we in effect suspended the setting of further quotas and if my recollection is correct, we were told that a review would be carried out by the Minister with responsibility for Immigration. To the best of my knowledge we don't yet have the results of that review, if indeed it has at this stage been completed. It may well be that the Minister has found it a complex task and that he is still working on it, but we are now seeing the results of failing to set a quota from time to time through the year. Hardship and uncertainty have certainly been caused and there are pressures being put upon all of us to find a quick fix for the problem. Some Members are speaking of reintroducing a one in one out scheme. Others are speaking of issuing Temporary Entry Permits until General Entry Permit quota positions are available. History tells us that eventually there will be pressure to open the gates altogether and to accommodate everybody who has found their way onto the General Entry Permit quota queue. That Mr Speaker has been done on at least two occasions to my recollections of the past and on each of them we've said, well this is a once only thing, we feel a need to do it now and we are never going to do it again. I don't hold executive office as Members know, and as a result I am unable to obtain details from the Administration to allow me to precisely calculate an appropriate quota number in accordance with the population policy which was agreed to many years ago but I expect that the Minister for Immigration has possibly brought that information with him. In any event, I expect that if we did agree to set a further quote of 15 that would not take us beyond the number which the population policy would allow. Mr Speaker I suggest that we should stay away from looking for quick fixes. And I suggest that it is unnecessary in any event because all we need to do is to set a quota from time to time through the year within our previously agreed population policy. It seems from information provided to us this morning that a further quota of 15 would solve the pressing immediate problems, but certainly would not accommodate absolutely everyone who wants to come here and there's nothing wrong with that Mr Speaker. There has never been an undertaking that the Legislative Assembly will set quotas of sufficient number to allow anyone to come who wants to come and provided that we are from time to time setting quotas within an agreed population policy no-one would have the right to complain that they couldn't come. They either come within the

quota which is set from time to time or they don't. But if we refuse to set a quota which has been our situation in recent times, then we have to be prepared to accept the flak that flows from that. Mr Speaker it is appropriate in my view that we set a new quota. It is not appropriate in my view that we seek to overcome the problems which have arisen as a result of deciding not to set further quotas by issuing Temporary Entry Permits or reintroducing one in one out as stop gap measures. In my view it is appropriate that we set a quota and I believe that it should be set in accordance with our previously agreed population policy. I'm not suggesting that it need be a large number, I'm suggesting that if a quota of 15 is set today, we can then have the Minister come back to us at a later date and let us know whether it is appropriate to look at a further quota at that stage but a quota of 15 today in addition to the number already fixed for the year is in my view, the way we should be heading, thank you

MR SPEAKER

Thank you. Further debate

MR COOK

Mr Speaker if I might just say something. I think it appropriate that I do in response to the motion not only to provide information which might assist the Members to the very best of my ability but also to comment on a couple of matters. It was my understanding when I entered into this area of responsibility for immigration and examined what the procedures had been very particularly of course immediately met with the considerations about the quota that the policy had been in place for quite a long time to adjust or consider the quota, I think twice a year, reasonably early in the year and then reasonably late in the year rather than endeavoring to do, apparently as has happened in earlier years, fixing it as it were once in a yearly period. I think it was introduced first in 94/95. At that same time in that period a deal of consideration had been given to the method of which a quota and Mr Brown is quite correct it was based on a 2% population growth figure which appears to be to the Legislative Assembly at that time an appropriate guideline to enable policy to be determined as to a figure and then the passing by the House of the appropriate resolutions in respect of quota. Now as I understand it at the time that that consideration was given to the population growth figure, the basis of the calculation of that figure or the purpose of establishing a base from which calculations would flow was based on persons who were residents, that is, either by birth or by declaration and persons who held gep's, They were regarded as being those who you take into account in establishing a base figure. In 1994/95 to the very best of my recollection, I think that figure was 1552 people. When I had information conveyed to me when the matter of the quota came up first in the history of this Legislative Assembly which was approximately a little over three and a half months ago when there was an increase voted by this House in the quota I think of some ten people, the figure that I was ten supplied with was still on that same basis of the residents and the gep holders was 1537. Again, I'm giving these figures of the top of my head but I'm pretty certain that they are accurate. I was immediately struck by the fact that although the policy had been in place for five years and though quite a lot of General Entry Permits had been issued in that time and persons declared as residents, but still if you use that base figure you still came out at the lower figure than the one that had been accepted as being appropriate in 1994. The House had determined in the last Legislative Assembly that there should be a quota figure of 20 and then there was an increase of ten and now we are seeking as I understand it from Mr Brown's motion, a further increase of 15 so there's something like 45 this year. that would appear on past records which have been available to me, not to be excessive in any way and in quite a number of years there were figures like 30 in the early part of the year and then 30 in the later part of the year. The interest about that figure of course is that if you take the 45 up to the present time as I've just suggested, accepting that Mr Brown's motion was passed it would still seem to be not exceeding the numbers which in some way would take us over that base which was fixed right back in 1994/95. So there is something to be said for what Mr Brown is suggesting that if we operate on the principles laid down by this House to calculate a quota and we stick to that until it's changed or the new regime comes into place then there would be room for operation of his motion and to render it effective and



certainly I for one would clearly welcome the opportunity to relieve persons who are waiting and have been caught up in the rather difficult situation of having to wait until a quota was formally fixed and the gray areas of uncertainty which obviously reflects on people personally and maybe even effects some degree of economic viability of the important tourist industry. So I have given proper and due heed to all the submissions that I have received and I realised in the end that the fixing of the quota is a matter which requires a very fine balance and proper attention to all the competing interests and aspects which would enable a fair and just determination to be made of how we might effect some degree of control of our population. I have formulated a system in regard to admissions to Norfolk Island. I have touched upon this in meetings of the MLA. I don't want to prejudice the proper opportunity of presentation of that material in due course. I have presented the Committee with my ideas on this aspect and I want them to tell me whether they consider it to be effective, appropriate or otherwise and of course, the House and the Members will have full and ample opportunity to consider anything that comes forward in that respect before ultimately of course it emerges as some kind of clear approach to this particular problem. I simply say that I consider it to be quite significant that we change the time of determination of the residential situation of persons on Norfolk Island at the time people might seek to be declared to be residents, and I think this is fairly novel and fairly unusual but I can see that it can lead to the situation where a vastly better degree of control is brought into the situation. We can take into account all things and they can be fully and adequately considered and people can face up to whether or not they come into the population growth figure and if they don't then they would be entitled simply because they didn't fit into that figure, they would be entitled to get into a queue as it were to take up the option when they naturally fall within that population figure and can take up their residency,. However, that's in very early days. I only wanted to draw attention to that to show that this matter is under constant attention. I'm very sympathetic to the motion itself however because I have undertaken this role and tend to pursue it so that I can have the freest possible mind on all aspects of what should be the appropriate thing to do and bring recommendations to the House eventually which I naturally would be asking the House to accept, I feel that it would be appropriate for me to abstain from voting on this motion but I felt it incumbent upon me to make the explanation I have to the House and to the Members of the community so that they might fully appreciate some of the problems and some of the issues which need resolution here today.

MR SPEAKER

Thank you. Further debate

MR BATES

Mr Speaker, I was hoping to hear a few more views before I spoke but there seems to be a little reluctance so I will say what I feel about it. I believe that there's a bit of a groundswell out in the community of concerns about our population. there's been a groundswell which has caused concerns in other areas and this House has seen fit to place a moratorium on tourist accommodation and also a moratorium on subdivision. I think if we are going to slow things down and look at things properly then perhaps we should also have a moratorium on population growth. I see in last weeks paper, I don't know who it is but they've been running little things in the paper every week about what's going on with the growth and all the rest of it and some interesting figures have come out. I don't know if these figures are right or wrong, I don't even know who puts the ad in the paper but it says simply that you need two hectares for each person in any civilised country and that we've got 3,529 hectares and 2,550 people and it just doesn't divide into two hectares per person and we are overpopulated. Now I don't know whether that's true or not but I think we've still got to stop, look and listen to things like that. I see in the same paper a questionnaire put out by Minister Gardner I believe and one of the things there is seeking the population's view on what are the most important local issues in the Plan that needs to be addressed and it says are you going to tick water, population, landscape, waste management, energy sources and others. I guess we'll see a few ticks in that population. Whereas I

have always, contrary to others around the table, have always thought about quota, I understand that you must legally have a quota. We do have a quota - although I understand it may be full.- but we are not in difficulty until we have to set another quota for the next twelve months and I believe that's not till February. It is increasingly evident to me that our present Immigration Act is not working because a lot of things I've said on a number of occasions, falls into policy and it's quite obvious that policy usually fails and that a lot of these things are in policy, they sound alright but when push comes to shove and appeals go before the Minister it's mostly the policy side of things that we get rolled on. So the quota is probably about the only control we've got when most of the controls we've tried to put in policy fail. I feel that I can't support this motion. I feel that we've got to get the feeling of the people out there and as I said there is a swell coming from outside asking us to slow down and look at these things. It is interesting that Mr Cook said that some people are saying that the more population it will decrease the quality in life. Of course there are others who will argue that you need to have population growth to prosper but I don't go along with that because there's got to be somewhere in Norfolk Island where you halt. You just can't have population growth forever in a small community like this. You can't open a further five acres out in Ball Bay and populate it, put houses on it. Norfolk Island certainly won't be getting any bigger. It may get a little smaller with erosion and things like that so at this point in time until we get answers to all these things I can't support any increase in the quota

MR SPEAKER

Thank you. Further debate

MR WALKER

Thank you Mr Speaker if I could just pick up on something that Brian has said. Effectively I think he's saying that any grant of a quota is a population growth. To my knowledge over the last five years although a lot of quotas have been made the population growth has been nowhere near the number that the quota has had in place. We well know that in many many cases where a General Entry Permit is granted from the quota tat somebody else who is resident on the Island leaves the Island and so therefore it doesn't necessarily mean that just because we have a quota of 15 that we are going to increase the population by 15

MR BROWN

Mr Speaker, I've forgotten the date upon which that population policy was agreed upon but from recollection it was 96 or 97 and

MR COOK

...late 94 early 95

MR BROWN

I thank the Minister for helping me with that. If we are talking of late 94 or early 95 we are talking of at least five years ago and if there had been a 2% per annum growth in the population over that period the population would have grown by at least 150 permanent residents and General Entry Permits. The fact is that it hasn't. The population has barely changed in that time and that is a further demonstration to us of the fact that just because someone comes on a gep doesn't mean he is going to stay forever. Circumstances do indeed change. Islanders leave the Island. GEP's leave the Island. Residents leave the Island. Sometimes they leave by going to the top end of the road here at Kingston. Other times they leave on an aeroplane but they leave. People are born and people arrive. But the reality Mr Speaker is that if we plan to stand still then we are planning to go backwards. We went through a number of years of a stand still policy and we indeed went backwards. We have seen over not very many years, the budget rise from \$3.5m figure that the Chief Minister referred to earlier today, to \$10.5m. We've heard that young people can't afford to pay the increase in motor vehicle registration fees that's recently been imposed. We've heard that young people in some cases resent the fact that they are being asked to contribute to the cost of infrastructure works on the Island. The reality is that unless we plan to at the very least, maintain our numbers, and unless we plan to allow up to a maximum amount of growth which is what the population policy does, we are going to have great trouble paying our way. We do indeed have pressure to reduce the amount of approved additional tourist accommodation and yet the Island's economic

planning has been based on achieving a certain number of room nights by the year 2003. We are happy to progress our spending but we are not happy to raise the money that we are going to need in order to fund that spending. We are happy to see the cost of governing the Island increase but we are not happy when someone complains to us that they don't want to pay an increased charge and we immediately pass a resolution saying well, we'll reduce that charge. Sorry we didn't mean to offend you. In our community we have people who are ill. Some of those people own businesses and some of them need to sell those businesses. The Minister already has pressures in that regard but is it reasonable for us to say to those people sorry, bad luck. Drop your price. Sell it to someone local or hire a manager, we don't care that you're ill but we're not going to allow you to sell and leave the Island and bring someone in. Not by way of one in one out but by way of selling the property and leaving the Island and it just happens that the person who is buying it is coming in from outside. Are we going to say to local people who wish to retire perhaps after having run their business for thirty years, sorry, you've got to drop your price until you find someone local prepared to buy it or you can't retire. I don't think those things are problems and I think we have an obligation notwithstanding the Minister's words earlier to the effect that he's still working on his review. I think we've got an obligation to set a new quota today, thank you

MR NOBBS

Thank you Mr Speaker I have never supported the quota increase on the basis of this 2% and I will be sticking to my guns again on this. I think that Minister Cook has done all that he can to date in relation to the review. It's getting close, in fact as they say you can just about smell it and I would hope that in the very near future we would have something positive. On the one-in-one-out issue if it's not increasing the population as people suggest then why not have a business permit that a person can come in here, buy a business and live here and the other person who has had that permit before them can then leave and this will regulate what we have. I think we will need to look at a maximum population figure in the not too distant future, if not straight away actually, because we're hovering around that 2000 figure and have been for several months. That is, ordinarily resident, and I know people look at the resident segment of that but these other people aren't invisible. They are living here and we must look at ordinarily resident. We also have to look at the tourist population at any particular point in time. On average now it's about 750. If this tourist accommodation goes ahead and if it survives we will have to have an increase in tourist numbers and I would say that we'll be looking at probably 1000 on average. Sometimes higher, sometimes lower, so these forecasts must be taken into account. We also have to take into account that if we have a 50% increase in the tourist numbers we are going to have some sort of increase, it may not be 50%, but there'll be a consequential increase in the number of people required to service that industry so there's another segment there so I believe that we will have to look at capping the number on the Island here and this must be done and I don't believe in going along with this current 2% increase and just drifting along. As I said I believe the review is that close to getting to the point where we can put a policy out. I won't be supporting it on the basis that it is being developed on a 2% population increase and I would hope that within the next three months at least, before February when we are required to set this next quota that we will have in place a reasonable policy to work on

MR McCOY

Mr Speaker thank you. I'll put my two bob's worth in like everyone else because population is always a very emotive issue on the Island and it has caused some problems on Norfolk Island in the past as Mr Brown has indicated. The floodgates have been opened and I question why the pressure was put on or where the pressure came from to open those floodgates but the GEP permit system, I find to be quite interesting because in many cases we are pressured to increase the quota because there is a desire for some to sell and leave the Island and that to a large degree is where the General Entry Permit system came from, to facilitate that activity. Then we turn around and we look at why it is that the price of real estate on the island is steadily increasing and then we've heard this morning the difficulties that young people on Norfolk Island are having in surviving in this environment. I've been told before to

ask the question why do young people leave Norfolk Island. Well I get told out there continually that it is more attractive to go over to Australia where the purchasing power is better than it is on Norfolk Island and I often wondered where would our immigration situation be if, as Mr Bates mentioned this morning, we did have something such as a capital gains tax because at the moment, you can come to Norfolk Island, you can operate in a tax free environment and after you've had five years on the Island, recouped all your expenditure, sell your business and go. The interesting thing about that particular scenario is that 30% of the General Entry Permits that have been issued to people who have arrived on Norfolk Island, remain on the Island. Only 30%. I would be interested to see if that 30% are people who came through the ranks of a Temporary Entry Permit to a General Entry Permit and it has been quite clearly spelt out for many years that by having a structured immigration regime operating to condition the expectations of potential residents by bringing them into line of the reality of an isolated life in which an apparent escape from crime and conspicuous consumption can become an economic prison and that is a decision that people make when they come onto Norfolk Island firstly with a Temporary Entry Permit and work through until they become a resident. They know exactly what the constraints of the Island are but whereas if we continually put a quota in place to facilitate people who want to come onto the island to purchase a business or to facilitate someone who sadly wishes to sell for health reasons to leave Norfolk Island we'll continually be having this transient nature on the General Entry Permit and that's why I felt earlier on in this Legislative Assembly that if we had a Temporary Entry Permit system that was more suited to Norfolk Island's conditions I am sure we will not see this continual need to say, oh we need to increase the population by 2% because obviously as some people have indicated, it is just not working. that's why I have been keen on trying to understand and review the Bronwyn Paddick Review of immigration and hoping that before we get pressure put on us to put another number in the quota system the Bronwyn Paddick Review would be through. But here we are again today, we want to add another 15 and if that does happen it will give us 45 for this year and therefore we've already exceeded the 2%. I'd better have a break there as I see that Mr Brown is keen to say a few words

MR BROWN

Mr Speaker, some people around this table don't understand what the policy was and that's fair enough, Mr McCOY wasn't in the Assembly when it was set but the policy was to allow for up to a 2% per annum growth until otherwise determined. Now if the Legislative Assembly wants to pick on some other figure that's fine, but it is irresponsible of us to simply suspend the system the way we have done it albeit, that it was done with good intentions. the Minister intended to be back at the next meeting with his review completed. As it happened, he called for submissions, I think he told us he had six, and six submissions Mr speaker isn't a sound basis on which to review a policy about anything. But the 2% was calculated as a 2% increase. We've just heard – some people leave. if you have twenty people come in and eighteen people leave your increase has only been two and that is why through the whole of the time that this policy has been in place there's been an increase of something like twenty people, whereas five years at 2% per annum on 1500 would indicate that the policy could have allowed an increase of up to 150. Well 20 or 24 people compared to 150 is very small and if we are relying on that kind of growth to fund the Chief Minister's Infrastructure Fund, we are not going to get very far. Mr Speaker I think it's regrettable that a message is being given to the community by some Members of this House that is a very anti commercial message. It's saying come and let us tax you and then we'll rip you off as best we can. We'll introduce a capital gains tax because we regret that people buy houses on Norfolk Island. We've even been told that it's cheaper to buy houses in Australia. Well if you want to live somewhere 250 miles to the west of Charleville that might be correct Mr Speaker but if you look in any of the Australian capital cities I think that you will conclude that housing in Norfolk Island is still an absolute bargain but having said that and notwithstanding all of the comments that have been made around this table, I believe that we have a duty to set a new quota and in the absence of any other information I believe that 15 is an appropriate number thank you

MR COOK Mr Speaker purely to correct two matters. First of all I have received 21 submissions in respect of the quota Mr Brown. Not six. At an early stage I did say that but then there was a flood of response which came in on the second request for input that I put in so in fact you are quite correct in that initially I did say six but now it's 21. The other point is this that Mr McCOY mentioned I think that 30% of people go to the General Entry Permit resident status, actually I think the figures I've quoted are that there's a 25-30% who do not eventually go to residents so that really means that the bulk of the people who do apply for General Entry Permits do in fact move to a declaration of residency,. I feel that I should correct that. I have asked for those precise figures to be taken out so that over a period from 1990 to 1994 all those persons who applied for General Entry Permits including those who applied under the special relationship clause would be able to be considered in the next succeeding five years as to who obtained a declaration of residency and there would be some kind of measure and actual statistics that I could put satisfactorily before the House instead of simply relaying the communication of some of my officers to the effect of what they understand has been the situation and I've asked for those precise figures and I'll bring them forward as quickly as I can

MR SMITH Mr Deputy Speaker, I agree with some of the things that have been said around the table here and I don't agree with some of the other comments that have been made which are possibly not quite as relevant to the motion. Immigration from my recollection over the term of the 21 years of Legislative Assembly's has been made to be an emotional issue mainly from this, the Chamber. Now, before anybody feels really insulted by that, it is true. We all have a personal view as everybody else in the community does, about who should and shouldn't live here and everybody has totally different views in some cases and because it is an issue that anybody can talk about, anybody can make a fuss about, we do and when it comes to the Legislative Assembly the discussion that's going around the table here today, I think we had a similar discussion last year, I know we definitely had a similar discussion in 1996. I know that there were definitely similar discussions in the mid 80's when the Select Committee on Immigration sat. The same arguments were put forward, the same for and same againsts. But in the end people still come and people still go. The fact is that we don't know that if we increase the quota by 10 or 100 today we have no idea who that applies to. How many times has General Entry Permits been given to people who are already here? I would think that would be fairly regular. People who have ended their time on a Temporary Entry Permit and applied to stay on a General Entry Permit and in fact as I understand it over the last two or three years that's where the majority of General Entry Permits went. I stand corrected on that of course but I do know of people who went through that process from a Temporary Entry Permit to a General Entry Permit so we can't always consider that when the General Entry Permit quota is given that it's going to increase the population at all and I don't know that today with 15 although I might have a bit of an inkling because the Minister did say earlier on that he did mention some people who were waiting to come in. There are some people here on the Island already who are here waiting to be able to get their GEP so how many people in the 15, if we agree 15, are going to be arriving within the Island. The other thing is that it is really interesting that we are expanding our prime industry which is tourism, now whether we did that or the last Assembly, the fact is that it is expanding. It's got to be serviced and there will be people who won't like it and they'll want to leave and there's going to be other people who come in with fresh ideas, maybe fresh investments and that does help. John and don't always agree on things but I agree with what he says about our economic policy if you like, that we can close our eyes and ears to things that are happening around us and say let's just leave everything like it was fifteen years ago, but we're all going to be paying more and more for it every day. We are already doing that. Somewhere along the line we've got to keep the population up without any quota at all the population would definitely shrink, but interestingly, it's shrinking anyway, even with the quotas that we have put in. I may have misheard this morning but I thought I heard the Chief Minister quote from something from the early

80's where the population was 1800 people. I think the Minister said today that 1520 is the resident population. In fact, if you go back into the 70's you will see that the population was even higher, if I recall, which was brought out in the Select committee's Report into Immigration at the time. All in all we can't stand still. I think what the Minister is doing is the right thing in getting the community's ideas about immigration. He's looking for ideas from us as well to develop immigration policy. It is probably more involved than what the Minister first thought and I don't envy him at all in trying to handle immigration, particularly this year.

MR NOBBS Thank you Mr Deputy Speaker a quick one. I won't hold you up but I wish to correct something that I was supposed to have said. I said the residential population in June 1981 was 1849. That included everybody and that's the same as what we are talking about now, about 2000. So we have increased our population since then, just a little bit

MR BUFFETT Thank you Mr Deputy Speaker. The population policy for this Island is really a very complex issue. There are many many factors that come into play, but I think we need to be mindful of what in practical terms are things that are causing comment, real comment, from people in the community today. This is a range of things. People are concerned about the rate that houses are presently being erected where they have a landscape impact. Now whether that means in terms of an additional rate, an increased rate over previous years, we can look at statistics to find that out but the reality is that they are now appearing in many places where houses have a real impact on the landscape. The fact that you drive into Burnt Pine these days and there's definitely an increased movement of vehicles and increased difficulties in parking and if you move outside the business area there you will find that you also have a greater impact of vehicles moving backwards and forwards. Notwithstanding the metal difficulty that we have, if you look at the roads I think it must be said that there is significant impact upon the roads by the road usage that's in place today. I think if you look at real estate prices you will see that they have probably risen in some areas and of course that has good and bad aspects about it but I think that it must be recognised that there seems to be some reasonable price rise. We only have to look for example, at the portion of land on which previous Members of the Assembly became interested in. It sold a couple of years ago at \$80,000, was on the market and was sold at \$200,000. Now there's some significant price rises that have come about and that is to do with the movement of people. People do comment, whether it be just perception or otherwise that the quality of life in Norfolk Island is experiencing changes. People comment that social pressures has led to some increase in the crime rate in Norfolk Island and the categories of crime that are going on. Now it can't be said that all of these things will relate to the very question that we are on about today but they are a whole host of things that people are on about in the community and they see that some of them relate to what is in essence a reasonably high turn over of people. It's not necessarily an increase in the total population but it has to do with the increase in turnover of people to some reasonable extent. You just think yourself over the past five or maybe ten years. It is not as easy these days to know who people are in the Norfolk Island community. You would be able to find people who lived here permanently and know most of them, say ten years ago. I'm not too sure that we can all do that today. It just gives another idea of the turn over of people who are coming and going. Now we recognise these difficulties because we have said that we need to review the immigration process and the Minister who has the responsibility for immigration is on about that. Indeed in light of some of those factors that I've mentioned it's absolutely an essential process that we must go through. It is being done. It is very involved and I venture to follow up the remarks made by somebody else, it may have been Mr Brown, that it may be more involved than one thought at the beginning and I can accept that if that is the situation. But it is being got about and it needs to be got about with some promptness, so in the meantime. What do we do. Well in the meantime we have this motion for example which endeavours to obviously alleviate some of the difficulties that are perceived if in fact there is a pause. I wouldn't want to vote against a quota which

might give facility for some people to leave if they want to, but one has to also look at the factors that we are up against and I've endeavoured to list some of them. I would prefer that we have a motion such as this when we have the information which will come out of a review so that we are better equipped to know whether in fact we need to continue a quota at the same rate, whether we need to continue a quota which is lower or maybe higher. I don't really know the answers to that at this moment. All I am saying is that those things that I've mentioned are very real in the community and certainly they are real in the eyes and in the minds of people who live here permanently and they are expressing those concerns and they are expressing them in a whole host of ways. I would prefer that we pause on this motion but if in fact you want it to go to the vote today then I would have to say that I am sufficiently concerned about the things that I have mentioned to say no to the motion, so that there is a pause and we can get into gear those evaluations that we are on about at this moment and I think that is regrettable in a way because there are some real reasons as to why a quota maybe, should be addressed and Mr Brown has very rightly mentioned those but equally I've got to put on the table some of those things that I have mentioned, and if I have to decide today, I would probably regrettably, say no I couldn't support it at this time

**MR BROWN** Mr Deputy Speaker one of the things I've learnt to do over the years down here is count to five. It's obvious that Members are not universally in support of the motion at this stage. It's also obvious that a number of members would like to have more information. Perhaps if we were to adjourn further debate until the next meeting that would leave time for the Minister to complete his review and distribute it to us in time for us all to consider that before the next meeting. Perhaps it would give time for the Minister to prepare a schedule for us of movements in the population over the last four or five years so that members can have a reasonable understanding of just how the numbers have changed and if the Minister believes those things are achievable, I would be more than happy to move the adjournment at this stage and to finalise the matter at our next meeting

**MR COOK** Mr Deputy Speaker in response to what Mr Brown has just put I'm quite prepared to undertake the task of getting all possible information that I can for the next meeting of this House and obviously to also have it available before then for MLA's to discuss at their usual Monday meeting so that there can be some degree of discussion about the matter before it issues out here into the public situation where these matters may be fully aired to the community. That of course is a very healthy and desirable process. So I'm prepared to get that information available. Mr Brown has asked me to as it were have my review available by the next sitting. I'm not entirely certain whether that is possible to achieve. I'm in the hands of the Immigration Committee to complete their examination of the review and advise me on it. I believe it is appropriate for me to allow that process to proceed to its conclusion and also to then be able to give proper and due consideration to all the matters that no doubt will be raised for my consideration and to seek input from other appropriate sources, but I am prepared to assist in resolution of this matter which I consider to be very important to endeavour to have such material available. I will be very anxious to receive from Members any suggestions as to the content of any material which they would like to have prepared and put forward and if I receive that in the next seven days from Members actually or from anybody else if I might say so knowing that I'm speaking publicly, about factors which should be properly considered, I will endeavour with every effort that I can make to have my officers get that information available and have it ready well before the next meeting in October

**MR BROWN** Mr Speaker I thank the Minister for that and if no other Members wishes... I'm sorry Mr McCOY wishes to speak

**MR McCOY** Mr Speaker thank you and thank you Mr Brown for giving me the opportunity to say a few more words. Just a little in defense of what could have been seen as an attack on myself when Mr Brown said that we have an anti

commercial feeling coming out of the Assembly. That's not where I come from. Where I do come from is that we don't want an anti environmental feeling coming out of the Assembly either and there is also quite clearly a need to stop and having a look at what we are doing and many reports have been tabled in this House or commissioned by the Assembly to look at where we are heading with the population and what effect it is having on the environment and it is quite clearly spelt out that there is a need for population control on Norfolk Island. It grew out of the pressure placed on the Island's resources and infrastructure by the absence of control. The sustainable population at any time has been assessed independently and the local community has taken seriously the need for planned development and structured conservation and resource stewardship which to a degree is what is happening now with the review of the Norfolk Island Plan and the moratorium which has been placed on tourist accommodation and also another interesting factor – this may be going back much further than people would like to remember but there was a time on the Island when population to a degree was controlled by the amount of children that could be housed at the school and there are figures out there now that show we have roughly 30% of the school children are either children of Temporary Entry Permit holders or General Entry Permit holders. Now if that figure was taken out wouldn't there be a reduction in the cost of providing schooling for the resident children because there in the past was a desire that if you wished to come and live on Norfolk Island well you must realise that the education for your child would not be provided by this community and that helped people to realise that if they wanted to come and live on Norfolk Island or if they chose not to and I just hope that whilst we are taking a breather on this particular issue, if those figures could be borne out as well, thank you

MR SPEAKER Any further debate before I turn to Mr Brown

MR BROWN Mr Speaker I move the adjournment

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

QUESTION PUT  
QUESTION AGREED

The ayes have it, this matter is so adjourned, thank you Mr Brown

### **TOURIST ACCOMMODATION REGULATIONS**

Honourable Members if I may call at this stage the motion that was earlier before the House and the question was that the Tourist Accommodation Regulations be noted. We are continuing debate on this matter. We paused so that it could be considered after the matter that we have just considered and it would be called on then and I do so now. I think it was your call Mr Smith so you therefore have the call to resume

MR SMITH Mr Speaker, thank you, the reason we did that if Members will recall is that Mr Walker had raised an issue that needed some clarification and that gave me the opportunity to check out with our legal people what the views were about the issues that were raised with Mr Walker. I need to add at this point that the regulation was tabled as I am required to do and I moved that it be noted, so the debate was around that, so the regulation has been tabled properly. the letter that Mr Walker had referred to referred to the regulations and what the proposed intent was with what we were trying to do with that. I would suggest Mr Speaker that subject to what other Members have got to say that all members need a bit of time to look through the letter that Mr Walker had referred to this morning, with our legal people so that they have the facts about what has been raised and we have time to discuss that between now and the next sitting. There was talk about a motion or two this morning. I don't



know whether Members still want to pursue those avenues but I would recommend that we wait until the next sitting and it will give us time to go over those papers thank you

MR McCOY                                      Mr Speaker I appreciate Mr Smith leaving this to the next sitting because I do propose that this go to a Select Committee or Standing Committee to review the regulation and I will be pursuing that between now and the next sitting with other Members thank you

MR WALKER                                      Thank you Mr Speaker I just wish to say that I only received the papers that were copied to everybody today, I only read them myself this morning and I apologise if I didn't circulate them earlier before the meeting

MR SPEAKER                                      Anything further before I turn to Mr Smith. No. Therefore Mr Smith would you like to adjourn this question which is that the Regulations be noted or would you like this to go to some finality and the matter be raised again when we come to sit next, how would you like to handle that

MR SMITH                                         Mr Speaker it doesn't worry me, but probably taking it to finality would be cleaner because the issue still can be discussed at the next meeting anyway

MR SPEAKER                                      If that be the case I'll put the question which is that the regulation be noted

QUESTION PUT  
QUESTION AGREED

That matter is so noted thank you

Honourable Members we also determined that we would reposition the matter of the question of the motion be agreed to on the referral of non resident hypothetical applications to the Legislative Assembly and so maybe it would be useful if I called that on for you at this time. Mr Smith

MR SMITH                                         Mr Speaker, I'm happy for that to come on now Mr Speaker. The reason we put it off this morning was because of the motion on the quota that we've just dealt with. We wanted to see what would happen with the quota as it may have made this earlier motion redundant. I just want to remind Members of what this motion is about. It is a hypothetical application to have non resident ownership of a tourist accommodation house. The people are ready to come to Norfolk Island but because of the lack of spaces on the quota they can't actually go ahead with the purchase of the property or if they do, they would be in the category of a non resident owner and we need to approve that to put that into action

MR GARDNER                                      Thank you Mr Speaker it is just in relation to the hyptheticity of it. I certainly am not going to get into a long drawn out debate about it. I think the last two or three occasions that the Assembly have dealt with it I've spoken at length in my opposition to this type of situation and I am certainly not supportive of the intent of it

MR SPEAKER                                      Thank you. Further debate. No further debate. Honourable Members the question is that the motion that Mr Smith has charge of, the question that the motion be agreed to and if there is no further debate then I put that question to you

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members is the ayes 3 the noes 6, the noes have it. The Motion is not passed

## **ORDERS OF THE DAY**

### **DEAD RATE LANE**

Honourable Members we have concluded Notices for the day and we now turn to Orders of the Day and No 1 is Dead Rate Lane. We are We are resuming debate on the question that the Motion be agreed to and Mr Walker you have the call to resume. You had given me notice also that you would seek to withdraw this matter that you had initiated

MR WALKER Thank you Mr Speaker in relation to the motion before the House headed Dead Rat Lane, this question has been adjourned on two previous occasions and on consultation with the proponents the subject matter of the motion is now deemed to be an inappropriate change. The proponents within the community seeking to have the issue debated now wish to have it resolved in the status quo, ie that the official name be Mitchell's Lane. I would seek leave of the House to withdraw the motion presently before it

MR SPEAKER Is leave granted? Leave is granted thank you. That matter is withdrawn Honourable Members

### **IMMIGRATION AMENDMENT BILL 2000**

We are resuming debate on the question that that Bill be agreed to in principle and Mr Cook you have the call to resume

MR COOK Mr Speaker I'm grateful for this opportunity. The Bill that I had previously put before the House and it has been there now for two meetings after I originally placed this, what I consider to be an important amendment to the Immigration Act and since I originally present this there have been some alterations with have not been in any way of any large measure but intends to tidy up or tighten up the intention of the amendment. It perhaps would be appropriate if I read the explanatory memorandum which would now accompany the Immigration Amendment Bill as I propose eventually to put it. I believe of course that I would have to ask for that detail amendment to be substituted for the earlier form of the Bill that I put forward. I look to you for guidance as to the actual procedure I should adopt at this stage.

MR SPEAKER Yes, if you would care to explain it to Members at this stage I think that may be useful thank you

MR COOK

Mr Speaker may it please the House, this Bill expands the definition of “prescribed persons” under the Immigration Act 1980 and consequentially provides that such persons may not enter Norfolk Island unless an application for entry permit has been made and approved prior to entry and that a police clearance certificate has been provided with the application.

- Section 4 repeals the previous definition of “prescribed person” in section 3 of the principal Act and substitutes a new definition to include *all* persons (including those from New Caledonia), who do not have an Australian or New Zealand Passport, or a Visa for a specified time enabling the person to enter into Australia.
- Section 5 prevents prescribed persons from entering Norfolk Island until they have first made application for an entry permit.
- Section 6 provides that an initial application for an temporary entry permit or an application for a general entry permit shall be accompanied by a prescribed police clearance certificate containing conviction information and other information approved by the executive member.
- Section 7 ensures that a prescribed person shall not be granted an entry permit of any category.
- Section 8 provides that the amendment shall not apply any permits already approved at the time of commencement.
- Section 9 contains savings provisions to enable pending application to be dealt with as if the amendment had not commenced, but ensures that all future applications for renewal, extension, or variation of permits come within the amended provisions of the Act.

Mr Speaker this matter has been before this Government now for a very considerable period of time. If perhaps I could touch upon some of the historical aspects of this matter so as to provide people with a degree of understanding of exactly what is proposed here today and the reasons for it being regarded my be certainly as an urgent matter for determination. There was a situation which developed, and those of course and some are still in the House who was on the Assembly at that time, there was a situation where a person was sought to be deported from the Island, I won't mention people by name but after considerable difficulty and expense that person was eventually deported or removed from Norfolk Island. Again, I don't think it is necessary to touch upon specific details except to indicate that there were those difficulties, there were those expenses and there were degrees of uncertainty and the co-operation of the Australian authorities in that whole process. Now what ensued after that particular event and the Legislative Assembly considered the impact and the effect of all that, was that in late 1994 there was brought forward what was known as the Immigration Visa Act which provided for persons who were then described as prescribed persons who were not Australian citizens or not New Zealand citizens, required them to have an Australian visa or a Norfolk Island visa. It was obviously believe at that time by the Legislative Assembly that we could control the situation so far as persons coming into our immigration border control by having in place our own system of visas. What ensued then, that Act was passed but it was not commenced apart from very formal commencement of the Act as is common in the one or two sections at the beginning of the Act and that Act in effect has not still yet been commenced Mr Speaker. No date has been given for its commencement because of difficulties in its implementation. The consultation took place at that time clearly with the Australian authorities in relation to the Bill being able to be introduced and there was a series of Memorandum of Understandings which were developed in an endeavour to ensure that there was going to be no real difficulty in the provisions of the Visa Act being able to be implemented but it eventuated after that three, possibly four draft Memorandum of Understandings were prepared and were considered by both the governments that there was considerable difficulty in finding a way through what the Australian authorities who certainly had some degree of control over our immigration situation by reason of the provisions of the schedule 3 of the Norfolk Island Act were not really happy with our ability to as it were have in place an appropriate situation or system for the grant of a Norfolk Island visa. Eventually in early 1997 a situation developed in which the Australian government came

to present a Memorandum of Understanding about this matter to the Norfolk Island Government for its consideration and that Memorandum of Understanding recited of course that persons coming to the Island would need an Australian visa or a Norfolk Island visa but it also went on in the body of the agreement to state that the Norfolk Island Government recognised and accepted that a Norfolk Island visa would only be granted in exceptional circumstances. That was quite a serious cutting down of the effect of the Act because if one saw that the 1994 Act intended that Norfolk Island visas were to be granted, one could think that that could be granted in any circumstance which was considered appropriate by the Government and one would tend to think that a Norfolk Island visa would have an equal opportunity of being able to be granted as an Australia visa for entry into Norfolk Island. The Memorandum of Understanding clearly evidenced that this wasn't to be the case and this was the subject of course of most anxious consideration over a lengthy period of time. The fact that it wasn't until reasonably early in the year in 1998 that the then Minister responsible for Immigration matters, Mr Brown who is in the House here today of course, indicated through his offices to the Australian Government by correspondence which is in the file that the Government was ready to sign this Memorandum of Understanding and I ask it to be remembered that I don't criticise Mr Brown for any suggestion that there was any undue delay or inappropriate attention to this very vexed question, obviously I see it as there being some very considerable discussion and no doubt concerns about ultimately the Government being ready to sign that Memorandum of Understanding in due course and I think it's fair to Mr Brown to say that through one of his officers and through correspondence he has conveyed the fact that though he had some reservations nevertheless he considered that it was appropriate that this Memorandum of Understanding be signed. Now it appears that it was recognised by the Government and I believe it should be the case also by reason of recent events that there was a real problem that could exist so far as the person travelling to Norfolk Island who may arrive here and found to be if I may simply use the word undesirable in every way to enter into Norfolk Island. What happened was that after Mr Brown had indicated that the Norfolk Island Government was prepared to sign this Memorandum of Understanding particularly as I have indicated again it had this restriction on the grant of Norfolk Island visas to the point where it was said that it was only in exceptional circumstances that they would be granted and the Government accepted that and recognised it. The Australian Government later in that year in 1998 indicated that they would not be prepared to have the Memorandum of Understanding signed by them because they thought that there would be other ways that the matter could properly be dealt with. One of the ways that they did deal with it and only one way was to develop a contingency plan which is still in operation today and which both Governments have signed for the removal of people who arrive and I suppose they are being described in a lot of different places as boat people, people who might suddenly descent on Norfolk Island from the sea and seek to have asylum or refuge here in Norfolk Island. That situation is still in place and the contingency plans still separate and I understand would still be effective to bring about that situation although there might be considerable degree of delay in that implementation of some of the provisions of that contingency plan. In 1997 towards the end of that year the Norfolk Island Government decided that in an endeavour to bring about the situation that they could move into the area of final resolution of this rather vexed problem which had been around for quite a long time even at that stage passed an amendment to the Immigration Act and it again amended the prescribed person and it provided for the situation that Norfolk Island visas were deleted from the previous Visa Amendment Act which had been passed by the House and again I remind the House that it hadn't yet commenced to be operative and they removed from it that provision. At that time there was the problem that had been foreseen and sought to be avoided by providing for people coming from New Caledonia who might have the opportunity to go from New Caledonia to Norfolk Island by charter and return and that seemed to be a fairly regular occurrence and was seen no doubt as a desirable tourist situation for those people to come readily and easily in and out of Norfolk Island. There was also left in the 1997 Act a provision that if persons held a New Zealand visa that would be acceptable as well as an Australian visa. Now that Act

hasn't come into its commencement either and we are faced with a situation where two attempts have been made to provide for a situation which was seen necessary as long ago as the end of 1994 so we are six years down the track. I have sought to introduce this amendment. It arises very clearly out of the inter governmental meeting which took place towards the end of April when Minister Ruddock came here and met with Members of the Executive as well as with Members of the Legislative Assembly and expressed a degree of concern about the state of the immigration situation in Norfolk Island as it related to Australia's responsibilities under international covenants and matters of that kind. He particularly pointed out Australia's concerns that the state of the Norfolk Island Act as it then was would have provided for back door entry into Australia, as he described it, and also allow Norfolk Island to become the target of persons who quite clearly have moved into this area of the Pacific and South Pacific to endeavour to obtain refuge and we well know the incidence that occurred in Australia and even more recently a focus has switched to places such as New Caledonia where Chinese boat people have arrived and as we well know from full information available, a considerable number of those people have been granted asylum claiming refugee status under the international conventions and France has seen fit to grant a very large proportion of this first boatload such status and the second boatload stands also to gain a considerable number of its members that status. The situation is there of course, that's been happening over a period of some three years, that determination has been taking place and obviously the expense and the difficulty that has been caused by that experience would be very very considerable indeed. The focus now one might well imagine will be on this area, the information which was conveyed to me and which I've accepted is that I believe that the movement of people would be down either pass New Guinea or through the Torres Strait down towards this region and down towards New Zealand and we may well stand in the way of some visit. Hopefully it will never eventuate but the real situation is of course that travel by air is also a matter of quite sophisticated way now of people moving around the world and being moved by people smugglers and people endeavouring to engage in the exchange of their residential situation and seeking refuge in other parts of the world by air. It may be a much quicker way no doubt and it is necessary to have in mind that that is a situation which could rapidly develop here on Norfolk Island. The proposed amendments really are an endeavour to provide for a proper protection of Norfolk Island from bringing onto the Island of persons who are not appropriate or desirable in any generally accepted sense in that understanding in this day and age to be persons on Norfolk Island or to be within the community of Norfolk Island. These are judgements of course that communities have to make and their desire to keep people away from joining their community for reasons that they are not of good character or they are adversely known for instance to other countries where they have endeavoured to gain entry are matters of some significance to us. What is important and what has got to be understood is that this present Act has no intention whatsoever nor effect of compromising or taking away the essential movement of Norfolk Island towards its strong measures of self government that we all hope to achieve and what this Act intends to achieve is a proper and immediate protection of Norfolk Island from any attempt by persons to come here and to seek asylum or residence and to have the difficulties which could emerge from that situation creating real problems for the community, real expenses, real difficulties in many different ways. I took the opportunity to set up a working party which went to Canberra in June and that rose out of the inter governmental meeting that there would be such a working party established and that working party very effectively I believe entered into discussions with the Australia Government authorities to endeavour to find out what would be the most effective way of ensuring that the problems perceived by the Australian Government so far as Norfolk Island's immigration regime is concerned and our own problems were fully and properly met and that there could be a situation in which the two migration zones could operate very effectively side by side without any real and effective impingement one upon the other or detriment being suffered by one such migration regime by the demands of its big brother as it were. Now the situation that has developed is this Amendment Act. it really is our own Act. it's not an Australia Act in any way at all. It is our Act in which we seek to have as a measure of

qualification to travel to Norfolk Island and an opportunity of preventing inappropriate or undesirable persons coming to the Island a requirement that an Australian visa is held. We had that, and I arranged this to make sure that the community is going to be very fully informed of this situation being well aware of the sensitivity of immigration matters here on Norfolk Island and being determined to make sure that everybody had the fullest chance to make up their minds adequately and effectively. I arranged for a senior official to come from the Department of Immigration to be able to answer questions posed to him through Members of the Legislative Assembly through the Immigration Committee representing the community and I called for persons in the community to contact their MLA's or Members of the Committee and make sure that their concerns were met by the questions that were raised with this official. Mr Dario Costello came, he unfortunately was delayed a week in his coming and he was here on Monday and he attended the Members Meeting and was here for a very lengthy time answering all the questions that were put to him and subsequently he attended a meeting of the Immigration committee and again was subject to fairly lengthy questioning by that Immigration Committee. I feel empowered to say after discussions with the Chairman and she is aware that I will say it that there was a large measure indeed of support in the Immigration Committee to the proposed amendment which I placed before the House because the Immigration Committee accepted the need for the provision in the Act of this visa requirement and were able to become fully aware of the various advantages which could arise from it and the circumstance on which it was considered to be necessary. Associated with this passing of this Act if indeed it becomes law in Norfolk Island will be the opportunity to have access to facilities which at present we don't possess, access to Australian movement alert systems, systems which will tell us if people are holders of valid Australian passports or New Zealand passports and are Australian or New Zealand citizens. all that information which is necessary to immediately inform us. now the matter of the issue of the Australian visas as Mr Costello made quite clear in all the discussions which took place are very largely dominated or determined by what is called ETA or Electronic Travel Authorities. He explained that there are some 31 countries citizens who are recognised as being entitled to apply for such ETA's and these persons can apply by putting information into their passports, they can do it on the Internet it appears, they can do it with an airline or travel agent and they can get very quick response to the situation whether they are enable to hold electronic authority. Now that means if they are adversely known to the Australian authorities either from criminal convictions or through some particular behaviour in the past through immigration matters it would be quickly revealed that they are to entitled to such an authority otherwise they get issued immediately with an ETA. That doesn't mean to say that a person then and there has to have a ticket to travel to Australia, they can simply apply for that permission to enter Australia in due course and they will be granted that if they are a person of good character and they meet the requirements of the ETA which are very simply requirements. Now of course such people would have the right to enter Australia under various reasons. Visitors, sport contestants, business people, their ETA's can be of 12-month duration and are issued free. If they decide to seek a longer period of an ETA that can be extended to ten years and I think they pay something like \$60. Now this 31 countries who have this means that most of the people who are likely to come to Norfolk Island and it must be remembered these are non Australians if I could use that word or non New Zealanders, they are people who do not hold Australian or New Zealand passports and the numbers of persons who apply to come to Norfolk Island in that category are really very very few indeed when you compare with the majority of persons who come to visit the Island or to seek a permit to remain on the Island. One of the problems that we have of course is that our present Act provides for persons to come to the Island and if they do to make an application for a permit. One of the reasons why this proposed amendment is quite clear in closing the door in the face of persons are non Australians and who don't have the necessary Australian visa or Australian or New Zealand passport is to ensure that there is the fullest possible protection from any illegal entry. If indeed the Australia visa was granted and it turned out that the person for some reason was undesirable or inappropriate then the Australia Government is responsible for the removal from Norfolk

Island on the basis that they granted a visa. One of the largest areas of difficulty that exist for us is that New Zealand, a very close neighbour and from where a great number of our residents here on Norfolk Island have come and for whom we have always had excellent relations and I don't intend to criticise their immigration regime for one second but simply to advert to the fact of it, they have something like 52 countries that are what they call visa free, they don't have to apply for visas to travel to New Zealand. Now of that simple mathematics shows the difference between the 31 Australian countries who can have ETA's and the 52 countries in New Zealand there is a differential of at least 21 countries and Australia reserves the right for various reasons to require these persons to actually apply for a visa. Now the application for a visa again can be something that doesn't rely necessarily on the ultimate destination being Norfolk Island. One can apply for a visa to enter Australia and not have the immediate desire to go to Australia at once. Mr Costello made this quite clear so it's not a question that Australia in any way shall determine who shall come to Norfolk Island it's Norfolk Island determining that people can't come to Norfolk Island unless they would generally be acceptable to go to Australia. Now I imagine it's recognised and accepted that the general standards of civilisation and community standards in Australia are not very much different from our own although we have very essential differences about our culture and our heritage but nevertheless the general community standards of who is thought to be desirable in a community could not surely be thought to be considerably different in Australia to Norfolk Island and I put this Bill forward for consideration of the House and it of course goes out to the community of accepting that it is our decision to require this qualification to be obtained and the qualification of an Australia visa does not in any way that the person who is enabled to travel to Norfolk Island to gain any kind of advantage in the issue of a Temporary Entry Permit or a General Entry Permit thereafter. Australia has made it perfectly clear and Mr Costello made this absolutely certain that so far as our requirements for our Temporary Entry Permit provisions or General Entry Permit provisions that is entirely a matter for us to determine. I commend this Bill to the House and I ask that the House will recognise that there is a real need for this situation to be in place. In due course it may well be that we can look at the matter again. We may develop a status and standing in our facilities, our training, our capacity and resources to be able to make again an approach that we have in place a Norfolk Island visa but at the present time it would just not appear to be a situation that is acceptable to Australia that we should have in place a visa that is not an Australia visa. I don't believe that it could be suggested that this is some degree of control by Australia over our system but they simply say well if you want to have a Norfolk Island visa that is not acceptable to us if you incorporate it in your law. If you have an Australia visa requirement then we'll go all the way. The persons who have come to the Island they have made an application for a Temporary Entry Permit, General Entry Permit or some such and it's been found that they have indeed been the subject of addictions and matters of that kind in the past. Now such things don't automatically disqualify a person from admission into a community. A man can make amends and pay his debt to society and can be looked at as being a responsible person again, particularly if some of these offences have occurred in an early stage of people's life and they can change very substantially. That's everybody's right to have that degree of change in their life, but there may very well be circumstances in which it would be to our advantage to know beforehand so that we can make such a decision before people actually come and are in our community and the very serious and difficult problems arise about their removal from the community when these facts are discovered and it is quite an expense as I understand it for us to get all this information of police checks. This Act simply ensures that if people are going to come to the Island they come and say well, here I am, I'm a suitable person to join your community and I have with me documentary evidence which indicates that on prima facie basis of my good past behaviours and not being known adversely to the police, I am a suitable person to come and be in your community. I commend this amendment Bill to the House. I again ask the Members who have had the advantage of listening to Mr Costello and having heard all his answers to the questions to take carefully all those considerations into mind and I ask the House in due

course to agree to the Bill and allow it to eventually become the effective law here in Norfolk Island

MR BROWN

Mr Speaker, for the benefit of those who might not have noticed that was possibly the longest individual speech in the history of the Assembly. It was certainly the longest speech without taking breath. I believe it was the longest speech without opening eyes and it certainly has the record of being the speech that put the most Members to sleep and I would simply like to commend the Minister on that. Mr Speaker, on a more serious note, I've got concerns about this. If what we are saying is, look, the risk in the vent that we have someone turn up here who refuses to leave who perhaps claim some form of refugee status, if we are saying that the risk of that and the risk of the Island incurring jut phenomenal cost as a result of it, is such that it is worth purchasing assistance from somewhere else, if we are saying that then perhaps I can understand what we are on about. I'm well aware of the massive potential cost of removing someone from the Island who turns up, claims some form of refugee status or even after having been here for a period rips up his passport, it is a time consuming and expensive process. One answer to that sort of problem would be that if one of these worrying boatloads of people turn up, they be shown proper hospitality. Plenty of water, plenty of food, plenty of fuel and pointed in the direction of where ever it was that they were heading to. But the Australian authorities say, no you're not allowed to do that. We've signed all kinds of conventions that you've got to comply with despite the fact that we haven't discussed it with you and so they are saying, you've got to let them stay and if you don't do things our way, we won't even let you remove them from Norfolk Island via Australia, because we think if we let you do that we've then got to release them in Australia. There's a lot of stuff in there that doesn't make sense Mr Speaker, but nevertheless, if that's what we are on about, let's be straight up and down about it. I have concerns about things like the Games that are coming up in not all that many more months. We are told that there are a number of countries that are eligible for these ETA's. Electronic Travel Authorities. But when I look at the list of countries Mr Speaker, the closest one to Norfolk Island is Hong Kong. Not one of our friends in the Pacific is mentioned. Not one. And we are told oh that's okay, go to a DIMA Regional Office. Well Mr Speaker if you and I were sitting in Tuvalu and we've both been there, and we were looking for the nearest DIMA Regional Office, I don't think even you could swim there within a short space of time and that Mr Speaker is the case through much of the Pacific. Let's look at that same thing from another point of view. Let's assume that one of our friends from the Pacific is here on a Temporary Entry Permit. Let's use Fiji just as an example. Now we are saying in this Bill as it's proposed to be amended that that person will be deemed to have a permit. The permit that he's got will be deemed to be a permit under this until it expires, but our Temporary Entry Permits are only good for twelve months Mr speaker and what do we say to our friend from Fiji then. Sorry the Australian Government said you've got to comply with all of this or you've got to go. And just looking at the list of ETA eligible countries, one must assume that the Australian authorities don't have much regard for people from Fiji or Tonga or where ever. They are not in this list and we've been told that that indicates that some of them may have overstayed their visas in Australia at some stage and be seen as some form of risk. Mr Speaker I can see sense in what the Minister is trying to do. I can also see the risk of being somewhat impressed when one lands in Canberra as a Minister and gets escorted around these different places. You meet Federal Ministers and it's very easy to get carried away with the suggestions that are made to you. I hope that our Minister has not been carried away with those suggestions but as he acknowledges himself, he is a relatively new Member of the House and he has not had the benefit of enduring the years and years of toil that have gone on to getting self government to the stage that it is presently at. There have been letters in the paper by a former Minister Geoff Bennett, pointing out that in his view it is very undesirable to be surrendering any aspect of our self government but particularly it is undesirable in his view to be surrendering parts of our immigration powers. This is only the first reading as I understand it. It is not proposed that this Bill will be dealt with to finality today but I would like to see just what it is that we are going to do to simplify life for our Pacific



friends. I would like to see a little more as to why it is that with appropriate liaison with the Australian authorities our own visa environment can't work and finally I would like to know what we are proposing to do to tell people about this change if it does occur. My experience has been that the majority of the people from countries other than Australia or New Zealand who come to Norfolk Island actually are commercial people of some kind. Perhaps Sales Reps, perhaps people coming on buying trips, whatever it may be and it is going to be pretty embarrassing if someone comes all the way from France perhaps, gets to the airport in Auckland, has been told nothing about all of this, goes to get on the plane to Norfolk Island and gets told, sorry, the rules have changed, you're not allowed to get on the plane. There are a number of aspects which need a little more explanation Mr Speaker, but basically I'm disturbed at the whole of the Bill for the reasons I've given. Thank you

MR GARDNER Thank you Mr Speaker. I take on board with interest some of the comments that Mr Brown has made and believe it or not I do agree with some of the points that he has raised. Some of the difficulties that I have with it and firstly I would like to apologise if I could to Minister Cook in relation to this, it is in his portfolio responsibility but for different reasons during the week I've been unable to attend the full briefing provided by Dario Costello and it would be less than responsible of me if I were to take a position one way or the other on these amendments at this time simply because I haven't had an adequate period of time in my own mind to fully absorb them and as I say I have to emphasise the fact that I'm not either for or against these at this stage. I look at the detail stage amendment No 2 that was circulated to us this morning with today's date on it. Again, it's another piece of paper I really have to see just where that fits in and I would hate by trying to move this through too speedily today to end up with another sam phoo and we have to come back in another month or two's time to try and fix up something that with a little bit more time to consider we may be able to avoid. But if I can as part of this, and that was certainly not intended to be critical. As I said before, the Minister and his staff I know they have put in a tremendous amount of work and effort into bringing the Immigration Amendment Bill before us but a couple of other documents that were circulated with the detail stage Amendment this morning, one entitled "An Explanatory Paper on how the arrangements would work" the other one, "The Proposed Changes to the Norfolk Island Immigration Legislation". During debate today I've taken the opportunity to just make some notes on those paragraphs, again, not having adequate time to really digest all of this but just if I can Mr Speaker, take some time to walk through those areas that have immediately jumped out at me that I think require some expansion on and maybe some explanation later one. I look firstly at the proposed changes to the Norfolk Island Immigration legislation and it's a fact paper and the first question there is, what are the current deficiencies? It goes on in that question to say what happens with New Caledonia, what happens with Norfolk Island, what happens with New Zealand and the problems that potentially do exist in relation to the current structure. I guess the first question there for anybody reading that would say, well how many of these breaches have happened to date. How many of them have we faced. I know we are all aware of the JimJam case but really just some sort of breakdown on the numbers. I know that there's a potential there and I'm not knocking that but really that's one of the questions that comes up immediately. I go down a little further on the page to the fourth dot point. Will there be any change to the entry arrangements for Australian citizens and New Zealand citizens and it says there that there won't be a change. Australian and New Zealand citizens will be able to travel exactly as they do now. Well that raises a concern because when I cross reference to section 8 of the other paper I see all these family visas for non Australian/New Zealand citizens and I see suddenly, New Zealand citizens that are eligible for everything else right through all these other documents suddenly become ineligible or they question the eligibility of New Zealand citizens in relation to some type of permit. That causes some concern. When we turn the page on that first document and we go to the last dot point there, what is the criteria and process for character and health checks, well that one immediately jumped out at me because health as you are aware is another one of my areas of responsibility and it goes on to say almost all non

Australian citizens are subject to health and character criteria and persons who fail to meet these criteria may be subject to visa cancellation. Makes no mention there of the New Zealanders who have been in the ANZAC spirit of co-operation joined in virtually every other paragraph that's contained in the paper. I now cross back to the Explanatory Paper on how the arrangements would work and this is probably one of the areas that really causes grave concern. No need to tap your watch Mr Walker I don't intend to speak for too much longer on this but it has to do with General Entry Permits and it's on page nine of that document and this is probably the most significant thing that's really stood out in these papers in the short period of time that I've had to try and digest this and this is where suddenly it relates to everybody who is a permanent resident of Norfolk Island having to have a visa of some description. An Australian visa to reside permanently on Norfolk Island. That causes me some concern. I may have misread something somewhere else that explains that in greater detail but it causes some concern in that I guess in our desire for self government and bits and pieces and our desire to have control over immigration matters in the long run suddenly we are all, rather than having just a certificate of permanent residency on Norfolk Island I guess issued and supplied by the Administration of Norfolk Island somewhere down the track, all of those people that aren't either carrying an Australian or a New Zealand passport but are a resident of Norfolk Island are going to have to have the PRNIV which stands for Permanent Resident of Norfolk Island Visa. That's an interesting one. We go a little bit further down to the bottom of the page 9 to point 13 to Border Control. There's a recommendation there to assist visitors to avoid any delay at the airport consideration might be given to setting up a Norfolk Island Immigration Barrier so that Australian and New Zealand visitors can easily enter Norfolk Island by showing a valid passport while non Australian/New Zealand citizens are directed to a separate control point barrier desk. I just wonder if there are dual nationality arrangements and how are they dealt with if it is Australian/US or New Zealand/US if that is at all possible. It is something that I think I would be keen to see how that would be dealt with. Going a little bit further back in that paper, it may just be a typo but if I try to have a look to make sure that there is consistency through the documents, again I'm not attempting to be critical of any of the officers who are involved in putting these papers together but sometimes small oversights like that can lead to a sam phoo occurring. Most of the way through these documents that were circulated to us this morning are references to non Australian and non New Zealand visitors. So usually the non prefix is both Australia and New Zealand throughout. On page 2 of that document on about the fourth paragraph there seems to be a departure from that and in the second line of that paragraph beginning that line, ...enter Norfolk Island on non Australian or New Zealand passports. Now that's the first time the non had been left out in front of New Zealand. Now as I say it just might be a typo but sometimes oversights of things like that can lead to potential sam phoo's in the future even though this isn't the text of the legislation. I understand that but sometimes it is very easy to say that the accompany documentation clearly explains what is happening and if you refer to accompanying documentation you can be led up the garden path and throughout that document and in most cases, as I said other than that one, I was able to find in a short period of time that I was able to peruse it, there are references to non Australian and non New Zealand and that example where the non is left out. I think the last thing I want to say on this at the moment Mr Speaker and certainly seeking to have this adjourned so that I have some time to adequately digest all of the information regarding this and it's a significant piece of legislation is on page 10 of that document that I'm referring to under point 14 the illegal entry asylum seekers where a person arrives on Norfolk Island seeking to claim Australia's protection, Australia's Migration Act 1958 enables the Commonwealth to remove them from Norfolk Island to the mainland so that their claims can be assessed. I just wonder why that's in there because I understand that's already in place. I don't know how that supports the arguments. At this stage that's all I would like to say on that Mr Speaker

MR WALKER

Thank you Mr Speaker. I sat through the briefing that we had with Mr Costello and I remain unconvinced that this is not a move to shift the Australian border control onto Norfolk Island. And in some way's maybe by giving a

devolution of power to act in introducing a power of veto through the Migrations Act 1958 of the Commonwealth that it's maybe not the thin end of the wedge. Nothing in this Bill will prevent boat people from coming to Norfolk Island. They are not going to ring up beforehand to get an ETA so I don't believe that we will get any warning of any boat people arriving on Norfolk Island, we will just wake up one morning and they will be here. However, those aside, at a previous time of debate on this Bill I expressed some concern about section 6 which has nothing to do with the visas. It has to do with the bringing to the Island of someone on a Temporary Entry Permit or a General Entry Permit that they will be required to have a police clearance in advance of having arrived at the Island and I expressed some concerns. I agree with the thrust of what is trying to be achieved here but I did ask the Minister to give it more thought in relation to the employers ability to do or carry out the instruction of this portion of this proposed Bill without going against the discrimination laws of other jurisdictions in which you might be advertising to gain those people who you were going to bring in as a tep. I know I've laboured on this but I still feel uncomfortable that we might be putting something in place here that we will later find prohibits an employer from complying with this part of the Act simply through the fact that when you employ somebody from another jurisdiction you are not allowed to employ somebody on the basis of their background or their race or creed or religion etc. I have a whole host of questions but I have explained them before and I think of section 6 alone I couldn't support this Bill in its present form. I would also go on to say that we received a detail stage Amendment No 2 delivered to us this morning which has no less than six changes to the proposed Bill that was before us and has now been consolidated into another document dated today and so I would like to concur with others around the table that we need time to just look at exactly what the implications of what this Bill are. Thank you.

MR BUFFETT

Thank you Mr Deputy Speaker. I will endeavour to be brief about this. This Bill is designed to amend our existing Immigration Act of 1980 and it really covers two specific matters. Firstly the matters of visas which I'll come back to in a moment, and secondly the matter of police checks. I do have some questions about the adequacy of the police check regime as mentioned in the legislation but apart from saying that, I really want to concentrate on the visa aspect for a moment. The visa aspect is written for people who are not Australians and who are not New Zealanders and the visa that is being talked about is not a Norfolk Island visa but it is an Australian visa. There are existing provisions in our legislation here in the Immigration Act of 1980, for visas for visitors. That exists. For those persons who are not Australian's and not New Zealanders of course. That exists. The provisions that are in front of us at this moment are to extend it to applicants for other types of permits, that is Temporary Entry Permits, General Entry Permits and the like. That's the main thrust of this. What are the surrounding factors here that I think are particularly relevant? Without trying to labour it, the area that we are talking about is an area of risk. There are no two ways about that. We at present have too free a passage for entry into Norfolk Island by those who do not have Australian citizenship or New Zealand citizenship and I do agree that we need to make amendments to have a more rigorous regime. On that score I do compliment the Minister and I compliment the Minister and his officers in taking this matter up and proposing a solution. The solution that is proposed - the method is to relinquish some of our immigration authority in Norfolk Island to go to an Australian immigration authority. By saying this, If you are a non Australian person or a non New Zealand person and if you want in Norfolk Island a visitors permit, a Temporary Entry Permit, a General Entry Permit or the like, you must first, your first step must be to have an Australian visa and only when you have that can you approach the Norfolk Island authorities to have your application processed. So a prerequisite will be, before people can make that approach to us, they need to have the Australian approval. Now you will see in that, that is a significant change from what is in place at present. It certainly can be argued that the number of people who may be in that category may be quite small and I think that's very true of course. The predominant category of people who come into Norfolk Island are of Australian or New Zealand nationality. There are no two ways about that. However. It must be acknowledged that

you only need one or two people in this sort of category. You don't necessarily always need a boatload of them to cause serious problems. That risk does need to be addressed but it is at present in this piece of legislation being proposed to be addressed in that way. Now having spelt that out, can I just point out to Members something that we already know. That we are on a path to gain more authority for Norfolk Island to govern ourselves. Not the reverse. And this is a process in reverse. So I have some concerns about the method but I do understand the problem and accept that the problem must be addressed. I'm of a view that we should endeavour to negotiate further with the Australian authorities, a method that will preserve our authority and yet work amicably with Australia and indeed with other authorities to protect both our situation and their situation and I do acknowledge that there has been a working party in June that has gone to Canberra, and I do acknowledge that there was an officer of DIMA here that spoke to us on Monday last and again, I compliment the Minister on making those arrangements. They are very sound arrangements for us to be better equipped for us to talk through the situation. Notwithstanding that, I am fervent in my want for Norfolk Island to become self governing and when matters such as these come forward you will excuse me if in fact I labour the point that we need to be not in reverse but we need to be in forward gear, and we need to be aware of that on each and every occasion and whilst you may sometimes find that boring, and laborious you should not expect that I will cease to do it. So there we are. That's the point that I make about this particular piece of legislation. The second point I make is that there is a lot of information. Now I think it has been very helpful information, but I only say that having given it a cursory glance. It deserves more than a cursory glance because it has obviously been prepared very well and I think that all Members should have the opportunity to study that information before we are asked to progress it further. So my point is this. Examine the documents that we have in greater detail and whilst there is this pause, there should be further negotiations to ensure that Norfolk Island's situation doesn't move backwards. It continues to at least retain what we have. Hopefully we can move forwards. We should not be moving backwards. But we must do it amicably and we must do it in the knowledge that we need to continue proper relations, especially with the Australian authorities, to make that achievement. It is in their interest for us to do it well and it is in our interest to do it well and I'm sure that if we give continuous and sound application that that can be achieved and it should not be interpreted as not appreciating the effort that has been made so far

MR NOBBS

Thank you Mr Deputy Speaker. I think there is a request by Members to adjourn and I won't waste a lot of time if that is the proposal. I don't know if the Minister will do it but I do want to make a couple of points though and I want to deal with some facts. As far as the Games are concerned, in the Arafura Games, 5,000 odd athletes and they were all required to hold visas and they came from the Pacific and they do it very successfully. Not all of them but a heckova lot of them come from the Pacific and those sort of areas and they are involved in the games here, and they do it very successfully and very easily, so I'm informed, because that was one of the concerns that I had when I was in Darwin recently and ran it through the authorities but it's a dead set requirement that they have to have this visa and they do achieve it fairly easily. Fact 2, we are in effect now, whether we like it or not, in the Australian Migration Zone. In fact the Minister for Territories has full control over our Immigration organisation. It is a Schedule 3 item at the present time. We are working to get that out of there. We will never do any good until we get the appeal process listed here. Fact 3, I question the cost of actually issuing our own visa's and I would have thought and I supported the Minister in this regard, that by the use of the Australian visa we are not really cutting our nose off to spite our face. What we are doing is utilising their facilities to serve both our purposes. I don't think we wish to become a repository of illegals here and maybe we won't but there is a lot of movement around the world now in this sort of area and I have grave concerns for it and I believe that we need the assistance of other areas, Australia and New Zealand in relation to our border control. With that I just read you something interesting that I was looking at, as I mentioned this morning, about the population and the costs of 1981/82 from the Annual

Report and I quote "Passport requirements. As from the 1<sup>st</sup> July 1981 all persons entering the mainland of Australia including from Norfolk Island are required to hold a current passport. Visas are not required on Australian or New Zealand passports however citizens of other countries are required to have the appropriate visa entry into Australia. Persons not of Australian or New Zealand nationals who hold resident status under the Norfolk Island Immigration Ordinance may however have their passports endorsed in lieu of a visa to enter temporarily the mainland of Australia. In November 1981 the Minister for Foreign Affairs approved a new policy in respect of travel documents which enables Australian citizens travelling from Norfolk Island to other parts of the Commonwealth to be issued with a Document of Identity in lieu of a passport. The numbers of travel documents issued between 1 July 1981 and 30 June 1982 were passports, 428, Documents of Identity 124 and visas 18". I thought that bit of frivolous detail might be of interest to you

MR BROWN Mr Deputy Speaker thank you. Could I just assist the Chief Minister by letting him know that Norfolk Island is certainly not in the Australian Migration Zone. The Australian Migration Zone is that area within the bounds of the Australian Migration Barrier. It does not include Norfolk Island. The fact that the Federal Minister for Territories is presently the person who deals with an appeal against a Norfolk Island immigration decision does not shift Norfolk Island in any shape or form to being within the Australian Migration Zone, thank you

MR NOBBS I may have used the term "zone", not in its legal context but what I'm saying is that we are still a schedule 3 item. The Minister for Territories still really controls our immigration on the basis of the appeal situation and therefore we are in the Australian Migration system. That's all. Maybe not zone

MR BUFFETT Thank you Mr Deputy Speaker. The Chief Minister, I venture to point out is wrong. What he is referring to is the Norfolk Island immigration system in which a member of the Federal Government has participation and we need to be clear about that. It is our system. It is our system and we are endeavouring to refine it and to make it more locally oriented. Let's not get in our minds that this is a system that belongs to someone else.

MR BROWN Hear Hear

MR BUFFETT This is ours. It may well be at this stage, where we are at, that somebody else participates in it. But it is ours!

MR DEPUTY SPEAKER Thank you Mr Buffett. Further debate.

MR NOBBS I don't wish to labour the point but we are still a schedule 3 issue and that is what we have to look at. That is it. I mean we can't get away from the fact that it is a Schedule 3 issue

MR BROWN Mr Deputy Speaker, could I just reinforce the words of the Speaker. It might be a Schedule 3 power at present but it is a Norfolk Island power. This is the Norfolk Island Immigration Act we are talking about. We're not talking about the Commonwealth Migration Act. Let's not belittle ourselves. This is a Norfolk Island piece of legislation and be it schedule 2 or schedule 3 it is a Norfolk Island power, thank you

MR NOBBS Thank you Mr Deputy Speaker. I don't wish to labour the point on the whole deal. I appreciate that the Act is headed up Norfolk Island but immigration is still a Schedule 3 power and it is something that we have to do. It's in the next stage of the self government that we are pushing towards. That next stage that we are aiming at and it's one of the projects that are on the list of 36 for this year, but

we will start progressing the movement to this area, the total control on immigration if it can be achieved. Fine. I believe it can

MR BATES

Mr Deputy Speaker, thank you. I don't have a lot of problem with what is proposed here. I think if I had to vote on it today I would probably support it, but I acknowledge that we have a lot of papers handed to us and non executives may want to look more carefully at that and I certainly on that basis, also support the adjournment debate, but I just don't see that the big problem is here. Our Immigration as it is was what criteria people needed to meet to get a visitors permit, to extend a visitors permit, to apply for a TEP, to apply for a General Entry Permit to eventually become residents. They are still intact and far as I can see. The only thing that this does from what I can see is perhaps weed out the odd unsavory character that might land on our shore without this sort of safeguard. I assume that anybody, he doesn't have to be Australian or a New Zealander, but any person who has no difficulty in getting a visa to go to Australia is probably a person which we shouldn't be concerned about and therefore, if they can easily get their visa to go to Australia then they arrive here and we look at them through our own immigration Act whether we are going to give them a visitors permit, whether we are going to extend the permit, what we are going to do. But in the event that somebody can't get an Australian visa easily then there must be a jolly good reason for that and I rather guess it's because it's a criminal or involved in drug running or some sort of an unsavoury character and if we get a pre warning of somebody or if they can't get through that barrier because they are that type of person then I think that this would serve us well. I can't quite come to grips with what members are concerned about. I don't see that it is.. I mean, if we had to do that step ourselves, if we had to look at everybody who wanted to apply for a visa to see if they have a criminal record or if they are of unsavoury character, I don't believe we've got the facilities to do that and I think this is why you have embassies and consulates and all the rest of it, to sort some of these things out. I just feel that it's to our advantage that it does perhaps weed out that very odd person who might be trying to come here who we wouldn't want here anyway.

MR COOK

Mr Deputy Speaker having just heard Mr Bates extremely lucid and succinct summing up of this whole purpose and effect and thrust of this Act, I rather wish I'd got him to speak to the introduction rather than me trying to do it myself. I think what he has said makes a great deal of sense and puts the whole thing really truly, into it's true perspective. Having said that I'm certainly not unmindful of matters which have been expressed around the table. Contrary to a certain view, I'm not here to seek the glory that is said to come to new members of the Assembly by sipping a cup of tea with some Minister down in Canberra. I'm not about that. I'm here to do my utmost for the people of Norfolk Island, the very best that I can and while every I remain in the Assembly I will continue to do that to the very best of my ability and I'm not a person who is swayed by appearances or considers it important to posture or carry on as has been suggested as something that is attractive to me. I'm also very mindful of the fact that I would hate to deprive a Minister of the Norfolk Island Government the opportunity to exercise his vote in this Assembly by reason of the fact that pressure of business has deprived him of the opportunity to read the papers and documents which are endeavoured to be put forward or to take advantage of the situation of sharing an explanation of matters. I think it's most important that every member of this Assembly have the fullest and most complete opportunity to be informed and be able to vote and to vote with a sense of commitment to the matter which is before the Assembly. I say that without any criticism of the Minister because I know his duties as such and he has been taken away from that opportunity of participation. He has drawn attention to that and the dilemma it places him in and I'm very responsive to that situation that he has explained. I've also been alert to the comments which have come from the table around me as to the opportunities to consider the documentation which has been unfortunately delayed in its presentation. It has been presented with the fullest opportunity of providing information and if it is said to be deficient, if a typographical error has led somebody into a possible misapprehension or belief that it

could create a future legal problem, although it is difficult for me to fully appreciate the thrust of that submission at this particular stage, I'm nevertheless alert to the fact that this Bill I believe must receive the fullest support that is possible from this Assembly. If it doesn't receive any support at all that is accepted and understood by me as being the will of the Assembly. If it is to be supported I would wish it to be supported by those who have been able to fully and totally commit themselves to what the Bill endeavours to achieve and what it does in fact achieve at law and otherwise. It's been suggested that further negotiation by the Speaker should take place and that we should continue the process that was tried from 1944 through to 1988 without it would appear success, and that was well before I became to this Assembly. I accept the obligation to endeavour at all stages to pursue negotiations if they are able to be brought to a proper fruition which will bring about a situation which is desired to be effected by those who are sitting in this House and I therefore somewhat reluctantly because it was my intention, this isn't the first reading of this Bill by the way, to have endeavoured to proceed to the conclusion of this matter if it was the will of the House that that be the case but I am alert to and aware of the matters which have been stated here from the Members of the Assembly. It's with some dismay, only because I believe that it is a matter that does require, and this is why I've brought forward this Bill and have done what I've done to provide the fullest information that this amendment should go forward, that I seek that it be adjourned to enable the matters to be considered that have been touched upon around the table and the time that Members have asked or sought so that they not commit themselves to a situation without the fullest chance to inform themselves however they choose to. If I can be the way of obtaining further information that is specifically sought by Members as they've asked for that opportunity or seek clarification, I'm only too ready and too willing to be available. If it is a question of me undergoing the process of further negotiation with the consent of the Government and the Members of this Assembly I would be only too willing to consider any proper approaches by way of further negotiation, but I do believe that if we are going to proceed down that path we have to have very clear and cogent proposals to submit to the Australian authorities for the purpose of their consideration. I think they have reached the stage as I have genuinely understood it, that they want some degree of certainty and some degree of expression of the attitude of this Government through this Legislative Assembly about the situation they regard as being important to be corrected and I think it's up to us if we are going to negotiate to go into such negotiations very well prepared and well armed to present a particular case and to endeavour to negotiate that with the Australian authorities. so I'm willing to do all those things and I ask therefore that the appropriate motion that I might have to move to this House to enable this Bill to yet again remain before the House until the next sitting of this House but I may it clear that as far as I'm concerned, I will endeavour to see to the Bill on the next occasion to its finality whatever the result might be in the ultimate voting on the Bill

MR DEPUTY SPEAKER

Thank you Mr Cook. Mr Gardener

MR GARDNER

Thank you Mr Deputy Speaker. Immigration is an interesting matter and I certainly appreciate the Minister having recognised my difficulty in the last few days of being able spend the necessary time in being able to take a position one way or another on these amendments. That is in no way indicating that I'm not supportive of the initiatives as I think I said in my earlier remarks, I'm very supportive of the initiatives that have been taken both by the Minister and his staff and I think that's been supported pretty well around the table. I do have a concern though when a reference is made to Australia seeking some certainty from us. I think there is very little understanding and a great deal of not so much difficulty, but maybe lack of appreciation of just what Norfolk Island is all about by our colleagues and counterparts in the Australian Federal system. It's all well and good when an amendment or something goes into the Senate or goes into the House of Representatives in Australia and I think most Members who have ever visited there will understand that usually either all or most of the opposition are not in attendance in the House or all or very few of the Government are in attendance in the House until the bells ring and everybody comes

running onto the floor and vote along party lines. Very very seldom is the opportunity given in the Senate or the House of Representatives in Australia for people to vote along lines of conscience and I think there needs to be certainly a stronger recognition that this Assembly isn't made up by parties, it is made up by independents and we have constituents that we are responsible to, not a party. I just needed to make that point thank you

MR COOK Mr Deputy Speaker if I could move the appropriate motion that the Bill lie on the table and that debate be adjourned and resumption of debate be made an made an Order of the Day for a subsequent day of Sitting

MR DEPUTY SPEAKER Thank you. The question is that this motion be adjourned the next Sitting of the House

QUESTION PUT  
AGREED

The ayes have it, the amendments have been made an Order of the Day for the next Sitting

#### **FIXING OF THE NEXT SITTING DAY**

MR DEPUTY SPEAKER We move now to Fixing of the next Sitting Day and Mr Walker you have the call

MR WALKER Thank you Mr Deputy Speaker. I move that the House at its rising be adjourned until Wednesday 18<sup>TH</sup> of October 2000 at 10.00am.

MR DEPUTY SPEAKER Thank you, any debate. Could I call the Speaker to please take the Chair

MR SPEAKER Honourable Members the question before us is that the motion be agreed to which is relating to our next day of Sitting

QUESTION PUT  
QUESTION AGREED

#### **ADJOURNMENT**

MR GARDNER Thank you Mr Speaker. I move that the House do now adjourn.

MR SPEAKER Thank you Mr Gardner. Is there any debate. Mr Gardner

MR GARDNER Thank you Mr Speaker just very briefly I would like to wish both yourself as the Speaker and a Member of the Executive Committee of the Commonwealth Parliamentary Association and also our representative to the Commonwealth Parliamentary Association Conference in the British Isles, I think beginning next week, both of you the very best and have a safe trip and a productive journey

MR SPEAKER Thank you indeed Mr Gardner. Those thoughts are appreciated. Mr McCOY

MR McCOY Mr Speaker thank you. I also extend those thoughts, a safe journey to the UK but I have another issue I wish to raise. I can see everybody's keen to go home but I feel this is quite important, it's in relation to a question I had on Notice for the Minister with responsibility for Health and Environment.



I felt that the answer I received this morning was not adequate. He didn't answer the question and we heard this afternoon that some accompanying documentation can be felt to cover all the issues but I am concerned that there appears to be no memorandum of arrangements has been signed between the Norfolk Island Administration and the Commonwealth of Australia and I did put those questions on Notice to give the Service the opportunity or the Minister the opportunity to gather answers to those questions but my concerns are, if there is no memorandum of arrangements in place between the Norfolk Island Government and the Commonwealth of Australia as it is spelt out in the documentation that was provided to the Assembly Members as part of the tender documents, how can the Commonwealth of Australia issue a licence to establish and operate a rock crushing facility on the site known as the Cascade Whaling Station and the second part of that question was, if there is no memorandum of arrangements in place what role does the administration of Norfolk Island have in ensuring that the rock crushing facility is removed on the expiry of the contract. What I'm alluding to Mr Speaker is that I don't, or would not like to see the same situation occur down on the Whaling Station site as what happened in the Ball Bay Reserve where it appeared that the Norfolk Island Administration stepped aside and left it up to the Commonwealth of Australia and the occupier of the site to decide when and how long they will operate on that site. And we have seen the problems that occurred through that. There's been time and time again where the Commonwealth had to say well, we will allow crushing to continue and I am concerned that the Norfolk Island Government will have no role to play in ensuring that a crushing facility is removed at the end of the crushing contract.

MR SPEAKER

Thank you Mr McCOY. Mr Gardner

MR GARDNER

Thank you Mr Speaker, I feel I need to respond to that Mr Speaker. As I said this morning, the exchange of correspondence that has passed between the Norfolk Island Government and the Commonwealth in relation to this matter and that is the legal advice that I have received, in effect, constitutes a memorandum of arrangement, so that in effect, there is something in force. As far as part two of that question, because that was in force and the question asked if no memorandum of arrangement was in force, the reason for not answering those this morning was the fact, as I already alluded to, there was something already in effect which constituted a memorandum of arrangement. However, I'll briefly touch on those two points and the first one relates to how can the Commonwealth of Australia issue a licence to establish and operate a rock crushing facility on the site. The answer to that Mr Speaker is that that block of land is crown land. It's vested in the Commonwealth of Australia and they are at liberty to do whatever they wish to do on that block of land. As far as the role that Norfolk Island has in ensuring the a rock crushing facility is removed on expiry of the contract, that is built into the contractual conditions, in other words, if it is not removed in the time frames the Administration of Norfolk Island as I understand it on the advice that I have received, are able to go in there, remove and rehabilitate the portion of land and to charge accordingly the contractor whose responsibility that would have been to make good

MR McCOY

Mr Speaker without labouring this too far, from what I've just heard the Norfolk Island Administration will not have any role to play because the licence to occupy that site will be between the Commonwealth and the successful contractor or tenderer who we all know as Island Industry. I believe, and I stand to be corrected, that the contract between the Norfolk Island Administration and Island Industries is to crush, not to occupy the whaling Station site

MR GARDNER

Thank you Mr Speaker the correspondence that I alluded to before Mr Speaker relating to and constituting the memorandum of arrangement are exactly those pieces of correspondence that give an undertaking to the Commonwealth that we have accepted responsibility for that under the contractual arrangements. That's what a memorandum of arrangement is. I don't purport to be a

bush lawyer at all Mr Speaker, I rely very heavily on the advice that is provided by our qualified staff within the Administration

MR McCOY                                                 Mr Speaker I don't purport to be a bush lawyer either but I just go by what's written in the tender documents in point 5, very clearly spells out that a memorandum of arrangements will be signed between the Norfolk Island Administration and the Commonwealth of Australia and I'm just questioning why that has not happened and what role therefore does the Norfolk Island Administration have to play but I'll leave it at that and we'll see what happens

MR SPEAKER                                            Thank you. Is there any further participation in the adjournment debate? There being no debate then I put the question. The question is that the House do now adjourn Honourable Members

QUESTION PUT  
QUESTION AGREED

The ayes have it Honourable Members and therefore this House stands adjourned until Wednesday the 18<sup>th</sup> of October 2000 at 10.00am.

