

**PRAYER**

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

We move to condolences.

**CONDOLENCES**

MR MCCOY Thank you Mr speaker. Mr Speaker it is with regret that this House records the passing of Carol Lorraine Jackson who passed away at the Norfolk Island Hospital on Friday last. Carol was born on 24 January 1938, the daughter of Bert and Alice Weaver and sister of Richard John David and Christine. Carol who grew up in school in Mortdale Sydney was a tomboy according to her parents, who loved pushbiking everywhere and playing A grade tennis. Carol joined the Royal Australian Airforce and met Mac Adams in Canberra. They married in 1962 and returned to Norfolk Island in 1969. Mac and Carol had 2 children John and Dianna both of whom live on Norfolk today with their families. Although Carol returned to Australia to live for some years she never severed her ties with family and friends here and in 1992 Carol returned to live permanently on the island again. She married Gilbert Jackson not long after her return and shared the remaining years of her life with him. Carol was a politically active person, always championing the cause of the workers and the underprivileged. She was a staunch supporter of the Australian party and a very proud Australian. Many hours were spent by she and Gilbert in lively political debate. Honest, kind of heart and totally devoted to her family Carol always gave 100% of her best in all her endeavours. To Gilbert, Di and Brent, John and Annette and to Carol's grandchildren Hannah and Ronan and to Douglas and Margaret this House sends its deepest sympathies in their loss.

MR SPEAKER Honourable Members as a mark of respect I would ask us all to stand for a period of silence.

MR SPEAKER Thank you. Honourable Members in the gallery this morning is Mr Ian Glacken and Mrs Glacken. Mr Glacken is the Member for Albury in the NSW Parliament and Members will know that in September of this year the city of Albury which is the centre of Mr Glacken's electorate will host international parliamentarians of the Commonwealth Parliamentary Association, including three of our Members who will be attending that gathering. Mr Glacken and Mrs Glacken a warm welcome to you in this chamber this morning.

MR SPEAKER Honourable Members are there any Petitions. Are there any Notices.

**QUESTIONS WITHOUT NOTICE**

MR BATES Thank you Mr Speaker. My first question is to Mr Nobbs Minister for Finance. What strategy does the Minister have in place to combat any downturn in government revenue that will follow as a result of Flight West withdrawal from the air service to the island.

MR NOBBS Thank you Mr Speaker. At the present time we're monitoring the situation in relation to the passenger arrivals etc and looking as far as we can at this particular point in time our financial commitments. I understand that the CEO has issued some instructions to the Public Service in relation to curtailing of expenditure and I believe that she will be looking at this further on her return this weekend. As a result of it there will be some downturn in customs at this particular point

in time, this is extremely difficult to judge accurately as figures will not, the present arrangements will not impact until possibly the second quarter of this year, bearing in mind that there will probably be a downturn in purchases and then Customs Duty. There is obviously downturn in arrival and departure fees and those sorts of issues as I said are being monitored at this particular point in time. As to the total impact I think that last week from memory the figures that were provided to me for the last Wednesday and I haven't got them as they are only done on a weekly basis was that we had on the island something like 660 odd tourists. The indications are that there is still purchasing going on in the shopping area and that whilst the groups are down the single and double arrival of tourists are still in place, but at this point in time I can't add further to what I said Mr Bates.

MR GARDNER Thank you. Supplementary to that if I may in relation to that question to the Chief Minister. Are lay-offs in the Public Service being considered at present by the new CEO.

MR NOBBS I haven't been advised of any lay-offs and I doubt it very much at this particular point in time. I think there are issues such as overtime which is only essential overtime and those sort of areas are the areas that you look at and also putting on temporaries are 2 areas which you immediately look at from some little experience in the Public Service in relation to immediate savings and these also have some impact of course on your recurrent expenditure.

MR BATES Thank you Mr Speaker. I have a question for Mr McCoy. At the previous meeting I asked Mr McCoy for how many years has the Tanalith Plant's forklift been refused in the budget and he said he would get answers to that.

MR MCCOY Thank you Mr Speaker. At the moment I have not had an opportunity to research the budget papers over the past 10 years to ascertain how often the funds for the forklift have been removed or dropped from the budget.

MR BATES Thank you Mr Speaker. I have a series of questions about waste disposal for Mr McCoy, about 5 of them if I may, and the first one is will green waste that is taken to the Airport tip site be chipped or left to dry when it's burnt.

MR MCCOY Thank you Mr Speaker. Yes we discussed the issue of the volume of green waste that has been deposited at the Airport site due to the storm the island experienced a week or 10 days back. The Waste Management Committee discussed this with the Acting Works Supervisor last Wednesday and I am putting together a paper to make certain recommendations to the Assembly Members as to how we will deal with that approximately 3 thousand cubic metre of green waste that is now at the Airport site.

MR BATES Is it correct that the aluminium can crusher is proceeding well at the Airport site.

MR MCCOY Thank you Mr Speaker. The aluminium can press which we purchased from Peter Evans has initially been used at the Works Depot. The intention is from the Acting Works Supervisor that the can press be located at the Government gravel stockpile site for the time being and he intends building a small structure to keep the plant out of the weather until we get a integrated waste management system in place and that waste management system, the intention is to have a storage area, revolve shed and cover for all of the equipment that will be required in the new waste management system. I will be providing a report at Statement time in regard to where we are at with the waste management strategy.

MR BATES Thank you Mr Speaker. Is it proposed to close the top tip in certain wind conditions when it is dangerous to the public in attendance and why under these conditions is it not possible to keep the public well informed via VL2NI.

MR MCCOY Thank you Mr Speaker. There has been no request put to me to consider closing the top tip during any particular wind conditions. One of the fact is that with our present system where we tend to burn all green waste and there are a number of private contractors out there who are involved in their daily work cleaning up peoples gardens, removing trees and those particular contractors have complained bitterly for years that the top tip is not open until 2.00pm and it doesn't do their actual work much good to have that system in place so I guess the short answer is no.

MR BATES Thank you Mr Speaker. Mr McCoy do you anticipate that Norfolk Island will have a safe and environmentally friendly waste disposal system in place by December.

MR MCCOY Thank you Mr Speaker. The intention is that we do have a new waste management system in place by the Mini-Games which is at the end of December. The previous Minister undertook that commitment and I intend to proceed and try and achieve that commitment as much as we possibly can.

MR COOK Mr Speaker through you I want to ask the question of the Minister for Health and Environment Mr McCoy. Last week on the 9<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> of July there was something like 80 partly burnt out motor cars were dumped down the chute at Headstone and this appeared to result in some development of an oil slick and debris coming from those cars. Is such a practice in the opinion of the Minister good waste management policy and practice and is it intended to repeat such a performance again.

MR MCCOY Thank you Mr Speaker. No it is not. I don't believe for one minute that it's good waste management practice. I was disappointed to find that the cars had been dumped over Headstone where it appears that some of the vehicles may still have had oil in the engines which I am awaiting a report as to why that activity took place and why we were not far more diligent in ensuring that there was no oil going into the ocean, but the intention is that this practice does not continue. I have already had discussions with a number of people in the community who have indicated to me that we should be looking at possibly creating an artificial reef with old car tyres and car bodies. So my intention is and I have already requested that information be sought from Environment Australia to see if the practice of using old vehicles to create artificial reefs is an acceptable practice, and if so, what guidelines and criteria can they advise us on.

MR WALKER Thank you Mr Speaker. A supplementary to a question that Brian asked earlier. The Minister has confirmed that green waste is being diverted from the top tip to the Airport. Is the Minister aware that last Sunday there was no staff member in attendance at the Airport, the gate to the burning area was locked and the instructions from the top tip attendants was just drop the waste outside the gate and Admin will clean up tomorrow.

MR MCCOY Thank you Mr Speaker. I am aware that there was no one at the Airport site because the Airport site and the diversion of green waste to the Airport site was only for the weekend, previous weekend, not for last weekend. It was only to take the bulk of green waste that resulted from the storm that Norfolk Island had, and in actual fact the attendants of Works Staff at the tip site, the Airport site really is a Works issue. So maybe the question could be redirected to the Minister for Works.

MR WALKER Thank you Mr Speaker. I'll redirect the question then to the Minister for Works and ask that if this is going to continue as a practice is an Attendant going to be made available at that tip site on the Airport.

MR SMITH Mr Speaker if it's a difficulty I'm sure we can fix it.

MR WALKER Thank you Mr Speaker. A question to Mr Smith Minister for Tourism and Commerce. Can the Minister confirm whether or not the accommodation property known as Governors Lodge is registered under the Tourist Accommodation Act.

MR SMITH Mr Acting Deputy Speaker the property known as Governors Lodge does not have full tourist accommodation registration under the Tourist Accommodation Act at this point in time. As I understand it they are waiting for planning approval before they can become fully registered.

MR WALKER Supplementary to that then Mr Acting Deputy Speaker. Can the Minister confirm whether the cold bed tax applies to and is being charged to Governors Lodge.

MR SMITH That's an interesting question Mr Acting Deputy Speaker. I don't know but I'll check on that for Mr Walker.

MR WALKER Supplementary again. Why then Minister is an unlicensed, non tax paying establishment still operating.

MR SMITH Mr Acting Deputy Speaker under the Tourist Accommodation Act it states that a person cannot operate tourist accommodation without tourist accommodation registration. If a property or place chooses to do that they risk being penalised under the legal system and in fact in that particular case, which I can't comment on I don't think is that charges have in fact been laid against that property.

MR WALKER Supplementary to that again Mr Acting Deputy Speaker. Why then Minister if would the operator wish to become registered if the cold bed tax is indeed far greater than any fine which could be applied for not having a licence.

MR SMITH Mr Acting Deputy Speaker I take it that Mr Walker is saying that or suggesting that there would be a Government view that we wouldn't worry too much about it if we were getting the cold bed tax. In proportion to what we would be getting from any charges that were laid against the place I don't think that's very befitting of the House to be coming up with suggestions like that because I think it would be the furthest thing from our Legal peoples' minds as well as the Governments.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr McCoy Minister for Health. Is it the Minister's intention to introduce regulations to force the wearing of seatbelts in automobiles as indicated in recommendation No. 5 of the Health Report published in the Norfolk Islander.

MR MCCOY Thank you Mr Acting Deputy Speaker. I have no intentions at this time to enforce the wearing of seatbelts. As we are all aware the issue of seatbelts has been raised in the motion to introduce third party vehicle insurance.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to the Chief Minister. Is it true that there is presently some Government owned houses let to local tenants who are at the same time owners of privately rented homes elsewhere on the island.

MR NOBBS I've heard the rumour. I haven't formerly got any advice in relation to that particular issue. I know that there has been some advice in relation to the future tenancy and tenancy arrangements in relation to those particular houses and that this issue is under review at the present time but I'm awaiting some advice in relation to the whole issue as to how we would improve the management of those particular houses.

MR WALKER Supplementary Mr Acting Deputy Speaker. Can the Minister advise whether there are criteria placed as to who takes priority when tenants for these Government owned houses are being sought.

MR NOBBS Thank you. I don't think at the present or there has been in the past any criteria in relation to selection of prospective tenants. I know that they are now having to sign a tenancy agreement and I understand there are some bonds being charged and those sorts of issues have been tightened up, but as to the selection criteria no, not that I know of there's been any criteria in place in the past but this is an issue that must be addressed as it the proposal in relation to future management of those particular houses.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr Smith Minister for Tourism and Commerce. Can the Minister advise as to why the three recently vacated positions on the Norfolk Island Government Tourist Board were not advertised and Expressions of Interest sought from the community.

MR SMITH Yes I can advise that Mr Acting Deputy Speaker. As Members would be aware I had to go and have some medical treatment on the Mainland and before I left I left instructions that an advertisement be placed in the appropriate places to see if anybody was interested in taking a part in the voluntary Tourist Board. From what I can gather that didn't actually take place. When I came back of course we walked into the situation with the Airlines and at the end of June I realised that we had appointments that were going to finish at the end of June on the Tourist Board and in the current climate as Members would be aware I've recommended that I re-appoint the Members who had fallen due at that particular time. They are quite happy to do so. If it causes anybody any difficulty that I've taken this action without advertising at this very late point, I would like to remind them that we are in a serious situation tourism wise and it's very important that the Board has the continuity that they will be able to provide, from the expertise that they already have to assist in bringing the industry back up to the level that we've become accustomed to Mr Acting Deputy Speaker.

MR COOK Yes Mr Acting Deputy Speaker I have a question I want to put to the Minister for Immigration and Community Services. Earlier this year a Motion was passed by the House to have as a matter of urgency legislation introduced into the House in respect of child protection laws and appropriate legislation. Could the Minister please inform the House what the present position is about the progress of that legislation.

MR BUFFETT Mr Acting Deputy Speaker I have taken account of that recommendation from the House and have acted upon it. The subject matter has been included in the justice package that is going forward for legislative adjustment and there has been a committee that has been established of people who are on the

Magistracy in the Police and interested community members, so that this matter might be considered in conjunction with a number of other justice matters that equally need attention. It was thought that this was the most expeditious way of giving a balanced view to adjustment in that particular subject matter.

MR COOK Yes Mr Acting Deputy Speaker another question I wish to put to the Minister for Immigration and Community Services. During last year, obviously by the number of questions asked about it the Paddick Report was the flavor of the month. Could you please inform the House is the Paddick Report still alive and well and what's happening to it or has it like the motor cars gone over Headstone.

MR BUFFETT Mr Acting Deputy Speaker on a couple of earlier occasions I endeavoured to explain how we were progressing with the overall immigration situation in Norfolk Island. I endeavoured to explain that there had been difficulties in the guidelines that relate to how we administer the legislation. There had been concern locally and there had been concern by the Commonwealth. At the same time there was a considerable degree of concern about some of the provisions that may no longer be applicable and outdated in terms of the basic legislation. The Paddick Report was commissioned to endeavour to address the latter part but not exclusively the latter part and that Report, although a long time coming, was delivered. The total immigration situation is quite a complex one and a long one to tackle in terms of addressing all of those things, and so when I commenced in the Ministerial post I endeavoured to divide the totality into manageable parcels and I explained that to the House, and I explained that the first thing that we would endeavour to tackle were the guidelines, and today I will indeed table what I hope will be a final draft of those guidelines and therefore will bring to, hopefully quite soon, an end to the first package. Part of that first package is also an amendment to the part of the legislation that will give legislative substance to those guidelines. When that is complete then we can move onto the next part of the package. The next part of the package contains further consideration of the Paddick Report that Mr Cook has just asked about. So it is at that stage and that I would see would be quite soon, in the next say 6 weeks to 2 months that there will be an evaluation as to whether the Paddick Report provisions are still current ones that we would find valuable in adjusting our own immigration situation. Therefore it would be wrong to say that it has gone over Headstone with the cars but it would be equally wrong to say that we have decided that in its totality it may continue to have applicability. That remains to be assessed in the context that I've just described to you.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr Smith Minister with responsibility for Roads. Is it true that approximately 100 drums of bitumen emulsion valued in the vicinity of \$20,000 has been rendered useless by water contamination up at the Fletcher Christian Roads Depot through having been stored in an upright position and the tops rusting out.

MR SMITH Mr Acting Deputy Speaker I think this was raised some weeks ago by the Chief Minister and the Minister for Health who'd made a visit to that site for other reasons and they had raised a question with me. I'd taken it up with I think it was the Acting Works Supervisor or the Programme Manager at the time who said that as far as I recall there was no loss of the emulsion but in discussions around our table I asked the question well what else would you do with it. I mean if the drums are rusted I suppose they are going to be rusty, I don't think you can repackage it or maybe we can. I didn't get the feeling that there was any great loss that was happening up there but if Mr Walker has further information maybe I should follow that up again just to make sure that we are not losing the stuff because we're going to need a hell of a lot of it in the next 12 months on the roads but I'll certainly check it out anyway.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr McCoy Minister for Health and Environment. Whilst not a lot can be done now about the unwanted importation of the Paper Wasp but can the Minister advise whether our Quarantine Officers have any additional surveillance measures in place to ensure that cargo ex Queensland does not carry with it and thereby introduce such undesirable pests as the Fire Ant.

MR MCCOY Thank you Mr Acting Deputy Speaker and thank you for that question, it is very relevant Mr Walker. Apart from the Quarantine Officer and Health and Building Surveyor being on board the ship when cargo is unloaded to observe and to try and ensure that no unwanted further unwanted bugs or pests are introduced to Norfolk Island but that is an issue that I've always had a concern with and I believe firmly that the only way that we can really address that issue is if that we have proper bonded warehouses at the wharf site so that when the cargo comes off the ship it actually goes straight into a bonded warehouse and gets a thorough examination for quarantine purposes and also for customs purposes. So the short answer is I'm not aware of any extra surveillance that is being carried out at the present time but in addition to that I do intend having the Health and Building Surveyor put some articles in the paper through the next few coming months asking residents to identify the early stages of the Paper Wasp hatching and season because there is evidence to show that if community members were to remove the new and initial nests from buildings, from wherever they find them then we reduce the impact of having an expansion of Paper Wasps through the summer months.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr Smith Minister for Tourism and Commerce. Could the Minister report as to what steps are being taken to alleviate the current excessive time lapse experienced in our television transmission through the switch to Western Australia on the ABC and Seven Network channels.

MR SMITH Yes I can Mr Acting Deputy Speaker. I was going to make a Statement on it at Statement time if Mr Walker would like to wait until then I'm happy but otherwise I can read it out now. Mr Walker is indicating that he's happy to wait.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr Smith Minister with responsibility for Roads. Can the Minister report on what action has been taken in relation to his undertaking of my question at the last sitting concerning the safety aspects of the hazardous turning for large trucks at the rock stockpile entrance on Douglas Drive.

MR SMITH Mr Acting Deputy Speaker that should have been fixed. If it's still a problem then we better fix it.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr McCoy Minister for Health and Environment. Can the Minister explain why 1) there is a need to double handle an amount of some 4,000 tonnes of crushed rock from the School oval stockpile to the Douglas Drive stockpile seven days a week, and 2) this double handling has also involved the total amount to be taken back across the weigh bridge which relates to approximately 1,000 traversing Cascade Road and 3) the cost of this operation is not being passed on to the Parks within their contract.

MR MCCOY Thank you Mr Acting Deputy Speaker. I believe the reason why the material is being double handled and was originally stored on 44a is because the Parks storage site was not ready to take Parks order which some of that material was being processed by necessity by the contractor and the simple fact of the matter is the Parks stockpile site was not ready, prior to that material being processed. I

believe from information that has been passed to me the Park site had not been even identified prior to March this year. So it is something that I am not happy with, that this material has to be double handled but also the cost for carting that material from 44a to the Parks site is included in the initial costs of the contracting operations. If my memory serves me correctly there is a figure of about \$1-50 to cart to 44a and there is an additional \$3-50 to cart to the Airport site.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr McCoy Minister for Health and Environment. Can the Minister confirm that where temporary sandwich board type signs are placed on Crown Land that the Administrator's permission has been sought and granted and if not will the Minister undertake to give notice by Gazette for the removal of such signs.

MR MCCOY Thank you Mr Acting Deputy Speaker. My understanding is, and I haven't spoken to the Administrator about this issue to date. I only received advice 2 days ago that there was possibly sandwich boards or even signs were being put on Crown Land without approval of the Administrator. My intention is to write to the Administrator in the same vein that Mr Sanders did to the previous Administrator and ask that he place a notice in the Gazette reminding people who put sandwich boards out or signs if they are on Crown Land they need to get approval from the Administrator. Also we are aware that anyone who's putting a sign up on private property has to do that through the planning regime.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr Smith Minister with responsibility for Education. Is it true that the water catchment area of the new toilet facility block at the School is allowed to simply run off and if so is there any plans to direct the water into some form of storage tank.

MR SMITH Mr Acting Deputy Speaker I'm unaware of the situation but I would guess that would be probably true if they've put the roof on and they haven't directed the water to anywhere, because as far as I know there is not a tank that is near the toilet block anyway which is an interesting development, particularly with the Games coming up. The School doesn't actually have much water storage anyway but we may have to find a way of collecting the water off that roof which is rather a large roof and putting it to where the rest of the School's water goes to. I think they might have something like 3, 4 water storage tanks but none of them are actually near the toilet block as far as I'm aware. I could be wrong about that but certainly another thing that we should be able to fix fairly simply.

MR BROWN I direct this question to the Minister for Immigration. Can the Minister please advise the present situation in relation to the introduction of compulsory third party motor vehicle insurance.

MR BUFFETT Mr Acting Deputy Speaker we earlier had a piece of legislation on our books. It was the Roads legislation which was quite wide in its provisions. It included the third party motor vehicle component. The third party motor vehicle component was really quite difficult and it was projected that it would take some considerable time to walk through some of the issues there. So in fact we extracted some of the factors that we could proceed with and have done so with those at another time. I just mention that by way of background. In respect of the specific question we are at the stage of walking through with Insurance Companies, those aspects that might relate to that particular package. We have not reached any conclusion at this moment that can be brought forward to Members but we are still gathering information that might be useful and allow us to make some assessments as to how we should travel with that particular component. We're still at the stage of negotiating with some Insurance Companies and Officers have a brief to do that.



MR BROWN Could I ask a further question in relation to the same subject matter. Can the Minister confirm that these discussions with Insurance Companies have now proceeding for perhaps 5 years and if that is the case can the Minister advise when the discussions will end and the action will begin.

MR BUFFETT Mr Acting Deputy Speaker I can't speak in terms of the 5 year component. I can only speak in terms of more recent times in which I might have had the responsibility and I think I can offer some assurance that it's not my plan to have discussions for such lengthy periods of time.

MR BROWN I direct this question to the Chief Minister. Is the Chief Minister aware of a notice which appeared in last weeks Government Gazette by which a large number of fees were increased. Is it a fact that the increase was based on the difference between the retail price index as at March 1999 and the retail price index as at March 2001, that is the RPI increase for a period of 2 years. Is it a fact that fees were increased only a year ago and if so can the Chief Minister please advise why 2 years of increase have been charged now when the fees were last adjusted only one year ago.

MR NOBBS Thank you for that Mr Brown. There's been some confusion in relation to the fees issue and I'll just briefly give you the background of it for the benefit of Mr Brown and also the listeners. The Interpretation Act in relation to fees increases was passed and assented to in 1999. However it was not commenced until June last year. Now that Act relates, as Mr Brown said to a base of 31 March 1999. Now when this Bill was passed and assented to the fees were adjusted at that time and I think Mr Brown will recall it was a \$15 fee unit. As I said the Act was never commenced, it was only commenced by the current Government in about May/June 2000 and those figures from the 1999 passing and developing of a fee unit of \$15 based on the 31<sup>st</sup> of March 1999 where the fees were actually introduced last year. The base figure of 31 March 1999 is included in the legislation and all increases relate back to that particular base. For the period to 31 March 2000 the increase in the RPI was not such as to be greater than .5 of a unit and therefore there was no increase, or would have been anyhow in the last financial year, but as I said the figure that was brought in May/June 2000 were actually those figures established in May/June 1999. Under the Act we're required at the end of a period 31 March in each financial year to review the fee structure and based on the RPI but it relates back, and it's quite a legitimate arrangement I understand to relate it back to a base figure. What has happened if we look at the figure from 1999 to the current is that the year 2000, ending 2000 1999/2000 there was insufficient movement in the RPI to trigger an adjustment to the fee unit. However this year there has been because we relate back, so we're really picking up 2 years increase in the one hit and that's why it seem such a large hit because it's only calculated under the Act I understand to 1 decimal point. Now there's a possibility of evening it out by changing that to a calculation of 2 decimal points and there will then be movement possibly in each year depending on where the RPI moves and it will probably be a smoother increase or not than we have in the last 2 years but that's the current situation. Briefly in response to Mr Brown, the figure of \$15 which was brought in May/June 2000 was based on the RPI figures of 31<sup>st</sup> March of the previous year, that is, 1999 and whilst it was brought in last year, those figures was based on an earlier year and therefore there's no actual just one year increase, it was over the previous two years. Does that clarify the issue

MR GARDNER Thank you Mr Acting Deputy Speaker, I have a question for the Chief Minister in relation to a question that you put to the Chief Minister earlier on in this session and it is regarding the cost cutting measures as a result of the demise of FlightWest Airlines. That is, cost cutting measures within the Administration itself and as to whether there is any truth in the rumour that the Human Resources

Consultant that was employed for a twelve month period last year is to be or the term of that contract has been extended for a further twelve month

MR NOBBS Thank you Mr Gardner for that because that was a very vindictive rumour that was floating around yesterday morning and I don't know where it came from but I heard it at the ship and that is quite vindictive I believe. There has been no proposal to re-employ the Human Resources Consultant for a twelve period at \$63,000 per year, I can tell you that right now. That's the answer. That rumour is completely unfounded and is quite misleading and very disturbing that that rumour had the credence that it had, thank you

MR GARDNER Thank you Mr Acting Deputy Speaker again to the Chief Minister with responsibility for government services is the Norfolk Island Government's policy not to apply for Commonwealth grants

MR NOBBS I understand that the Legislative Assembly has indicated to me that we don't apply for Commonwealth Government grants and that's been a situation that's progressed unless there are issues in which the Commonwealth has responsibility in that particular area in relation to certain things or has failed in the past to live up to its responsibilities in relation to specific items and Mr Gardner well knows my views in relation to such issues that were handed over at the time of self Government were not up to scratch and for reasons that I'm not going into, they were accepted at the time, but I'm not critical of anybody who accepted them at the time but I believe that compared to other areas Norfolk Island was hardly done by and the Commonwealth Government has a responsibility in those areas to fix up what was an anomaly of the past but I understand, and we've discussed it with Members in just general circumstances that Norfolk Island is prepared to go it alone and that we look at funding a number of issues for which Commonwealth grants are passed to states, bearing in mind that money is funded from sources within Australia and that we do not apply for those and that's the understanding that I have had from meetings with Members

MR GARDNER A supplementary question thank you Mr Acting Deputy Speaker, there's a list of grants that have been applied for and we've been successful and I just ask the Chief Minister whether it is his intention as was evidenced the other day to return the \$67,000 for the mooring facility as a grant from the Commonwealth, the current DVA assistance for the Hospital as far as the physiotherapist and aged care nurse is concerned, the \$100 refund from the Commonwealth Government to each of the Year 6 School children who go on Year 6 School Tour every year, the Networking the Nation Fund that we've just been successful in receipt of and the mooring facility that was applied for in March 2000, the current Doctors \$18,000 per annum grant that is received from the Commonwealth Government each for their remote rural location and does that necessarily in itself also wipe out all of the recommendations in the Health Inquiry Report which suggested that the Norfolk Island Government should approach the Commonwealth Government for grant assistance

MR NOBBS Thank you Mr Speaker, there are a number of issues in those that were read out that fall within various categories but it is really interesting because we are meeting on Monday and I had arranged that Mr Buffett and Mr Dean Potter from the Service would accompany Minister Hockey on to Darwin where they would all be attending a meeting, at that time Mr Gardner asked me if I would write and tell them that we were prepared to pay for the equivalent of the airfares so I mean I don't know where all this questioning is coming from really and I doubt very much whether they would accept it but bound as I have been requested by the Legislative Assembly to do that, to write to Mr Hockey and offer payment of such fees. Now I

thought that if your plane was going in that direction and a lift was offered then regardless of what vehicle was being used, you would accept it, thank you

MR GARDNER Thank you Mr Acting Deputy Speaker the purpose of the question was as to whether the Norfolk Island Government because everything is travelling in the same direction as the plane whether it be waste management, DVA assistance or whatever it may be, that if it's being offered we might as well accept the assistance

MR NOBBS I don't know whether there was a question but I'll just answer and I'll reiterate what I said that there are certain issues and the issues in relation to waste management, I understand that the waste management facility relates to a grant from the Clean Seas and as we know very well, the seas around Norfolk Island are not the responsibility of the Norfolk Island Government they are the responsibility of the Commonwealth Government and they should be handed over to the Norfolk Island Government but at this stage they are not and therefore the Commonwealth has a responsibility in that particular areas well I believe it's their right to fund it and I think that's what the Legislative Assembly has indicated by accepting that sort of grant. Now the DVA and the others are in relation to a situation where we've had from Norfolk Island a highly significant number of volunteers in the services of both Australia and New Zealand over the years and we have a significant number of veterans living on the Island who are receiving assistance from the Commonwealth and the extension of services such as provided under those particular DVA activities have been extended to Norfolk Island

MR GARDNER Just a supplementary if we can clarify all of that just with a yes or no answer, is it Norfolk Island Government policy not to apply for Commonwealth funding grants

MR NOBBS Thank you. I'll repeat what I said because it's not a yes and no answer. The answer simply is and Mr Gardner can smirk as much as he likes in relation to this, the answer is fairly difficult

MR GARDNER Point of Order Mr Acting Deputy Speaker I think that's inappropriate casting aspersions on Members of the Assembly

ACTING DEPUTY SPEAKER Would you withdraw that

MR NOBBS Well if he wants me to I will withdraw that

MR BROWN Point of Order again. Any withdrawal in circumstances such as this should be done in good grace, not on the basis of well if he wants me to withdraw it I'll withdraw it and I ask that even that comment be withdrawn

ACTING DEPUTY SPEAKER Yes, thank you Mr Brown. You may continue Mr Nobbs

MR NOBBS Thank you Mr Acting Deputy Speaker. The situation is, if I offend Mr Gardner in any particular way I'm particularly sorry about it but the situation is as he knows very well that the position in relation to Norfolk Island's relationship to Australia and its responsibilities and issues involved are extremely clouded. He should be well aware that this particular Government and this Legislative Assembly have attempted to clarify our situation. There is a movement of the control of lands, as I've always argued in the past we don't really control the land, we don't control the water around us and we don't control the air above us so what really is going on, but we are moving now and have been attempting to move towards a clarification of the particular issues so that we settle down into an arrangement with Australia which is

acceptable to all parties but unfortunately it's taken time, self Government has been going on for twenty odd years, its coming up to its twenty second year very shortly and so this issue has been around for yonks and it won't be clarified by a yes or no answer at this particular point in time but I have made it very clear that there are particular issues that the Australia Government hold responsibility for and should fund and there are responsibilities that the Norfolk Island Government, and bearing in mind that we are outside the net of the Australian taxation system, we are really outside their political situation and that if we wish to stand alone, then we need to do it thank you

MR GARDNER Thank you Mr Acting Deputy Speaker this relates to a question I asked of the Chief Minister earlier on in the session regarding the Human Resources Consultant. I asked whether the term of the contract had been extended for twelve months, I just wish to rephrase that question and ask the Chief Minister whether that contract has been extended for a further three months

MR NOBBS Well it hadn't been yesterday afternoon Mr Acting Deputy Speaker and that's the latest advise I have, if it has since then, I don't know what information Mr Gardner may have but as the CEO is responsible for the hiring and firing issues at this particular point in time and we are responsible for the funding of that I would like to know where the funding is actually coming from, how the arrangements have been made if such an issue has been undertaken. Bearing in mind that there's still a heap to do with the Human Resources Policy.

MR GARDNER Thank you Mr Acting Deputy Speaker a question to the Minister for Health and Environment, with responsibility for Planning matters. A recent report dated the 18<sup>th</sup> July 2001 from the Norfolk Island Planning board to yourself and copied to Members of the Legislative Assembly and the Chief Executive Officer designate, raises some very serious issues in relation to the planning regime and if I may just quote from that "...there appears to be an unwillingness on the part of those with the authority to do so to make appropriate decisions in relation to planning matters and also where ministers have made decisions the frustration with Administration officers presiding over other Acts to overrule those conditions imposed by a Minister and probably the most serious allegation raised in this report of all is the perceived political interference and lack of ministerial legal support for the Board to carry out their duties. Are you able to comment Minister on the issues raised in the Board's report and what do you propose to do about the seriousness of those allegations

MR McCOY Thank you Mr Acting Deputy Speaker and thank you Mr Gardner. My intention is to read this report at Statement time and if any Members wishes to note and debate that report we can do so at that particular time

MR GARDNER Supplementary to that I just asked whether the Minister was prepared to comment now on it, not at statement time. I've asked the question now

MR McCOY No

ACTING DEPUTY SPEAKER The answer is no. Further Questions Without Notice

MR BROWN A question to the Chief Minister is there any truth in the suggestion that in order to pay the Administration wages last week it was necessary to borrow funds from the Airport Undertaking

MR NOBBS I'm not aware of that but there are heaps of rumors around at this particular point in time Mr Brown as you are well aware whether they be

the Administration or airlines or the Ministers or Chief Ministers or the whole lot, I mean, I can't answer that, no

ACTING DEPUTY SPEAKER            There being no further Questions Without Notice and there being no Questions On Notice we move on

### **PRESENTATION OF PAPERS**

We move to Presentation of Papers. Are there any Papers for presentation

MR BUFFETT                            Thank you Mr Acting Deputy Speaker in responding to one of the questions at question time I made reference to the statutory Immigration Guidelines and foreshadowed that I would be tabling them and I wish to do that now. I wish to table the Statutory Immigration Guidelines. This is what I hope to be a final draft Mr Acting Deputy Speaker. This particular document has gone through a number of phases and I would just like to briefly mention them at this stage. The original draft document that was exhibited to Members of the Legislative Assembly not in this forum but in a more informal meeting and an opportunity made for preliminary comment. The Immigration Committee has on a number of meetings gone through clause by clause these guidelines with recommendations and discussion upon each and they have been incorporated into this document. It's reached the stage now where at this fairly final stage I would like to exhibit it to Members and in this public forum so that it can be publicly seen also as to its content but also publicly seen that we are progressing with the matter of finalising these guidelines. I would like to foreshadow to Members that during the next week or two we will have a final meeting to walk through this document in this final form to see that Members are comfortable and if they are not to absorb any comments that they would want to make so that hopefully at the next sitting these might be put into formal place as statutory based guidelines. Can I just elaborate on the statutory component. Members will recall that we at an earlier time, a couple of months ago now put through the House a piece of legislation that's designed to give statutory substance to this document. We are awaiting assent to that piece of legislation but we envisage that it will be soon that that will be tidied. The sequence therefore is that that piece of legislation must receive assent, then we are at liberty to bring these guidelines forward in a formal way and the statutory arrangement will then flow on to this document. Once we have done that that will complete the first package that I earlier referred to and will allow us to move on to the larger package the second phase in tidying some outstanding immigration arrangements. Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER            I thought that that was a fairly lengthy presentation of a Paper. Perhaps I should have had you move that the Paper be noted

MR BUFFETT                            Thank you Mr Acting Deputy Speaker I would be quite happy to do that post the event if you would find that helpful

ACTING DEPUTY SPEAKER            Thank you Mr Buffett. Is there any further debate on that. Then I put the question that the Paper be noted

QUESTION PUT  
AGREED

That Paper is so noted

MR SMITH                                Thank you Mr Acting Deputy Speaker I would like to table the Inbound Passenger Statistics for June 2001 and move that they be noted. Mr Acting Deputy Speaker the visitor arrivals to the end of June this year recorded a record number of visitors to the Island. 40,221. That's at least the third consecutive year in a row that we've had record visitor numbers. Just to break those

numbers down for the month of June we had 2767 compared to the year before of 3091 and the year before that of 2246. New South Wales in June we had 860 people, Victoria 459, Queensland 638, South Australia 133, Western Australia 41, Tasmania 72, New Zealand 518 and from the Pacific and other places a total of 46. The overall visitor numbers for that month was 19607 which interestingly is down on the year 2000. The average stay was 7.5 nights. Of course we are all well aware that during that period around about the 18<sup>th</sup> June, that Flight West ceased flying to Norfolk Island and of course that has made a difference to the numbers for the month of June. I would expect that this month will show a different pattern although I'm pleased to report that the airline subcommittee that is assessing the airline situation thanks to Mr Walker has been getting reports from the tourist Bureau on visitor arrivals and in fact this week the total number of passengers carried was 708 which was a record for the last three years. Now some may say that that's not true but that's how it pans out. In fact, since the 19<sup>th</sup> of June when the weekly stats have shown a slight decrease in visitor numbers for the period of July in comparison, but not a very heavy drop or some may not believe those figures to be true but that's how it works out. Norfolk Jet Express in the last week has carried 528 passengers and Air New Zealand has carried 180 passengers in the past week. I have more information about the airlines but I have a statement I'll make on that

ACTING DEPUTY SPEAKER Thank you Mr Smith. Any questions or debate on that

MR WALKER Thank you Mr Acting Deputy Speaker I would just like to note for the people listening and for the Members around the table that the passengers carried chart which we have drawn up does not divide visitors from locals and so those figures are for the entire number of passengers and one shouldn't get excited that they are the total tourist passenger numbers thank you

ACTING DEPUTY SPEAKER Thank you Mr Walker. Is there any further debate on that. Then I put the question that the Paper be noted

QUESTION PUT  
AGREED

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

MR NOBBS Thank you I table the quarterly Administration Travel Expenditure for 1 April to 30 June 2001.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs

MR NOBBS Thank you and I table the Airport Landing Fees exemptions for the period 1 July 2000 to the 30<sup>th</sup> June 2001 and that's for the financial year just completed and it includes the last quarters figures as well. We normally table them quarterly Mr Acting Deputy Speaker so I table those as well

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Any further Papers

## STATEMENTS

We move to Statements of an Official Nature. Are there any Statements

MR McCOY Thank you Mr Acting Deputy Speaker I have here an Annual Report and Procedural Paper from the Norfolk Island Planning Board. Is it appropriate that I read this first and move that it be noted or move that it be noted at this point

ACTING DEPUTY SPEAKER  
be noted

You may make the Statement and then move that it

MR McCOY

Thank you Mr Acting Deputy Speaker . The current Norfolk Island Planning Board, a statutory Board set up under the Planning Act 1996 having been in office for one year, wish to present the following report to the Minister for Health and Environment and other Legislative Assembly Members through their elected representative on the board, Bruce Walker MLA. It is the Board's hope that the issues addressed within the report will be taken seriously and responded to in due course. The Board has been through a difficult year littered with both controversial and non conforming planning applications, activities outside the realms of the Planning Act 1996 and its associated Norfolk Island Plan. The Subdivision Act 1996 and its associated Planning Subdivision Code. This has necessitated their consideration of many category two applications along with numerous category three applications inclusive of the inherent public meetings, legal ramifications, requirements for consistent interpretation and an ability to stand up to the scrutiny of the Administrative Review Tribunal on appeal. Whilst it could easily be said that this is the job of the board and dismiss it lightly, it is essential that the board in carrying out its duties be assured of support from the political arena and consistent well researched advise from the Public Service. It is with regret that the Board must report that it is constantly frustrated in both areas and is often forced to address situations where contradictory rulings and or advise must be worked through. Not only is this time consuming for the Honorary Members of the Board but often results in their efforts going to no avail. Despite the Board's best efforts to deal with all matters expeditiously within the parameters of the procedures laid out in the relevant Acts, the Board must report that many are still in the system and appear to be so through unwillingness on the part of those with the authority to do so, to make appropriate decisions. We are not listing the matters in detail but there are some five applications in this category of which some involve major development. However, the board wishes to detail some of the frustration's encountered during this year in order that the Legislative Assembly gain an impression of the importance that these issues be dealt with either in the Planning Act or Norfolk Island Plan Review process or as matters for the incoming CEO. The first dot point, the expression of personal opinions by MLA's and Administration officers at Planning Board public meetings that are contradictory to their rulings, advise given in their respective official capacities. The quality of the advise received where the Board is required to interpret objects and Mission Statements within the various Acts and Policy documents that is made by the Board where specific conditions, in many cases negotiated with the respective applicants, are appended to their recommendations, supported by the Minister in his conditional approval, only to have an Administration Officer presiding over another Act overrule that condition. The lack of written responses to requests for advise from certain Administration Officers, resulting in those matters being referred back to the Board for lack of substantive evidence to a recommendation made and the last dot point, what at various times has been perceived as political interference and a lack of ministerial legal support for the Board to carry out their duties. In summary the Board has had some turbulent times in dealing with a number of difficult applications throughout this year whilst coping with this, the Members have improved their ability to analyse information, advise and submissions received along with the skill to construct well reasoned recommendations to the Minister of the day. They have greatly increased their respective knowledge levels of actual policies relevant in the planning area. We refer you to appendix A which gives you a breakdown of the workload considered by the board over the preceding twelve months. In submitting this report we look forward to the next twelve months on the Planning Board and the introduction of the reviewed Planning Act and Norfolk Island Plan and it is signed by Bruce Walker MLA, Chairman, Tracey Yager, Ralph Weslake, Trevor Gow and Aaron Graham. Appendix A, the total number of applications received to 30<sup>th</sup> June 2000 to 1<sup>st</sup> July 2001, in category 1 there were 84 applications received of which two are still outstanding. Category 2 which are dealt with by the board have been 111, five are awaiting more detail, one from the Administrator and four from the Minister and category

3 there have been six application and one is awaiting more detail. The number of ordinary meetings held in the last twelve months have been 29, the number of site inspections 44, public meetings six, giving a total of meetings held, 35. An average meetings per month of three. Mr Acting Deputy Speaker I table that report and move that the Statement be noted. Thank you Mr Acting Deputy Speaker I do appreciate the Board putting this type of report together. I know it can be somewhat difficult in their situation or in any board's situation, to present a report that to some degree, may be critical of the Minister and also to Members of the Public Service. I can understand some of the Board's frustration in some of the facts presented. They are a new Board having been in place for just on twelve months. During that time the Board has seen the resignation of one Planning Minister and the incoming of a new Planning Minister being myself. Not always will all Members of the Legislative Assembly or even the community or even Ministers who change during the life of a Legislative Assembly have the same view in planning matters. I am of the firm opinion that I as Planning Minister is guided by the legislation that is set down in the Planning Act. I see the Norfolk Island Plan, the existing plan to a large degree as a policy document to guide the decisions and recommendations that are made by the Planning Board. There have been times in the short time where I've been Minister where I have been frustrated by some processes where I've felt in particular the reference to officers who preside over another Act overruling conditions that have been put in place by the Planning Board and concerns have come out of the community in regard to those matters and in a lot of the cases relates to removal of trees. My understanding of the Norfolk Island Plan as a policy document sets the parameters that Norfolk Island's environment is to be of the utmost importance when considering planning applications so therefore, trees that are within a close proximity of a building or an intended building, the Board has advised me that their intentions have been that the trees are to be protected under the Trees Act and should remain and that the buildings of proposed plans should be constructed or sited in such a manner that the protected trees, there is no necessity to remove the protected tree but there are some anomalies in the Trees Act and if a tree is within three metres of a building that tree can be removed without any approval. Now it is not clear or explicit as to whether that tree is within three metres of an existing building or within three metres of an intended building. Some issues have come out within my short time where there has been an intention to extend in the manner of building verandahs onto a house which necessitated the verandah being within one metre of a protected tree. The Board have indicated that the tree should remain but officers who are guided by the Trees Act have indicated that they would be comfortable if the tree was removed for the purposes of allowing the construction to go ahead because as I have sort of indicated, if the tree was left there and the construction went ahead anyhow, then the owner of the property can remove that tree without any approval and believe me, I do have a difficulty with the number of old and mature trees that we have seen being removed around the Island in the last twelve months or even two years to allow the construction of buildings on properties. There is also the other issue which the Board has had to deal with and that is in the area of tourist accommodation approvals. A lot of the accommodation approvals have been somewhat controversial and difficult to deal with but because of the actions that the Norfolk Island Government have taken, I believe the workload in that area will be massively reduced but we are all aware of the sheer amount of applications that the board has had to deal with in relation to tourist accommodation. There is a number of issues that are still outstanding. the Board indicates that there are four with the Minister and those particular four applications I have in the case of two of them, been awaiting a report from the Building Inspector prior to my making a decision as to those applications. There is another one which I believe would be included in this list relating to a question that was answered by the Minister for Tourism earlier on. There have been times when previous advise to the Board or previous recommendations where a person with a conditional planning application has applied to amend their application and those amendments have been given. My understanding in coming into this area of responsibility in planning, there is no provision in the Planning Act that allows the executive member to amend and approved application and I will



make it quite clear now that I do not accept letters written to the Minister seeking amendments to approved planning applications. I hold a strong view that if someone puts in an application and for reasons whether it is beyond their control or otherwise they wish to amend that application after it has been approved well then they should withdraw the application and lodge a fresh application. In doing so it goes through the proper planning requirements. It is not then circumvented by the Minister having the ability or the Minister thinking he has the ability to amend an approved application and that's all I have to say on this Statement, thank you

ACTING DEPUTY SPEAKER Thank you Mr McCoy. The question is that this Statement be noted. Any debate

MR BROWN Thank you Mr Acting Deputy Speaker. There is some fairly significant criticisms in this report and although I have listened with interest to what the Minister has just told us I do not recall hearing him say that he was going to take action to remedy any of these issues. I wonder if the Minister could tell us what action if any he proposes to take in relation to the issues which have been raised in the report

MR McCOY Thank you Mr Acting Deputy Speaker at the end of my address to the Statement I have indicated one action I have already taken is that I do not believe that the Executive Member has the ability to amend an approved planning application and my intentions are that I will not be amending approved planning applications where they are of a substantive nature and if the person or the applicant wishes to have an amendment made, that amendment should go through the proper planning procedure

MR GARDNER Thank you Mr Acting Deputy Speaker the Minister just said that he doesn't intend to amend any planning approvals and then went on to say planning approvals of a substantive nature. Does that mean that he will approve those that are not of a substantive nature

MR McCOY Thank you my understanding is that if the amendment is not of a substantive nature it is really not an issue for the Minister, it is an issue for the Building Inspector

MR BROWN Mr Acting Deputy Speaker could I take the Minister back to the five dot points on the second page of the Boards Report. From what I can see none of the issues raised in those five dot points, relate to approvals by the Minister of a variation. Can the Minister tell us what action he proposes to take in relation to each of the issues shown on page two with dots printed beside them please

MR McCOY Thank you Mr Acting Deputy Speaker. On the first one, yes I have expressed some concern and have also asked the Legal Counsel to advise Administration Staff as to their role when dealing with planning applications and personal opinions should not come into discussions. What I have attempted to achieve in the time that I have had responsibility to this area in relation to dot point two, that is why I have indicated that I have sought in the four matters that are awaiting my attention, I have sought a report from the Building Inspector in regard to those applications. I have also in one instance where a complaint was made to me where it was perceived that an unapproved planning activity was taking place in relation to moving in excess of 50 cubic metres of earthworks, I sought a report from the Building Inspector and also from the Conservator. The dot point three, this one I do have a concern with as I have indicated, where implications to the Trees Act have been one of the main problems with planning approvals and the conditions that are attached to the planning approval where trees should remain. I have also been made aware of an ART decision handed down last week where a condition that was attached to a planning application has been excised by

the ART. That concerns me greatly. How I will deal with that issues is one of the more difficult ones. This is a difficult one for me to spell out because it puts to a large degree, the decisions of the Planning Board in jeopardy where an applicant will take their approval to ART and have a condition that the Board has put on removed. I just wonder whose really paying the piper in this instance. The lack of written responses to requests for advise from certain Administration Officers resulting in those matters being referred back to the Board for lack of substantive evidence. If Members may recall, during our discussion of the draft Norfolk Island Plan late last week, I kept harping on about the need to put a plan in place that does not require the Administration Staff or Officers or even the Executive Member for that matter to consider applications where not all of the information has been provided by the applicant. What I'm seeking in the development of the draft Norfolk Island Plan and the new planning regime that will be put in place, is that the onus goes on the applicant to provide all of the information and it is quite clear, the intention says if the Secretary to the Planning Board feels that all of the information has not been provided by the applicant the application will be returned to the applicant requesting further information before it goes to the Board. I have already covered the last dot point where I mentioned I don't believe, I talked about the amendments and this is where some may feel that there is political interference and lack of ministerial or legal support for the Board to carry out their duties. I have done my utmost to be advised as to whether the Executive Member does have an ability to amend a conditional planning approval or not and I take the attitude that I have a Board who's in place and they are doing all of the ground work and when recommendation comes from the Board I seek further information if I have any difficulties with the recommendation or feel I need a bit of clarification as to why they have come up with that recommendation. But I take the recommendation of the Planning Board very seriously and I have only, in my short time as Minister overruled one recommendation that was put to me by the Planning Board. Finally, knowing the frustration's of the Board in their 12 months I would like to thank the Board for all signing up to be Board Members for the next 12 months and I refer to the last paragraph. In submitting this Report we look forward to the 12 months on the Board and the introduction of the Reviewed Planning Act and Norfolk Island Plan and that was signed by all of the Board Members.

MR NOBBS

Thank you Mr Acting Deputy Speaker. Mr Acting Deputy Speaker I received a copy of the Board's report only yesterday. There are some issues in relation to the Public Service which will be taken up with the CEO, well there's various issues and as I say I haven't got the paper with me because I didn't expect it to come out so soon this morning but it's been copied to all Members I understand so that's fine. The situation really is that it's over a 12 months period and probably a little longer if I recall since the current Board was put in place. I was a member of the previous Board, we also had 2 Ministers in our time at that, we had Mr Robinson I think and then Mr Gardner I think took over after a while if I remember rightly or did he not or was it Mr Robinson right through but anyhow the current situation is that we've had 2 Ministers in the 12 months period and as is well know Ministers views vary, but I think that some of those criticisms of Ministers in there are a little harsh and I would suggest that what we have done this time and both of the Ministers initially Mr Gardner and later Mr McCoy have pushed ahead with a review of the Norfolk Island Plan and that will include the Planning Act obviously to cut out those sort of problem areas that were perceived by the previous Board which I was a member of and which were harped on for about 3 years that we needed something done to the Plan and also to the Planning Act to cut out a lot of these problem areas. The 2 Ministers, the ex Minister and the current Minister worked on that and it's progressing and I hope that it won't be too long before we have in place a better planning regime. There will be need, I believe for some specialised support in the Service in relation to that and land issues and I think that we will then cut out a lot of these problems but I understand where the Board is coming from Mr Acting Deputy Speaker. We've got on there people that, in the Board that I was on we had myself who was on there as a representative of the Assembly, nominated Member. Even though it wasn't much I got some remuneration as a Member, there was

on the Board constitution of the Board was a Public Servant who's fully paid during the time that that person was on the Board and then we've got private individuals who got no pay at all. Then we had the Public Servants who advised the Board were all paid and these were the issues that were rightly discussed at various times and that in itself is an issue and how much time, and I see that the last Board spent something like 3 meetings per month. I would have thought in my time that that figure was roughly the same. So there are a lot of issues, some of which can be clarified very quickly I believe with a change in the Act but you'll always get personal opinions come into it and these are part and parcel of it. I accept and thank the Board for their openness in coming forward and providing this particular report and I also thank the current Minister who had the internal fortitude to stand up and read what is obviously, may be perceived as criticism of himself. I would hope that these issues can be worked through very quickly and as I say and those in relation to the Public Service I'll be bringing them to the notice of the CEO early next week on her return. Thank you Mr Speaker.

MR GARDNER

Thank you Mr Acting Deputy Speaker. Just a couple of comments. The Minister mentioned something about being dismayed somewhat that the Administrative Review Tribunal had removed one of the conditions from a conditional approval that had been given in relation to a planning application. I'm not concerned at all about that. The reason for having a Administrative Review Tribunal is to make sure that the people doing the job are doing the job properly and it is that other avenue of appeal. The Minister now has another avenue of appeal open to him if he feels aggrieved by that being removed. Now I believe that that application that went to ART and had that condition approved was actually an approval that was signed by myself. It was my decision that was made. I welcome that, I welcome that the ART is looking at it and saying well something is not quite right here, because the way the whole system functions and the way the whole system has functioned for a number of years is that we've had less than appropriate planning documents, a less than appropriate piece of legislation that we've all had to try and struggle with and work with and I sympathise with the Board, I know how damn difficult it is to work under that regime. So as the Chief Minister just explained then what we did was we set something in motion the previous Minister to myself set something in motion, that was Mr Robinson where you had to look at reviewing the Norfolk Island Plan. That had to happen, it was desperate we needed to do it, it wasn't just a statutory obligation that it had to be reviewed within 5 years, it was long overdue. It was the wrong piece of legislation and it was the wrong plan from day 1. Anyway we've bumbled along as best we can, on the professional advice that we have, the professional advice of the day, whether it's been legal, whether it's been environmental, whether it's been from the planning sector or the building sector. You take the very best advice that you can get and we rely upon the Administration, and certainly in my term there were concerns at times about some of the advice but we would do our best to clarify that. We'd sit down around the table and we'd try and get the very best advice we could so we could make the most informed decision that we possibly could at the time. Now the reason for the ART is to check whether that is in fact the most informed decision that was made. I mean I've got no grumbles about the ART overturning any decision I may make and I certainly hope the Minister has no grumbles about that. That's what the system is set up for, it's got its checks and balances. The ART is a check and balance. If we're still aggrieved we can take that to the Supreme Court, we can appeal that in the Supreme Court and that's the avenue that's open, but certainly I'd like to if I could, although I've been out of the job for 5 months or so and I dealt with the current Board there for almost 12 months I suppose that I certainly appreciated all the advice and the times that we were able to sit down and talk about planning issues and try and resolve some of the problems that are inherent in the system. That is not going to happen until we get the new Plan and we get the new Planning Act in place. We could go and we could amend bit by bit all over the place. We could have adhoc legislation and adhoc variations to the Norfolk Island Plan, you can come in and table those at any time but that's not the way to do it. It's got to be done in one whole bundle otherwise we lose track of it like many pieces of legislation

that run through this House all done on an adhoc basis. We're always running around trying to chase out tail. We can't do that with planning, it's got to be professional and the proper professional approach has been taken as far as the review of the Norfolk Island Plan and planning regime on Norfolk Island is concerned.

MR BROWN

Mr Acting Deputy Speaker I'm disturbed at a few things. I'm certainly disturbed that the present Minister has suggested that he is greatly concerned that the ART, I'm not sure whether his word was exorcised or excised but I think he meant overruled, let's use the word overruled, a condition which had been imposed on a planning application. The Administrative Review Tribunal legislation only applies to one area at present and that is to the land area. It was introduced because there was a recognition eventually that around the world other communities were doing something about providing for the review of administrative decisions, and in Norfolk Island this legislation was introduced. If my recollection is correct it's six months or so since this House decided that there should be freedom of information legislation in Norfolk Island for a similar reason. Sadly nothing appears to have happened about that and if my recollection is correct the necessary drafting work does not even appear on the legislative priorities list. But it's not right that our Minister feels decisions are in jeopardy if people seek to go to the ART. He should not be concerned greatly that the ART might make a decision. He should be saying this is one of the benefits of the existing legislation in Norfolk Island that it does at least in the area of land provide for administrative review without the need for people to go through lengthy expensive and stressful Supreme Court proceedings that are quite unnecessary where you've got an Administrative Review Tribunal. The Minister has suggested that he will required in future an applicant to provide all information. Well that's rightly the case, that should be the case now. An applicant should be providing sufficient information to justify his application but when looking at the report of the Board, the Board was not complaining about applicants failing to provide information, it was complaining about lack of written responses to requests for advice from certain Administration Officers. Now I don't think it's appropriate for the Minister to be suggesting that the Board shouldn't be able to make a request for further information from the Administration. In particular it's inappropriate to suggest that the Board should not be able to check information at the Administration, and I hope that the Minister will when he has the time read this document again, have a look at the whole of the document, perhaps see through his own indignation at some of the things that have been said in it and take appropriate action in relation to the whole of the document. That action might be to write back to the Board and say well listen, I think that you were a bit incorrect in this particular area. It might be to go to the Chief Executive Officer and say look can you have a look at these complaints that the Board's made because if they are correct we've got a serious problem that's got to be fixed, but let's not just ignore it. Finally Mr Acting Deputy Speaker I wish to express my concern at the suggestion that has been made on many occasions during the life of this Assembly that the existing Norfolk Island Plan is grossly deficient. It has been given all kinds of descriptions. Mr Gardner referred to it as the wrong plan from day 1. Members should be aware that the Plan was prepared at very great cost, a Consultant supposedly experienced in the area came to Norfolk Island for quite some time in order to assist in the preparation of the Plan. I would prefer to see us not criticising the existing Plan, but recognising one of the strengths of the existing planning legislation, which is that it requires review of the Plan each 5 years. I would prefer us to recognise that that Plan is now being reviewed and I'd prefer us to accept whatever may be the result of that review, just as the Assembly at the time of the introduction of the existing Plan accepted with whatever modification was made at the time, the material which was put before it. I think it is very unfair criticism of the Assembly of that time for us to continue to sit here allowing Members to be wildly and sometimes without the benefit of any real knowledge of the subject wildly critical of the work that was done by the Consultants at the time, the Administration staff at the time, and the Legislative Assembly at the time of the introduction of the present Plan. Let's simply accept, it is being reviewed, let's accept whatever the result of the review is, but

let's stop criticising people in the past that are not necessarily here to defend themselves. Thank you.

MR NOBBS Thank you. Just a point, just picking up on what Mr Brown said. I thought I made it clear earlier that the issues in relation to the Public Service were to be addressed by the CEO on her return. The other one really is in relation to the issue, and your first point Mr Brown, I would have thought that the issue was not really a criticism of the system but it was a concern that we'd actually lost, that a decision of a Minister was overturned and that's where the concern should be that what we've done is, what was done at the time was proven not to be correct under the ART ruling and that's the concern and we need to look at those particular areas and see well how we can fix things up. I don't think there was any great criticism, I heard an indication of criticism of the ART process itself but the concern I thought from the Minister and I think Mr Gardner, also indicated later from memory that it was a concern that it was overruled and that there were opportunities available to get a second opinion so to speak in relation to that and to do something about the issue if it was proven, in the long run after all the avenues were explored that there was a problem. Thank you.

MR MCCOY Thank you. Just a brief one Mr Acting Deputy Speaker. I reject Mr Brown sitting there and trying to put words in my mouth but I do appreciate his advice and I was going to say what Mr Nobbs has said, issues that are related to Public Servants, from my understanding as an Executive Member I don't have the ability to go and tell Public Servants what to do. That's an issue for the Minister and he has already acknowledged that, and what I was referring to with my concerns about the ART decision and one of the concerns is whether we are, and it has been couched giving Clayton's approvals. That is one of the issues that I have. Also interestingly I do realise that the Norfolk Island Government has the ability to appeal an ART decision and I have also heard other Members of this House say that the ART process is not working, but I don't intend getting into a debate about the ART process. I thought we were addressing this Statement.

MR BROWN Mr Acting Deputy Speaker indeed I have said on some occasions that the ART process is not working. I said that in the past and I said that because of a particular matter which has now taken 2 years and 3 months since its initial application was lodged. That's a matter in which I'm involved personally, but since making those criticisms there have been changes in the administration of the ART and matters are now being dealt with locally, they are being dealt with quickly and they are being dealt with reasonably inexpensively. So to such extent as I have made those criticisms in the past it may well be that they have now been overcome.

MR ACTING DEPUTY SPEAKER Further debate. There being no further debate then I put the question that the Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR SMITH Thank you Mr Acting Deputy Speaker. I have two or three Statements here. The first one relates to radio and television. Mr Acting Deputy Speaker there has been disruption to all of the Government television and radio services over the past weeks. The television services of ABC Television and Central Seven Television have been effected the most which has necessitated us tuning into the Western Australia service which we are all probably well aware is about 3 and a half hours behind the local time. The Administration has been looking at all options to return those services to normal in whatever way possible and as Norfolk Island is outside of the normal national footprint for television services off the Optus B3 satellite the reception we do get is fortuitous and is the reason for us having such a large receiving dish at the Radio Station. Although there have been glitches with the service over time since we

installed the dish it has recently deteriorated to the degree which has required the action taken to change channels. As the dish is affected by weather it was hoped that the problem would be temporary at first when it began occurring more frequently but that has turned out to be not the case. Optus has been contacted in the hope that a solution could be found within the transmission service and it had been suggested by Optus that they might have to realign the satellite itself. Now if that did occur it's absolutely made no difference to our service here. There are some other options that are being explored right at this moment which are, firstly a person in the community has offered Mr Acting Deputy Speaker through a third person to fund a new dish that could be capable of getting a better reception on television services. Now that is a very generous offer as a receiving dish could be very very expensive and that offer is being explored. We've also been told by the ABC that there is an additional signal which has been put up on the old B1 satellite which will be tested either today or tomorrow and to see if that's suitable, and if that works it will improve the ABC television and the radio services from the ABC as well. Of course it is possible that our receiving dish has moved out of alignment and work and tests will be carried out as from Thursday weather permitting to check that out. Also an approach has been made to Optus to find out what it would cost to change the Norfolk Island services to a beam other than the national beam, such as the New Zealand service which would solve the problem straight away. As yet they haven't given us an answer on that, but it should be noted that the SBS Television service comes off the New Zealand beam which is why it is the most stable of all. All in all we hope we hope that we will have some results shortly. As far as radio goes there was a power failure during the recent storm due to a tree falling over the power lines near the Radio Station which put out all of the Government services for about 2 hours. During that time the Norfolk Island private Television service was still operating and I'd like to acknowledge them for running a notice advising the community of the reason the TV and radio services were not working at that time. The following morning I was asked a question on the radio about a back up generator service for the broadcasting services, and I was unaware that we did actually have one but we do and that is available 24 hours a day if we need it to, as I understand operate at least the AM broadcasting facility. So I expect that if we do have another power failure such as we had recently that we will get that going as quick as possible, but I need to add that it doesn't happen very often.

MR BROWN Can I move that the question be noted. Mr Acting Deputy Speaker it's been suggested to me that with a modest amount of additional work it would have been possible to have the generator working that Mr Smith has referred to. It's been suggested to me that that modest amount of additional work involved pulling the cord to start it. I wonder if the Minister could let us know whether that's the case.

MR SMITH Mr Acting Deputy Speaker I understand that that is the case, and I'll add that I would have gone and pulled that starter if I had of realised the thing was there, but next time we'll be ready for it.

MR ACTING DEPUTY SPEAKER The question is that the Statement be noted. Is there any further debate. Then I put the question.

QUESTION PUT  
QUESTION AGREED

MR SMITH Thank you Mr Acting Deputy Speaker. I have a short Statement on the Airline situation. Mr Acting Deputy Speaker I reported at the last meeting that Flight West had ceased flying operations to and from Norfolk Island the day before that meeting. I'd like to report on the situation from that date purely for Hansard purposes and information for anybody that hasn't already heard these things before. Mr Acting Deputy Speaker delegation consisting of the Chief Minister, myself and the Acting

CEO flew to Auckland and then to Sydney to talk to the current Airlines to find what options there were for Norfolk Island air services to replace the defunct Flight West services. Discussions took place with Qantas, Norfolk Jet, Air New Zealand, Ansett Australia, Virgin Blue, Solomon Air, Air Nauru and the liquidator of Flight West Airlines. The intention of the delegation was to have face to face meetings with all those Airlines to assess where we stood and what the Airlines were possibly intending to do. Our meeting with Qantas confirmed that they would continue to support Norfolk Jet wherever possible and had no intention at that time to pick up the route in their own right. Ansett and Air New Zealand were concerned due to their connections with Flight West Airlines and were already looking for a solution, if one could be found at that time. Virgin Blue had shown an interest in what the Norfolk route was about but showed no commitment to anything at that particular time, mainly due to aircraft constraints and I understand that they have been getting some additional aircraft or will be getting some additional aircraft later in this year. Air Nauru was really a courtesy visit to ensure that they would still be a part of the Norfolk Island aviation picture which they assured us they would be. Unfortunately that was before the aircraft suffered what I believe was some engine damage, which has caused some disruption to Norfolk Jet operations since that time. Since our return we have continued to discuss options with all of those Airlines to attempt to return our air services back to as normal as possible as soon as possible. We have continued our discussions with Greg Prechelt of Norfolk Jet and I thank him for information that he does provide us with and we continue to talk about his services. Late last week Ansett Australia provided the Airline sub-committee with an advice that they were interested in returning Ansett Air Services to the island if possible. Now that in any way doesn't mean it is a final decision by Ansett that they would do that as they would need to be able to find appropriate aircraft and get the regulatory approvals if they were to commence operations here. It needs to be said too Mr Acting Deputy Speaker that the Norfolk Island Government does not and cannot licence Airlines which has been suggested over the last few weeks, in relation to air services to the island at this current time. There have been other proposals put to the Airline sub-committee some of which are commercial in confidence as far as we're concerned and some too have shown not to be very realistic at all. Related is the Air Nauru aircraft situation and as far as I've been informed the Air Nauru aircraft could be back in the air within a week. When Norfolk Jet gets that aircraft back or something similar they will be able to provide a more normal schedule and I would say that they no doubt are looking forward to that. Currently the island has been getting up to 6 Boeing 737 services a week, mostly full which has provided a far better situation that could have been if there was only one airline operating the routes at the time Flight West ceased their operations. I would like to acknowledge all those involved locally with the Airlines for the work they have done to keep passengers moving over the past few weeks. I know that it can be very difficult for passengers as well as those involved in the Airlines that are in a situation where there are disruptions occurring and it's unfortunate that disruptions result in back of the clock operations such as we've had over the last 3 weeks but I think everybody recognises that it's better to have that than no service at all. I've been advised this morning that there is, this is in relation to current operations, firstly Greg has rung this morning to advise that Norfolk Jet will be putting on an additional Sunday service from Sydney commencing the 19<sup>th</sup> of August 2001, and the current schedule for today's normal Sydney/Norfolk/Sydney flight is going to operate tonight but out of Brisbane, it will be leaving Brisbane tomorrow night Thursday, yes it departs Brisbane Thursday night, arrives at Norfolk at 1.40am and goes back to Brisbane at 3.00am in the morning and I understand that passengers will be ferried up to catch the flight from Sydney if they are coming from that area and likewise passengers who come from Norfolk to Brisbane will be ferried back down to Sydney if they come from that area. That's all I have to report at the moment, unless there's any further queries from Members Mr Acting Deputy Speaker.

MR MCCOY

Thank you Mr Acting Deputy Speaker. This is a rather lengthy Statement. A request was made to me by Mr Brown to provide a report

on where we are at with our waste management strategy. I felt that it was important to make the community aware of the amount of work that has gone into reviewing and then implementing a new waste management system for Norfolk Island. It is necessary that I read some of the material that was provided in the Anne Prince Report, so then we can get a clear understanding of where we are going with waste management and why those initiatives are being taken. The Norfolk Island Government commissioned with the assistance of the Australian Department of Environment and Territories a detailed waste minimisation strategy for the island which was prepared by UniMelb Ltd in August 1994. The aim of this study was to 1) draft an agreed strategy for the island which reflected the unique circumstances and resources of the Territory and could be implemented by the island administration with the support of Territory communities and 2) provide a clear framework for decision making on waste issues consistent with the objectives, policies and strategies outlined in the Australian National Waste Minimisation and Recycling Strategy. This strategy sought to reduce waste ? disposable by 50% by the end of the year 2000, the document titled Waste Minimisation Strategy Norfolk Island made following the key recommendations. 1) The provision of a batch incinerator with remnant ash buried in a trench or landfill cell 2) metal removed from the ash and disposed to the sea 3) options for food waste included the purchase by the community of insink grinders for residents connected to the sewerage system 4) that separated food waste could be processed through a comminator at the sewerage treatment plant for discharge to the ocean outfall 5) waste oils and fuels could be used to assist in incinerator combustion 6) tyres should be shredded and also used in the combustion process 7) green waste could be chipped and sold as bulk mulch or bag compost and 8) aluminium cans should be continued to be recovered through private enterprise at no cost to the Government 9) a \$7 levy be placed on each imported car battery to offset the costs of transportation of this material back to Australia for recycling. The total capital commitment required to implement these recommendations was \$839,061-00 in 1994. However between 1994 and the present there has been limited progress in improving waste management on the island due in part to financial limitations. Also just in addition to that when reading through the recommendations of the Waste Minimisation Strategies I believe that a lot of those recommendation would not have improved our waste management system and I can understand if the Government of the day chose not to follow those recommendations. So I do not put too much weight on the comment that nothing has happened since that time. Norfolk Island will host the South Pacific Mini Games in December 2001 and therefore applied to the Commonwealth of Australia for funding to upgrade the current waste management facilities and we were successful in obtaining \$250,000 through the National Heritage Trust Ocean and Clean Seas Programme. Subsequently the Norfolk Island Government engaged a co-operative research centre for waste management and pollution control and it's sub-contractor A. Prince Consulting who developed and implemented the Waste Minimisation and Management Strategy for Lord Howe Island which was launched on June the 20<sup>th</sup> 2000. The Government sought advice and support in regard to updating the prior report, particularly in regards to the new range of technology solutions which have been developed in the intervening years. The present project aimed to 1) undertake a review of a 1994 Unimelb Report 2) undertake a waste categorisation study to quantify and characterise the waste stream 3) identify waste flows within the community 4) review available technologies 5) prepare an options paper and undertake community consultation and 6) undertake community education. The report details the findings of the waste characterisation study conducted on the island by staff of A. Prince Consulting from the 20<sup>th</sup> to the 26<sup>th</sup> of July 2000. The Unimelb study undertook a desktop analysis based on import data and waste generation figures of Victorians assuming similar lifestyles. However this data related primarily to household waste and did not consider the waste from the commercial, government or agricultural sections. To make reliable recommendations for the purchase of plant and equipment it was deemed necessary to undertake a disposal based audit to determine the quantity and composition of waste presented for disposal. The current waste management arrangements are as they were in 1994 with 2 waste disposal facilities known as Bottom Tip and Top Tip provided for



the island community to transport and dispose of all solid waste generated within the island community. Management of these facilities is undertaken by a contractor at a current cost of \$67,000 per annum with the Bottom Tip open from 8 to 5.30pm daily and the Top Tip open from 2 to 5.30pm daily. Currently tyres, whitegoods and electronic scrap are separated and stockpiled at the Top Tip for periodic burning, car batteries are separated and returned to Australia for recycling on a regular basis, car bodies are supposed to be burnt out at regular fire drills, prior to being disposed of to the sea. Large trees and stumps are taken to an area adjacent to the air field for burning. Household waste is placed in a wire cage for burning with the residual ash discharged to the sea. Some glass and aluminium are separated for private purposes with the remainder being discharged directly to the sea. All large bulky household and commercial waste are discharged to a pit located at Top Tip which burns continuously. These current practices are at odds with the clean and green marketing image the island portrays and are not in line with current global waste management practices. There is evidence of waste debris being washed up on beaches and the foreshores of the island and the current Top Tip is adjacent to a popular tourist drive and the roadway and surrounding areas regularly are shrouded in smoke from the smoldering pit. During the waste characterisation study a number of issues relating to occupational health and safety were observed including exploding aerosol cans and the burning of household and farm chemicals, hospital waste and CCA treated timbers and sawdust. The periodic burning of whitegoods, electronic scrap, cars and tyres and the resultant air emission from all these activities presents a risk to the community, marine life, members of the public who visit the Tip and its contractor and staff. Issues of public safety were also noted including the lack of barriers to restrict and obstruct members of the public entering the pit, the lack of supervision of children at the tip face and the lack of appropriate attire by some tip patrons particularly those that are barefoot. During the week from the 20-27<sup>th</sup> July a visitors survey to identify trends was conducted of all tip users in addition to all material entering the depot being either weighed or volumetrically estimated. Where possible and practical samples were taken for detailed analysis. During the week 565 deliveries were made to the tip of which 340 were from the residential sector, 200 from the business sector and 21 from Government. The busiest days for delivery with 148 patrons was on Sunday with a relatively equal distribution on Monday, Friday and Saturday of between 81-88 patrons with 71 patrons visiting on Tuesday and Thursday and only 22 on Wednesday. On average each business on Norfolk Island uses the tip 2.4 times a week with restaurants, clubs and bars using the facility most frequently. On average residential patrons visit the tip once a week. Of all the deliveries made to the facility during the week 20% were separated for auditing representing 35% of the total amount of waste delivered to the tip. From this information extract relations have been made as to the annual quantities of waste generated on the island. A detailed analysis was undertaken by residential commercial and government sectors. By using material densities all volume based waste was converted to tonnage and it is estimated that approximately 14,000 tonnes is disposed each year on the island. A comparison of the Unimelb study with the physical audit conducted by A. Prince Consulting revealed that the estimated quantity of aluminium, steel, glass and metal and compostable material was less than that extrapolated by Unimelb, whilst the amount of plastics, paper and cardboard were significantly higher. A resident survey was attached to the Norfolk Island newspaper and residents were requested to complete and return the questionnaire to electoral boxes placed at the Post Office and outside Foodlands. 76 surveys were returned representing 8.5% of the total household on the island. The key analysis of the survey revealed 52% of households burnt household waste, 67% burn on a weekly or more frequent basis with a further 20% burnt fortnightly. 36% of householders compost food waste whilst a further 31% provide food scraps to animals. 50% of householders take garden waste to the tip with an average of between 5-10 trailer loads over a 6 month period. 63% of householders indicated they would be prepared to buy wood chip as garden mulch, 49% of households are prepared to pay \$10 per cubic metre, 17% up to \$20 per cubic metre and 32% up to \$5 per cubic metre for wood chip. 97% of householders indicated that they were prepared to separate

additional materials such as glass, aluminium etc. Currently there is no charging regime in place for waste management on the island with the waste management contract being funded from consolidated revenue. The trend in Australia and New Zealand is for waste management to be levied on each residential and commercial property to offset the cost of the provision and operation of waste management facilities. This practice has recently been adopted on Lord Howe Island. A range of waste strategy options have been provided based on the results of the waste audit, residents survey, information gained through the consultation with the community and commercial operators on the island, a review of available technology and an evaluation of the social, environmental and economic process. The following options have been listed by material to allow ease of interpretation.

Aluminium cans- instigate a public place and school recycling programme, source separation at the tip with the Norfolk Island Government taking responsibility for bailing, shipment and revenue. Glass- instigate source separation and purchase of a vibrating kinetic energy mill to crush the glass or use in road construction and as an additive in readymix. Food and compostable waste to be source separated and processed in a bio waste facility. Vegetation – chipped on a weekly basis, stockpiled at the Tip as mulch for resident use and as a bulky agent for the bio waste facility. Building material off-cuts to be source separated and stored in a revolved shed for reuse by the community. Hazardous chemicals and paints – instigate a chem collect programme for all material surrendered and transport to Australia for destruction on a regular and ongoing basis. Whitegoods and electronic scrap to be exported for recycling to Australia. Hospital waste to be incinerated in a dentacater facility. Car batteries – continue the exportation to Australia, include the collection of all batteries for recycling. Sludge from the sewerage treatment plant –incorporate into the bio-waste facility. Car tyres – reuse in road retaining wall construction, silver – require photo laboratory and hospital to install silver recovery units to decontaminate sewerage sludge, sawdust – incorporate into a bio waste facility except CCA treated timber. Animal carcasses – continue to discharge to the sea with offal to be composted into bio waste facility. Motor vehicles – Government to introduce a one on, one off policy with the exportation of surplus motor vehicles. CCA treated timber to be stored in clay lined monofil minimised generation of sawdust and offcuts. PVC to be separated and returned to Australia for recycling. All other material to be incinerated in a fully enclosed gasifier with the resultant ash utilised in ready mix cement. The following infrastructure is required in regards to the implementation of this strategy. A secondhand vertical press to densify plastics and aluminium, a VKE glass crushing mill, can collection programme, silver recovery unit, exportation of car batteries, tyre cutting machine and licence agreement, revolve shed, biowaste facility, bobcat, shredder, gasifier and feasibility study, strategy and implementation and containers for storage, transportation of recyclable. The acquisitions would cost approximately \$713,000 in addition to which all equipment, accommodation and travel for the installation of equipment and the export of electronics, whitegoods and motor vehicles must be accounted for. Financial restraints and community concern regarding changes may necessitate a phased approach being adopted. Other issues that the Government and community need to consider include relocation of the existing two tip facilities to a more central and suitable location where all infrastructure can be accommodated with adequate working area and public access. Restricting access to the bottom tip and sea dumping to the tip contractor only. Introduce a prohibition on backyard burning with the treatment of all waste generated on the Island at the central waste management facility. To offset the cost of exportation of material for recycling or disposal in Australia consideration be given to introducing a fee based user pays system or waste management charge. The Government should enter into negotiation for favorable back loading rates with the current shipping agents. community education is critical to the success and implementation of the programme, however this should not commence until the Government have made a decision as to the strategy, timetable and allocation of funding so that clear messages can be provided to the community regarding the anticipatory implementation phase. The majority of the above actions can be implemented prior to December 2001 when the Island hosts the South Pacific Minim Games. This report endeavours to reach socially accessible

economically viable and environmentally sustainable options for consideration by the Government and the community of Norfolk Island in respect of future waste management systems. The Norfolk Island Government is responsible for waste management on Norfolk Island and is aware of a number of shortcomings in the current system. Many of the current practices are out of step with standard operating procedures for waste management use around the world. Although increasing affluence means more waste is generated limited equipment, funds knowledge and expertise are available to deal with it. Whilst there is a lack of understanding and appreciation by some sections of the community that current practices are environmentally unacceptable visitors are often surprised and appalled by the current system. Norfolk Island will host the South Pacific Mini Games in December 2001. This event prompted the Norfolk Island Government to apply to the Commonwealth of Australia in early 2000 for funding to assist the upgrade of the current waste management regime at Headstone. The application was successful and \$250,000 was secured from National Heritage Trust. The structure of the project undertaken by A. Prince in line with the Cooperative Research Centre, 1) the project was to be undertaken in three stages, stage 1 was the research involving an audit to determine the waste composition by type and quantity, determine T waste generators and investigate appropriate technologies based on the results of the waste audit 2) community consultation, canvass the community's options and attitudes regarding the outcomes of the audit and options of the waste treatment and 2) implement community education, institute a train the trainer programme and accredit trainers on the Island. What I have read out is an extract from the initial report which related mainly to stage 1, the research. The community consultation has been undertaken by A.Prince and the report in regard to the community consultation was received at the end of last month. We have had discussions with A.Prince in regard to implementing the community education, which is stage 3 and that is to institute a trainer programme. As has already been indicated by material I've read, the trainer programme was not intended to be activated until we have our strategy pretty well in place. The current waste management system, there is no official residential or business garbage collection on Norfolk Island, all waste is taken to the tip by residents or business operators. Some residents take waste from neighbouring homes as well as their own whilst some businesses with more than one establishment such as those with several accommodation places, collect waste from all of them and take waste to the tip in one trip. The Norfolk Island Government provides a waste collection service for its own officers which also includes the public place bins from streets and parks on the Island. Waste disposal sites at Headstone point is the location for Norfolk Island's three waste disposal facilities and these are the lower burning cage and dumping chute known as the bottom tip, the upper burning pit known as the top tip and the sewerage outfall. The following discussion relations to waste management facilities referred to in item 1 and 2 above to address the issues related to sewerage would require detailed study beyond the scope of this study so to ensure a fully integrated approach is developed it would be possible to treat spatable sludge in the biowaste facility provided no industrial contamination is present. The Norfolk Island Government tendered for the management of the solid waste management facilities every two years. Current contract is \$67000 per year which ensures the facilities are staffed whilst open and secured when not. That is locked and after hours use minimised. The bottom tip has operated in its current location for more than forty years and is located on the cliff top adjacent to Headstone Bay. A narrow all weather access road leads of New Farm Road to the clifftop where a contractor shed, steel mesh burning cage, steel ramp and partially enclosed shed are provided. The location is favourable for burning when the wind is from the East, that is out to sea. All waste brought to the facility is separated into combustible and non combustible material by those delivering it

MR GARDNER

Thank you Mr Acting Deputy Speaker I move that the Members no longer be heard. With all due respect I would like to explain why that is

ACTING DEPUTY SPEAKER No, I think that question will have to wait Mr Gardner. The question is that the Minister no longer be heard

#### QUESTION PUT

Would the Clerk please call the House

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

MR SPEAKER The Aye's 3, the No's 5, there is one abstention.  
You may continue Mr McCoy

MR McCOY Thank you Mr Acting Deputy Speaker I apologise to the Members who voted that I not be heard, if I'm boring you, but it is important that the community are well aware of what is contained in the Anne Prince report and why the second part to my statement is so relevant and I will continue. I will also add that I have been advised by some Members of the community that they have received emails saying that Minister McCoy is not concerned with our present waste management system and I refute that

ACTING DEPUTY SPEAKER Is that part of the Statement Mr McCoy

MR McCOY Well it is. All combustible material including garbage, cardboard and plastic is placed in a wire cage for burning with the resultant ash discharged to the sea by washing it down a concrete chute. The combustible material includes household metals as the burning action promotes corrosion when the materials enter the sea water. The cage has been in operation for the last nine years after an exploding aerosol can caused an employee to lose his sight. Two attendants are responsible for igniting the cage contents, sump oil or cooking oil is stockpiled and used to assist combustion of the cage contents when required. The cage is usually lit late in the day to reduce the impact of smoke emissions to the contractor staff and members of the public. The cage then burns unattended however, following a recent incident where embers from the fire ignited an adjacent building the Works Superintendent has directed the contractor to burn the cage only during opening hours. The public is requested to separate aerosol cans and aluminium cans. The aerosols are placed in a metal container adjacent to the cage while the aluminium cans are recycled. A 205 litre drum is also provided for separation of mixed glass bottles for private purposes. Materials which are not burnable such as glass and large steel items is tipped down the chute and directly into the ocean. A sign requests the public to remove caps and lids from bottles, jars and metal containers to enable the material to sink once it hits the water. This action breaks up and disperses any material in the water at the base of the cliff. Over the years material has been pushed into several sea ledges and caves at and above the water line on the southern side of the cave. Car batteries are separated and placed on a pallet for recycling back to the Australian mainland. The top tip is located about one kilometre by road north of the bottom tip. It occupies a narrow strip of land about 30 metres wide and 60 metres long between Headstone Road and the cliff edge. The tip comprises an excavated pit of approximately five metres wide by 50 metres long by 3 metres deep at the deepest part. This pit is designed for large loads which due to size or quantity cannot fit in the bottom tip cage including most wastes from commercial

premises because of the high proportion of cardboard are deposited here along with garden waste and some household combustible material. The resultant ash is routinely deposited into the sea down the bottom tip chute. An area to the north of the tip is set aside for the separation of white goods batteries car tyres copper and cooking oils. Cooking oil is used to assist the burning when required. Periodically the white goods and other material including mattresses and electronic equipment are burnt. The tyres are also used to encourage combustion. The charred remains are also consigned to the sea down the chute at the bottom tip. The Waste Facility location, the two current tip locations are considered not suitable for a totally integrated waste management facility given site constraints at both locations. The bottom tip is located at Headstone Bay and as I have explained is accessed by a narrow all weather road. The top tip is located between the roadway and clifftops along the narrow front and is extremely exposed to prevailing weather conditions. Ideally a facility should be located in an area which can have a separate access and egress with a drop off facility adjacent to the processing of each of the various material types. For example, aluminium cans glass car batteries electronics and whitegoods tyres scraps vegetation building material furniture and household items paper and cardboard food waste metals and general waste. Two enclosed sheds would need to be provided at the facility, one for the storage and display of furniture and household items, or reusable items the second shed would be an operational facility in which a vertical press to densify aluminium cans plastic wrap and film would be provided with an awning for the shredding of general mid solid waste and food waste to the VCU. The sheds are necessary to store equipment, office and amenities. A storage base for building materials vegetation tyres car batteries electronics and whitegoods should be created with areas dedicated for chipping and stockpiling of woodchip for reuse. Glass bins should be located against crushing operation and tyres near tyre padding machinery. A separate area would be required for the vertical compost unit and a covered area provided for the shredder and operation of the unit together with the shredder to homogenise the mixed solid waste prior to gasification. I have no intention of tabling that part of my report as it is contained in the A.Prince Report but the A.Prince Report is quite substantive and I would assume that not all Members of the Norfolk Island community have had the opportunity to view that report and that is why I felt it was important to read the material that I've just read. I will continue. Waste Management Committee Progress Report goes on. Aluminium cans, in line with the recommendations made by A.Prince. On the recommendation of the waste management Committee the Norfolk Island Government purchased Peter Evans's can crusher initially the can crusher has been employed to process aluminium cans that were being collected by the Administration as well as disused copper cabling. Some nine to ten cubic metres of bailed aluminium cans have been palletised ready for shipment pending an arrangement being met with a purchaser of aluminium cans for recycling. Discussion for the purchase of aluminium cans for recycling has been entered into with KAAL who have taken over recycling activities from Comalco. 120 litre bins have been ordered from New Zealand. The bins will have coloured lids consistent with colour coding schemes operating in both New Zealand and Australia at present. Initially the first 20 bins will be located at the school and in Burnt Pine to ascertain the most suitable design for bin holder receptacles. The intention is that three sorting bins for cans bottles paper and food scraps be located in bin holder receptacles at public litter disposal sites being present barbeque areas in Kingston, Burnt Pine, Norfolk Island Central School etc. Glass, the A.Prince Report indicated that VK Mills in Tasmania have a glass crusher available which the Norfolk Island Government would be able to purchase if required. Prior to entering into negotiations to purchase the glass crusher from VK Mills the waste management Committee through the Health and Building Surveyor pursued other options and possible suppliers of glass crushers to suit Norfolk Islands needs. In considering available options the Waste Management Committee concluded that the glass crusher offered by VK Mills is the most suited to Norfolk Islands needs. Negotiations re noise levels, power requirements, and price has been entered into with VK Mills. Vegetation. The Forestry Department and Waste Department copurchased a 12 inch chipper some ten years ago for chipping of green waste. My

understanding is that the chipper has never been used in line with waste treatment but has been put to very good use by the Forestry Department. In the last two months the chipper has been employed by the Health Building surveyor to calculate the amount of woodchip generated from one week of normal green waste dumping activities. This further study being carried out by the Health Building Surveyor will allow the quantifying of the area required for storing of green waste, chip material and man hours required to process green waste generated by the community. Hazardous chemicals and paint in an effort to take advantage of the ChemCollect programme being conducted in Australia and to gain an indication of what amount of hazardous chemicals is lying around on Norfolk Island three questionnaires were placed in the Norfolk Islander but unfortunately there has been very little response to date. Car tyres, information has been provided to the Waste Management Committee in regard to machinery that is now available which can extract the wire steel belt from tyres, the tyre is then pulverised to produce granulated rubber which is a recyclable product for use in the manufacturing of rubber mats and the like. It can also be used in roadwork's. Contact has been made with AusTech Tyre Centre to determine availability of tyre processing plant costs and possible purchase of pulverised rubber. The Waste Management Committee is awaiting an information package from AusTech Tyres which indications are that the information package will be available for the Committee's meeting on 25<sup>th</sup> July. Batteries, presently car batteries are being collected by the Works Department, drained of hazardous wastes and the empty battery cells and acid returned to Australia. Collections bins for household batteries, camera batteries etc are being painted by Works for easier identification and these will be located at the bottom and top tips in the next few weeks. These batteries will also be returned to Australia for recovery of cadmium and nickel but the processing charges are between \$1.60 to \$2.70 is applied. Combustible material, such as contaminated cardboard, plastics, food scraps, hospital sharps etc will be incinerated in a fully enclosed gasifier. Discussion with a company called Biomass Energy Services and Technology Propriety Limited has commenced. As recently as yesterday Policy and Projects was contacted by Best Representatives to advise that travel arrangements are being arranged for them to travel to Norfolk Island to carry out the feasibility study to determine what capability of the gasifier will be required. The gasifier design will be drawn up and costs will need endorsement by the Norfolk Island Government prior to commissioning. Waste Facility location, the two current tip locations are considered not suitable for a totally integrated waste management facility. The Waste Management Committee in line with the A.Prince Report have identified a preferred site for the establishment of the Norfolk Island Enviro Waste Services. This preferred site is yet to be endorsed by the Norfolk Island Government. The Waste Management Committee has not made a recommendation for a preferred site to date. Preliminary work for the purpose of making a recommendation to the Norfolk Island Government has commenced. Relative officers of the public service have met on a number of occasions to develop a computer model concept plan for the enviro waste centre. The Concept Plans will encompass a fenced area which will show areas for chipping and composting, storage sheds for plant and equipment. The storage sheds will provide all weather cover for can crush operations, glass crushing, gasifier, revolve shed for the deposit of reusable material, hazardous chemical storage and sorting bins etc. The attitude adopted by the Waste Management Committee to deal with the bulk of the Island's waste stream being green waste and what could be classed as normal or daily waste and to deal with car bodies, whitegoods as a second stage. In relation to car bodies a number of community Members have approached me in the last week recommending that old car bodies could be used to form an artificial reef in the waters somewhere around Norfolk Island. In regard to that matter contact will be made with Environment Australia seeking information as to whether this practice is acceptable and if so, what criteria guidelines or advise can they provide. I will finish off and table that part of the Report

MR GARDNER

Thank you Mr Acting Deputy Speaker I move that the Statement be noted. Maybe if I just first explain the reason why I moved earlier

on that the Member not be heard it wasn't that I was tiring of what Mr McCoy was saying, it wasn't that a couple of other Members may have been dropping off to sleep, because certainly when I had carriage of this matter the response and reception that I had from the community in general and certainly some of my colleagues around the table was that they were less than interested in what was happening with waste management on Norfolk Island but the purpose of seeking to move that the Member no longer be heard was that rather lengthy introduction to the progress report with what was happening on waste management was a matter that I tabled in the House well over six months ago and contained in the A.Prince Report. The A.Prince Report was the Report that I had sought all Members of the Legislative Assembly to provide some input to myself as Minister at the time on of which I received only one written response, a very brief written response from one of the other non executive Members of the Legislative Assembly which I appreciated at the time, was tabled in this House for the specific purpose of being made available to the community as a whole. Now all of that information has been in the community for well over six months. I guess what I wanted to comment on was what about an update. Well we've had an update. We had an update a couple of weeks ago when I asked the Minister and he gave a very clear response to my question as to what had happened in the last four months at that time, I believe waste management had purchased a can crusher. I see that now with this update we have a few 120 litre bins coming from New Zealand and a couple of collection bins for batteries. These are good things because they are all contained in the recommendations of the A.Prince Report. We've heard the Minister just say in his statement that the gasifier will go ahead. Then he goes on to say when that's been approved by the Legislative Assembly. We as a Legislative Assembly haven't received that proposal or certainly had any debate on that proposal at this stage and as far as I am aware, have not endorsed in any form or fashion the A.Prince Report or a supplementary report provided only a few weeks ago. We are talking about identifying a preferred site. Well discussion on preferred site had been identified six months ago when the A.Prince Report was tabled in the House. Certainly because of lack of interest from some Members in the Legislative Assembly and also Members of the community that didn't advance. It didn't go anywhere. I got extremely frustrated by the whole thing and certainly I'm not longer the Member responsible for that now simply because of those frustrations but the thing is that we made a commitment. An achievable commitment six months ago that our new waste management facility would be in place for the South Pacific Mini Games. It was practical. It was achievable. Other than the collection of a few bins at this stage and a feasibility study that has to be done through a gasifier, we have four months before athletes will start arriving for the South Pacific Mini Games on Norfolk Island. There is no way in Hades, with all due respect Mr Acting Deputy Speaker, no chance in Hades that we will have a new waste management facility in place and running by the South Pacific Mini Games and that is personally disappointing to myself. As far as the artificial reef is concerned, there's been discussion about that for a long long time. There are a number of international protocols and agreements in place that prevent sea dumping. Now to be able to establish that reef using rusted car bodies we are in breach of those international conventions and agreements because you are not allowed to dump into the ocean from a barge or vessel. We are allowed to do it from land, there's no problem with that at the moment under the current arrangements that are in place with the top tip but as far as sea dumping from a vessel that is prohibited and that's very clear from my understanding. Even though I think it's probably a use that could be put for those vehicles, simply because reef life would soon inhabit them and before too long they would be absorbed into the Eco system. That's all I've got to say at the moment and I certainly hope the Minister didn't take offence at my wanting him not to be heard any longer it simply was that that information has been available in this community widely for over six months. There's probably another 150 pages of that report that may wish to be read into Hansard. I don't really think its appropriate because copies of that report are widely available and certainly available from the office of the Clerk.

ACTING DEPUTY SPEAKER  
the question

Thank you Mr Gardner. Any further debate? I put

QUESTION PUT  
AGREED

That Statement is noted

MR NOBBS Thank you Mr Acting Deputy Speaker. I just need to make a Statement on a couple of current issues regarding Telecom. The first one is an update on the operating agreement between Reach Limited which is formerly Telstra and the Norfolk Island Telecom. The operating agreement between Reach Limited has been finalised and it will be signed in the next day or so. However, the siting of the earth station is yet to be finalised. A company by the name of NDC and that's all I've got, are due to perform radio interference tests at our preferred site at the radio station paddock during the week 14<sup>th</sup> to 21<sup>st</sup> July which is this week. A copy of the test results from this site will be made available by Reach to Norfolk Island Telecom. As from July this year Norfolk Island Telecom technical staff shall be assisting the Reach Technical personnel at the ANZCAN Station and on the earth station when installed on a once per week basis to become familiar with the operation of the international terminal equipment. This has come about Norfolk Telecom's intention to become an international carrier in its own right and operate the earth station after the expiration of the new Reach Telecom operating agreement. For this reason and the fact that the earth station is to become the property of Norfolk Telecom on expiration of this operating agreement is the reason for our desire to install the earth station on Government land.

To update in relation to the ANZCAN cable, segment B or the Norfolk Island to Fiji segment has been turned down and I understand that is turned off really, but the term is turned down, and that segment E or the Norfolk Island to New Zealand segment shall be turned down in the near future. This means that only the A segment or the Norfolk Island to Sydney portion shall remain in service. The new earth station when installed will then complement the remaining Norfolk Island to Sydney segment. In the interim a temporary standby dish has been installed at the ANZCAN station to provide communication in the event of a failure of the A or Norfolk Island Sydney segment.

Regarding Internet Bandwidths, it is intended in the short term to double the Internet band width out of Norfolk Island. This should take place within the next six to eight weeks after which time Norfolk Telecom shall be taking a complete review of the band width requirements for Norfolk Island given the impact that the new projects of net gaming and video conferencing facilities will have on the current band width capacity.

Cellular Telephones, negotiations continue with a carrier who has indicated an interest in the cellular phone project. Negotiations are not to a stage where decisions can be taken, thank you

MR GARDNER Thank you Mr Acting Deputy Speaker I move that the Statement be noted. I only have a question in regard to the Statement to the Chief Minister regarding the operating agreement with Reach formerly Telstra. Will the remainder of the Members of the Legislative Assembly be privy to that operating agreement so that we are aware of just what sort of arrangements are in place as far as communications for the Island is concerned

MR NOBBS Thank you Mr Speaker I will make that available definitely. There are no problems in relation to that. It's only just arrived and by my understanding the situation is that the public servant in charge of it had been briefing Members consistently on the content of it and has done it at a number of MLA meetings but I'll definitely have that for the Members to peruse, that is no problem



ACTING DEPUTY SPEAKER

The question is that the Statement be noted

QUESTION PUT  
AGREED

The ayes have it, that Statement is so noted. Any further Statements

MR NOBBS Thank you Mr Acting Deputy Speaker, just a statement in relation to amendments to the Public Sector Management Act which are not before us at this stage but were actually listed and thought they would be available for this session so I just wish to make a statement if I may Mr Acting Deputy Speaker. I would like to inform Members that the Public Service Board has initiated discussions with myself and Administration officers re their concerns about the adversarial nature of the selection review process provisions of schedule 2 of the Public Sector Management Act. The Board wrote to me on the 14<sup>th</sup> March and the Legislative Counsel was asked to draft some possible amendments. I am advised that the proposed amendments will soon be ready for consultation with the board and they will then be brought for discussion to Members at an informal meeting in the first instance. The Board has raised concerns in relation to two issues. Firstly the adversarial nature of the approach prescribed in Schedule 2 and secondly the duplication of process while the basis of an appeal process is on comprehensive merit selection. They have been asked that the base of the review be reconsidered and have recommended that it is focussed on unlawful decision making. The Board emphasises that they feel it is necessary to provide an appeal process which can identify any flaws or unfair practices in the existing merit selection process and which will ensure a transparent and fair procedure as follows. They recommend that a model be developed around the unlawful decision approach and states that such a model would be less adversarial, less emotional and provocative, easily defined, will be less time consuming and have less potential for duplication and more suitable to a small community. I look forward to the Board's proposal Mr Acting Deputy Speaker thank you

MR BUFFETT Thank you Mr Acting Deputy Speaker just one Statement if others have concluded. I have informally heard that the Legislative Counsel Mr David Lewis may conclude his time with us and may be finishing next week. If that is the case, I do want to say that I regret that we will no longer have his services and I acknowledge with thanks and appreciation his professional performance and especially in the areas that I have ministerial responsibility for. I would like to mention his expertise that I certainly have appreciated. One is concerning the Immigration Guidelines that I have indeed tabled today and the other is work in the Justice and Courts package that he has been working upon and I would like to pay acknowledgment to the work that he has done. Particularly in those areas but there are wider areas than that

MR GARDNER Thank you Mr Acting Deputy Speaker I would like to move that that Statement be noted. I would like to add to the Ministers comments regarding Mr David Lewis. In my time in this Government as an executive Member I was appreciative of the tremendous support that the Legislative Counsel was able to provide to my office during that time. He is very professional and I certainly know that he had little if any legislative drafting experience prior to coming into the job but certainly it's a measure of the man when he was able to pick up so very quickly the intricacies involved in legislative drafting and I want to commend him on a job well done in his time with the Administration of Norfolk Island and I think Norfolk Island is going to miss his services tremendously

MR COOK Thank you Mr Acting Deputy Speaker I too would like to make a Statement. I simply say that I would like to adopt everything that Mr Gardner has said. I found in my time when I was a Minister in this Assembly that I

received most considerable assistance from Mr David Lewis and his enthusiasm for his work and his dedication to it were outstanding and I would like to wish him very well in whatever course he now intends to pursue

**MR BROWN** Mr Acting Deputy Speaker I hope that the reports as to Mr Lewis's departure quite soon are actually not correct. I had understood that he was leaving in about October but if he is leaving soon then that certainly is a matter of regret to all of us. If it is the case that he has made the big time as a radio announcer and he's moving straight from VL2NI to a major capital city station then congratulations and good luck to him. He has participated in a real way in the community while he has been here. My dealings with him has been as a back bencher. He's always been polite to me. He's always been helpful to me and it will be a shame if he is going in such a short time, thank you

**MR SMITH** Thank you Mr Acting Deputy Speaker I just reiterate all the comments that have been made. David has been a great help to the Government and certainly a very popular radio announcer as well

**MR NOBBS** Thank you Mr Acting Deputy Speaker, as Minister responsible for the Public Service I understand that Mr Lewis has resigned. The actual finalisation are a matter for the CEO and the Acting CEO and I'm unclear what the final arrangements in relation to his position are. It's always extremely difficult when public servants who I have some responsibility for are to depart, and there are ones from time to time when people resign and whether I should make a statement or not in relation to each of them is fairly difficult but I guess in the case of Mr Lewis's position as he is close to the actual Parliament being the legal draftsman I guess that this is an exception and I thank Mr Lewis for his assistance over the time he's been here and there's been some difficult issues which we've worked through and I appreciate his cool head and calm and good advise in the time that he's been here and I wish him well in the future thank you

**MR BROWN** A final word Mr Acting Deputy Speaker. As I sit here looking towards Phillip Island I'm reminded of the fact that this is the first Mr David Lewis to basically leave of his own accord for quite some time

**ACTING DEPUTY SPEAKER** Thank you Mr Brown. Is there any further debate on that. Then I put the question that the Statement be noted

QUESTION PUT  
AGREED

That Statement is so noted. Are there any further Statements of an official nature

MESSAGE NO 19 – FROM THE OFFICE OF THE ADMINISTRATOR

On the 25<sup>th</sup> June 2001 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following legislation: Supplementary Appropriation Act 2001, Act No 7 of 2001, Appropriation Act 2001, Act No 8 of 2001 and the Norfolk Island Broadcasting Authority Act 2001, Act No 9 of 2001 dated the 28<sup>th</sup> of June, A J Messner, Administrator.

## **SUSPENSION**

Honourable Members it's a quarter to one. Do you wish to suspend for lunch until 1.45 pm

**MR BROWN** I would like to suggest 2.00 pm for this reason. Those of us who have to look at our desk to see if there are phone calls to return and so forth, and those of us who then sit down and attempt to do that, time and time again find

that we do not have time to eat, if we do not have a break of at least one and a quarter hours. One hour really is insufficient for that purpose

ACTING DEPUTY SPEAKER                      You have convinced me Mr Brown. This House stands suspended until 2.00 pm

## RESUMPTION

MR ACTING DEPUTY SPEAKER                      Honourable Members we resume from lunch and we move to Notices.

## NOTICES

### CONCESSIONS TO AIRLINES OPERATING REGULAR AIRLINE SERVICES IN THE ISLAND

MR COOK    Mr Acting Deputy Speaker I seek leave to move a Motion standing in my name on the Notice Paper in the amended form appearing on today's programme.

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

MR COOK    Mr Acting Deputy Speaker I move that this House resolves that the Executive Member requests the, and recommend that the Manager or Deputy Manager of the Norfolk Island Airport under the advises of the Airport Consulting Pavement Engineer at all times consider and implement the granting of applications for concessions to Airlines operating or intending to operate regular Airlines services into the island either from Australia or New Zealand to be effective for all landings and take-offs during the period 18 July to 31<sup>st</sup> December 2001, increasing tyre pressures to the maximum of 185 pounds per square inch with all up aircraft maximum weight of 60 tonnes. The continuance of these concessions during this period to be subject to a) regular monitoring and inspections of the movement areas in addition to the daily aerodrome service ability inspection by the Airport Management for the purpose of ensuring public safety is at all times is not compromised and for the protection and preservation of the Airport as a vital asset of the island b) immediate cancellation of these continuing concessions to be effected by the Airport Management upon damage or deterioration such as would be deemed to adversely compromise public safety or preservation of the asset becoming evident and 2) The Airport Consulting Pavement Engineer report to the Executive Member no later than the 7<sup>th</sup> of December 2001 upon any possible adverse effects resulting from the granting of the above continuing concessions and as to the practicality of the extension of grants of any such concessions beyond the 31<sup>st</sup> of December 2001. Mr Acting Deputy Speaker the slight amendments that were made to the Motion which I now move before this House in its amended form and which were actually published in their original form in the local paper on the weekend are relatively minor. They were carried out to bring into appropriate and proper form, particularly on the received advice from the Clerk of the House, the proper form of the Motion. I don't intend to spend a great deal of time in speaking myself to this Motion today and I want to make it immediately clear that this Motion is brought forward, as I understand it and perceive it from previous discussions which took place in the informal meetings of the MLA's, really on behalf of the Legislative Assembly. It may be that persons in speaking to the Motion may wish to not agree to it in its present form but it certainly rises out of those discussions which have taken place, and some 10 days ago at the informal meeting of the MLA's there was very lengthy discussions on all aspects of the problems relating to the Airlines operations within

Norfolk Island as indeed there have been on previous meetings and I perceive and speaking for myself that this has become a major concern in every possible way of this Legislative Assembly and well may it be because of the problems that flow directly and indirectly from the cessation of Airline services by the Flight West Airlines. This Motion intends to provide for a relief to be given to those Airlines which come here regularly, that particularly of course is Norfolk Jet Express and Air New Zealand into the island, over a period of time so it's virtually a continuous concession. Previously the Legislative Assembly had resolved to allow one off concessions which virtually meant that every time a flight was going to come in on these Airline services they had to apply for the concession to be granted for a particular flight. Now this is to release that kind of pressure on the Airlines and particularly to make it possible for them to provide for forward bookings over this next period of some 6 months until the end of the year. I might indicate that at the recent meeting that I have already referred to, the informal meeting of the MLA's this type of concession on a continuing basis was granted until today's date and this Motion intends to take up the period from today until the end of the year. I want to say immediately that the Legislative Assembly as I perceive it and speaking again for myself, is extremely mindful of the requirement that there at all times public safety be ensured and that also we protect the asset which is the Airport which is our vital link to both Australia and New Zealand and in fact to the world. Now this particular problem in relation to the tyre pressures has raised itself. I think the community has been made well aware of it by statements on the local paper which have come out and also by statements of the Chief Minister on Friday mornings. It related to the state of the Airport pavement when it was updated or regraded and resurfaced in 1991/92 in which there was provision made for tyre pressures of 165 pounds per square inch and some 56 tonnes all up weight of the aircraft. Now the situation has been that certainly for some time, at least on of the Airlines has been operating beyond those tyre pressures, the other Airlines seems to be operating within the tyre pressures and did however seek some concession to increase its all up weight. It's not entirely clear just what is the most aspect in this matter, although from the reports we've received from the Airport Consulting Pavement Engineer it would seem that the higher tyre pressures are the problem and not necessarily the weight situation although obviously if there was an excessive increase in weight that may be a matter which would have to be taken into account. The relatively small movement of some 4 tonnes, and that's a metric measurement to the 60 tonnes is a real effort to affect a compromise. Some of the Airline services have sought to increase that 60 tonnes possibly to 62 tonnes and it is possible that there may be occasions when for some very special reason it might be necessary to seek a possible lifting of that limit and that's a matter which obviously might have to be taken into account. But at least for the purposes of these Airlines being able to operate and give public services which are important and significant to this island it would appear to me and I think that I perceive also to Members of the Legislative Assembly that we give this relief, we look to the situation that there's going to be very close and regular monitoring of the Airport movement services so as to detect any possible deterioration or sudden situation which could be said reasonably and properly to adversely compromise public safety and also lead to possible damage to the Airport service. Now those matters are extremely important and I'm quite sure that all Members of the Assembly would agree that they are paramount in endeavouring to meet the situation. We do have in the report of Mr Morris Green the Airport Consulting Pavement Engineer his statement that he believed that it was appropriate to increase the tyre pressures up to a maximum of 185 pounds per square inch so long as, and he made this quite clear, and this is also the essence of the Motion the resurfacing of the Airport takes place in the middle of next year. That is a necessary predicate to all of this of some considerable importance and this Government I'm satisfied has to operate by granting these concessions or endeavouring to meet the problem and deal with it as best it can to have that firmly and completely in mind because not only is that an essential requirement for the confidence of the Airlines to be able to operate here effectively in Norfolk Island but also the public perceptions as to what the island is doing. This Motion permits the or requires in a sense the Airport Consulting Pavement Engineer at the

request of the Executive Member to prepare a report for us no later than the end of the first week in December which we can consider clearly in the meeting held in December of this House and then a decision can be made as to whether or not there should be an extension and if so for what time of these concessions. I commend this Motion to the House and also to the community. It's an attempt I believe to ensure that we can have the best possible and most effective operation of Airline services into Norfolk Island. Thank you.

MR SMITH

Mr Acting Deputy I fully support this Motion.

MR NOBBS

I'm waiting others. I mean I've provided the papers and what have you to the Assembly in relation to this issue and I fully support the proposal which was discussed fairly fully I believe at last week's Member's meeting and I think it was agreed that Mr Cook would proceed with this Motion and I fully support it.

MR MCCOY

Thank you Mr Acting Deputy Speaker. Whilst I understand the intention behind Mr Cook's Motion I must, and I've harped on this on a number of occasions at informal meetings and at discussions in regard to the Airline situation and also in regard to the necessity to upgrade the Airport runway. I have here a report from the Parliament of Commonwealth Australia's Report of the Joint Standing Committee on the National Capital and External Territories titled Delivering the Goods dated February 1995. I would like to read an extract from that Report and it's in relation to the Norfolk Island Airstrip. The Norfolk Island Airstrip is rated to carry medium jets when the Airport runway was upgraded in 1991 the construction consultant's advice that the airstrip could handle unlimited movements of F28 aircraft flown by Ansett and could handle up to 12 weekly movements take-offs and landings of the B737 200 series aircraft flown by Air New Zealand. However any approach for a regular service of a larger aircraft with maximum take-off weight of over 52,000 Kg would require a new pavement assessment. The B737 300 series has a maximum take-off weight of 56,000 KGB. I warn that we are not putting visitors and also community residents of this island in danger by providing this concessions that we are being asked to provide at the moment. I understand that it is only for a short period until the Airport runway is upgraded but the question was asked the other day in discussion at the informal MLA's by Mr Gardener I believe, at what point is a pot hole a danger. Now we are asking, yes whether it's 4 inches or 40 inches, we are asking the Airport Engineers or the Airport Consulting Pavement Engineer to provide or undertake a commitment to provide the Norfolk Island Government with advice as to how safe the runway will be if we allow this increase up to a maximum weight of 60 tonnes or 60,000 KGB. I have some concern that even though we're going through a difficult period in regard to the Airlines at the moment that if we allow this concession and we allow it to be an open ended one that runs for 6 months and it could even be longer than that. The question I have in my mind are we putting the visitors to the island or travelling residents in danger of a serious plane crash on our runway. We have a duty of care and we've been told on a number of occasions that there have been some changes in the legal definitions of duty of care and I believe that we are going outside of that parameter and I find it difficult to support this Motion, as much as I understand the intention behind it. Thank you.

MR GARDNER

Thank you Mr Acting Deputy Speaker. Just a few brief comments on the Motion. I support the Motion. I realise having listened to some of the debate and I apologise for being late into the House but I was involved in another matter of public safety. I guess my only real concern from this, even though it is unpalatable to be putting this added pressure on the pavement at this time I believe it is as I'm sure other Members have said in the past our lifeline. We require at this time with the demise of Flight West these extra services to operate. It's beyond the Airline's control at this stage that there aren't suitable aircraft within the landing and take-off guidelines as they previously existed prior to this Motion being in place. It's beyond their control, beyond our control and we are required to keep the lifeline open. I guess my

only major concern with this is in part 2, the second part of this Motion about the Airport Consulting Pavement Engineer reporting to the Executive Member. We've had a report from the Airport Consulting Pavement Engineer as to what he believed the appropriate stress factors or the stress limits that could be placed on the pavement within the public safety guidelines are concerned. In his learned experience he's been able to provide that documentation to us. What we're doing here basically is stepping outside of those recommendations and the proposals of the Airport Consulting Pavement Engineer, unless of course as a non-Executive Member I've completely misinterpreted the advice provided by the Airport Consulting Pavement Engineer. But just one word of warning, there has been flagged already a concern over the pavement. There are conflicting reports, certainly within the community, certainly within the Administration, certainly within the Legislative Assembly about just how stable that pavement is, but somewhere along the line I guess we have to accept professional advice. All due care has been taken I think in the way this has been worded, to ensure that we are going to maintain public safety to the highest possible degree what we can under the current circumstances as the circumstances now that we face today determine. I think we've done that and this is a responsible way to go forward but we need to be conscious of the fact that the Consulting Engineer has reported to us once already, the Consulting Engineer has been asked to report to us by the 7<sup>th</sup> of December 2001, God forbid we ignore that advice again later on. Thank you Mr Acting Deputy Speaker.

MR COOK

Mr Acting Deputy Speaker I just come into this at this stage although others may want to speak but there has been available to us now for some time in a sense a report from Mr Morris Green the Airport Consulting Pavement Engineer. It was written to the Manager of the Norfolk Island Airport on the 30<sup>th</sup> of April and I just quote from this. He says "Fortunately the asphalt pavement failure is gradual and catastrophic events do not usually occur. If the Administration are firmly committed to an overlay next year I believe you could allow tyre pressure concessions up to 185 pounds per square inch from now till then, that's back in April. Although the risk of pavement cracking is increased safety should not be compromised provided pavement condition is closely monitored and there is prompt attention to cracking with pavecoat. If break out of asphalt occurs specialists advice would be required to gather a review of aircraft operations". I refer to that, now I would say, I would wish to say speaking for myself entirely but I would not have been party to this Motion unless I believed we had some clear advice from an expert professional opinion on which we could rely and I simply draw that to Mr Gardner's attention and those who may be concerned, that obviously there must be a concern about safety but we have a report from the Engineer which I respectfully submit does provide for proceeding in the way the Motion seeks to proceed, with a very very careful and it must be emphasised careful attention to the monitoring of the pavement and also the clear commitment to the Airport pavement being overlaid or commenced to be overlaid in the middle of next year.

MR GARDNER

Thank you. I accept what Mr Cook said there regarding the 185 PSI. He might just wish to direct me to the passage in that report that says a maximum weight of 60 tonnes. I thought it was somewhat less than that.

MR COOK

I don't think there is any reference in the report to the tonnage situation. I think if one reads through that whole of the report of the 30<sup>th</sup> of April the reference constantly throughout that report is to tyre pressure and I think Mr Gardner together with other Members of the House has received this report and it was this concentration which seemed to be so clear in all Mr Green's reports about the Airport's tyre pressures that made it so important. I did in my earlier remarks on this Motion advert to the question of the combination of weight and tyre pressures and obviously it was not intended to have a complete cartblanche to the actual weight of aircraft coming in even if we'd increased the tyre pressures to 185 Pounds per square inch. The Motion says up to a maximum of 60 tonnes and obviously if was possible to keep to the 56 tonnes and it may very well be that that actually does occur, by reason of

the aircraft weight with passengers and freight and whatever else might be on it. I know Mr Brown has special expertise, maybe he may be able to tell us something of significance or importance of the tyre pressures in this whole problem.

MR NOBBS

Thanks for that Mr Cook. I thought it was fairly obvious that the Pavement Engineer who is actually employed as part of our, a necessary employee as part of our registration and certification of the Airport and has been on strength for about 10 years. I thought that his advice in relation to the 185 tyre pressure if we intended to proceed with the overlay, to commence it next June was evident and I thought that was just an accepted thing because it's been discussed on more than one occasion. As far as the report that Mr McCoy read from, I'm not too sure where they got their information from because looking through the files I found it last night actually, was that on the 25<sup>th</sup> October 1991 the then associate with Becker Carding Holdings Inferno was a Mr Morris Green who supervised I understand or had some supervisory role in the initial Airport overlay or the Airport overlay wasn't the initial one of 1991, he provided the published recommendation of the published PCN which is the rating of the pavement at 29 at that time and it allowed for, 165 pounds per square inch and 56,000 Kgs relates on a graph to that particular 29 PCN, and that's what the Airport has been operating on subsequent to that publication. He does go on to make reference to the fact that the aircraft of course have their own CAN number and the rating on the, so the F28's had an CAN of 17 and what it meant there that it was equivalent to 4 F28 landings are equivalent of 1 737 landing at the 56 tonnes and 165 PSI. So that you can rate it, I mean what it really means is that the greater the pressure you put on the Airport the less above the PCN of 29 it reduces the actual life of the pavement considerably. That's what the whole argument's been. There was considerable impact of course because the aircraft was coming in from New Zealand in excess of the PCN at the time. What damage that did and to the life and what have you of the actual pavement is unclear but it seems to coincide with a major increase in the works needed at the Airport including a considerable amount of re-surfacing to, and one can only assume that that was due to the excess tyre pressure. But also the Pavement Engineer has stressed consistently that the major impact on the pavement is tyre pressure and that's his main concern is the tyre pressure above 165. So I leave it at that for the time being Mr Acting Deputy Speaker.

MR BROWN

Mr Acting Deputy Speaker firstly I declare my pecuniary interest in the tourism industry and also in that I have done a small amount of legal work over the years for Norfolk Jet Express and like a number of local people I have a very small fraction of .1 of 1% of a shareholding in the Company which a number of people took out a couple of years ago when the Company needed some funds. My feeling about this is quite simple. There are sufficient reports in my view to justify supporting Mr Cook's Motion. I've got absolutely no doubt about that. If we were talking of a runway that was like the local roads with potholes 4 feet wide I could understand Mr McCoy's comment but that's not the situation. The runway is in fact very well maintained by the Airport staff. My understanding is precisely as was described by the Chief Minister as to the situation at the airport, it is simply that higher tyre pressures and higher weights can bring forward the date at which a resealing is due. In this case I'm not so sure that it's brought it forward though Mr Acting Deputy Speaker because my understanding has always been that the reseal was going to be due in 2003 no matter what and we're bring that forward by 1 year but not necessarily as a result of the Airport having already had the number of landings that it was designed for. There must be other factors such as normal aging for example, but I have no difficulty in supporting the Motion. I think that there is no option but to be realistic when it comes to this and there simply is no safety issue beyond the normal safety issues that apply every day. The strip is inspected every day, it will continue to be inspected every day. The Consulting Pavement Engineer comes at certain times, he'll come one extra time this year. There is not issue there and I don't think that we should be stirring up hysteria by pretending that there is. Thank you.

MR ACTING DEPUTY SPEAKER      No further debate. Then I put the question that the Motion be agreed to.

QUESTION PUT  
QUESTION AGREED  
MR McCOY      NO

The Ayes have it.

**ESTABLISHMENT OF SELECT COMMITTEE TO INQUIRE INTO MATTERS RELATING TO THE DEREGULATION OF THE TOURIST ACCOMMODATION REGISTRATIONS AND OTHER MATTERS.**

MR COOK      Mr Acting Deputy Speaker I seek leave to move the Motion standing in my name on the Notice Paper in the amended form appearing on today's Programme.

MR ACTING DEPUTY SPEAKER      Is leave granted. Leave is granted

MR COOK      Mr Acting Deputy Speaker I move that this House resolves that 1) A Select Committee be appointed to inquire into and report upon 1) The effect, consequences, advantages or disadvantages of the deregulation of Tourist Accommodation registrations following upon the resolution of this Legislative Assembly to deregulate such registrations; 2) The essential legality and validity of conditional registrations of tourist accommodation units under section 7(4A) of the Tourist Accommodation Act; 3) Any provisions which require to be introduced into or amended in the Tourist Accommodation Act to ensure that that Act operates in the best interests of the community and in its relationship to the Planning Act and other relevant legislation; 4) The impacts and effects which all tourist accommodation units registered under the Tourist Accommodation Act and which have been constructed and are in operation or which have been conditionally registered and for which approval under the Planning Act 1996 has been granted and which have been or will be constructed and which are not, at this date, in operation, may have upon the environment, community infrastructure and resources and the development or implementation of the Norfolk Island Plan under the Planning Act 1996; 5) Any other matters which are relevant to or significant in the development or regulation of the tourist industry in the best interests of the community. 2) That the Members of the Committee be – Adrian George Hingston Cook QC, Bruce Stanley Walker and Brian George Bates. 3) That the Committee – 1) May consider any other matter relevant to the inquiry; 2) shall have the power to send for persons, papers or records; 3) shall invite submissions from Members of the public and 4) Shall report to the House in its conclusions and recommendations within four months unless the Legislative Assembly otherwise orders.

MR COOK      Mr Acting Deputy Speaker the amendments which have been made to the Motion which was published or put in by me earlier and published in the local paper was really simply to add Clause 4 of the sub-clauses in Clause 1 dealing with really the inquiry which was required to be instituted under the Tourist Accommodation and Registration and Quota Amendment Act which was passed earlier this year by this Assembly which required the consideration of those matters when quota was being established for the purposes of increasing the numbers of tourist accommodation units which might be registered under the Tourist Accommodation Act and that has in effect really been the only amendment and of course the addition of the members of the Committee. The discussion in relation to possible members of the Committee took place here before the informal meeting of the Legislative Assembly on Monday and it appeared that quite a few of the Members felt that they should not be involved in the Select Committee by reason of their involvement in the tourist industry



both directly and indirectly and of course those concerns have to be paid most adequate regard and weight to so far as their feeling that they could be so involved. The persons who have put forward their names I believe might be fairly said to be those who may be least possibly involved in the tourist accommodation industry. You yourself Mr Acting Deputy Speaker indicated your reluctance to be involved but your willingness to assist because of the difficulties around the table of finding members of the Committee who would not be so directly involved and you had indicated also difficulties which you might have with the time available to you. I think all those matters have been carefully taken into account by the Legislative Assembly in appointing these Members to the Committee. Mr Walker of course is involved indirectly in activities that might be said to touch on the tourist accommodation or tourist industry probably more generally and I think it's fair to say that the Assembly considered very carefully that aspect of the matter and decided that those persons would be appropriate members to have on the Committee as named in the resolution. I think I was put on it simply because I was prepared to move the Motion but anyhow I'm there. The other matters of course were simply the formal requirements that have to be put forward at the time a resolution is made to have a Select Committee set up. The only difference there was that the original Motion suggested that the report come forward in 3 months but that 4 months takes account that from the problems of the membership of the Committee so far as their availability and necessity that they may have to be absent from the island for the during the period in which the report may be prepared and the Select Committee sit and take and undergo it's normal proceedings. I don't wish to spend a great deal of time in talking to this Motion, others around the table may very well want to have something to say to it but there are some facts which I think are significant and important in looking at this whole problem. It is now some 5 years Mr Acting Deputy Speaker since the deregulation of accommodation on Norfolk Island which took place in August 1996. That 5 year period has given us obviously an opportunity to really examine the situation and see what has happened and what could happen and we stand at an important point I believe at this time in deciding just where Norfolk Island may be going to go. In fairness to those who might think that this somehow is designed to totally prevent any further tourist accommodation industry, it may be on proper examination of all the facts that it's established that it's quite appropriate for recommendation to come forward that there be some increase, just as much as there may be an increase in the sense of showing that there is a need for further accommodation units to be supplied on Norfolk Island. Just the same as may very well be a recommendation in due course that we should be most careful indeed to ensure that there be no increase for the foreseeable future. Those are options, together with many other options which obviously will arise. If I could just point out to the House and to the community at the time of deregulation and these figures, I'm not going to be lengthy about them at all, but at the time of deregulation in August 1996 there were 41 properties with accommodation units which had 417 units available and that comprised some 1256 beds. It was thought at the time of deregulation that that particular number had been static for many years, that there was a protected industry which had been thereby created and that there was therefore a limitation which was not justified in the expansion of the island's revenues. I should point out that the Norfolk Island Tourism put forward in March of last year and shortly after they had prepared it and brought it forward to the Executive Member it was put before this House a document called Marketing and Business Plan. That was for the years 2000/2001 to 2001/2002 and I intend to quote very briefly certain extracts from that. I don't believe I'm taking them out of context but at page 10 of that report it says that As of February 2000 and I'm pointing out there this is something like three and a half years after those first figures I just put to the House "there were approximately 57 accommodation houses, that's an increase of some 16, 477 units, so the actual units have only gone up by about 60, and 1,428 beds on Norfolk Island. So it might be seen that in that initial period after deregulation over a period of some 3 and a half years there really wasn't such a vast increase. I point out of course that at the time earlier this year that it was decided by this Legislative Assembly to put on a quota as it were, there were 597 units actually registered or found to be able to operate under the quota. So it could be seen that from

February 2000 to the time when those figures came forward to this House, that was in March 2001 the units had jumped from 477 to 597. So that there had been something like 120 additional units in that 12 months, so you get a picture at least of some gathering pace, so far as it were in the registration of these accommodation houses. There may be reasons for that. One of the situations which clearly was taken into account in the imposition of the quota was the qualification of at least one of the accommodation houses of some 55 units which of course account for almost half of that increase in 120 units. The interesting facts which emerge from the consideration of the material on page 10 is that the Norfolk Island Tourism accepted in their report that the Norfolk Island Government set a target in Unity 2005 of 340,000 bed nights in public accommodation by the year 2005. Then this quite important passage appears on page 10. Norfolk Island Tourism estimates that due to the advent of short breaks the average length of stay in public accommodation would reduce from 7.7 days to approximately 7.0 days. Based on the forecasted average length of stay of 7.0 days Norfolk will need to attract approximately 48,600 public stages by 2005 to reach Norfolk Island Government's target of 340,000 bed nights in public accommodation. This equates to 8% annual growth in public stay visitors. To cater for this level of visitation additional 250 to 300 units will be required. The Norfolk Island Government will need to consider this level of development and visitation is desirable. Then just finally to look at the rather longer term or even another development within that period of time, the report goes on to say given that there is a world wide trend towards the shorter length of stay Norfolk Island's average length of stay may fall to 6.0 to 6.5 days by 2005. Should this eventuate the island will need to attract additional public stay visitors to achieve the target set in Unity 2005. So that predicates that even more than the figure at present some 38,900 was the figure that we had of tourists who had come to the island in the last 12 months. There would obviously be some degree of increase in those numbers to get to that target figure of 48,000. Well it can be seen of course that in the period of time if you look at it from, covered since deregulation if you have 417 units and now you have 597 which are registered you are looking at something like 41 or 42% increase in that number, which is really quite a substantial number over the period of 5 years. In the report itself at page 11 Norfolk Tourism says the spectacular and natural surroundings and relatively tranquil safe and relaxed lifestyle of Norfolk Island provides holidaymakers are key reasons why tourists visit Norfolk. In developing the industry Government authorities must ensure they do not destroy these precious environmental and lifestyle assets, and again that theme is reproduced later in the report where it is stated by Norfolk Tourism that the question of the level of infrastructure this is at page 36, the level of infrastructure on Norfolk Island is appropriate for the level of tourism activity and this type of destination that Norfolk Island is. Norfolk's beautiful natural environment and low key lifestyle are 2 of the island's biggest tourism assets. The island must be careful not to destroy these present assets. Now the situation is of course Mr Acting Deputy Speaker that there has been considerable awareness in the community and certainly in this House about exactly where we are going with the regulation of the tourist accommodation industry and what it can mean, because there has to be great care between as it were reducing the opportunities to have a really quality of life coming from the operation of the tourist industry on Norfolk Island, being its primary industry of course, and the preservation of the true quality of life for those persons who have lived all their lives or through their children will continue to have the concept of a lifestyle on Norfolk Island being essential as we would all obviously wish for children and our families and their children to enjoy. The question about the future of the tourist industry Moratorium Act of 2000 which was assented to on the 28<sup>th</sup> of April 2000. As Members of this House and the community will remember of course a moratorium was put on the consideration of applications for new registrations of tourist accommodation houses for 12 months from the 22<sup>nd</sup> of March and the moratorium was put on to look at the objects of the Act as set out in section 3 of this Act but during the period that this Act is in operation to prohibit the acceptance of or consideration of new applications for registration during the period that this Act is in operation for the purpose of providing a period to reassess the impact of tourism on the management of resources and waste

and to review the tourism industry and to initiate legislation in the best interests of the industry and the people of Norfolk Island. Now I'm not in any way intending to make any comment on the question of well, what's happened in that period of time about the reassessment which was predecalated in the objectives of the Act which we passed. I'm not here to do that. I simply say that to the best of my perceptions and understandings of what has come before this House or otherwise been made available we haven't had that reassessment take place. I don't challenge or go into any questions as to why, I'm just simply saying it hasn't happened. Then we have the Tourist Accommodation Registration and Quota Amendment Act which was commenced on the 5<sup>th</sup> February 2001 and section 8 which dealt previously with the old quota which was in place before the deregulation refers to the manner in which the regulation will take place or quotas will be imposed and in fixing the resolution which gives the maximum number of accommodation units which can be registered and in operation on Norfolk Island the Legislative Assembly has to have regard to the number of tourist accommodations which are at that time registered, constructed and in operation or registered under Section 7 4 a and not in operation for which planning approval has been obtained under the Planning Act. I refer to those because it's perfectly clear that at any time that any consideration is to be given to the quota those matters must be firmly able to be before the Assembly and we must have some mechanism in place to have that material available to us for our consideration if we are going to perform our duties under the Act. I am aware that later today there is an Act to provide for regular reviews of the quota and that would appear to regard as essential that there be a review of this quota situation at least every two years or such other earlier time as may be resolved by the Legislative Assembly. This motion that I have brought forward is obviously going to require a considerable amount of effort and work from the persons who are engaged on the Committee to collect and garner all this information and to reduce it into an appropriate form to be able to report back in due course to the Legislative Assembly as the motion requires them to do. It obviously will require a considerable amount of cooperation from all persons in the community who are involved in the tourist accommodation industry or who wish to put forward material even if they are not engaged in those industries which would be relevant to this enquiry, so I really am hopeful in due course that if indeed the House passes this motion that it could be accepted and understood that not only the efforts which will be required of the committee which are going to be large and take a lot of commitment but it will also require a considerable commitment from the community because without their input without their assistance in gathering this information the committee will be somewhat hamstrung in doing the effective role that a select committee obviously envisages. Select Committees of course are generally set up by the House for a particular purpose. Standing Committees last for the whole length of a Legislative Assembly but this particular committee by my motion is intended to be set up, is intended to do its work quickly, it comes at a convenient time with the draft plan which is coming for consideration before the public and the Legislative Assembly it comes also at a time when sadly that there's probably going to be some falling off in the tourist numbers coming to the Island. That seems to occur regularly each year at this time but it is probably being compounded by recent events, hopefully today there were some facts put forward to militate against that but at least there may be the opportunity for those who otherwise would be very busily engaged in the tourist industry activities which accompany the high attendance of tourists to come forward and spend time and effort in putting forward to the committee essential and important material for its assessment. I do commend this motion to the Legislative Assembly and I put forward that it is high time that we embark upon the extremely important role of finding out just exactly what effect deregulation has had, where we are at with tourist accommodation and the industry generally as it touches on those matters, and I am hopeful that this House will agree with the motion I put forward. Its something that members of the community have been asking for this for a long time, Members of the Legislative Assembly have been asking for it for some time, we really do have this information. Not only is this important to the tourist industry but this type of information would have quite

a valuable spin off effect so far as immigration and planning and other matters of that kind

**MR BUFFETT** Thank you Mr Acting Deputy Speaker I do have a query in respect of one point two of the motion. I'm unsure of this and maybe somebody can assist me in some detail about it. One point two talks about legality and validity of conditional registrations of tourist accommodation units. Further on in our notice paper today there is a piece of legislation which I understand may well put aside condition registrations. I could be wrong about that but the Minister may be able to confirm or otherwise that. If that is the case I am wondering whether that particular clause continues to have relevance. I'm just raising this as a query. It may or it may not.

**MR COOK** Thank you Mr Acting Deputy Speaker Mr Smith may have missed a little of that so I would just draw to his attention that the question is being raised as to leaving in the motion one subclause two in light of the fact that a piece of legislation has been provided to us which at least is going to be brought forward and tabled before this House. I did give that matter essential consideration. I didn't want to simply load the motion up with things that were unnecessary but I thought that the outcome at least allowed that question to be looked at and maybe events will overtake it and if conditional registrations are in fact removed from the Act that would resolve that requirement to report on it

**MR SMITH** Thank you Mr Acting Deputy Speaker even though I was out of the room I was able to hear what Members were saying so I'm aware of the question asked. That part of the motion could mean two things. With what's proposed further on today there is a bill that will change conditional registrations in the form that they are currently in and I'm wondering if Mr Cook is really looking at the essential legality and validity of past conditional registrations because one of the questions put to me during the term of this Assembly is what are these conditional registrations and in the previous Legislative Assembly it was considered that conditional registrations could be counted as registrations and that was a legal decision that was taken on a legal interpretation as far as the trigger market share was concerned. Members who were here at the time may remember that the trigger market share was to be lifted by the amount of conditional registrations so therefore these were considered to be registrations. Now there's been a lot of debate about that not only from people without the conditional registrations but people on the outside who didn't want people to have conditional registrations so the fact that it's in there may be a good thing anyway for the past tense but it probably won't have any effect in the future because they will disappear if this bill passes this afternoon. I hope that's helpful

**MR COOK** Thank you Mr Acting Deputy Speaker if I could just speak to that very briefly. If indeed there has been any question of the validity of conditional registrations then at least this would serve the purpose of enabling their being some validation of legislation is that situation had to be covered. I'm not seeking to de facto just any registrations which have been granted and I don't think this House would seek to do that either but it may very well be that if there is any legal question about the validity it would be inappropriate to leave some doubt about it that might be sought to be brought back at some later stage. At least this House could resolve that and fix it up once and for all if that was necessary. That's the only point I make and I'm certainly not intending to undo anything that's been done but to make right that which may have been done wrong

**MR GARDNER** Thank you Mr Acting Deputy Speaker. Regarding that matter I would be interested to know whether there has been a challenge raised to the legality and validity of those conditional registrations, if there is anything in writing or if it is just something that's sitting around in the back of someone's mind but as far as I'm concerned I believe it should be put to rest and I would be quite happy to leave

it rest there. Somewhere later down the line there may be a Legislative Assembly that wants to go back to some form of conditional registrations and it would certainly be helpful to them to know whether it is legal and valid. Briefly, I supported for no other reason an issue that Mr Cook raised previously when we imposed moratoriums and we had sought to assess the impact of the deregulation of tourist accommodation. Certainly I've been one who has questioned the Minister for Tourism on this in recent months asking where the assessment is and when we can expect to see something and is something ever going to happen, is it going to come to hand and it's probably been somewhat unfair of me to question in that way because I can't ever recall anybody asking or directing anybody in particular to do that assessment save for one report that was done I think by Mr Rick Kleiner which gave us a passing assessment of what was going on but wasn't really the guts of what we were looking for. Certainly I don't recall the Minister for Tourism being the person delegated to come back with that. I could be wrong but I don't recall that. Certainly as an executive Member I don't recall being asked to provide input. Maybe it was just something that slipped past and slipped through the workings and nobody really knowing exactly who was responsible for collating all that information and bringing it back and I know there has been criticism leveled at Members of the Administration for not having that work done. That's probably inappropriate too that they've been targeted. I don't really recall who it was that was given the job to bring it back to the House so to cut a long story short I'm supportive of this because that is exactly what this inquiry is going to achieve and I don't know whether it is the most appropriate way of doing it or whether we could simply ask through one of the executive Members a section of the Administration to compile all of that information rather than setting up an inquiry but whichever way I'm glad that at the end of the day we are going to have some results, thank you

MR McCOY Thank you Mr Acting Deputy Speaker I believe the question of conditional registrations is a very important question to determine. There has been a number of issues raised in regard to whether they are legal and what conditional registrations really are. The Minister for Tourism said that it was used in the past and determined as being a registration. Well the fact of the matter is that it is a conditional registration which I believe can be withdrawn from the licenced operator, whoever is registered to operate at any time because they do not have a legal and binding registration so I would really like to get a firm answer as to the legality of that conditional registration. I support wholeheartedly this motion by Mr Cook. You will recall that I tried many times to have this issue addressed. I did pose a moratorium to have a review carried out as to the effect of the deregulation of the tourist accommodation industry and as Mr Gardner mentioned Mr Kleiner did a preliminary report which I thanked him very much for and still do today. I always felt that that report which was carried out in a short time frame of six weeks gave us a good starting point as to where we should go when we carry out this complete review and Mr Smith, the Minister for Tourism did take carriage of that matter because he wrote to Members asking for input into the review when the moratorium was put in place by this Assembly and so some effort had been made but it appeared that it didn't get very far and I therefore support this motion and believe it is of the utmost importance for Norfolk Island to decide where we would like to go or what time we would consider the further expansion in the tourist accommodation industry so this information will be most beneficial

MR SMITH Thank you Mr Acting Deputy Speaker I would just like to pick up on something that Mr McCoy said and also in relation to what Mr Gardner said. I think Mr Gardner's recollection is more correct than even what I've understood it to be. I cannot recall where I was directed to bring back a report on the moratorium on deregulation. Maybe we did. A lot of water's passed under the bridge since then. But to say also that nothing much has happened since then is as bad as what was said about waste management. I think Mr McCoy mentioned this morning that even though it might appear that nothing much has happened, in the same context with the tourist accommodation things have happened. there was a report by Rick Kleiner in

the early stages of deregulation. I certainly did write a letter of to the Administration asking for a report. I certainly did see the early stages of the report where letters were being sent out to different sections of the Administration to get a report on what they could see as the affects on deregulation and that information hasn't come back to the House yet so I just wanted to make clear that things had actually happened over that period of time. Certainly the question of conditional registrations will be an interesting interpretation by the Select Committee. I'll be really interested in seeing what they come up with because if conditional registrations aren't considered a registration, I would be interested to see what that would do to the trigger market share. Now if those conditional registrations couldn't be used for the trigger market share, well that changes the whole thing around. That will make a big difference to the tourist accommodation industry and I don't know what that effect will be but I look forward to finding out. Mr Cook also said in relation to the 1500 beds that we have under conditional registrations or full registration that there are still 76 units to be built so even though we have 597 units there's still 76 of those, as far as I know, not complete or operating so if you say there's a problem we've only got half the problem so far. It could get worst if you look at it in that context. I don't think there's anything else for me to add. If the Select Committee wants to enquire into this I think it would be very helpful because over a period of time of our term on this Legislative Assembly there certainly has been all sorts of suggestions that things have not been done right and that Ministers should have had more power to do things. I would be really interested to find out if that's true. I would be really interested to find out if there is something that we inadvertently approved in that period of time that perhaps we shouldn't have. Our legal advise was always that we weren't doing anything wrong. In fact, our hands were tied with what we are doing so I would really look forward to a report even if it comes back and says, no, the Select Committee believes that it should not have happened that way as long as in the end, and I'm pleased Mr Cook has said that its not going to be a witch hunt, though they're not the words he used, but in the end so that we can fix the whole thing up. They will make an assessment, but the hardest assessment is what the community really thinks. Now we all know what people we've spoken to think about the new tourist accommodation over the last five years and there are very different views and varying views. How we assess that through the Select Committee I'm not really sure except that a lot of public input will be asked for but the interesting thing that I expect will come out of it is where does the money go, and I think Mr Cook might have mentioned this at some earlier time and Mr Brown too on occasion has said that even though our visitor numbers have been up in numerical numbers to 40,200 the amount of taxation that we actually get back from that amount of people doesn't seem to reflect the numbers of people that have been through here in the last two to three years so I expect that that will be part of what the Select Committee has a look at to see what's happening. With more people we should be making an x percentage in taxes directly or are we under and illusion that simply having more people means more money for the Government coffers or the community's coffers. I support the motion Mr Speaker

MR NOBBS

Thank you Mr Speaker. I definitely support the motion and I don't intend spending any time contributing to the report at this stage. All I want to say is that I wish the Committee well, but I would like to make comment on the Committee if I may. The Committee is Mr Cook, Mr Walker and Mr Bates. It was thought maybe that there was some conflict of interest there. I don't see it that way Mr Speaker. I see Mr Bates having an understanding and expertise from a tourist accommodation perspective in nothing else and I'm sure he can contribute a lot more than that to the committee, I see Mr Walker from the commercial sector as having experience here on the Island for a number of years in the commercial sector and I see Mr Cook with none of those ties being a representative of the general community so I think it should be a very balanced committee and I wish them well

MR BATES

Thank you Mr Speaker. I was a Member of the Legislative Assembly that agreed with the deregulation and as Members know since

that time I now operate two tourist accommodation units. I did have no intention of doing so at the time of deregulation but other circumstances changed and that's where I am. I do have reservations about being on the committee from that point of view because should the Select Committee come up with some type of recommendation that will preclude others from doing what I have done then I will feel pretty bad about that. I have that concern. I also at this point in time don't know where I'm going to find the time. Probably between 4pm and midnight but I can't see much happening in other hours. Nobody else seems to want the job and it's got to be done but if I find that I'm not able to put in the time then maybe we need to rethink and replace me somewhere along the line. I just make that point because it does concern me a lot. Back to the motion itself though, I think the public has said a lot about tourist accommodation in recent times and I think this is a further opportunity for them to air their views by making submissions to the group and I think it would be good to get all those views together and document them in some manner. I have always, right at the time when deregulation came into place, I've always said that tourist accommodation should be able to be controlled by the plan itself. If something is owned in a certain area and something is permissible in that area then I think there's an expectation from the public that that activity can take place in accordance with the plan. Having said that I think that departure from the plan is something that should hardly ever happen and only ever happen in very exceptional circumstances which are for community good. Departure from the plan should not simply be because somebody wants to do something and a public meeting is held and nobody objects too much. That's not good enough to depart from the plan. You might as well throw the plan out the window if that's how its going to work. I still believe that this should be covered by the plan and the things that go along with the plan, the building codes that restricts buildings to a certain number of story's in certain areas but if the plan says that you can build so many units in a certain area and you fit in with all the building codes and you can get power and sewerage and all those other things that go along with it, and if the plan says that it can be done, then I believe it should be done. And if it shouldn't be done then the plan should say it shouldn't be done. the plan doesn't tell you how many butcher shops you can have on the Island. It might tell you where you can put them. The building codes might tell you whether you can have a three story butcher shop or one story but it certainly doesn't tell you that you can only have one or two butcher shops on the Island. The same for anything else we have, blacksmiths shops or light industry. The plan tells you where they can go and it regulates itself from thereon. However, that doesn't seem to be the way it's worked and I think we all know that something went wrong so I don't have a great difficulty with this motion inasmuch as we may be able to find where the even ground is. I think the plan can control Norfolk Island's growth and if the plan is right then everything should fit into their places. They are the only points I really want to make at this time Mr Speaker

MR COOK

Thank you Mr Speaker may I just say in answer to Minister Smith, in reading out a short statement on the reasons for deregulation in August 1996, one of those was that it created a protected industry and limited expansion of the Island's revenues. I also understood that at that time it was also thought that the Government of Norfolk Island and Administration would gain from an increase in tourist numbers and so forth and have an increased revenue and while I don't think that I'm in the position to compare with our financial position in August 1996 I suppose I'm privy to that fact that being a Member of this Legislative Assembly what our financial position is in August 2001 if indeed there is a serious diminution in our situation then looking at it realistically there wasn't really a good course for deregulation or there was some other reason why there is that although there seems to have been a regular increase in tourist numbers

MR BROWN

Mr Speaker first of all I make my usual declaration of pecuniary interest in matters relating to tourism and in particular I need to declare that it is quite likely that the company with which I'm involved will be making an application for compensation in relation to this very issue. But there is something that I

would like to say not in relation to the general thrust of the Select Committee but in relation to the comments that have just been made about the financial impact of the growth in visitor numbers. My words of caution have not been intended to convey that we are deriving no additional income as a result of additional visitor numbers. We are clearly deriving additional income. My words of caution have arisen because notwithstanding that additional income we are finding ourselves in a worse and worse situation to the extent where at the end of this year we are budgeting to have something like two weeks of expenses left in the bank. \$11.5 m of budget for the year, something like \$500000 in the bank. That is only a fraction over two weeks of trading with no ability to borrow Mr Speaker but we shouldn't blame tourism for that. That has come about because we have either spent too much and allowed our spending to grow too quickly or we have not paid sufficient attention to how we will raise the revenue from ourselves to pay for the cost of Government. We shouldn't always be saying let's find a few more visitors to come to the Island and get them to put a few more bob in. At some stage we've got to say well do we have a bit of a duty ourselves. If the visitor numbers doubled in a particular year that is not going to mean that the Administration's revenue has doubled because there are revenues that flow from ourselves. The only thing that will increase as a result of those increased numbers are whatever proportion of the revenue will come from our visitors. So I think we need to bear that in mind. The second thing I think we need to bear in mind, many of us around the table continue to refer to an animal we call a tourist and I really hope that we can grow out of that and start to refer to our visitors as visitors because really that's what they are. Norfolk Islanders had a wonderful reputation for hospitality and rightly so over many, many years, but there's something a little bit off in my mind in continuing to refer to our visitors as anything other than visitors and to continue to refer to their benefit in only financial terms, thank you

**SPEAKER** Thank you. Any further debate? There isn't any further debate and we've concluded that so I put the question to you Honourable Members

**QUESTION PUT**  
**AGREED**  
**MR BROWN ABSTAINED**

The ayes have it thank you, the motion is agreed to

### **PLANNING TOURIST ADMINISTRATION AMENDMENT BILL 2001**

Continuing on Honourable Members I report to you that the Business Committee has determined that the Planning Tourist Administration Amendment Bill be declared urgent and its passage expedited

**MR McCOY** Thank you Mr Speaker, I present the Planning Tourist Administration Amendment Bill 2001 and move that the Bill be agreed to in principle. I table the explanatory Memorandum to that Bill

**SPEAKER** Thank you, the question is the bill be agreed to

**MR McCOY** Thank you Mr Speaker. This Bill follows a motion of the House to amend the Planning Act 1996 with a view to prohibiting the receipt or consideration of any planning application in respect of tourist accommodation house unless the applicant has first procured a position in the tourist accommodation quota. This legislation has been developed at the same time as amendments to the tourist accommodation Act 1984 which outlined a mechanism of administering the quota and repealed all reference to conditional registrations. Clauses 1 to 3 are formal setting out provisions for the Bill. Clause 4 provides that the Planning Secretary and Board may



not receive or consider an application which relates to a tourist accommodation house unless the application is accompanied by a certificate that the proposed development has received a quota position under the tourist accommodation Act provisions. Clause 5 apply to transitional provisions whereby an application relating to a tourist accommodation house currently received by the Planning Secretary or Board may not be proceeded with unless a certificate is provided. Further it provides that if a certificate cannot be provided the application must be discontinued and any application fee paid be refunded, thank you

MR GARDNER Thank you Mr Speaker. My only query in this is where an applicant has been asked to provide a certificate there is no time frame provided for that applicant to be able to provide a certificate. It really doesn't clarify that other than, is it envisaged that if there is an application currently before the Planning Board or with the Secretary that doesn't have a certificate automatically that is returned with the application fee and no time frames given for somebody to attempt to provide a certificate. I could be wrong but I just look for some clarification on that

MR McCOY Thank you that is correct. There is no time frame for providing a certificate because if that is the case where a time frame is allowed then you would have applications languishing

MR GARDNER Thank you Mr Speaker reading from the explanatory memorandum, clause 5 provides transitional provisions. Not much of a transitional provision if you are not given time to be able to provide a certificate

MR McCOY Thank you Mr Speaker there is also with the refunding application fee to the applicant, the information provided to me is that there are three applications at present where their application fee would be refundable and those application fees are of \$150 each so the total amount to the Government would be \$450

MR BROWN Mr Speaker there is an aspect of this which is of concern. I make my usual declarations in relation to pecuniary interest. There's an aspect of this which is of considerable concern to me. The people who have applications pending at present right now are entitled to have their applications dealt with surely and surely if those applications were dealt with an refused they would have a right of appeal and the Minister is proposing that we take away their right to have those applications dealt with as I understand it, and then we take away their right of appeal because the application can't get to the stage of being refused. I think there is something very basically wrong with that. I also think there is something very basically wrong with proposing to deal with this Bill at one sitting today. Certainly I would prefer to see the House agree that an amendment will be made so that the Bill will become effective from today if it is passed, but in my view the Bill should sit on the table for a month just as virtually every other Bill does so that people who are effected one way or another will have the opportunity to comment on it. Certainly those people that may only involve \$450 of Government money but those people have applications sitting there at the moment, would rightly be quite upset if without any prior notice to them we passed an urgent Bill today depriving them of their right to have their applications dealt with, thank you

ACTING DEPUTY SPEAKER Thank you Mr Smith. Any questions or debate on that

MR WALKER Thank you Mr Acting Deputy Speaker I don't have the motion that I presented to the House which the House passed in front of me, but it did have a specific date which these actions would be dealt with and it gave quite specific instructions as to how that would come in so maybe I should try to find that motion

MR NOBBS Thank you Mr Speaker I thought this was just to carry out the wishes of the House. I thought this motion was to be in, it should have been in at the last meeting, or actually the meeting before I think when Mr Smith was away that the tourist accommodation quota and this other motion were to come in at that time and they weren't so it's several months now that people have had notification since that motion was actually passed. I would have thought that the public knew that this was coming on and it was just a matter of formally bringing into force that motion in a legal sense, thank you

MR SMITH Thank you Mr Acting Deputy Speaker why this Bill and the one to follow it has been treated as urgent I'm not too sure, but it doesn't worry me if they sit on the table and we make the amendment as Mr Brown suggested, to make them apply from today anyway. I don't have any difficulty with taking that approach because in effect, with conditional registrations which is part of the next one they will expire at the end of this month anyway, it's only a couple of weeks away. I wouldn't have any difficulty with us moving an adjournment on this one by the Minister and on the second one I would be quite happy to move an adjournment with the understanding that we would amend it to make it apply from today's date and maybe the Minister for Health might wish to do a similar thing with this Bill we are dealing with right now

MR COOK Thank you Mr Speaker I'm a little concerned as is Mr Brown, I don't pretend to be giving any form of legal opinion and I make that clear but I see in the transitional provisions that Mr Brown is obviously referring to where there is now presently an application which is before the Board, section 51A says that there has to be a discontinuance of any dealing with that application and its put in the deep freeze and when you get a certificate you give it the breath of life and you revive it. Now I've always understood that making a decision and not making a decision are equated as being the same situation and if you don't make a decision about a matter it's the same as actually making a decision but it's a strange concept and I find one that I want to be sure about because it really does put an application into suspense. It doesn't refuse it or enable the person to say well you have refused my application it simply says that we suspend dealing with it until you come along with a certificate. It's an unusual situation as I see it and it gives me a little bit of concern and I would like to have some time to think about it

MR BROWN Mr Speaker could I suggest to Members that there is another aspect that really does require attention because without it, the Bill could be tipped upside down once it becomes an Act and that is the question of proper compensation. Refunding a couple of hundred dollars to someone who's spent thousands of dollars on preparing plans and whatever is not an adequate situation. That's not proper compensation and the Norfolk Island Act makes it clear we do not have the ability to pass legislation that takes away a right without providing proper compensation.

MR MCCOY Thank you Mr Speaker. On that note the proper compensation which Mr Brown I believe is referring to is covered in the out of pocket expenses part of the Accommodation Act, and amendment that we passed a few months back. This is just to ensure that the people who have their applications in place prior to the lodgment, or prior to the commencement of this Act can claim their application fee, but I believe the more substantial expenditure that you may be referring to is covered under the Accommodation Act.

MR BROWN I maintain my concerns Mr Speaker and the Minister may well be correct but if so, I think a number of us need more than just a few minutes in this meeting to satisfy ourselves about it because I repeat my overriding

concern that if we are taking away a right without providing proper compensation, and that's just not out of pockets, proper compensation is a lot more than that Mr Speaker. If we're not providing proper compensation we are at risk of our legislation being tipped upside down.

MR MCCOY Thank you Mr Speaker. As I've heard around the table there is some concern with passing this Bill as an urgent Bill. I did not have any real attempt that it be passed as an urgent Bill. I was handed this Bill on Monday, it was then half an hour later passed onto the Members. So I move that the matter be adjourned for a subsequent sitting.

MR SPEAKER I know that Mr Gardner was signaling. Did you want to have an opportunity to speak, provided your just happy to hold on that adjournment Motion.

MR GARDNER Only briefly Mr Speaker if I may. Certainly there is some doubt and certainly a great deal of confusion around the table about exactly the impact of this Bill should it pass through, and I'm very comfortable to see it adjourned so that we can have some of those questions answered. I know Mr Walker previously had a Motion that was agreed to by the House that set a date for this type of thing happening, however as all too often happens I think we seem to run off in a direction without fully considering the impacts of our actions and certainly I think we would be wise to adjourn this so that we can have some of those questions answered properly.

MR SMITH Mr Speaker if I just may pick up on I think it might have been a questioning statement that Mr Cook had made in relation to this particular Bill. I need to point out that nobody can do anything without a quota position at the moment in tourist accommodation no matter whether someone had the right to apply to the Planning Board or whatever until the Legislative Assembly lifts the quota it won't make any difference, even if that needed to be fixed, although I don't believe it does the way it has been drafted, because they are going to have to have the certificate to be able to go any further with the application anyway, and the quota controls that and has done since we introduced it some months ago, but I'm happy with what Mr McCoy is proposing to adjourn the matter until the next sitting.

MR MCCOY Thank you Mr Speaker. I so move.

QUESTION PUT  
QUESTION AGREED

MR SPEAKER Mr Smith given you indicator in respect of the next matter that you would not want it to proceed as an urgent Motion I won't pursue the declaration of urgency component and I will just give you the call in respect of the Tourist Accommodation Quota Administration Amendment Bill 2001.

### **TOURIST ACCOMMODATION QUOTA ADMINISTRATION AMENDMENT BILL 2001**

MR SMITH Thank you Mr Speaker. I present the Tourist Accommodation Quota Administration Bill 2001 and move that the Bill be agreed to in principle.

MR SPEAKER Thank you. The question is that the Bill be agreed to in principle.

MR SMITH Mr Speaker this Bill is introduced hand in hand with that last Planning Tourist Accommodation Amendment Bill 2001. The Bill has been

prepared after much consultation with the Tourism Officer, Planning Officer and Secretary to the Planning Board as well as with the Minister for Tourism. The existence of conditional registrations or development approvals within the Tourist Accommodation legislation has been the cause of much uncertainty and we've certainly discussed those issues today and also as a matter of dispute in some cases. A conditional registration was deemed to be an actual registration of a tourist accommodation under the Act but in reality it was believed it was no more than an assurance that when a building was completed with all approvals it could be registered as an operating tourist facility. Registrations in those circumstances have conflicted with planning legislation and have created administrative problems in monitoring the development of the tourist industry in Norfolk Island. This Bill removes all reference to conditional registrations or development approvals from the Tourist Accommodation Act. Persons who wish to develop tourist accommodation houses will be required to obtain a position in a quota before they can seek planning approval. Conditional registrations are removed from the Act entirely with this Bill. A quota for the maximum number of tourist accommodation houses was set earlier this year under the Tourist Accommodation Registration and Quota Act 2001 and this Bill provides an administration regime whereby quota numbers can be reviewed and increased if necessary, and Mr Speaker this is very much attached to the previous Bill that has been adjourned and I would propose that I would also adjourn this particular Bill but in saying so that we would amend it so that it would apply from today anyway whenever it is dealt with. So that would be at possibly the next sitting depending how Members want to deal with it.

MR SPEAKER Would you just pause on your Motion of adjournment just so that I can see if there are other Members who might want to make a contribution at this time. Debate Honourable Members.

MR GARDNER Thank you Mr Speaker. Only to say I only received a copy of this dated the 17<sup>th</sup> of July I haven't really been able to compare it with the other pieces of legislation at this time as I think Members would appreciate and the listening community would appreciate. There's rather a substantial amount of legislation out there in which this needs cross referencing with to make sure that it's all above board and certainly achieves what we've set out to achieve. I mean that's not doubting the professionalism of those responsible for the instructions given or the drafting of the legislation, it's just we have to be comfortable with Members around the table in our own minds that this legislation actually achieves what it sets out to achieve and that we don't end up with a favourite of Mr Bates, another sanfu and have to come back and amend and amend and amend. I guess there are a lot of things in the pipeline at the moment that are happening regarding tourist accommodation, not so much with the proposed pieces of legislation before the House at the moment but certainly with moratoriums that are in place, we're going through compensation period for those that have been aggrieved by pieces of legislation that we've put through the House. We're also reviewing the Norfolk Island Plan and I mean those things are important to consider when we make moves in this direction. The new Norfolk Island Plan, my initial understanding of it is is that tourist accommodation construction and registrations outside of the central and commercially zoned areas will be prohibited anyway. It's no longer ordinarily prohibited, it will be end of story. There will be no more so if there is to be further tourist accommodation on the island, certainly under the new Plan it's going to be centrally located and that is as far as it can ever go, unless of course the Assembly in its infinite wisdom decides that they want a draft variation to the Norfolk Island Plan to allow otherwise, but then that's something that the Legislative Assembly is responsible for, it's a power that's given to the Assembly to make those decisions on behalf of the community as it is the same power that's given to them to adjust the quota if need be. That's all I have to say at this stage Mr Speaker.

MR SMITH Thank you Mr Speaker. I just might reflect a little bit on this particular Bill to say that it takes out the conditional registration which has

been the bone of contention of the Tourist Accommodation Act over the last couple of years and puts it back where it should have been in the first place or I think it was there originally was in the Planning Act. It should never have been in the Tourist Accommodation Act which has caused so much difficulties to the degree really is we're having a Select Committee inquiry into tourism matters probably mostly purely on the result of 7(4a) of the Tourist Accommodation Act. The other thing is it sets up an administration procedure for the quota. When we passed the Quota and Registration Bill earlier this year I'd repeated throughout those series of meetings that we had that the way we were dealing with the quota on tourist accommodation was that it was so it could be adjusted at any particular time but it's just a matter of a Motion of the Assembly, and I recall that and it is in Hansard where I did say that. Since that time however there has been views expressed by probably the majority of Members that they believe that the quota should be dealt with in a different way and that is to set a number as I understand, from time to time and not necessarily based on a particular application. Now that has created some difficulties for people who have already made approach to say they would like to be included in the quota. What I'd been promoting with the original quota Bill was that because the Assembly had quite an amount of difficulty dealing with the applications that were being dealt with by Mr Gardner and I. It was up to the Assembly to make the decision whether somebody gets in the quota or not. So that's with the full Assembly was a matter of Motion by the majority, if they agreed with one unit being added to the quota, it's a decision made by the Legislative Assembly. So some unhappiness was being expressed in the meetings where we have been discussing these changes that were here over the last month or even longer actually, probably over the last 2 months. So this way it sets up the gatekeepers working group if we want to do it this way and it allows for a review to be asked for by the Legislative Assembly, so that if it is felt that there's one two three four five units that are not on the quota currently that a review could be done and this gatekeepers group, as we're calling them at the moment could do the investigations for us and come back with a recommendation for the Assembly to deal with and if the Assembly agrees with what they recommend they will lift the quota. Also with the combination of this Bill and the one previously, it doesn't cut people out of being able to have tourist accommodation, including the ones that may be sitting around now without planning approval and without a quota position. They will still be able to make application once they have a quota position. If they get a quota position then they can proceed and that's the importance of the whole thing. Thank you Mr Speaker.

MR SPEAKER

Thank you. Further debate.

MR GARDNER

Thank you Mr Speaker. Somewhat of a concern in some of the clauses now starting to raise their head unfortunately, it's like a mixed bag of lollies. The Assembly are going to be asked to pick and choose those ones that they think should go ahead and reject those that they don't think should go ahead. I certainly don't mean to I guess have a crack at any particular Members of the Assembly but we certainly have seen certainly my opinion is, that we've seen a number of decisions taken in this House that are directly related to personalities behind different enterprises and bits and pieces like that and that's unfortunate, and this unfortunately sets up a regime where that that can happen again and that makes me uneasy. I also wish to refer page 3 of the document circulated under Quota Administration, section 8(b4)a. There will be a working group known as a gatekeepers working group comprised of the Secretary to the Planning Board, the Tourism Officer and the Planning Officer. I just wonder whether the Minister might be able to enlighten me as to who the Planning Officer is. Thank you Mr Speaker.

MR SPEAKER

Thank you. Further debate. We appear to have concluded debate.

MR SMITH

Mr Speaker I move that we adjourn this matter and make it an Order of the Day for the next sitting.



checks. The funds are deposited to a probity trust fund which is self balancing, meaning that if the fee provided by a potential licensee is not sufficient to complete probity checks related to that particular applicant, the applicant is required to meet the shortfall. If the total sum provided by the licensee is in excess of costs related to probity checks the applicant is reimbursed with the remainder of the money. So basically Mr Speaker I'm seeking support for an increase in the licence application fee and as I have attempted to set out, the reason that we are seeking this increase is so that the activities related to processing an application do not impact or become a burden to the administrative levies, and as I have said the administrative levies are there to cover the day to day operations of the Authority once gaming operators go on line. It is important to realise that the activities related to processing a fresh application are outside the gambit of the normal day to day operations of the Gaming Authority, and as I have mentioned earlier on my intention if this Bill is passed that I have a couple of amendments that I'll be putting forward at the detail stage amendment. Thank you Mr Speaker.

MR GARDNER Thank you Mr Speaker. I still stand by my vehement opposition to the amendments proposed. I know it's pre-empting the detail stage amendment but my same thoughts as far as that are concerned. The Minister has explained to us that there was never intended to be any impact on renewal and he told us that just earlier in debate this afternoon. In fact the proposed detail stage amendment suggests that there will be a doubling of the current renewal licence fee from 250 units to 500 fee units taking what is now under the new fees regime a fee of \$4,125-00 up to \$8,250-00. Having spoken to a number of those involved in the industry and certainly one of the or the only operator, licenced operator up and going at the moment, they are completely unaware that that was going to be an impact. They were a little worried that they were going to be faced with the full \$41,250-00 as envisaged by this Bill, certainly that changed. I accept there was no intention to do that however it was left out in the cold, really it's just an indication I think of the level of research that's gone into this which has been particularly poor because after the initial meeting of Members back in May discussing the Statute Amendment Gaming and Bookmakers Bill Mr Speaker I notice in the Executive Minutes of the meeting of the 24<sup>th</sup> of May 2001 under a heading called The Statute Amendment Gaming and Bookmakers Bill that the Minister sought advice as to whether a Gaming Committee should be formed to support the increase of the cost of the licence. In other words particularly little justification was given back in those days for bringing this piece of legislation forward other than to say that the Gaming Authority required some extra funds, and as I said back in those earlier times I did not think it was appropriate that an applicant should be forking out \$41,250-00 in I guess the hope that maybe they would get a licence just so that it was able to keep an Authority operating for those that were successful in gaining a licence. The other important thing to note, and I take on board what the Minister has said is that there will be substantial cost to the Norfolk Island Gaming Authority and in turn the Norfolk Island Government to administer the gaming regime here on Norfolk Island and it will be significant cost when it's up and running. It's not up and running at the moment. We've been in limbo for the last almost 18 months now. The interesting thing is in that time there hasn't been a new application. In the 2 months since the Federal Government's moratorium has been lifted there hasn't been an application so I wonder if there are no applications, if there's no applications received how it is proposed that the Norfolk Island Government is going to fund the Authority and I think that is a particularly important consideration to make before we rush off and pass this piece of legislation. I guess one of the most disturbing features of this piece of legislation is how the goal posts have been shifted. I think the Assembly, the previous Minister to myself who had carriage of Gaming Mr Brown, myself, I know Mr McCoy have all been very supportive of seeing gaming advanced but I think we've been under no illusions that the worlds spotlight has been on Norfolk Island as far as the way we do things and how professional we are about going about doing them. We had enormous international interest in Norfolk Island as a gaming jurisdiction. We were recognised with our legislation, the legislation that Mr Brown brought to the House, by the regulations that we have in place, by the whole gaming regime that we set up. The

professionalism of the Officers that were involved Mr Kev Leyshon and also the Authority and the support provided by, granted a part-time Secretary but that was all that was needed even though it had significant impact on the Secretary and the amount of work that they were able to cover in other areas. It was something we had to do if we wanted to be in the game. We were recognised as being world leaders, there's no doubt about that and widely lauded for that. Unfortunately with this piece of legislation, and a slight movement in the goal posts, only small, but significant, we've lost that leading light, we've slipped, we've gone back. I notice even in Mr Leyshon's latest commentary to us, only the other day that was presented by the Minister to Members informal meeting on Monday Mr Leyshon refers to Vanuatu's website, of course everyone's running off to Vanuatu because they've gone and dropped their tax rate below ours, below what we can realistically lower ours to. Vanuatu's gone and done that and we should set up a website like Vanuatu's. We didn't set out to be anything like anybody else. We didn't want to be like the Caribbean, we wanted to be the best in the world, we wanted to stand up and be able to fly the flag with some pride. This isn't helping it not when we want to be like Vanuatu or do things the way Vanuatu does. We wanted to be recognised as a world leading jurisdiction and unfortunately this sort of thing, poorly researched is causing us some problems and will continue to cause us problems and really puts I believe the future of gaming and bookmaking on Norfolk Island in serious jeopardy. That's all I have to say. Thank you.

MR MCCOY

Thank you Mr Speaker. Interesting Mr Gardner in one breath tells us that our Gaming Authority consists of professional people and then in the next breath he says that this amendment has been poorly researched. This amendment came as a recommendation from the Gaming Authority, not from the Minister for Gaming. A recommendation from the Authority, the same professional people who were put in place to ensure and to further our gaming intentions. Yes Mr Leyshon has referred to the Vanuatu website. Again the Authority has recommended that Norfolk Island update its website, not necessarily to be exactly what Vanuatu has got but reference to Vanuatu's website has been made, not for us to mirror their website but just in reference to the standard of their website. Again a recommendation from the Authority that we should consider updating our website but the problem is Mr Speaker we don't have anyone to do that, because the Gaming Authority has been running on a shoestring budget, being propped up by the Revenue Fund. The Committee Mr Gardner referred to from the Executive Minutes was not there to support the Authority. The Committee is there to support and further infrastructure developments on Norfolk Island, not to give support to the Authority. So if the Minutes of the Executive meeting of the 24<sup>th</sup> of May do reflect that unfortunately that's something I haven't picked up and maybe it's because we received those Minutes at the last Executive Meeting, because of staff again in the Assembly compound being off work because of reasons of illness. Now if the reasons Mr Gardner have tried to set out are good reasons to defeat this Bill well I'm at a loss. As Mr Gardner has indicated how are we going to fund the Authority if we only have one licensee operating and then we get another applicant lodge an application to become a licenced operator from Norfolk Island. It's interesting to see reference made to Vanuatu and their tax rate but Vanuatu's application fees are \$90,000 not \$41,250-00 as I am proposing ours to be. Also when we talk about world best and leaders. Our gaming legislation was assented to in 1998, three years ago Mr Speaker and yet we still don't have one single operator on line, in the interactive gaming. We have world wide totaliser operating and the monies received from that particular operation would not fund any activities of the Authority. Mr Speaker there was also a very interesting article in the Australian paper, I believe it was The Sunday Morning Herald about, must have been around the 14<sup>th</sup> of May or sometime around then which talked about the Watahiki tribe in Quebec and how successful they have been in this gaming enterprise and they have an application of \$100,000, and taxation of around the 3% mark. So we're not world leaders, we are now quickly slipping behind and to say that the goal posts have been shifted, I wonder where this conclusion came from, that the goal posts have been shifted, and I would just reiterate the goal posts have not been shifted and that is the



reason why I set a Committee up to continue with gaming because it's all very well having all these licensees out there who are waiting to go on line or hopefully one day we'll go on line but we have not addressed the infrastructure question. We have not addressed the immigration question which Mr Toon Buffett the then CEO sent a Memo out on the 7<sup>th</sup> of September 2000 which tried to get the Government to address those questions. I appreciate that the moratorium was put in place and yes the moratorium lapsed some 3 months back, but on the lapsing of the moratorium the commonwealth Government introduced their Interactive Gaming Bill into the Federal Parliament and that has caused some concerns for our licensees, not to mention what it may have done to potential licensees, and it is quite clear in the information that I have provided to Members that licensees are not going to be moving that quickly to establish their gaming operations on Norfolk Island until they are 100% certain that there is no further Federal Government intervention. Thank you Mr Speaker and I do look to Members to support this Bill.

MR WALKER

Thank you Mr Speaker. Just a couple of points of clarification if I may from the Minister. Firstly I understood that there was a quite definitive number of licences to be let on Norfolk Island and that this number had been agreed as a number suitable for our needs and that the greater proportion of those licences has already been decided and so therefore an application fee for new applications would only run to the whatever licences there are left to get to that number unless we were to lift that number up, and I'd like you to just explain to me if you would, you've got an application fee set at 2,500 units and then once that has been approved they would move to a renewal fee of 500 fee units. Now if this fee is to keep the whole operation funded on a yearly basis how would it be that a one off application fee of 2,500 will keep it going for ever and a day. I'm just a little perplexed here as to how you can have an application fee which is a one off become the basis for which you say the Authority will be funded. I would like that explanation if I may Mr Speaker.

MR GARDNER

Thank you Mr Speaker. Just in relation to a few comments that Mr McCoy made. Look I appreciate that the Authority should provide advice to the Norfolk Island Government. Certainly when I was the Executive Member they provided an enormous amount of advice to the Norfolk Island Government but if you really want the truth of the matter, if we followed all of the advising and all of the wish lists that the Gaming Authority wanted we'd probably have a Nauru building down in Melbourne somewhere 54 story's with expensive office suites and staff all over the place. I mean we have to be and had to be realistic about what we did. I mean the Minister says look 3 years ago we passed the legislation and gee nothing's happened. What is was about achieving and to be lauded as being world leaders in what we were doing was that we took a damned, a very damned professional approach at what we were trying to do. It took time, there was no other model anywhere in the world that we could use. That had to be developed and a lot of people put an enormous amount of work into that. We couldn't just switch it on when Mr Brown's legislation went through the House back in 1998. That was just not possible. There was an enormous amount of work that needed to be done. We had to set up the Authority, we had to get the licensing regime in place, we had to have all of your internal functionality documents done. There was a whole host of stuff and it's taken a long time, but we've been just as quick as anybody else with much much greater resources anywhere in the world to do, to be able to set up. The Minister's talked about Vanuatu's licence application being \$90,000. Has the Minister told us whether they also have to pay probity costs. Now I would doubt that Vanuatu do probity checks on their applicants so there probably isn't the \$50,000 up front that's required to do the probity checks. Has the Minister told us whether the Wanahiki tribe in Quebec are paying \$100,000, whether they have got probity checks or whether in fact after they have been licenced there's those administrative levies that drop into place like we've got. I mean we've balanced this, we've looked at what it's cost everywhere else in the world to do those sorts of things and we came up with something that was attractive to people on the outside and

something that worked. The other question is, I mean the Minister has asked me, I guess in a round about sort of way how are they going to fund the Authority without the application fee. I said in my initial opening remarks and debate Mr Acting Deputy Speaker that we haven't had any applications for nigh on 18 months. We haven't had any applications since the Federal Governments moratorium's been lifted and I doubt that we are going to get any other applications, and there are a number of reasons for that. So my question back to the Minister how are you going to fund the Authority. Your not going to do it by doing this. This is the wrong way to go.

MR MCCOY Thank you Mr Acting Deputy Speaker. I will address Mr Walker's concerns first. What I have tried to set out here is that this is related solely to the application fee. The cap that has been suggested and recommended of 15 licensees is the figure that has been touted around. That we cap it at 15 licensees so that then it becomes, I would assume a more exclusive type of operation. The administrative fees which are separate to the application fees fall annually and there \$50,000 per licence. The intention of the administrative fees is to cover the normal operations of the Authority and they become post operational fees if you are a licenced operator. As I explained there is a pre administrative fee which each licensee has been given an extension until December because of the moratorium and also the uncertainty with the Commonwealth Bill. So there are 2 separate fees and the application fee is there solely to cover the cost related to processing an application. That is what it is for. Now I see this as a normal cost recovery mechanism. At the moment we've got \$3,750-00 as an application fee and from what the Gaming Authority have advised me, it does not cover the activities related to processing an application. It does not cover it, that figure. Sure we haven't had any further applications since the commonwealth Bill was passed. We also have not increased our application fee. It still is \$3,750-00. So anyone who lodges an application today only \$3,750-00. So I don't think any debate or discussion about increasing it to \$37,500 has been a negative towards someone lodging an application. The reason we are not getting applications is because of the uncertainty that was surrounding the Commonwealth legislation. That legislation has passed, it appears that it will not have any impact on our ability to go into gaming and as it is in the information that is provided to Members from Mr Leyshon any legal definition of the Commonwealth Interactive Gaming Act is an issue for each individual licensee. They must get their own legal advice as to the ramifications of the Commonwealth legislation. We're not going out and saying we're going to provide the advice, we're not saying everything's all hunky dory, come to Norfolk Island and set up your gaming. We're saying if your uncertain gain legal advice your own legal representatives. Now if we only have one licensee go on line well then the administrative levies will not cover the normal activities of the Gaming Authority so then the Norfolk Island Government may have to do as we do in many other GBE's, borrow from one GBE to prop up the other, and I didn't think that that made very good economic sense and I don't think it makes very good economic sense when we've gone out and pursued interactive gaming as an alternate industry for Norfolk Island. So what I'm seeking here Members is that we think on a cost recovery basis when we're considering this application fee and it should not be a burden on the administrative fee.

MR BROWN Mr Acting Deputy Speaker I'm troubled by all of this. What we've got with our gaming at present is the \$400,000-500,000 pretty expensive goose. It really hasn't laid an egg yet and if we are not careful we're going to find out that instead of having a goose we've got a gander. It's not the case to say the fee hasn't gone up. Only in last weeks Gazette were we told that fee units had gone up by 10%. They've gone up by that and it's linked to fee units. Now assuming that the thing was correctly set in the first place, the increase in the value of a fee unit should have more than offset any increased costs and if my understanding is correct, we charged someone a probity fee and that is meant to cover all costs for the probity checks. Well I can't see how – well the Ministers shaking his head so maybe things have changed, I can only tell you what my understanding has been and I've certainly

read through all the documents, but if I'm wrong I'll be interested to hear why I'm wrong but my understanding has always been that the quite large fee for the probity checks is intended to cover the costs. We've been told that there's one licenced operator. My understanding is that is a bookmaking licence and not a gaming licence and with the bookmaking licence unless we manage to snare one of the big operators such as Sports Bet or Centrebet we were never going to make a lot of money and a very understandable reason for those larger operators not wanting to move here is firstly the antagonism that does exist from time to time towards proposed new businesses but secondly and more importantly the cost of the telephone calls is so high that it would offset any benefit in terms of taxation or other fee savings. If we look at an interactive gaming operator, at the time when we passed our legislation we had in mind the goal of being the first in this part of the world to be able to offer licences in that area. Sure there are other parts of the world where people are allowed to operate without a licence. In some of those places it was simply unregulated and the customer was unprotected. In other parts of the world it was regulated through things such as business registration where you could get a licence to operate a particular business but not pursuant to gaming legislation. You just went along and said that I would like to operate such and such a business and you either were or weren't given a licence. Well we believed that there was a market for operators who wanted to be able to say we are licenced in Norfolk Island where there is specific legislation for the work that we do. We are supervised, we are audited, and you may be assured that when you are dealing with us you are dealing with one of the best there is. Now there is a lot of sense in that I think but time has passed us by. Just as we are now able to offer interactive gaming services to parts of the rest of the world other than Australia and probably New Zealand, we may be assured that the United States Government will be one of those that say to the Australian Government well we don't want you letting any guys offer gaming into the US and we will probably find that the Asian market will be one of the few markets actually available to us and there are lots of others seeking those same markets. In fact, the way it has transpired a person will be able to do that from virtually any of the Australian mainland states and territories and there they will have the benefit of fibre optic cable for example which gives far more efficient and equally importantly, far cheaper communication and I have little doubt that you will by now be seeing that the various Australian jurisdictions and the various overseas jurisdictions are all starting to take a view that the only way to draw new business is to compete on the tax rate and they will be leap frogging each other in reducing their tax rates until the stage where the goose may never lay an egg so my concern is that we had a path that we were heading down. Members may recall that when I got the chop I suggested this would be one area that I thought would be likely to suffer because it was such a complex area that it would unlikely that the Legislative Assembly would get to the stage of getting licensees actually operating. It's ironic that the reason for that turns out to be Commonwealth legislation but I have some doubt as to whether we are going to get this off the ground anyway. That's not to say that we shouldn't try but if we are going to become inconsistent by changing this, that or changing something else and if we are going to risk pricing ourselves out of the market in any event, then we are at very significant risk not only of wasting the time that's been put into this whole concept but wasting the \$400-500 that it will owe us by the end of the day so I'm quite concerned about it Mr Speaker. I don't think that any of this should be taken as criticism of the present Minister, he's been in the job for quite a short time. It's a problem that we all face and we need to make sure that we make the right decision about it. If I had to make this decision today, I would be voting against the change, it may be that over time I could be convinced that I should vote otherwise, thank you

MR McCOY

Thank you Mr Speaker, Mr Brown I'm sure is well aware seeing he was involved with this from the roots, and I did try and explain it right at the start, the funds that are put into the Probity Check Trust Account are there to be used by the Federal Police. If all of the funds are not expended when doing probity checks on a potential licensee those funds are reimbursed to that licensee. It does not

go towards authority activities related to processing that application. As I did try and explain, the authority activities related to processing a bookmaker or gaming application can start right from the initial intentions to seek a licensing package, right through, and as I did explain and I've seen this happening in the last couple of weeks where our Director of Gaming has been heavily involved with QOGCR because one of our potential licensees Jupiters.com will have a dual licence so they will operate on Norfolk Island but will continue their operations in Brisbane. Now there was a need to ensure that the legislation in place in Queensland and the Norfolk Island legislation allows that to happen and there is also a necessity to seek out some amendments which the Director of our Authority has been working closely with the Queensland Government to achieve those amendments. That is what the application fee is for. Now I just don't understand. If you don't want to increase the fee, that's fine. But I just really don't understand where Members are coming from. If you feel that we should not continue with gaming, come out and say so. Not spend all this time here on the air putting for want of better words, bad vibes out there in any potential licensee or applicant because believe me, if I was sitting listening to this debate and I was thinking of coming to Norfolk Island I would now be thinking, well those guys over there can't agree on anything. I don't want to be in that game. I don't want to be involved with them. Now if that's what we are trying to achieve here I think you're doing a very good job

MR GARDNER Thank you Mr Speaker as far as the bad vibes are concerned they were certainly put in place when the legislation was first tabled in the House. That certainly started the ball rolling. As far as processing an application is concerned maybe I could give some history into how our current licensee applications were dealt with. The Minister has just said that the probity costs are only for the AFP. Well that is completely false. Mr Kevin Leyshon who is the Director of Gaming on Norfolk Island has travelled I think on two occasions to the United States as part of the investigative process so it's not just probity, it is probity and investigative costs that are covered by your probity fee of \$50,000 and that was so he could travel there to talk to the necessary authorities in the United States as to the background and the suitability of persons looking to be licenced on Norfolk Island. Those costs are for his time, the Authority's time, the Authority's meeting to determine those things, has been paid out of those probity costs. I know. I approved them out of the budgets that were put forward and the documentation that came to me. So they've all been legitimate expenses properly accounted for through the system and there hasn't been a single licensee that's been through that process that has objected to the way that has been done. They have all been quite happy to pay that so there's been no problem. So it's not just a probity fee for the AFP and I think if the Minister goes back through the records and does a bit more research into this he will see that that's the case. The Minister also mentioned the Administrative Levy. That the administrative levy was not enough to sustain the Authority forever and a day and that

MR McCOY Point of Order Mr Speaker. That is not what I said at all

SPEAKER Order. There is no point of order on that count Mr McCoy but I will give you the next call so that you are able to put your view about the matter

MR GARDNER Thank you Mr Speaker for clarifying that. If I may continue the Administrative Levy the Minister did say previously that the Levy would not sustain the Authority in its current function and that we would be like any other GBE that would have to go out and rob one of the other GBE's to sustain the Authority. Well the Administrative Levy is only a levy that is charged on non operating licensees. Now that was something that the previous Legislative Counsel and I spent a long time sitting down and thinking about. What we would do so that we just didn't attract fly by nighters to Norfolk Island that would come in here, spend their \$20,000-30,000-40,000-50,000,

however much it was going to get a licence and to be inactive on Norfolk Island . In other words, be licenced, what their share price on the Dow Jones or one of those shoot up through the roof because they were licenced in a reputable jurisdiction and do nothing. In other words we would get no returns. So the way that we were able to overcome that was by looking at the imposition of an administrative levy so that if they were not operating the cost of having those people on the books, in other words of running the authority and administering the whole of the legislation whilst these people were under our care, as licensees would be met. That's where the Administrative Levy would come from. Again, a little bit of research into that and you'd understand what the Administrative Levy is all about. It's well documented. I've got nothing more to say at the moment

MR McCOY Thank you Mr Speaker just a slight correction on that misleading statement. I did say we only have one licenced operator then the Administrative Levy and there's the pre Administrative Levy and a post Administrative Levy so to sit here and say I need to do more research, I'm afraid somewhere along the path the Minister who had responsibility for Gaming in the past has forgotten that there is a pre and a post Administrative Levy. Not just a pre Administrative Levy

MR BROWN I'm not sure whether Mr Gardner may wish to have the call in front of me Mr speaker

MR GARDNER Yes, I accept I may have forgotten probably more than the Minister has learned Mr Speaker but these things do happen

MR NOBBS Point of Order. That's an imputation on Mr McCoy. I think it should be withdrawn

MR SPEAKER Mr Gardner I think we could proceed at a more level play

MR GARDNER Thank you Mr Speaker I also note and it is recorded in Hansard that the Minister said that Jupiter's is a potential licensee. Jupiter's is a licensee of the Norfolk Island Gaming Authority under our legislation

MR NOBBS Point of Order Mr Speaker. I don't think there was a withdrawal. Didn't you request that that matter be withdrawn

MR McCOY Seeing that that was reflected at me Mr Speaker, Mr Gardner most probably has forgotten more than I have learnt.

SPEAKER Order. Order. Mr Gardner be kind enough to withdraw the earlier remark

MR GARDNER about forgetting more than he had learnt? I'm happy to do that

SPEAKER Thank you. That matter is now settled. Mr Gardner you have the call

MR GARDNER and even if we did only have one of the Gaming Enterprises up and operating and certainly with the forward projections that they have made that would be more than an adequate amount of money to cover all of the administrative costs of the Authority for as many years as you could dream about. Those are the projections. They are documented

MR BROWN

Mr Speaker the Minister has said words to the effect that people won't want to come here because they'll say those guys can't agree on anything. It's disturbing that anyone should suggest to us that we should simply agree to something because a particular Minister suggests it and that otherwise we will be seen by those in the outside world as being unable to agree on anything. Mr Speaker as you well know the role of this House is to attend to legislative things and to hold the executive accountable. Now we are different to most other places in that we don't have a party system and we are different as a result of that by not having a Government which has a sufficient majority to shut up the back benchers whenever they wish to talk. Here there are in fact sufficient backbenchers to hold the Government accountable. It doesn't happen all that often but this is one occasion where a significant number of the backbench is saying hey, we are concerned about this. We think it is wrong and I would like to suggest to Members that it may well be the case that people looking on might say, hmmm I'm not real sure whether we should pay fees to go there. But they would say it Mr Speaker because they would be concerned at how quickly new and differing proposals could be thrown into the House to tax them more and more and how quickly the reliable situation they thought they had come into had disappeared. So I don't think we should be concerned about the fact that we don't all sit here and just rubber stamp whatever suggestion is put to us but I do think we should be concerned to ensure that we promote the image and the reality of being a stable environment in which to do business, be it in relation to gaming or in some other area that we may wish to promote. It does concern me that there is a suggestion that we should simply agree because we are told to, thank you

MR BATES

Thank you Mr Speaker. I'm a little intrigued about some of the reasons for these fees. I think I recall the Minister saying that the Director needs more money because he's got more work and that we need a full time Secretary because we can no longer handle it with a part time Secretary and I think he said that we need somebody to monitor the operation I think he said for 24 hours per day to make sure that we get a percentage return on the take and I'm a little concerned at how these figures are arrived at when we don't actually have that additional work at this point in time and I take something that Mr Gardner said that yes we did make an administrative charge for applicants who are not operating because we didn't want people to get their licence and making their money out of selling their shares to others or watching their shares go through the roof so it was reasonable that we make an administrative charge to keep those people in check. I think that's what's been said. I don't have a lot of difficulty in when a licensee is up and operating that the costs relating to that particular operation should come out of the tax that we charge on their through put because I think that is right and proper because I can see that if we had fifteen successful operators licenced then we might need three secretaries and we might need to monitor all fifteen 24 hours a day then we might need 60 people to do that. I think that the costs are relevant to the operation and I tend to agree that we should be looking at it along those lines so that when licensees are up and operating we get a return from the level of the operation and that causes our staffing levels to rise or whatever. However these increases times ten could be seen to be quite substantial. I'm not sure where that leaves me except when it comes to the amendment to the proposal I may have to consider whether those amendments are suitable or too steep. I would welcome a response from the Minister on that

MR NOBBS

Thank you Mr Speaker. The recommendations actually came from the Authority and they've been held in high esteem to date and they are not as far as I'm aware the word of the Minister. He's the conduit through who those recommendations are being provided. Now we've been toing and froing as to how good the Authority was and the whole lot this afternoon and I think they've done a very good job to date under difficult circumstances and I would suggest that we should look very closely at their recommendations and not just throw them out with the bathwater so to speak. I would suggest that this issue has been discussed for quite some considerable

time that the Minister may take the view that he will take the concerns of Members of the Legislative Assembly in relation to this back to the Authority and provide them with an opportunity to respond and that this may be an opportunity for him to do precisely that otherwise, we put it to the vote. One or the two, but its just been going on and on and we appear to be going around in circles and whilst the debate has been good and I'm not criticising anybody, I would suggest that it's time that we looked at precisely where we are going with this and my suggestions to the Minister would be that he may like to take the concerns back to the Authority and see what their response is

MR McCOY Thank you Mr Speaker just a couple of issues. We have discussed this and there is information around that shows that the revenue gained from gaming were not to be used for recurrent expenditure. They were to be sanctioned for infrastructure development. Now if we are talking about using the revenue that is gained from the tax on gaming to cover shortfalls in Authority activities and funds that were there to cover the cost of the Authority activities well then we are doing exactly what the Government I believe, set out not to do. We will then be using that money to cover the recurrent expenditure of the Gaming Authority and I have provided information that has come back from Mr Leyshon since I originally tabled the Bill, since I moved that it be adjourned to a subsequent sitting, since the detail stage amendments were presented to the Members, I provided a pile of information to the Members and some of that came from Mr Leyshon only the morning before I gave it to the Members and I will read from a piece of paper that I passed on to the Members from Mr Leyshon. "In regard to the fee attaching to an application for a licence the fee was initially set at \$2500. It was then increased along with all fee points to \$3750." As we've heard this afternoon due to the RPI and the increase in the fees that's now gone to \$4125. "The Authority has been on the view that this fee did not cover the cost of the Authority of receiving and dealing with an application. Consequently the Authority wanted the Government to raise the application fee to an amount that related to the cost of undertaking the initial work done in regard to an application" and I have no more to say on this matter and I move Mr Speaker that you put the question

SPEAKER I will respond to that if you wish me to respond to that forthwith but can I just point out that I have two other people who were seeking the call. Did you want that to happen Mr McCoy

MR McCOY Thank you Mr Speaker I have no difficulty with that

MR BROWN Mr Speaker I was about to assist by moving an adjournment of the matter but I do recognise that Mr McCoy has moved that the question be put therefore it is probably not appropriate that I move the motion that I had planned to move

MR GARDNER Thank you Mr Speaker I was going to move a motion along similar lines Mr Speaker but I'm happy if the question is put

SPEAKER Did you want to make your proposal now Mr McCoy

MR McCOY Thank you Mr Speaker, I put the question that the Motion be agreed to

SPEAKER Yes, I thought Mr McCoy that you were going to move that the question be put. That has a number of connotations attached to it as to how Members may want to travel. There have been other suggestions but yours will have priority of being attended to

MR McCOY Thank you Mr Speaker I believe you have the call to put the question

SPEAKER If in fact you wish not to pursue what you had foreshadowed I understand that

MR BROWN Mr Speaker I move that debate be adjourned and the resumption of debate be made an order of the day for the next sitting

SPEAKER I put that question to you Honourable Members

#### QUESTION PUT

Mr McCoy would you like the House called? Yes Would the Clerk please call the House

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

MR SPEAKER The result of voting Honourable Members the Aye's 7 the No 's 1, there is one abstention the ayes have it. That matter is adjourned for a subsequent day of Sitting

#### **EMPLOYMENT AMENDMENT NO 3 BILL 2000**

We are resuming at the detail stage on the question that the detail stage amendment No 3 be agreed to and Mr Smith you have the call in respect of this matter

MR SMITH Thank you Mr Speaker there has been some discussion on this piece of legislation over the last month and I had advised Members in the last week or so that instead of proceeding any further at this point with the legislation that we would give a report and that I would table that report and I would like to do so now and it's a brief report. I'll just read quickly through it. Some Members are aware of what it says and we will proceed with the further progress of the Bill at a later time if that's acceptable to Members. The Employment Act 1988 has undergone two separate amendments since February 2000 with a further amendment the Employment Amendment No 3 Bill currently before the House. The thrust of these amendments is to provide for contractual obligations on employers. The requirement of a written contract in some circumstances and the option of contract if requested. Moreover there has been an attempt to link minimum wage levels with the retail price index and to ensure an annual review of minimum wages in that context. In essence there has been a comprehensive amendment to ensure minimum statutory terms and conditions for private sector employment in Norfolk Island. The amending legislation is not yet commenced and is awaiting conclusion of debate concerning the current amending bill. That process has been placed on temporary hold by myself in view of 1) a more comprehensive review of the Act by the Employment Officer and Deputy Crown Counsel relating to workers compensation and occupational health and safety as well as 2) concerns expressed by the Employment Working Group that the final amendment required more consideration of the detail stage. A full report is being developed in relation to Workers Compensation and the Occupation Health and Safety Matters and a



copy of the suggested strategy matters for implementation of workers compensation and OHS matters under the Act is attached to this report outlined. In the time available the final report has not been completed however ultimately the document will recommend an excision of Workers Compensation and OHS matters from the Employment Act to a separate and updated piece of legislation. The concerns of the Employment Working Group will be fully canvassed in the final report however they can be summarised as follows –

- the need for there to be a provision of a statutory officer to inspect work place employment conditions
- accident report time frames
- provisions for second medical opinions to be obtained
- notice provision for termination need to be more equitable
- a flexible and appropriate overtime regime
- a realistic appropriate and global minimum wage based on research which concludes that employers are generally paying between \$9-10 per hour
- that detail stage amendments of the third Bill propose significant changes of the intent to the First Act awaiting commencement and that the Employment Working Group have its views and recommendations properly recommended to the Legislative Assembly by a written report

The report has been requested by the responsible Ministers which includes yourself Mr Speaker as the Minister for Immigration but will require another full meeting of the Employment Working Group prior to finalisation and I will table that report. I don't know if Members have already got it and if they haven't I will make sure you have one and I don't mean in any way to try and stop any other Members from talking about this Bill if they wish to do so today Mr Speaker but I would encourage them to hold off until next Sitting when I hope to have some further amendments to the legislation produced at that time depending on the Draftsman

**SPEAKER** Thank you Mr Smith. I'll just explore to see whether there are any Members who want to participate in further debate

**MR SMITH** Thank you Mr Speaker I move the adjournment of this debate until the next Sitting

**SPEAKER** The question is that debate be adjourned and the resumption of debate be made an order of the day for the next sitting. I put that question to you Honourable Members

**QUESTION PUT  
AGREED**

This matter is so adjourned thank you

## **LEAVE SUBDIVISION MORATORIUM BILL**

**SPEAKER** Mr McCoy you were to seek leave in respect of the Subdivision Moratorium Bill

**MR McCOY** Thank you Mr Speaker I seek leave to introduce the Subdivision Moratorium Amendment Bill 2001

**SPEAKER** Thank you. Is leave granted. Leave is granted

**MR McCOY** Thank you Mr Speaker I present the explanatory memorandum for the Subdivision Moratorium Amendment Bill 2001 and

move that the Bill be agreed to in principle. I move that so much of Standing Orders be suspended as would prevent the Bill being considered through all stages at this Sitting

**SPEAKER** Yes, would you like to make any initial debate on the Bill and then we will vote upon the principle of that matter in the first instance.

**MR McCOY** Thank you Mr Speaker the Subdivision Moratorium Act was commenced on the 18<sup>th</sup> July 2000. Its purpose was to prohibit further subdivision on Norfolk Island until such time as changes to the Norfolk Island Plan had been investigated and adopted. The new draft Norfolk Island Plan has now been finalised and in the last few weeks has been made available to Members of the community and is undergoing a community consultation phase. Accordingly this Bill at clause 4 extends the Subdivision Moratorium for a further twelve months giving a total of twelve months after its commencement and allows the Legislative Assembly further flexibility to repeal the Subdivision Moratorium earlier or extend it for a further period of six months

**MR GARDNER** Thank you Mr Speaker I just question in the explanatory memorandum why a further twelve months is sought. It's somewhat of a concern that we are in the community consultation phase of the new Norfolk Island Plan at the moment. I would have thought that six months would have been more than adequate and I think this sends the wrong message to the community that we are just going to sit on everything for up to another 18 months. I would appreciate some input on that Mr Speaker

**MR McCOY** Thank you Mr Speaker it is quite clear in the explanatory memorandum that the Legislative Assembly can repeal the Subdivision Moratorium earlier if it so desires

**MR BROWN** Mr Speaker I do share Mr Gardner's concern but could I ask whether it's proposed to deal with this Bill in its entirety today because if it is not proposed to try to deal with it in its entirety today we can talk about the question of six or twelve months in the next few weeks and sort it out before the next sitting

**MR McCOY** Thank you Mr Speaker Members did agree that so much of Standing Orders be suspended as would prevent the Bill from being considered through all stages at this sitting

**SPEAKER** Mr McCoy could I just mention that you did make that as a proposal. I indicated in the chronological sequence that we should have the debate first and at the conclusion of that debate then there would be the opportunity for you to ask Members to agree or otherwise in respect of suspending Standing Orders in the context that you have just described

**MR BROWN** Mr Speaker my preference certainly will be six months just as it will be possible for the Legislative Assembly at the end of six months to say six months is long enough, it would be possible for the Legislative Assembly if it was necessary to do so at the end of six months to extend by a further six months so I don't think there is any more strength in the argument that we should stick with twelve then there is in the argument that we should stick with six but I think six for other reasons is more appropriate and Mr Gardner has indeed set out a substantial part of the those reasons. nevertheless if the majority of those Members feel that it should be another twelve months bearing in mind that people have been subject to a Subdivision Moratorium twelve months already and this seems to be the way of life with Subdivision Moratorium's Mr Speaker, in all the time that I've been on the Legislative Assembly this seems to be the thing. Most moratoriums would have had to have been subdivisions but if we are going to stick with twelve months I would have no trouble in the Bill being

retrospective to today but I would have trouble it being dealt with to finality today because I think people have the right to know what is going on and to comment on it before we pass the Bill if that's the case. We can still preserve the desire that it take effect from today but I don't think that we should pass it today

MR McCOY Thank you Mr Speaker the original Subdivision Moratorium was put in place to be in place until the Legislative Assembly had adopted the new Norfolk Island Plan. We can repeal this legislation the day we adopt the draft Norfolk Island Plan or we make the draft Norfolk Island Plan the Norfolk Island Plan and the anticipated date for that is November, and that's what this Bill does. It sets that up. But if we would like to have things sitting around and maybe never get dealt with, that's why we have to continually put Subdivision Moratorium in place. This does not create any hardship

MR BROWN Point of Order Mr Speaker. It has been suggested by the Minister that Members desire to leave things sitting around and never get dealt with. In my submission that is an imputation which is inappropriate and the comment should be withdrawn

SPEAKER I am unable to interpret that as an imputation at this time Mr Brown. There is no point of order

MR McCOY Thank you Mr Speaker as I was saying. We have the ability through this Bill for the Legislative Assembly to repeal the Subdivision Moratorium at any time that it decides to and I don't see the necessity to leave this for the Legislative Assembly to deal with at the next sitting. It's inappropriate

MR GARDNER Thank you Mr Speaker it's really just a procedural matter that I wish to pick the Minister up on. He just said that we will repeal this as soon as the new Norfolk Island Plan is adopted. I think we are in danger again of another Sam Fhoo to use Mr Bate's expression, in that unless there are the appropriate amendments to the Subdivision Act that would tie in nicely with the new Norfolk Island Plan we would be up in the air with two conflicting papers, one a piece of legislation and the other the Norfolk Island Plan and they wouldn't relate to each other

MR NOBBS Thank you Mr Speaker. I don't know I sort of give up at times. I'll read it out for the listening audience if there is anybody still stupid enough to be listening. The duration of this Act 7.1 subject to subsection 2

MR GARDNER Thank you Mr Speaker Point of Order. I think it is inappropriate that the Chief Minister cast aspersions on the listening public

MR NOBBS That's fine. I withdraw that statement Mr Speaker and I'll come back to duration of this Act. 7.1 and this is all we are dealing with. Subject to subsection 2 of this Act shall continue to have effect until 24 months from the date of its first commencement. Okay. That's extending it for another two years. Subsection 2. This Act may be repealed or extended for a period of no more than six months by motion of the Legislative Assembly. I think it should be explained that this issue was overlooked. That advice was received only this morning in relation to this that the fact was that the twelve months was up today or in the next day or so, and that these are the sort of issues that we need to cover. If we don't proceed with this Act today it opens the door for further subdivisions which I understood from the Legislative Assembly as was stated before that we needed to look at that. The Commonwealth suggested that we look at a Subdivision Moratorium pending the finalisation of the land issues and I think it's quite appropriate that this Act be extended and the Subdivision Moratorium be extended and there is an opportunity there to repeal it any time, thank you Mr Speaker

MR WALKER Thank you Mr Speaker the Chief Minister has just confused the issue just a little more in saying that under 7.1 this has extended this for another two years. It has actually extended it for only another twelve months because it's already run twelve months. I would hate the general public out there to think that this was going to be put on for another two years which was his words so I would ask that we try to be accurate when we are making these statements

MR NOBBS I read out that it would take effect from 24 months from the date of its commencement and I said as an aside that I believe that that accounts for another twelve months and then I went on to section 2 that maybe this would be repealed

MR WALKER Thank you Mr Speaker I'm not going to pursue the subject but Hansard will correct what I've just said that he said two years

MR SMITH Thank you Mr Speaker when Bills like this are put on the table and we've already had two today. This one has been done by leave and I understand why the Minister is doing that. Provide that this Act is deemed to commence on the date of the meeting which is today, it's important that even though we may consider adjourning something again, as people say in the community aah you've adjourned something again, but it gives people the opportunity to find out the truth of what things are and admittedly there might be some confusion around the table of actually why it does but I don't think anybody disagrees with the thrust of the legislation anyway. I think it's only right and proper that it does get adjourned because that is the appropriate way that we are supposed to deal with pieces of legislation unless there is a real urgent need to pass them right through at all stages. Now this one does commence from today even if we pass it to the next sitting. As I understand it. I stand corrected on that but I don't have any difficulty with it being sat over to the next sitting because it will be dealt with fairly quickly and this way, we are putting the community on notice that we are doing it again and there are certain conditions in there

MR McCOY Thank you Mr Speaker my difficulty with adjourning this today and then trying to make it retrospective is simply the fact, and we've seen it many times on the Island, we will be opening a window which will allow because the subdivision moratorium dies today. if this Bill is not passed then applications can be lodged tomorrow for subdivisions and that is why I have pursued this as an urgent Bill and I felt that that was keeping in line with the original moratorium being put in place until we have completed the review of the Norfolk Island Plan and just a slight correction, I hate having to keep correcting or saying Members are putting words in my mouth, I didn't say that we will repeal this, I said that we can. A slight difference. We may not have the Subdivision Act and amendments completed at the same time that the Norfolk Island Plan is adopted by the Legislative Assembly but my intentions are that we work our utmost to achieve those things, keeping clearly in mind that we are now going through a process to get another Legal Draftsperson

MR BROWN Mr Speaker it will be difficult to complete all the necessary work in a period which is a great deal less than six months. That is, I think it will take pretty close to six months. I would like to suggest a way of resolving the difficulty today and that is that instead of saying that the subdivision moratorium will have effect for 24 months which is 24 months from when it started, that we say it will have effect for 18 months and then the following subsection as Mr McCoy the Minister has rightly pointed out, says this Act may be repealed or extended for a period of no more than six months by motion of the Legislative Assembly so by a simple motion at the end of the first six months if it turns out that more time is needed then up to a further six months can be sorted out by motion and if at the end of that time it's still not been possible to finalise it all there could be a further Bill brought into the House and a further

amendment is capable of extending it further still so I wonder what Members think about changing 24 months to 18 months and getting the thing out of the road

MR COOK Thank you Mr Speaker. Again I'm in agreement with Mr Brown. It's becoming all too frequent

MR BROWN Worrying

MR COOK Something must be happening. I wonder if I'm getting old. I really do see the point in what Mr Brown says and what the Minister says. I originally voted for this subdivision moratorium although I do have a personal objection to moratoriums. Sometimes they are necessary and we had to take time in this particular context and I believe to get the draft plan through to the public for comment and so forth and to finalise it and necessary to catch up to that was this question of subdivisions and therefore I felt it was appropriate that a moratorium be applied. I think there is a very serious point here about continuity of matters such as the subdivision moratorium which is based on the completion of some other process which is necessary and significant in the ultimate dealing with the changes to the Subdivision law. I think it's important that there be continuity and I would support Mr Brown's suggestion that we continue it now for 18 months instead of the 24 months and then we can extend it if we are still finding ourselves as we so frequently do not finalised and everything that we set out to achieve in putting the moratorium on in the first place but I believe we would have far more troubles in breaking the continuity then we would have in maintaining it and I support Mr Brown's suggestion that we alter the 24 months to 18 months. I would like to see the matter completed today

SPEAKER Any further debate? There is no further debate. Honourable Members the next chronological sequence would be for you to determine whether you wanted to continue this matter to its finality today. That is the motion that you foreshadowed earlier Mr McCoy and it would require six Members to support that. If that was the way that you decided you wanted to go Honourable Members then we would move to the stage where you decided to agree the Bill in principal and if you do agree that then we would go to the detail stage and at the detail stage your proposal Mr Brown from 24 to 18 could be handled and depending upon the result of that we would move to finalise the bill then. That is the sequence that I see Honourable Members

MR McCOY Thank you Mr Speaker I move that so much of Standing Orders be suspended as would prevent the Bill being considered through all stages at this Sitting

SPEAKER Support for that Honourable Members? There are sufficient Members for that thank you. There is approval for the Bill to move forward. Now, any further debate on the Bill being agreed to in principal

QUESTION PUT  
AGREED

We move to the detail stage.

MR BROWN Mr Speaker I move that clause 4 of the Bill be amended by deleting the number 24 and inserting in its place the number 18

SPEAKER Is that amendment agreed by Members. That amendment is agreed with one abstention from Mr Nobbs. Honourable Members is the balance of the Bill agreed. The balance of the Bill is agreed. The question before us now is that the Bill as amended is agreed to

QUESTION PUT  
AGREED  
MR NOBBS ABSTAIN

The Bill as amended is agreed to. We have now completed Orders of the Day

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

SPEAKER Honourable Members we move to the fixing of the next sitting day.

MR BROWN Thank you Mr Speaker I move that the House at it's rising adjourn until Wednesday 15 August 2001 at 10am.

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

QUESTION PUT  
AGREED

#### **ADJOURNMENT**

SPEAKER We move to the adjournment thank you

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

SPEAKER Any final debate

MR GARDNER Thank you Mr Speaker it's only brief. I was hoping that it would have been raised by a Member of the Norfolk Island Government and that is I think all Members are aware that Mr Ivens Buffett affection known as Toon has recently resigned as the CEO of the Norfolk Island Administration even though he is holding that position in a temporary capacity whilst the newly appointed CEO is off Island but I think it's appropriate that as a Members of the Legislative Assembly and somebody who has worked very closely with Toon over the last few years that I would like to have noted the outstanding job I believe he has done and certainly the outstanding support he has provided both personally to me as an incoming Members of the Legislative Assembly in the previously Assembly and also as an executive member in both the previous Assembly and this Assembly and has continued that support to me as a non executive Member. Certainly the position of CEO is I think probably one of the least envied jobs on Norfolk Island in that you are never right, there is always somebody out there whether it be a Minister, Member of the Legislative Assembly, a Member of the Public Service or a member of the public who thinks that you are wrong. There are always plenty of those and if you are brave enough to put your head up it's a bit like standing as a Member of the Legislative Assembly somebody is going to come along and try and knock it off and certainly there are critics of the actions of all the Members of the Legislative Assembly but more so I think as the CEO for the Norfolk Island Administration and I would like to wish Mr Buffett every success in his future and what we are losing from the ranks of the senior public service, although he may be successful in the recruitment of some of the other positions in the public service but there's a vast depth of knowledge of the workings of Norfolk Island and certainly a vast resource as far as the quirks of Norfolk Island are concerned and I think that sort of expertise will be sorely missed from the Administration if he is not successful in recruitment. I don't know what the outcome of that process will be but I certainly would like to publicly state that he's certainly been an enormous support to both the previous Legislative Assembly and this Assembly and he should be proud of a job well done

MR COOK Thank you Mr Speaker I would like to fully endorse Mr Gardner's remarks. I think he has said everything fairly and properly said and I would like to wish Mr Buffett success in his forthcoming application and whatever the outcome of that may be I just hope that he can continue to be involved in a very high level with the Government

MR NOBBS Thank you Mr Speaker I didn't propose to say anything because Toon is still employed and he's actually the acting CEO at the present time whereas at the next meeting I thought it would be more appropriate to bring the matter forward and praise him and do those sorts of things that you do at that particular point in time so there's no oversight I believe as the responsible Minister to this particular issue and Toon will be acting again in that role of CEO and he's deputy CEO and will continue in that role but he'll also be acting as CEO in the following weeks as well so I will reserve my comments if I may Mr Speaker until the next meeting thank you

SPEAKER Thank you Chief Minister. Is there any further adjournment debate. Then I will put the question Honourable Members that the House do now adjourn.

QUESTION PUT  
AGREED

SPEAKER Therefore this House stands adjourned until Wednesday 15 August 2001 at 10am in the morning.

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