SECOND NORFOLK ISLAND
LEGISLATIVE ASSEMBLY

HANSARD

Sixth Sitting
(16 June 1982)
Executive Member for Administration, Education & Health
(The Honourable David Ernest Buffett)

Surface Transport
Roads, Footpaths & Bridges
Street Lighting
Water Supply
Electricity Supply
Drainage & Beverage
Garbage & Trade Wastes
Primary Production
Slaughtering
Domestic Animals
Pounds
Pests & Noxious Weeds
Recreation Areas
Cemeteries
Forestry & Timber
Fire Prevention & Control
Quarrying
Prevention of Nuisances
Noxious Trades
Gases & Fuels

Firearms
Explosives
Places of Public Entertainment
Museums, Memorials & Libraries
Boarding Houses & Hotels (food & beverages)
Foodstuff & Beverages
Trading Hours
Markets & Street Stalls
Hawkers
Radio & Television
Telephone Services
Coastlines, Foreshores, Wharves
Lighterage
Registries & Rolls
Social Services
Education
Health
The Environment
Culture & Traditions

Executive Member for Planning, Tourism & Commerce
(John Terence Brown)

Building Control
Advertising Hoardings
Tourism (including Tourist Accommodation)
Fishing
Immigration

Land Use Planning & Subdivisions
Air & Sea Transport (other than Lighterage)
Legislation Planning
Future Planning
Commerce

Executive Member for Finance
(Edward Davenport Howard)

Revenue Raising
Public Monies
Postal Services
Customs
Liaison with the Public Service Board
Retail Price Index
Bond Store & Future Commercial Undertakings
of the Administration
MEMBERS OF THE LEGISLATIVE ASSEMBLY

President - The Honourable David Ernest Buffett
Deputy President - Mr. William Winton Sanders
Acting Deputy President - Mr. Bernard Edwin Christian-Bailey

Brown, John Terence
Buffett, Alice Inez
Buffett, The Honourable David Ernest
Christian-Bailey, Bernard Edwin
Gray, Chloe Barbara
Howard, Edward Davenport
Jackson, Gilbert Wallace
Quintal, Gregory Gilbert Francis
Sanders, William Winton
COMMITTEES

STANDING

Business Committee

Mr. President
Mr. J.T. Brown
Mr. E.D. Howard

Standing Orders Committee

Mr. President
Mr. J.T. Brown
Mr. B.E. Christian-Bailey
Mr. G.W. Jackson

House Committee

Mr. President
Miss A.I. Buffett
Mr. B.E. Christian-Bailey
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Adjournment
Adjournment Debate
The Assembly met at 2 p.m. The President (Hon. D.E. Buffett) took the Chair and read the Prayer.
MR. PRESIDENT: Honourable Members at the commencement of this sitting I would like to advise you that members of the Norfolk Island School Council are today in the public gallery to observe the proceedings of the House and they are accompanied by the Secondary School Deputy Principal, Mr. Cook, and I say welcome to those members of the School Council this afternoon.

I would also like to advise Members that as a mark of respect for the late King Khalid of Saudi Arabia, flags will be flown at half mast on today Wednesday 16 June, which is the last day of a three day mourning period in Saudi Arabia.

QUESTIONS WITHOUT NOTICE

TRANS-TASMAN TRADE PACT


MRS. GRAY: One for the Executive Member for Commerce, John Brown, if I may Mr. President.

The Executive Member may be aware of articles appearing in the press recently which indicate that the Trans-Tasman Trade Pact is about to become fact. One of the facets of this trade pact between Australia and New Zealand is that export incentives will be phased out beginning in 1985. Is the Executive Member in a position to establish to what extent the impact of this action will effect the trade between Norfolk Island and New Zealand.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Thank you Mr. Chairman. I am aware of the matters to which Mrs. Gray has referred however at this stage I am not able to advise what effect, if any, it will have on Norfolk Island, certainly enquiries are being made.
QUALIFICATION REQUIREMENTS FOR NORFOLK ISLAND PUBLIC SERVICE POSITIONS

MRS. GRAY: A question for the Executive Member responsible for the Public Service area - Mr. Howard. Early in the career of the Assembly papers were circulated to Members which dealt with certain Public Service Board recommendations. I draw attention to appendix V of that report. The paper makes clear the qualification requirements for positions in the Norfolk Island Public Service. I would now refer you to the Norfolk Island Government Gazette No. 23 dated 27 May 1982. Public Service Board qualification requirement for the position of Administrative Officer (Operations) states, and I quote - "Degree of recognised public administration diploma or equivalent". The advertisement in the Gazette states in part, and I quote - "Suitable qualifications would be an advantage". I suggest that they are not the terms recommended by the Public Service Board and perhaps you would care to explain why they are so much less specific.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I really do not think it is my place to explain. I could perhaps offer a comment on it but it is really a Public Service Board matter, they are the ones who do the recruiting and the appointing. The Scott Report did recommend academic qualifications for a number of positions in the Public Service, those I believe were generally adopted by the Public Service Board. The Board is not bound to require those even though they have adopted them, the Board I believe has discretion to deal with the realities of the world as they are, for example if you needed to fill a position and there were eleven applicants and none had the qualifications, you had to have someone, the Board would quite naturally appoint the best person of those available. The qualifications cannot be mandatory, you cannot require people to present themselves for positions. Whether those comments help I do not know. It is really a question that the Public Service Board should answer because it is their affair and not ours.
MRS. GRAY: Another area of concern could be whether the applicant with lesser qualifications is accepted, if they are to be paid at the highest rate of pay, that is at the rates drawn up for a person with qualifications.

MR. HOWARD: I can only assume that in setting the rate of pay the Board would take that fact into account, it would seem to me. Again it is the Board's business and not ours. It would seem to me that if someone currently occupying a job that is supposed to have higher qualifications but who does not have them himself, if he is not getting the top rate of pay because he lacks those qualifications, it would seem quite unreasonable to give top pay to a new man who did not have them either. But again that is a matter for the Board.

MRS. GRAY: Would an attempt be made to bring the selected person up to scratch as it were, if they are not holding qualifications.

MR. HOWARD: I cannot answer that, I think the whole question of what you might call within the Public Service training is an important one for the Island but I cannot answer whether that would be done or not.

MRS. GRAY: Thank you.

WATER & SEWERAGE SURVEY CONSULTANT

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman. I direct this question to the Executive Member for finance - Mr. Howard.

Is it a fact that Mr. Buffett as Executive Member for Health has sought $1500 for a survey for a water and sewerage consultant.

MR. HOWARD: No. Would you like a longer answer than that. At a recent meeting of the Executive Committee there was a proposal to the Committee that we seek a second opinion on reports that the
Government has had about the need for a water and sewerage system. The Executive Committee asked if the CAO would draw up proposed terms of reference for such a second opinion and as yet those have not been approved. The CAO said he thought such a second opinion could be had for perhaps $1500, and I think that is where the figure comes from. It is not true that Mr. Buffett sought the money. The Executive Committee I think would be of a mind to see that the money be provided if the terms of reference are sensible, but it is something that is in the course of being done and has not happened yet.

MR. SANDERS: So in effect this $1500 is going to be granted.

MR. HOWARD: I cannot speak for the Executive Committee. If sound terms of reference are brought forward and approved for what appears to the Executive Committee to be a sensible second opinion on the spending of $700,000 or $800,000 and whether it is necessary, then yes the Executive Committee would think that would be a worthwhile expense and I as Member for finance would find the money.

MR. SANDERS: Mr. Howard as you have asked for an austerity budget wouldn't this be an unnecessary waste, as surely water and sewerage is part of planning and both you and Mr. Buffett as Executive Members...

MR. JACKSON: Point of order Mr. Chairman, it is question time, not for debate on a question.

MR. ACTING DEPUTY PRESIDENT: Would you come to the question Mr. Sanders.

MR. SANDERS: The question was, was it a waste of time, and I have not finished the question. May I continue Mr. Chairman.

As I said, it would be an unnecessary waste as surely waste and sewerage is part of planning and both you and Mr. Buffett are against planning because of our traditional rights. The question is do you agree it is a waste.
MR. HOWARD: My own view, and it is an Executive Committee matter in which all three Executive Members would discuss and agree one way or another on, my own view is that spending $1500 to make certain that it is necessary to spend $700,000 is very good sense indeed, I do not think it is a waste at all, I think it is a very prudent move myself.

RESIGNATION OF CHAIRMAN OF THE HOSPITAL BOARD

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. Chairman I have a question for the Executive Member for health, Mr. Buffett.

Mr. Buffett is it a fact that the Chairman of the Hospital Board has resigned.

MR. BUFFETT: Mr. Chairman I have been advised by the Administrator that the Chairman of the Norfolk Island Public Hospital has tendered his resignation.

MR. SANDERS: Mr. Buffett could you tell me what is your reason for not informing the Assembly Members.

MR. BUFFETT: Mr. Chairman I do not think it is a matter of totally not informing the Legislative Assembly. I have indicated that the advice from the Chairman of the Board has been lodged with the Administrator and therefore that is the statutory relationship. I do accept however that it would be advantageous to make that known certainly in this House, I have just responded to a question in that vein. I might say Mr. Chairman that the Administrator at the same time has also indicated that there are some difficulties in some of the legislation that now relates to the Hospital Board area and in endeavouring to remedy the matter of the loss of a Chairman, some of these other matters might well be tackled also.
MR. SANDERS: Mr. Chairman, Mr. Buffett has answered my third question which was what was he going to do about it. Thank you.

DELETION OF ITEM FROM NOTICE PAPER

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman I direct this question to the President or Chairman of the Business Committee.

I notice that the business paper that was sent out to Members on Friday has been altered on today's programme. Notice No.3 in the name of Mr. Sanders has been deleted. Could a member of the Business Committee state why that notice has been deleted from the notice paper of today.

MR. ACTING DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Chairman, the Business Committee when it met did have that as a notice of motion, not a motion but a notice of motion in front of it, and it determined a place on the notice paper therefore for it. Until that motion is before the House though Mr. Chairman, a Member is at liberty to withdraw it. It is in his hands until it actually comes in the hands of the House by him formally moving it in the House, it had not reached that stage and it is my understanding that a Member is at liberty to so withdraw it.

MR. ACTING DEPUTY PRESIDENT: I understand Mr. Buffett that the Clerk received notice that the notice be withdrawn.

SURVEY ON TOURISM AND RELATED PLANNING

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: I direct this question to the Minister for tourism, Mr. Brown.
Mr. Brown it appeared on the agenda for the Executive Committee meeting on 7 June that the Tourist Bureau is planning a survey to assist in tourism and related planning. Would you please explain to the House what is the meaning of related planning.

MR. BROWN: The proposed survey Mr. Jackson will be taking place during the month of July. We have another meeting between now and the commencement of the survey. The actual format of the survey form has not yet been completed, it may be more appropriate if I await completion of that form and then provide you with a more detailed answer at our meeting at the end of this month. There are some matters Mr. Jackson which are presently on the form which probably will be deleted, others which are not yet on the form which may be added to it.

AVAILABILITY OF PUBLIC SERVICE OFFICERS TO ASSIST THE ASSEMBLY

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Another question. It appeared on the agenda of the Executive Committee meeting in the name of Mr. Brown and Mr. Howard, but Mr. Howard presented the paper on it, on the situation of the availability of public service officers to assist the Assembly. Has this been considered and discussed by the Executive Member and if so what is the result and decision taken concerning this matter.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: It is a question that has gone back and forth about five times between the Executive Committee and the CAO and it relates to the supporting services that Members of the Assembly need in the way of advice from the Clerk of the House, in the way of drafting of Bills or amendments or advice on procedure in the House that a Member may need; in the way of legal advice that the Assembly may need or the Executive Committee may need, that sort of supporting assistance, and that the terms and conditions on which the kind of assistance that the Assembly needs can be provided. It appears that it is not a simple,
straightforward matter, there are some complications in working out how the Assembly can get the kind of help that Members feel they need. The latest development in this thing is that the Chief Administrative Officer in his report at the last Executive Committee meeting presented his view of how it might best be done. That part of his report has not yet been considered, it is something that the Executive Committee has yet to deal with, it is still up in the air.

DESIRABILITY OF EXECUTIVE COMMITTEE CONSULTATION ON THE APPOINTMENT OF NEW ADMINISTRATIVE OFFICERS

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: I direct this question also to Mr. Howard. It also appeared on the agenda of the Executive Committee meeting on 7 June the desirability of Executive Committee consultation on the appointment of new Administrative Officers, and I believe that was for the replacement of Mr. Tony Arnold. Has this been considered and discussed by the Executive Committee, and if so what is the results of the decision taken concerning this matter.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: Yes it was discussed. The Chief Administrative Officer expressed the view that it was the Public Service Board's responsibility to find someone to fill the job that I understand Mr. Arnold is leaving, the Administrative Officer (Operations). The Executive Committee had enquired of the CAO whether there might be some way of some Executive Committee or Legislative Assembly input into that selection process. We did not have in mind that we should appoint the man, we simply thought that on the Assembly there are nine people who know the Island pretty well, know the people on the Island pretty well, and may have something worthwhile to contribute in that selection process. The CAO's view, and he was speaking I think with two different hats on, one as CAO and one as a member of the Public Service Board, was to say that he thought the Assembly should be very careful about
encroaching on the Public Service Board’s proper domain, that appointments of that kind should not start becoming political appointments, that if the Executive Committee or the Assembly had some policies, general broad policies, that they wanted the Public Service Board to bear in mind when they were filling such a position, that he thought it would be a proper thing to express those policies to the Public Service Board but he was reluctant to see us go further than that into the matter, and I think that is pretty well where it was left by the Executive Committee, from my recollection there was not any clear resolution and certainly no determination on the part of the Executive Committee to go any further than the CAO had suggested.

USE OF AIRPORT UPGRADING VEHICLES

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: I direct this question to the Minister who holds responsibility for motor vehicle registrations.

Members of the community have drawn to my attention that motor vehicles being used for the upgrading purposes at the airport are being driven outside of the airport. One large vehicle was observed being driven through the shopping centre in Burnt Pine last Saturday morning without number plates. The question is has any exceptions been sought regarding the registration of these vehicles when driven outside the airport, and if not, why are they permitted to drive on public roads when they are unlicenced.

MR. ACTING DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Chairman I know of no legislative provision to exempt persons in the circumstances Mr. Jackson has described. I can certainly take this matter up with the contracting authorities to ensure that there is no breach of local laws and regulations whilst they are operating in the Island.
IMMIGRATION - EMPLOYMENT DIFFICULTIES

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: I have three questions that I wish to put to the Minister for immigration, Mr. Brown.

Mr. Brown, is the Executive Member aware that as a direct result of the present economic situation some residents are experiencing employment difficulties; and can the Executive Member inform Members if the facilities exist for refusing renewal of temporary entry permits where situations can be filled by residents.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Thank you Mr. Chairman. Mr. Jackson it is the present policy that where a suitable local applicant for a position is available, that suitable local applicant should be given a position rather than bring someone from outside the Island. There have been problems in the past as a result of which outside applicants perhaps aggrieved at not being given a job as a result of this policy, have appealed to the Minister against the refusal and we have then been faced with a situation where over recent years those applicants have been allowed to remain on the Island during the time that it takes the Minister to decide the appeal. I can advise you that a review of this practice is presently taking place and that it is intended to seek the support of the Assembly for a proposal that an appellant who is appealing against refusal to grant a temporary entry permit will be required rather than to stay on the Island while the appeal is dealt with, will be required to in fact leave the Island until the appeal has been dealt with. This will overcome some of the problems to which you have referred. The other part of the problem to which you have referred is obviously the fact that on occasions outside people have been given jobs ahead of persons who are local persons and who regard themselves as suitable applicants. Perhaps to some extent we will always have this problem in that we cannot totally take away from an employer his right to himself select staff rather than to have us select
them for him, but every encouragement is given to employers to stick to our policy, and in the event that the present economic downturn brings to light a larger number of cases than usual of this nature then perhaps we will have to take stricter action.

MR. JACKSON: Another point that I wish to raise and draw to your attention is the economic downturn in tourism, do you consider if the situation gets any worse that some permits may have to be cancelled so that local residents could be protected.

MR. BROWN: I would not like to comment on that at this stage Mr. Jackson. Certainly it is a matter which if the economic position does worsen it will have to be considered, it is not a decision that I would make without consulting the other Members of the Assembly however and if you are aware of cases at this moment of local persons who are unable to obtain employment and who are in fact seeking such employment I invite you to bring that information to me and we will look at the question together.

MR. JACKSON: I am concerned at present stand downs within the private sector, however the second question - Mr. Brown are there any means whereby an authorised officer under the Immigration Ordinance can gauge local unemployment and apply his knowledge in the performance of his duties.

MR. BROWN: The authorised officer certainly attempts to keep abreast of local unemployment and when matters go before the Immigration Review Board for consideration that Board would take note of its own knowledge and of those matters which are brought to its attention by the authorised officer. I would not say at this stage Mr. Jackson however that that is the best possible means of obtaining this information. Perhaps as part of our present review of our overall immigration policies we should introduce some more reliable and more objective means of obtaining this information.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.
MR. JACKSON: The last question Mr. Brown - is the Executive Member aware that persons on temporary entry permits and operating businesses on the Island are seeking additional employment to supplement their incomes, and is the Executive Member looking closely at the difficulties involved in these circumstances.

MR. BROWN: Yes that matter is presently under consideration Mr. Jackson. I am aware of at least two cases where this has occurred, no doubt there are many more. There are two aspects to be considered, one is that when someone is given a temporary entry permit they are expected to stick within the conditions endorsed on that permit and if the conditions for a husband and wife for example are that the permit is valid while they operate a certain business then our present policy is against one or both of those persons then going out seeking other employment within the community, however if there is another position which needs to be filled and if we might otherwise be bringing someone in from outside to fill that position, there is certainly good reason to at least review our policy in that regard, perhaps we should be allowing a wife who is on the Island under her husband's temporary entry permit to seek a permit of her own to obtain employment within the community under the same conditions as anyone coming in from outside would obtain that permit, that is a local person who is suitable for the job and who wished to take the job should obtain preference for example. That is one of the matters which is being considered under the present review of our immigration policies.

MR. JACKSON: Thank you. I have no further questions.

ANSWERS TO QUESTIONS ON NOTICE

DISCRIMINATORY LAWS

MR. ACTING DEPUTY PRESIDENT: Answers to questions on notice. Mr. Brown.

MR. BROWN: Thank you Mr. Chairman. The first question is addressed to me from Mrs. Gray wherein she asks am I aware of any laws
in force on Norfolk Island which discriminate between persons (a) born on Norfolk Island or (b) who are descendants from Pitcairn residents and other persons, and if so could I please (c) give the names of the laws and (d) specify the nature of the discrimination.

Mr. Chairman I have sought certain advice in relation to this question from the Chief Administrative Officer and from the Legal Adviser. I am advised that there are no laws in effect in Norfolk Island which discriminate at present between persons of Pitcairn descent and other persons. There is however the Immigration Ordinance of 1968, that is our present immigration legislation, and as is the case in immigration legislation throughout the world, this legislation discriminates in favour of persons who were born on Norfolk Island. By virtue of section 17(1) of that Ordinance a person who is born on Norfolk Island is entitled, together with certain other classes of persons, to a declaration as of right that he or she is a resident. Residency may be granted to other persons under section 17(2) but in that case the granting of a declaration of residency is discretionary only. To that extent the Ordinance places a person born on Norfolk Island in an advantageous position so far as obtaining residential status is concerned.

The Police Offences Ordinance in section 35(1) discriminates in favour of persons who are born in Norfolk Island in that they are not liable to deportation upon conviction of certain offences under that Ordinance, whereas a person not born on the Island is liable to deportation upon conviction of certain offences.

Neither the Chief Administrative Officer nor the Legal Adviser have been able to advise me of any other legislation which discriminates between persons born on Norfolk Island and other persons, however there are a number of pieces of legislation in which there is discrimination in favour of residents within the meaning of the Immigration Ordinance. Examples of these are the Absentee Landowners Levy Ordinance where a lower rate of levy is payable; the Juries Ordinance in relation to eligibility for jury service; the Justices of the Peace Ordinance where there are differences in tenure of office as a Justice of the Peace between persons who are residents and others; the Land Subdivision Ordinance in relation to the availability of the family clause for subdivisions; the Legislative Assembly Ordinance and the Referendum
Ordinance in relation to eligibility to vote; and the Social Service Act in relation to eligibility for benefits. I am advised that none of these provisions offend the Racial Discrimination Act 1975 of the Commonwealth of Australia as these discriminations are not based on race, colour, national or ethnic origins, but rather on immigration status.

Mr. Chairman I am not aware of any other matters which are appropriate in relation to these questions.

MR. ACTING DEPUTY PRESIDENT: Are there any other answers to questions on notice. Mr. Brown.

SUBDIVISION POLICY

MR. BROWN. Mr. Chairman the second question is again directed to myself from Mr. Quintal, asking what is the Government's latest policy regarding land subdivision and in carrying out this policy does the Government have any regard to the Butland and Coldham Reports and if not, why not.

Mr. Chairman the law relating to the subdivision of land on Norfolk Island is the Land Subdivision Ordinance 1967. This provides for two methods of subdivision. Firstly under section 5 of the Ordinance application is made initially to the Administrator, if the application includes a provision for the opening of a public road the Administrator must refer the application to the Assembly for its views upon the road proposal, if there is no road proposal or where the Assembly has had the opportunity to comment upon a road proposal, the Administrator must submit the application for subdivision to the Minister with a report as to the suitability of the sizes and shapes of the proposed lots, the suitability of the means of access, the Assembly's views upon any road proposal and such other matters as the Administrator thinks fit. The Minister may refuse the application or refer it back for amendment or approve it with or without conditions. The extent of the power to impose conditions is not entirely clear and there is no appeal from the decision of the Minister by an application under section 5. The alternate procedure is provided for under section 11, this is
the so called family clause. This provides for application to be made to the Administrator for approval to subdivide so as to transfer to a relative. The applicant and the relative must both be declared residents within the meaning of the Immigration Ordinance of 1968 and be ordinarily resident within Norfolk Island. The proposal may not include provision for the opening of a public road and the land to be transferred to the relative may be used only for a single private dwelling or for agricultural purposes. The Administrator must seek the views of the Legislative Assembly upon a proposal. In considering an application the Administrator must have regard to certain grounds of objection set out in section 12(4), these relate to the size and shape of the proposed parcels, the access, the increase in the use of public roads, the suitability of the terrain for subdivision, the proposals for sewerage disposal and the effect of the proposal on the ecology of the land and the general character of the Island. If satisfied that no ground of objection applies, the Administrator must grant the application. An appeal lies from the refusal of an application to the Court of Petty Sessions and thence to the Supreme Court. Approval of an application under section 11 imposes a condition that the subject land cannot be transferred other than to a relative within five years of the date of approval. The Minister may dispense with this condition in a case of substantial hardship.

As to the question of policy, the First Legislative Assembly by resolution delegated its role in making recommendations on public road proposals to the Executive Member. The policy formulated by the First Assembly with respect to section 5 applications was a policy of a qualified moratorium upon subdivisions. I will shortly outline the detail of this. No policy was formulated with respect to section 11 applications other than that as a matter of practice the Administrator has sought the views of the Executive Member upon such applications. Indeed because of the entirely objective factors governing such applications, there is no room for the operation of policy or at least little room. An applicant who satisfies the criteria set out in section 11 and who can establish that none of the grounds of objection set out in section 12(4) apply, seems entitled as of right to approval of his application.
Perhaps I could summarise the policy of the First Assembly with respect to section 5 applications. This was, firstly, that an application should be intended to create no more than one additional parcel; secondly that the transeree of the new parcel should be a person living on Norfolk Island; thirdly that the proposed transeree must give credible assurance that he will within 12 months after transfer, build a residence upon the parcel for his own occupation; fourthly that the subject land is within the rural A or rural B zones set out in the Coldham Plan and that the proposed parcels comply with the minimum area set out in that Plan for those zones, that is 2 hectares and 1 hectare respectively; fifthly that the proposal otherwise complies with the Coldham Plan; and sixthly that the subdivision is satisfactory with respect to the criteria specified in section 12 (4) of the Land Subdivision Ordinance.

As a matter of procedure the Administrator has sought the comments of the Executive Member on all of those matters. The Administrator also seeks the views of the Assembly through the Executive Member upon any public road proposal. It has been the practice that for the purpose of such consideration a public road is deemed to be created where two or more parcels of land to be created by a subdivision do not have direct access to an existing road or easement. Generally the policy has been directed towards limiting subdivisions. In the absence of any overall Island plan it has been considered desirable to limit development as far as is possible under the provision of the Ordinance. Consideration has also been given to the desirability of limiting if not prohibiting speculative subdivision on the Island.

All of these matters will be considered by the Assembly in the not to distant future when the Assembly considers the Land Subdivision Policy Paper which is presently being prepared. This to some extent also comes within the aspect of Island planning. There are no other matters which appear relevant at this stage in relation to Mr. Quintal's question Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Brown. Mr. Buffett there is a question standing in your name - question No.3.
RAT POISON

MR. BUFFETT: Thank you Mr. Chairman. There are two questions, both of them asked by Mr. Quintal of me. The first one is No. 3. The question is this Mr. Chairman — in view of the ever increasing number of rats on the Island will the Government please reinstate its former policy of importing warfarin or other rat poisoning, mixing it with grain and distributing it free to the public, and if not, why not.

I respond to that Mr. Chairman by saying that the supply of free poisoned wheat has been interrupted by an unexpected problem with supply. The poison we normally get is obtained from Sydney and it is obtained through the Government Purchasing Office and in doing that we obtain price and shipping benefits. For some reasons which have not yet been determined we are being asked to accept a ready mixed bait instead of just getting the poison and we mixing it with wheat here, and unless there is a price benefit over the previous arrangements we do not really want these changes. No objection is known in relation to the type of poison which is believed to be virtually the only one that rats do not become shy of and it is agreed that the supply of poison wheat should continue to be available and the supply will be resumed as soon as it is possible to do that.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Buffett.

TIMBER POLICY

MR. BUFFETT: Question No. 4 also Mr. Quintal asking of me Mr. Chairman. The question is — the Executive Member will be aware that the lessee of a Crown lease cannot cut timber on his property without the permission of the Executive Member under the Timber Licences Ordinance. Will the Executive Member agree a policy that when a tree is dead or felled on Crown lease land he gives the lessee the first opportunity to buy the timber. Could the Executive Member also implement a policy whereby pine timber is equally distributed amongst the existing sawmillers.
I mention Mr. Chairman that when the Forester observes a tree on leased land which should be cut he does approach the lessee first on the matter. A lessee who wants to use the tree usually contemplates buying the cut timber from a mill rather than actually buying the tree. In a number of instances where a lessee has expressed a desire to cut the tree himself or to arrange for its removal, it has eventuated that nothing has been done until the dead tree does become a problem. Regarding the equal distribution of such trees amongst the various millers, the lessee's wishes needs to be taken into account also. Some lessees for example expressly ask that certain millers be not considered because of the condition in which they leave the land when they take out trees. The Member's request will however be taken into consideration when trees are proposed to be cut on Crown land. Lessee's views will also be taken into consideration in relation to trees that are on lease land, and I made the difference there between Crown land and leased land Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Buffett. Are there any papers please. Mr. Howard.

PAPERS

DIRECTIONS UNDER SECTION 32B OF THE PUBLIC MONEYS ORDINANCE

MR. HOWARD: Thank you Mr. Chairman. The Public Moneys Ordinance requires that I table in the House directions that I may have given for the transfer of funds from one item to another under section 32B of the Public Moneys Ordinance, and I table the instructions of that kind that I have recently given.

REVIEW OF LEGISLATIVE ASSEMBLY POWERS

MR. HOWARD: I would like to table a paper which consists of a memorandum written by me as Chairman of the Executive Committee meeting of 26 April 1982, a memorandum to the Administrator concerning the forthcoming review of Assembly powers. That memorandum has been circulated to Members. It outlined a proposal for how the review of
powers might proceed which was discussed with the Minister in our meeting with him when he was here recently which he wholeheartedly supported, and at the end of the memorandum it listed a number of additional possible powers that the Executive Committee thought we might be seeking in the review of powers. I table the paper and I would like to move that it be noted.

MR. ACTING DEPUTY PRESIDENT: The question is that the paper be noted. Mr. Howard.

MR. HOWARD: Mr. Chairman the reason that I moved that it be noted is that both the Minister and the Executive Committee are conscious that the non Executive Members of the Assembly have not as yet formally had a chance to say what they think about what possible powers we are seeking as additional ones in the course of the review of powers. By moving that this particular memo be noted I invite any Member who has thoughts or comments or attitudes about what powers we should be seeking in addition to the ones that the Norfolk Island Act has given the Assembly, the discussion of this motion is now a suitable time to let's hear what you think.

MR. ACTING DEPUTY PRESIDENT: Thank you. Miss Buffett.

MISS BUFFETT: Mr. Chairman I feel that this manner of inviting us to discuss these matters, important as they are for reviewing powers that we already have, I feel we should have been given some notice that it may come up at this meeting however I suppose we will have to continue with it but I feel that it should have been on the notice paper.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: If I could comment on that. On the 11th of this month I sent a memo to all Members of the Assembly enclosing a copy of that memorandum, although they had had a copy before, to make sure that they had one, saying that the Minister and the Executive Committee wanted the Members thoughts on this and ending with the words - "Point 4 in
the attached letter sets out a request that certain possible additional powers be considered, will you please consider that list and whether you believe any additional matters should be added to it, time permitting it is proposed to discuss the list as an agenda item in the Assembly meeting next Wednesday" - so I think there was quite clear notice.

MISS BUFFETT: I am sorry I took it to be when it was not on the notice paper that it would not be discussed.

MR. SANDERS: Mr. Chairman I agree with Miss Buffett. I would like to move that this be adjourned until our next sitting which I think is at the end of this month.

MR. ACTING DEPUTY PRESIDENT: The question is that the motion be adjourned.

Question - put
Motion agreed to.

STATEMENTS

TOURISM

MR. ACTING DEPUTY PRESIDENT: Statements by the Executive Members please. Mr. Brown.

MR. BROWN: Thank you Mr. Chairman. I have two statements Mr. Chairman, firstly in relation to tourism.

The May tourist figures have been released by the Tourist Bureau, these show a quite substantial increase in tourist numbers on Norfolk Island Airlines from Brisbane and a smaller increase in Norfolk Island Airlines numbers from Lord Howe. These increases are most encouraging. Unfortunately they show continued decline from the other ports, that is from Sydney and Auckland. The Tourist Bureau has been very active in
its endeavours to improve on this position and we no doubt all hope that the Bureau will be quite successful in the work that it is doing. I will be tabling at our next meeting the May tourist figures, I do not have them with me today.

In relation to airfares I can advise that I have held discussions with both East-West Airlines and Norfolk Island Airlines. There are substantial changes under way within the personnel of Air New Zealand and until those changes have been completed it is not appropriate to commence discussions with Air New Zealand but as soon as possible discussions will be commenced with Air New Zealand and with Qantas in relation to the Air New Zealand route.

Members will be pleased to know that Norfolk Island Airlines has agreed for a limited period which is in fact as a trial for the period being the commencement of the Queensland school holidays which are only a few weeks away; for residents of Norfolk Island and their children to travel to Brisbane from the Island at the commencement of the school holidays when aircraft normally come in quite full and go back out again not as full, and returning to Norfolk Island at the end of the school holidays when aircraft normally come in with light loads and go back out full, on the basis of a firm reserved seats for adults at $260 return and for children under 12 at $40 return. I understand that there is also an $80 return price for children aged from 12 to 18. I do not have the full details in relation to this but I understand that an advertisement will be appearing in this weekend's Norfolk Islander providing the full information. That is some co-operation which is quite encouraging and already as Members are aware a 50% standby fare applies year round between Norfolk Island and Brisbane and on a firm reserved basis persons needing to leave the Island for medical treatment are able to obtain a 50% discounted return fare to Brisbane.

This afternoon the Marketing Manager of East-West Airlines, Keith Sutton will be arriving in Norfolk Island for discussions tomorrow with the Tourist Bureau, the Chamber of Commerce, the Accommodation Proprietors Association and others. Those discussions are to take place at 2 p.m. and Members of the Legislative Assembly have been invited to attend those discussions. Invitations will be distributed to Members later today. I certainly hope that some fair initiatives will be revealed at this meeting and that as an outcome of the meeting we can expect improved services from East-West Airlines from Sydney. East-West has already announced that an off peak fare will be applying within the next few months which is I think $240 return to Sydney.
Members will be aware that the Norfolk Island Government Tourist Bureau appointments last until 1 July each year and that on 1 July the Bureau is appointed for the next year. Members will also be aware that groups or associations with 15 members or more can, upon application to the Executive Member, be declared to be a recognised association, and that a recognised association can nominate one or two persons for consideration for appointment to the Norfolk Island Government Tourist Bureau. It is important that the Tourist Bureau be as representative as possible of the whole of the community and I invite any groups or associations with 15 members or more who are not presently recognised associations to, if they so desire, make application to me to be declared as recognised associations, and I remind all recognised associations that they are invited to get to me in writing by 30th June any nominations they wish to make for one or two persons for appointment to the Tourist Bureau. The mere fact that someone is nominated of course does not mean that they will be appointed but they will be considered for appointment.

Mr. Jackson earlier mentioned the Tourist Bureau survey which is to take place during July. The Bureau is presently in the course of preparing a tourism marketing plan for the Island. This marketing plan will form an important part of the Bureau's efforts over the coming years. I understand that this survey will be the first survey of its kind ever carried out on the Island. It will be a survey seeking the views of all of the residents of the Island on tourism matters, and as Mr. Jackson mentioned, on some other related matters. The First Legislative Assembly's Select Committee into Tourism made various recommendations. One quite important recommendation was that Norfolk Island be regarded as the home of its residents and not primarily as a tourist resort. This survey will be aimed at obtaining a full contribution from the residents of the Island so that the marketing plan can take into account the need to regard the Island as the home of its residents rather than simply as a tourist resort. Full information about the survey will be made available at the next meeting of the Assembly and I certainly hope that all residents of the Island will co-operate as far as possible in the survey.
IMMIGRATION

MR. BROWN: The second statement Mr. Chairman relates to immigration.

Members will recall that in relation to the Immigration Bill which was passed by the last Assembly, there are still two outstanding matters which are preventing the Bill becoming law. The first matter is the Pitcairn descent clause. Members will recall that I had previously advised that Mr. Ewens has drafted amendments to this clause which he believes will be acceptable to the Australian Government and to this Assembly. The Administrator has advised me that the draft amendment will shortly be received in Norfolk Island and it will certainly be distributed to all Members as soon as it has been received so that at the earliest possible date the Assembly can consider whether it is willing to agree to those amendments.

The second outstanding matter relates to Commonwealth public servants and to a number of questions, in particular whether they should be required to obtain temporary entry permits and whether they should pay the fee that is paid by other persons for the issue of such permits. I can advise that I held an initial discussion last week with the Administrator in relation to further matters regarding the Commonwealth public servants aspect and that discussions involving the whole of the Assembly can be expected to take place quite soon and it is hoped that as a result of those discussions the question of Commonwealth public servants will be resolved to the satisfaction of the Commonwealth of Australia and more importantly to the satisfaction of this Assembly. The Administrator is keeping me informed of progress in relation to this matter and I will continue to keep the House informed.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Brown. Mr. Buffett.

MR. BUFFETT: No I have no further statements thank you.
NOTICES

TAX EVASION

MR. DEPUTY PRESIDENT: Notice No.1. Mr. Jackson.

MR. JACKSON: Mr. Chairman I move that this House reconfirms the belief of the people of Norfolk Island that their Island and its laws should not be unscrupulously used by those persons whose main interest in the Island is to evade or to profit by helping others to evade tax which they would otherwise be liable to pay under the laws of Australia, and ask the Executive Member for finance to draw this resolution to the attention of the Commonwealth Government so that appropriate action may be taken against such persons and the tax avoidance schemes they promote or exploit.

Mr. Chairman in speaking to the motion - this motion is designed to achieve two things, firstly that this House come out openly and quite clearly and demonstrate in the strongest terms that Norfolk Island and its people should not be used by persons whose main interest in the Island is to evade or to profit by helping others to evade tax. The other point is that this House requests Mr. Howard the Executive Member for finance to draw this resolution to the notice of the Commonwealth Government so that appropriate action can be taken against those persons who organise and conduct tax avoidance schemes.

I wish to make it quite clear at this point that in moving this motion I am not in any way pointing the finger at anyone or trying to get at any Member because of recent criticism by a Judge in the Victorian Supreme Court on a Norfolk Islander solicitor. Members are well aware that I have spoken out very strongly in this Assembly and have previously expressed by utter condemnation of any tax avoidance scheme regardless of whether they are operated and conducted in mainland Australia or within Norfolk Island, and my statements are recorded in Hansard. It is becoming quite obvious because of radio news reports and reports in the Australian press that the Commonwealth Government is concerned at the extent of tax avoidance, by the recent investigation in Victoria and now one proposed for New South Wales, which the Attorney-General Mr. Frank Walker has stated is costing thousands of millions of dollars in lost revenue.
Some of the companies are most likely registered here in Norfolk Island. I am certain that Members of this Assembly would not like it to be thought that we are condoning this situation.

Mr. Chairman this is not the first time a motion of this nature has come before the elected representatives of Norfolk Island. Concern was shown at a Council meeting held on 4 July 1967 when a similar motion was moved by Councillor J.H. Ryves, and I quote Mr. Ryves' motion from the minutes of the meeting held on 4 July 1967. The motion that Councillor Ryves moved was, "That the Australian Administrator write to the Minister expressing Council's concern at the number of companies registering on Norfolk Island apparently for the purpose of tax evasion and that the Minister express his views on this subject". This motion was carried unanimously by the following Councillors: Councillor W.M. Randall, Councillor R.A. Bataille, Councillor A.S. Bathie, Councillor C.L. Evans, Councillor K.J. Nobbs, Councillor G.G.F. Quintal, Councillor H.J. Quintal and Councillor J.H. Ryves. Some three months later at a following Council meeting on 10 October 1967 this matter was again discussed and Councillor Ryves once again expressed Council's views on this issue, and I quote from the Council minutes once again on 10 October 1967 - "Council's main concern was that the right thing had been done by the Australian Government and it was thought that it be bought to the Minister's notice that he realise that Council was not condoning this situation". It is quite clear that Councillor's presented the companies registering on Norfolk Island in 1967 for tax evasion and are of the same views as what is in this motion now in 1982.

Mr. Chairman I commend the motion and I table the two relevant documents of the minutes of the meeting of Council of 4 July 1967 and 10 October 1967.

MR. ACTING DEPUTY PRESIDENT: Further debate Honourable Members. Mr. Howard.

MR. HOWARD: I would like to make several comments about Mr. Jackson's motion. First of all I think that he is having a shot at Mr. Brown...
MR. JACKSON: Point of order, I made it quite clear in my statement that if anyone feels that they are being got at that is their own opinion.

MR. HOWARD: I think that Mr. Jackson is having a shot at Mr. Brown on a matter in which he himself, Mr. Jackson, was called out of order on at the last meeting and does Mr. Jackson and this House very little credit indeed. I think that the subject of his motion is one that is important to the Island and one worth considering. I am sorry he mucks it up with that kind of side grand-standing. There are a couple of aspects of the wording of the motion that I think are worth drawing attention to. The motion seems to be directed at those whose interest it is to evade or to profit by helping others to evade taxes, I do not think there is any question about that, tax evasion is breaking the law, I do not think anybody has any difference of opinion about whether we are for that or not, I do not think we are for it at all, I think we are strongly against it. There is a bit of confusion at the end of the motion in which he refers to tax avoidance schemes. Tax avoidance is something other than tax evasion. There are a great many people in the world who think that if the law does not require you to pay a tax that you are doing a pretty sensible thing if you avoid paying a tax that the law does not require you to pay. Apart from that confusion it seems to me that the motion has considerable merit in first of all seemingly primarily to be directed against tax evasion and secondly in asking that the Commonwealth take appropriate action against the people and the schemes that they have to do these things. I think Norfolk Island took a beating during the tax haven days here because of people from Australia who were, I cannot tell you whether they were evading or avoiding taxes, the Commonwealth did not get so angry at those people as it got angry at Norfolk Island and I think Norfolk took the brunt of that situation and I like Mr. Jackson's motion for calling on the Commonwealth to take actions against the people who do the bad thing rather than against Norfolk Island, I think that is entirely sensible. The motion proposes that I be asked to draw the resolution if it passes, to the attention of the Commonwealth, and I just wanted to say I am quite happy to do that, rather than prolonging debate on something that I think we are all in agreement on, I move that the question be put.
MR. ACTING DEPUTY PRESIDENT: The question is that the question be put.

Question - put
Motion agreed to unanimously

MR. ACTING DEPUTY PRESIDENT: The question is that the motion be agreed.

Question - put
Motion agreed to unanimously.

ALTERNATIVE AIR SERVICE TO NORFOLK ISLAND

MR. ACTING DEPUTY PRESIDENT: Notice No.2. Mrs. Gray.

MRS. GRAY: Thank you Mr. Chairman. The motion states that this House expresses concern in respect of the East-West Airlines service to Norfolk Island and asks - (a) that this Government initiate immediate discussions with (1) other airlines; and (2) the appropriate authorities in Canberra to ensure that the best possible air service be afforded to residents of and visitors to Norfolk Island; and (b) that the appropriate Executive Member report to this House on the progress of these discussions.

On 13th of May last Members of this Assembly met with the newly appointed Minister for Aviation the Hon. Wal Fife. The Minister had come to Norfolk to celebrate the commencement of the upgrading operations on the airport. The purpose of the meeting of Members of the Assembly with the Minister was to put to him a picture of the difficulties this Government faces in regard to airline servicing. The Executive Member responsible for tourism, John Brown, addressed the Minister illustrating the past boom and bust economies of Norfolk. He made mention of the various Committees of Enquiry which had met prior to the final decision having been taken by the Australian Government to upgrade the airport. John Brown indicated that it had been the wish of the last Assembly that Norfolk Island not be used as a short stop-over
port. He reiterated the wish of that Government and this one that consultations take place for future decisions. The Executive Member seeks to assist and control Norfolk Island's tourist industry; he seeks to control tourist numbers and he seeks to resist, unless desirable, short term stop-overs; he seeks consultation on decisions taken regarding aircraft type and schedules; he seeks consultation on the carrier, that is the airline which will do the job; he expressed concern re the Sydney/Norfolk carrier. These are the concerns of the Government and most of the people living on Norfolk, whether it be those directly involved in tourism or those who seek reasonably priced access to the mainland areas. The Minister for Aviation the Hon. Wal Fife confirmed that he was "very happy to consult with" the Government. He pointed out that an airline cannot import aircraft without Government approval. The Australian Government has given East-West approval to import F28's. The Minister pointed out that the F28 would be marginally viable on the Sydney/Norfolk run, in other words East-West would maybe crack even on the run but not make any money on it. It sounds rather a familiar story doesn't it. Almost immediately following discussions with the Minister for Aviation, Andy Anderson, East-West Airlines Commercial Manager, was asked to take part in discussions with Members. He made the following points about the East-West run, and I quote again - "standby fares are not desirable, standby fares are not appropriate". He did say that fares will stabilise with F28's. Andy Anderson said that the F28 should average four round trips per week, it is anticipated that each flight will carry 70 passengers.

All airlines must go before the Independent Airlines Committee to have passenger airfares approved, that Committee was formed early this year and Ansett and TAA have appeared before it. The Committee does not permit low fares on one air route to be subsidised by higher fares on another. Each route is examined as it stands alone. Andy Anderson also made mention of the allowance to pilots flying to Norfolk being greater than that on domestic flights, and I do wish someone would issue an edict stating whether we are domestic or overseas destination, we always seem to fall into whichever category suits the airline at the time. The well known information that only 36 seats out of a normally available 52 on the F27 is adding to difficulties on the run now. No-one denies the truth of those statements. The Aviation
Minister had already at the ceremony here on Norfolk said that the airport in his electorate, Albury, was in the process of upgrading its facilities to enable it to handle East-West F28's. It remains to be seen whether or not there are other local governments in New South Wales especially which are prepared to upgrade their airport facilities at their own expense to take F28's. If they do not in these financially difficult times, there will be neither need nor desire for East-West to expand their fleet of F28's. That means one and one only aircraft to service Norfolk Island. The Minister claimed that he was surprised to find that the aircraft type was an issue on Norfolk. I suggest that the aircraft type is an issue and more importantly the carriers selected to do the job is an issue. It is difficult to ignore statements made by Pat Carter an ex member of the Board of Directors of East-West Airlines that in reference to the massive losses experienced by East-West in the Connair takeover, I quote, "That financial disaster from which under present management I do not believe we can ever recover". In plainest possible terms, can East-West Airlines afford to purchase for something like ten to twelve million dollars a single aircraft which will be marginally viable economically on the Sydney/Norfolk Island route. East-West Airlines is to appear before the Independent Airlines Committee in the later part of this year. The F28 programme is yet to come before the Australian Government Cabinet. It may well be that the time has come for a vote to be taken in this House to see whether or not the Second Legislative Assembly supports the recommendations of the First, in effect that Norfolk Island not become a short stopover airport or part of a Pacific cartwheel. Should we do so we must face up to the fact that it will cost us money to remain exclusive, the price we all pay to put our backside into a seat on an aircraft. Before we have to take such a decision I for one would like to have a complete picture of what is happening in the Western Pacific as far as airlines are concerned. What are the options open to us, are we irrevocably linked or rather tied to East-West.

I ask that the Executive Member responsible tell this House and the people of Norfolk Island what action he intends taking to ensure that whatever service is finally agreed for us that it will cater to the needs of the local residents in terms of access to the mainland and in freight carriage, both at reasonable cost, and that the service be one which will
be attractive to potential visitors to the Island. I request the 
Executive Member to inform the House what action he intends taking 
on this Government's behalf to ensure that proper representation is 
made to the Independent Airlines Committee and to the Cabinet of the 
Government of Australia. Finally if the Executive Member is not 
totally convinced that East-West is the right airline with the right 
aircraft to do the job will he please initiate discussions with other 
airlines to ascertain the possibility of their handling air carriage to 
and from Norfolk Island.

MR. ACTING DEPUTY PRESIDENT: Thank you Mrs. Gray. Further 
debate Honourable Members. Mr. Jackson.

MR. JACKSON: Mr. Chairman I congratulate Mrs. Gray on the 
lengthy report and her concern on behalf of the community of Norfolk 
Island because of the extortionist airfares at present being charged by 
East-West. I am surprised that Mr. Wal Fife's statement when he met with 
us on the day that he turned the first soil at the airport for the 
commencement of the upgrading, that those words have not been heeded. 
I expressed here in this House at the last sitting what I considered 
the meaning of what he told us in the Committee Rooms of this Assembly. 
He made it quite clear as far as I was concerned that East-West is the 
carrier to negotiate for Norfolk Island. He made it clear that the 
Australian Government has provided 6.9 million dollars for the purpose 
of upgrading the airport on Norfolk Island and he made it abundantly 
clear that the Government of Australia has issued a licence to East-
West to import the plane necessary to service Norfolk Island and that is 
the F28. He made it clearer still that it would be wrong to issue a 
licence for another carrier to get another plane in to service Norfolk 
Island. Now whether those statements were right in our view, that is 
up to us to decide. I do not like coming in from behind on an issue 
or a battle or even an argument, but at present it appears to me that we 
have two things in our favour - one is that the Government has provided 
the finance for the airport and they have issued this licence, because 
by March next year the present plane that is servicing Norfolk will have 
its licence withdrawn because of the 90 minute rule, that is as I 
understood what Mr. Fife told us in discussions with him. The other
point that we must remember is that the Parliamentary Works Committee which sat in the assembly rooms at the school in June of 1980 made certain recommendations, and this is the point that I believe is in our favour, that the Norfolk Island Government and its people will have discussions with the Government of Australia on the nature of the aircraft that will service Norfolk Island, now this has not been done. To skirt around the issue and start looking for somewhere to touch down in the Pacific without taking the initiative of what has been invited by the supreme body of the Parliamentary Works Committee which sat here in June 1980, would be foolish. I think we should negotiate along the lines that a promise was made by the Committee that we have consultation and an input into any discussion on any plane that will service our Island. Therefore I recommend to the Member responsible that we take up that challenge and say to the Commonwealth Government — you entered into this without consultation with the Norfolk Island Government, and a promise has been broken. I do not believe that we should skirt around the issue, we should come directly to the point, and I make that recommendation and I am sure the Member responsible for transport will make some contribution towards this and perhaps reply to what I have just said. Thank you.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Howard.

MR. HOWARD: I would like if I can to clarify a point that Mr. Jackson made about the Public Works Committee having made a promise. They did not make a promise, I wish they had, I wish they had the power to make one but they do not. The Public Works Committee recommended that the airport upgrading be financed by Australia on the condition that consultation be carried out on major matters and that our Government and the Australian Government co-operate in seeing that the airport is run properly. The Parliament voted the money, the Parliament did not vote to accept that condition, however the Minister who was speaking to the motion in the House at the time and I think it was the Minister for Housing and Construction, assured the House that the Government was going to honour those conditions that the Public Works Committee had recommended, now whether a ministerial assurance is a promise I hope it is. I just wanted to clarify where, if there
was a promise, where the promise was. It might not be a 101% promise. Having been said by the Minister in Parliament and being in hansard I think we have got something strong on our side and I agree with Mr. Jackson but lets not overplay our hand. That is the point I wanted to make.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Quintal.

MR. QUINTAL: Mr. Chairman I also wish to congratulate Chloe on the work that she has put into this matter. It seems to me that we are probably landed with East-West no matter what we try to do. It seems to me that the plane has been ordered and I think probably it would probably be a very difficult thing to have this matter changed. I think Mr. Wal Fife was very disappointed that we thought that East-West was not the carrier for Norfolk Island. One thing I cannot understand and I have never been able to understand it, and that is if East-West is losing so much money on the Norfolk Island run why are they trying to hold on to it so hard, I cannot understand that at all.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Buffett.

MR. BUFFETT: Mr. Chairman East-West Airlines has come in for a lot of criticism in respect of their service to Norfolk Island of late, some I consider justified, some is probably the result also of being compelled to use a type of aircraft that is not suitable to this particular route. I am interested in the detail Mrs. Gray mentioned about East-West and the loss of their Northern Territory airline activity and the financial difficulty or disadvantage that places them in. I am also interested to hear the limit of its operation on Australian mainland airports that no doubt it would experience with the F28 aircraft and the need to involve some airports there in an upgrading process exactly as we are involving ourselves here in an upgrading process. The matter of them coming to a situation of maybe only having one aircraft, a one aircraft operation that would run to Norfolk Island, is one that certainly would concern me, but also if you look at some of the other competitors I think that they may be in much the same category. I gather for example that Norfolk Island Airlines might be in
that category also, though I could stand corrected if that is not the case. As far as I can look at the situation this motion really proposes an alternative airline to run here if it turns out that what East-West offers is not good enough. As far as I am aware the airlines that presently have an association with Norfolk Island are East-West, Norfolk Island Airlines, Air New Zealand, Qantas in an indirect way you might say. Of these Mrs. Gray you might consider that Norfolk Island Airlines provides a more complete service than East-West is capable of or that Air New Zealand or Qantas have better services, one does not know until you sit down and assess them and get all the detail from them. I know that there are of course other airlines not presently associated here who might be able to provide some sort of service. I assume of course when we are talking about all this that we are talking about a situation after the airport is upgraded and not the in between time until the end of this year whereby we recognise that there is that difficulty that only an upgrading process can remedy. I really think an important part of the process of comparing what each airline can offer, and that must include what East-West can offer in their new situation with their new aircraft, must cover things such as their reliability, their frequency of service, their flight time, their passenger and their freight capacity, their captain service, and of course how much, what are they going to charge to bring people to Norfolk Island and take Norfolk Island people elsewhere, and I do not accept that Norfolk Island cannot participate in incentive fares arrangements, and I think Mrs. Gray quoted a representative from one of the airlines saying that they for example thought that standby fares were either not viable or not appropriate, they have certainly applied them in other places and I see no reason why they should not apply them in Norfolk Island to offer those same incentives and those same savings to people who live in Norfolk Island and savings to those people who want to come to Norfolk Island as a visitor, and we are very much aware that the visitors form a good deal of the economic situation here in Norfolk Island. In this House on 12 May Miss Buffett promoted a motion expressing dismay at the ever increasing airfare situation and that motion was carried and the Executive Member therefore charged with the responsibility of taking some action, and I am pleased that today he has been able to give some progress report on discussions in respect of fares between not only Norfolk Island and Sydney but Brisbane and
Auckland as well and I hope that they will come to some fruitful result so that this ever increasing spiral as far as fares are concerned, which is one of the great killers that Norfolk Island is now experiencing in its tourist industry, will be remedied to some satisfaction. I am really agreeable to getting the present airline to better perform or if they do not perform better to really find an alternative, but I think it means an across the board examination of all of those who may be able to run to Norfolk Island and I think these have got to be examined and examined in some depth before we in fact cast aside the present situation.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Buffett. Further debate. Miss Buffett.

MISS BUFFETT: Mr. Acting Deputy President in supporting Mrs. Gray's motion I would like to emphasise that negotiation with East-West Airlines could result in advantageous concessions and I would like to see this course pursued in addition to discussions with as many other airlines as we can foster. Thank you.

MR. ACTING DEPUTY PRESIDENT: Thank you Miss Buffett. Any further debate. There being no further debate the question is that the motion be agreed.

Question - put
Motion agreed to unanimously.

STAND-OVER TACTICS BY CERTAIN ADMINISTRATION PERSONNEL

MR. ACTING DEPUTY PRESIDENT: Notice No.4. Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman. I wish to move the motion appearing on the notice paper in my name. The motion is that this House expresses concern in respect of certain actions by the Administration workers and others prior to the unloading at Ball Bay of
equipment to be used in connection with the airport upgrading and instructs the Chief Administrative Officer to ensure that such actions are not repeated.

Mr. Chairman I asked Mr. Buffett in questions without notice at the meeting on 12 May if he would instruct the CAO to instruct his staff to discontinue the use of stand-over tactics, especially in regard to lighterage operations. All that was really required of him was to look into the matter, give his instructions and that would have been that, however Mr. Buffett spent his total time in reply along with interjections from Mr. Jackson, in his unfailing support of the Public Service with complete indifference as to what the complaint was really all about and as usual avoided making comment. I again ask this House to issue instructions to the CAO to discontinue the previous practices adopted by public servants and others.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Sanders. Any debate. Mr. Jackson.

MR. JACKSON: Mr. Chairman a few things have not been spelt out quite clearly in this motion and I do not know exactly what the first part of the motion really means. I will quote the part of the motion that does not give any clarity, Mr. Sanders has not given any evidence on what he states as concern in respect of certain actions by the Administration workers and other. Mr. Sanders has not tabled anything or given any verbal evidence of any certain actions by Administration workers and others, so therefore I think it is a very negative way to present a motion when an accusation has been levelled at the people who operate within the bounds of their industry just for the sake of being critical, however for Mr. Sanders' information and other Members information I will give to the House some details of what actually took place.

When the final results of the successful tenderer for the upgrading of the airport became known as a New Zealand Company and that they intended to transport heavy equipment to the Island for the purpose by an ex Army landing barge, delegates representing the lighterage workers and stevedores met with Mr. Tony Arnold representing the Norfolk
Island Administration in the office on the ground floor of the Administrator's office. The delegates of the stevedores and lighterage sought to clarify with the barge owners, their representatives or their agents who may be representing them on Norfolk, the actual nature and type of cargo that would be trans-shipped to Norfolk Island by landing barge. There being no representative at that meeting as none were on Norfolk at the time who could give us this information it was then resolved that Mr. Arnold contact the responsible persons in New Zealand for this information and if possible for a representative to come to Norfolk Island prior to the barge's arrival, for discussion with the stevedores and lighterage workers. The New Zealand Company agreed to this and they arrived approximately a week before the barge's first arrival. A meeting was convened in the mess room at the Works Depot on Saturday afternoon 8 May 1982 and those in attendance were Mr. Gil Hitch, Mr. Puss Anderson, Mr. Culla Graham, Mr. Albert Buffett, and myself, with the two Company representatives Mr. Ray Kempthorne and Mr. Bruce Drinkrow. At this meeting we were told the actual nature of the cargo on the barge and it was then agreed by negotiation by all that four lighterage workers should be engaged as linesmen assisting in the berthing of the barge and that four stevedores should be engaged assisting on the barge for unloading the heavy equipment and preparing them to be driven ashore and shifting and slinging the loose cargo which it carried. After the completion of the unloading of the barge the men were congratulated for their efficiency and speed to enable the barge to be discharged in record time for its return journey back to New Zealand where it would load more equipment to be used in the upgrading of the airport. The day prior to the barge's second arrival I was contacted by phone by Mr. Ray Kempthorne and he explained that the barge would arrive the next evening and an attempt would be made to berth it on the 9 p.m. high tide. Mr. Kempthorne requested that the men be made available again. I stated that they would be available. The 9 p.m. landing was not possible and it was put off until 6 a.m. next morning. Once again speed and efficiency was the key to this operation and the barge was back at sea once again in record time. May I add at this stage for the Members information that I did not take an active part in either the first or second voyage of the barge, neither was I on the payroll, I was there on both occasions as a spectator and observer and I would like to congratulate all, and I mean all, of those
who took part in this delicate and spectacular operation, and I
must add that damaging unfounded and false allegations have been
made in this House by Mr. Sanders against persons who had negotiated
in their area of work. Mr. Chairman those allegations that I just
spoke of were felt by the Lighterage Manager who heard it being
broadcast last meeting and he presented me this morning with his views
of what actually happened when he took part in negotiations, and this
is a statement concerning a stand-over claim by Mr. Sanders MLA, and
the letter is dated 14 June 1982. Mr. Puss Anderson states - "I
attended a meeting prior to the arrival of the first barge load of
equipment necessary for the upgrading of the airport. The view that
I took was that if there was work to be done on the shore end of the
operations it should be carried out by lighterage workers and that the
same applied with necessary work aboard the barge that it should be
carried out by persons employed by the stevedoring industry, my main
reason being that many of the lighterage and stevedoring industry
workers rely on this type of work to supplement their employment, that
it would provide the skill necessary for the beaching of the barge
along with the unlashing and unloading. The shore end workers were
employed sometimes by the oil and gas tanker companies and are
experienced in this type of work, and the same could be said for the
stevedore workers". Mr. Anderson goes on to say "The salaries that
were negotiated, the salaries were determined from an average normal
unloading wage plus overtime. Consideration was taken for the allowance
of overtime that may have to be worked and on account of an expected
minimum of three hours work needed for the unloading, the rate of $7
per hour for a minimum of four hours was requested and granted without
question. At no time during this meeting was there any heated debate
over salaries or against the men doing this work. As the unloading of
this barge was in connection with the upgrading of the airport it was
stressed to the principals only to carry cargo necessary for that work,
if this is called stand-over tactics by Mr. Sanders, maybe he should
consider the following: For the Lighterage Undertaking to operate as a
viable undertaking and not to be a liability to the Norfolk Island
Government it needs to secure all cargoes entering Norfolk Island by sea
and which is not exempted under the Lighterage Ordinance. It was
pointed out to the principals of the contracting company that if the barge was to carry cargo other than machinery and equipment needed for the airport, the current minimum of 200 tonnes including charges may apply. This was acknowledged and accepted by all present. After the unloading of the first barge the men were thanked for the work that they had performed and were asked to be present for the unloading of the second barge. I had spoken to Mr. Kempthorne after the meeting and also after the unloading of the first barge and there was no suggestion of stand-over tactics mentioned. I was present at both barge landings and unloading went smoothly and the men worked well and there was only harmony amongst the principals, lighterage workers, stevedores and those concerned”.

That is a statement signed by G. (Puss) Anderson, Lighterage Manager. If that does not clear the air of the allegations made in this House...


MRS. GRAY: Mr. Chairman enquiries that I have made indicate that the area of misunderstanding occurred before the first barge was unloaded at Ball Bay, there were discussions I gather before the barge left New Zealand but it is the time immediately after its arrival here at Norfolk which I believe is the one which is said to be contentious. I too understand that the job was done well and the men were congratulated, however if there was misunderstanding, support of Mr. Sanders motion may ensure that it will not occur in the future.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. Chairman as Mr. Jackson said there was a meeting on 8 May. I did not care to extend it any further because I was hoping to avoid naming names. The persons that he said were there I was informed were there. I was called by phone immediately after this meeting because these two gentlemen were perturbed. Mr. Gil Hitch informed them I was told that there was going to be a minimum charge of $2,000. Mr. Puss Anderson apparently was being very adamant about it, and Mr. Jackson here, MLA, representing the stevedores was inferring that the stevedores were part of lighterage and if they did not come to
the party of four members of the lighterage and four members of the stevedores, that they would not work. The gentlemen concerned reckoned that four each of them at $7 an hour minimum was cheaper than $2,000 so they naturally agreed. On page 407 in that green book that Mrs. Gray has in front of her on the laws of Norfolk Island 1914–1964 section 11 (a) states, a person other than an employee shall not (a) load cargo to or unload cargo from a ship at Norfolk Island; (b) carry cargo or passengers between a ship at Norfolk Island and shore or between ship and shore.

It is obvious that the purpose of this lighterage operation is to lighter cargo from ship to shore. The word lighterage in the concise Oxford dictionary comes from the word lighter meaning boat, usually flat bottomed for unloading and loading ships not brought to wharf and for transporting goods in harbour. Again with reference to that green book on page 405 the opening line reads - "An Ordinance relating to the establishment and conduct of lighterage service". I think it reasonable to assume that this is for taking cargo etc in a small boat from a ship to shore, it could not mean directly from a ship to shore without the use of a lighter otherwise cargo from an aircraft would have to be unloaded by the lighterage operations. Under the circumstances with a barge tied to the shore and loaded with very heavy mobile equipment, it is obvious because the machinery was to either be driven or towed off, that no small boats were required to lighter this heavy machinery and that no stevedores were required as I was not aware that a plant operators licence is one of the requisites of stevedoring. As there was no lighterage required the minimum charges for tonnage and hire of equipment was a false threat and for the spokesman for the stevedores to infer that the stevedores are part of lighterage I believe is criminal.

**MR. JACKSON:** Point of order, that is objective language and it is not true. If Mr. Sanders cannot produce evidence of that meeting... Point of order Mr. Sanders is going on hearsay evidence and he was not at the meeting.

**MR. ACTING DEPUTY PRESIDENT:** Your point of order has been allowed Mr. Jackson.
MR. SANDERS: Could I change that to extortion, the word that Mr. Jackson used for East-West.

Mr. Buffett instead of simply stating that he would look into the matter and that being the end of it, has blown this thing out of all proportion and I believe that the sooner all this nonsense stops the better and I ask this House to support this motion so that matters of this type cannot occur again. Thank you Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Chairman without calling all of the persons who were involved in this incident on to the floor of this House and examining them and cross examining them, perhaps we will never know what actually happened on that day, however in the event that stand-over tactics were used, which Mr. Jackson has denied, but in the event that they were I am sure that Mr. Jackson would agree that that is undesirable for Norfolk Island, and perhaps the best thing that we could do would be to make slight amendments to Mr. Sanders motion, and I with the leave of the House would like to move an amendment to that motion.

MR. ACTING DEPUTY PRESIDENT: Leave is granted.

MR. BROWN: Mr. Chairman I would like to move that the motion be amended to read as follows - that this House expresses concern in respect of alleged stand-over tactics by Administration workers and others prior to the unloading at Ball Bay of equipment to be used in connection with the airport upgrading and instructs the Chief Administrative Officer that stand-over tactics in Norfolk Island are totally unacceptable.

MR. JACKSON: I oppose the amendment on certain words used and I am surprised that the Chair accepted those words that were said by Mr. Brown - stand-over tactics. At no time can anyone in this House substantiate or produce even a letter from the persons Mr. Sanders and Mr. Brown are supposed to represent, or any written statement that there has been this sort of negotiation. We negotiated, and if this be the
case that everyone has to be in when people are negotiating for conditions, well let's put it across the board, let's put it across the board that everyone, all negotiations on Norfolk, airline negotiations, butcher shop lease negotiations, that we all take part in them, and we might get cheaper meat, we might get cheaper airline fares. This is a lot of rubbish as far as I am concerned, it has been blown up to try and discredit the workers who performed the job, and I have tabled written statements in which the two gentlemen who are alleged to have given this evidence to Mr. Sanders, congratulates the men for performing the work.

I strongly oppose the amendment.

MR. BROWN: The amendment is not critical of any person.

MR. JACKSON: The words stand-over tactics should not be allowed. No-one stood over anyone.

MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Mr. Acting Deputy President I feel in view of the lack of evidence substantiated by this motion and in the light of the Lighterage Ordinance, I feel that the motion in itself is ungrounded and consequently the amendment that goes with it, I feel there are no grounds for the motion.

MR. ACTING DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Chairman at the outset Mr. Sanders offered criticism of me for contesting a statement of stand-over tactics when this matter was raised of me as a question without notice at an earlier sitting of this House. I have on this occasion remained silent so that I might endeavour to hear and make some assessment as to what the allegations really are and to see whether they might have some grounds so that I might then properly respond to that if Mr. Sanders has felt that on an earlier occasion that might not have been accorded to the question that he raised. I have listened, I really can find maybe an
opinion by one person that there might have been some happenings, there have been little specifics but certainly to my mind I cannot see any substantiation of any so called stand-over tactics. On the other hand I have made my enquiries in respect of various Administration persons who would perform functions which I have ministerial responsibility for in connection with some of the activities, not all, but some of the activities that might relate to a ship coming and berthing in Norfolk Island and I have listened with interest at the document that Mr. Jackson has read to the House by one person who was involved. I cannot see any grounds for supporting a motion in the terms that are mentioned on the notice paper and I would repeat in fact having heard all of the detail that I have this afternoon...

MR. BROWN: Order Mr. Chairman. Is Mr. Buffett speaking in relation to the amendment or to the motion.

MR. BUFFETT: I am addressing both of them Mr. Chairman. As I was about to say Mr. Chairman, I cannot see anything in this motion that can be supported for the reasons that I have already mentioned. I do not think that the amendment which has been made to the motion in fact makes it acceptable either, it still has the connotation of accepting that there has been the alleged tactics which I do not accept at all and therefore I cannot support the motion which makes mention of that nor can I accept the amendment which changes the connotation but in fact to some degree in my mind has some acceptance that it may or may not have happened. I repeat what I said when the matter was last raised in this House that I consider that the persons who did have this activity to perform in the unloading of the barge did not do it with any entering into of stand-over tactics and as has been clearly illustrated in this House this afternoon did a very good job in a very good time and I think it has also been acknowledged by the contractors that they too thought the job was extremely well done, and I think all we are doing now is really blowing unnecessary hot air around each others ears and making it probably a distasteful arrangement which in fact should not be and need not be.
MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Buffett. Further debate. Mr. Quintal.

MR. QUINTAL: Mr. Chairman I do not intend to support the amendment nor do I intend supporting the motion. It seems to me that nobody likes stand-over tactics of any kind and it is not clear to me whether stand-over tactics were used or not, and it is very difficult to know what exactly happened, and I think Mr. Jackson has put the case really well because he has letters to prove what he is saying up to a point and I think Mr. Sanders probably is only going on hearsay.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. Chairman this hearsay was the result of a direct phone call from those particular gentlemen involved and it was immediately after the meeting...

MR. JACKSON: Point of order please. At a previous sitting I could not produce any evidence, this was on election matters, and I stated that Mr. Howard had stated certain things on election matters and I could not produce a document, now the Chair ruled me out of order on that occasion.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson there is no point of order.

MR. JACKSON: For one and not all.

MR. HOWARD: Point of order Mr. Chairman, I think Mr. Jackson should be asked to withdraw his interjection just then, after your ruling he said something to the effect of for one and not for another, implying that the decisions from the Chair of this House are in favour of some people and against other people and he is being discriminated against. I think that is a criticism of the House and the management of the House that we should not tolerate.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson can I have your comments please.
MR. JACKSON: What comments do you wish.

MR. ACTING DEPUTY PRESIDENT: To withdraw the remark.

MR. JACKSON: If it is your wish I withdraw it. Let's get on with it.

MR. SANDERS: I was trying to say before I was interrupted Mr. Chairman that this matter has been over a month ago now, it has obviously been and gone. I agree with Mr. Buffett that it should not be blown up out of any further proportion. The purpose of bringing it up now is because it was ignored in the first place, and secondly if there has been errors on anybody's part it would be, I believe, smart for us to make sure that these things could not possibly occur again. I again ask this House to support this motion.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Chairman the question presently before the House is the amendment, and I move that the question be put.

MR. ACTING DEPUTY PRESIDENT: The question is that the question be put.

Question - put
Motion agreed to

MR. ACTING DEPUTY PRESIDENT: The question is that the amendment be agreed.

Question - put
The House voted -

AYES, 4
Mr. Howard
Mr. Brown
Mrs. Gray
Mr. Sanders

NOES, 5
Mr. Buffett
Mr. Christian-Bailey
Mr. Quintal
Miss Buffett
Mr. Jackson
Amendment not agreed.

MR. ACTING DEPUTY PRESIDENT: The question is that the motion be agreed. Any further debate. There being no further debate the question is that the motion be agreed.

Question - put
Motion negatived.

DEPARTURE FEE (AMENDMENT) BILL 1982

MR. ACTING DEPUTY PRESIDENT: Notice No. 5. Mr. Howard.

MR. HOWARD: Mr. Chairman I present the Departure Fee (Amendment) Bill 1982. Does the Clerk want me to give him a signed copy.

I move that the Bill be agreed to in principle. It is a very short Bill and a very simple Bill. It is primarily a technical matter to clear up a confusion about who is a visitor to Norfolk Island and who is departing from Norfolk Island and who should therefore be required to pay the departure fee tax. There has been uncertainty on several particular kinds of people for example the crew of a ship calling at Norfolk when the crew does not get off the ship, have they visited Norfolk, should they be charged a departure tax before the ship goes away. The Bill proposes that they be excluded and that they not be charged a departure tax. The crew of an aircraft landing and staying less than 24 hours, should they be charged a departure tax, the Bill proposes that they not be charged. Someone coming to Norfolk Island in an emergency situation, for example someone brought from a ship, and who needs medical care, the Bill proposes that if they stay on Norfolk for less than 7 days we should not charge them a departure tax. If someone is departing from Norfolk primarily for medical attention, the Bill proposes that an authorised officer certifying that they are leaving primarily for getting medical attention off the Island, should be able to exempt them from having to pay the departure tax.

I think those are the main things that the Bill is intended to
clear up, I do not think there is real disagreement about any of them, I would be glad to answer questions if there are any questions, but the Bill will sit over on the table for two weeks until the next meeting.

MR. JACKSON: Mr. Chairman I have discussed this informally with Mr. Howard and I was surprised that Mr. Howard did not include the situation that arises when school children over the age of 16 attends mainland Australia or New Zealand to further their education. Now all these children come home sometimes three and four times a year on vacation, and expenses are so high for some of our people who have to pay for the costs of educating their children off the Island that the extra $5 every time these children come home is a burden and some are suffering hardship, and I would request Mr. Howard to take into consideration this particular matter to exempt those school children who go away to either Australia or New Zealand for higher education to be exempted from paying the departure tax while they go to school.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: Yes I think I referred to that same problem in the House not long ago. I do not know that they should be totally excluded, it certainly seems to me it would be fair if they were asked to pay the departure tax once a year or something but again and again through the year I think is unfair and if Mr. Jackson would get the help of the Clerk in drawing up an amendment to the Bill to put to the next meeting I certainly would support it on those grounds.

MR. JACKSON: At the same time I request Mr. Howard, if that is a matter he wishes me to proceed with I will certainly do it but I would also request that he consider what I have just said and take into account the school children who are furthering their education.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman I agree with Mr. Jackson that these children should be exempt but I would rather he did not use the word hardship over plane fares when you are talking about $5, I think it is an amount of money...
MR. HOWARD: Mr. Jackson asks me to consider it, I have already considered it, I think it is a good idea. I think we ought to charge them once a year and then they ought to be exempt after that, and my consideration is that it is a great idea, I simply wanted to leave it to Mr. Jackson's initiative if he wanted to carry it to bring the amendment to the next meeting of the House.

MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Mr. Acting Deputy President can I just ask Mr. Howard on the situation of a person coming over to transact any business whatsoever and return on the same plane, that does not exempt them from the departure fee does it.

MR. HOWARD: This Bill would not exempt them, no.

MISS BUFFETT: Thank you.

MR. ACTING DEPUTY PRESIDENT: Will a Member move the adjournment of the debate.

Debate (on motion by Mr. Howard) adjourned.

Resumption of debate made an order of the day for the next sitting.

MR. HOWARD: Mr. Buffett draws to my attention, I do not know whether this is in order or not that I mislead her, I said the Bill would not exempt such a person, Mr. Buffett points out to me that it would exempt the person. I gave my only copy of the Bill to the Clerk when I signed it and I am sorry I was not able to refer to it. It would exempt such a person and if that concerns Miss Buffett, again an amendment could be put at the next meeting.

MISS BUFFETT: Thank you. I would like to do that, or if you do not, I will.

MR. HOWARD: Mr. Chairman could I bring Notice No.6 forward before you read your message from the Administrator.

MR. ACTING DEPUTY PRESIDENT: Yes. Mr. Howard.
MR. HOWARD: I beg your pardon it is Notice No. 7.
I present the Customs (Amendment) Bill 1982 and I move that the Bill be agreed to in principle.

We have had a good deal of discussion about problems with the existing customs law on Norfolk Island and many people on the Island have been concerned about complications in the law for a very long time. In recent months a number of people have put in a great deal of effort to see if they could propose ways of improving the law and I want to begin my remarks on this Bill by expressing my thanks and I think it should be the whole community's thanks to the people who have tried, I think quite impartially, almost without exception, to put their effort into recommending how we might have a better law. There have been well thought out, very carefully worked through submissions from a number of different groups and individuals, inside the Administration and in the private community. Two main themes have run through almost all of the submissions and almost all of the public comment made about the customs law. First is a wish to reduce some duties that are thought to be harming Norfolk's tourism; and the second is a wish to simplify the customs schedule to set it up with as few categories as possible, to simplify the book-keeping and the administration and the arguments both for the public and for the customs staff. The Bill that I have presented is aimed at doing both those things.

Customs duties now are the main tax on residents of the Island. There are some people in the community who feel that we should have one of the other kinds of tax that are used elsewhere in the world, such as income tax or rates on land or a sales tax of some kind, and some people feel we should abandon customs duties and have one of those other kinds of taxes instead. I have not been able to see any strong support through the community for changing away from customs as the main residential tax on the Island. I think the great majority of the community, and I think of the Assembly, would rather stick with customs duties as the Island's basic tax on residents. If customs is to remain the basic local tax and some important items are to be reduced in duty, it is necessary to increase the duty on some other items. Perhaps the most contentious item on which duty could be raised is food. It appears
to me that the majority of the Assembly Members believe that a duty on food would not be unreasonable, provided it was not a high rate of duty and provided pensioners were given a rise in their benefits large enough to offset the effect of the duty. Including or excluding food from the customs duties makes a big difference to the total duties that might be raised and therefore it makes a big difference on what the rates must be on other items. Food imports are about one and a half million dollars a year. If we are to levy a small rate of duty on food we do not need to levy as high a rate of duty on everything else as we would if food is duty free. I gave a lot of thought in looking at the various submissions that have been made and thinking about them and listening to what people had to say, listening to the long debate in the House a couple of meetings ago, I tried to understand how it was that the customs schedule had become so complicated and I came to the conclusion that the reasons it has become so tangled and complicated, I think the main reasons are emotional reasons, I think people tend to think of some kinds of purchases as being very wholesome or necessary or deserving some special support or some kind of sympathy and tend to feel that things of that kind should have either no duty at all on them or very little duty, I think we tend to think of other things as being luxuries or being unnecessary or not really in the community's interest and therefore deserving to be penalised or hit with a very high rate of duty, and I think the complexity of the customs schedule reflects these emotional judgements that have been made from time to time over the years and in some of those judgements we seem to me to get sort of confused, for example in the schedule as it exists now, a sewing machine is a good thing and we do not levy duty on it but a typewriter apparently is not that good a thing and so we levy a duty on a typewriter, that seems confused to me. We at present seem to think that barbed wire is a good thing and should not have any duty but wire nails we do not think are as good as barbed wire so we charge duty on wire nails. We think soap ought to be free but perfume ought to have a high duty on it. Fuel for the stove, the gas from Ball Bay is a good think and we should not put duty on that, but fuel for the automobile sure we should go ahead and have duty on it. I see a great many confusions in the schedule about what is thought to be worthy of support or on the other hand worthy of being dutied. By long tradition there
are three necessities in life, food, clothing and shelter. We do
not tax food, we do tax clothing and shoes and we do tax building
materials that you make a house from, and so a tin of fancy mixed
nuts comes in duty free but a pair of shoes a person has to pay 8%
duty on. I think our thinking is confused.

The Bill that I have presented puts a proposal to the Assembly.
I think I should say to the community that while the central ideas in
the Bill have been made known to Members of the Assembly for their
thought and consideration that there has been no vote of any kind even
in the Executive Committee on the theme of this Bill and I present it
to the House for the House to consider with the community listening,
as the House considers it.

The main parts of the proposal are these, first of all the Bill
proposes that customs duties should remain the basic local tax on
residents in Norfolk and that implies that it should continue raising
about the same amount of money as the existing customs schedule would.
Secondly the Bill proposes in effect that customs duty ought to be
regarded simply as a way of raising money, not as a way of rewarding
some purchasers or discouraging others. My feeling is that the
Assembly should not make judgements about what is good and what is bad
so far as customs duties go, we simply ought to regard customs as a
revenue raising device. The Bill proposes that all high duties with
one single exception which is motor vehicles, should be brought down
to a standard level. The reason for proposing that motor vehicles be
an exception is that the present rate of 50% of duty on motor vehicles
is clearly acceptable and it is economically practical and the amount of
duty that is raised on motor vehicles is substantial, it brings in for
example a good deal more than the works levy does. The next essence of
the Bill is that the customs schedule should be simplified drastically.
All the proposals have said lets simplify the schedule and yet it seemed
to me in looking at the proposals that as you examine them the schedules
that they were proposing were not that simple after all. I am proposing
that we simplify even further. The next part of the proposal is that
the list of exclusions from duty should be as small as possible and that
the reason for excluding something from duty should be a practical reason
not an emotional reason, for example practical reasons for excluding
something from duty would be that, for example it is pointless to have
one part of the Government pay duty to another part of the Government,
Another practical reason for exclusion of paper money and coins is that they are not really goods. Another practical reason for excluding something from duty would be that the value is low enough so that it really is not worth the administrative time and effort to collect the duty.

Having considered all of the submissions that have been made, having worked with the mathematics that are involved in them, I believe that if everything but those few things excluded for practical reasons, were to be charged duty at 6% and motor vehicles at 15%, I believe that customs revenues will remain about the same in total as with the present customs schedule. The total customs revenue that we bring in might increase a little if the new schedule helps lift the economy, which is one of the reasons for the proposed change. The Bill as presented simplifies the schedule so much that there is not even a schedule any more. It simply has two or three paragraphs in the Bill which say that everything brought in for home consumption shall have a duty of 6%, that motor vehicles shall be 15% and that there shall be the following exceptions, first of all goods imported by or for the Administration or the Commonwealth or for a body corporate established for a public purpose by or under an enactment or an Act, goods exempted from payment under section 2(a) and 2(b), and I am trying to recall what those are, they are goods exempted by the Administrator for example the material being brought in to upgrade the airport at the moment. Continuing with the list of exemptions from duty, passengers household goods if they have been the property of the passenger for a year before he started his trip to Norfolk Island, passengers personal effects, coins and paper money, or any goods on which the duty would be $6 or less, that means that any gifts sent to somebody on the Island of under $100 of value or any personal imports that a resident has shipped in, a new shirt a pair of shoes or something of that kind, if the value is less than $100, no duty. And other than those no exceptions. The Bill proposes that everything else would be charged a 6% duty. To make sure that we are clear about what this would mean I would like to mention a number of things on which there would be an increase in duty if this new Bill is approved and I would like to mention a number of things on which the duty would be lower than it is now, and I would like to mention a few things that will be highly contentious if this change is approved by the House.
Some of the things that would be charged higher duty than they are now are first of all a number of things that do not carry any duty at present, food, imported food is the first one; gas, fuel gas at Ball Bay is another; agricultural machinery is another; books and magazines; seeds; cleaning supplies; paper, wrapping and stationery. There would be a few items which would carry very slightly higher duty than they do now for example tools would carry 1% more duty than they do now, so would building material, so would furniture, so would home appliances, so would pens, cameras and film. A number of kinds of goods would carry lower duty than they do now, some of these are the tourist attractive items that have been of concern to people, cigarettes for example would be dutiable at 66% less, in other words 66% would be taken off the duty, it is 72% now, it would drop down to 6%; spirits would drop by 19%, they are now 25%, they would drop to 6%; non prescription drugs which are dutied now at 10% would be duty free if they were bought from the Norfolk Island Hospital; the duty on petrol would be cut from 9% to 6%; the duty on tyres and motor spares would be cut from 8% to 2%; the duty on toiletries and perfumes would drop from 12% to 6%; the duty on soft drinks and cordials would drop from 10% to 6%; duty on watches and clocks from 17% down to 11%; the duty on clothing would be reduced from 8% to 6%; the duty on shoes would drop from 8% to 6%; all miscellaneous items that are not specified in the old schedule would drop from 10% down to 6%, jewellery would drop the same amount, from 10% down to 6%. So some duties would go up and some would go down.

Some of the items that I have mentioned and some of the ones that I have not mentioned would be highly contentious and we ought to be aware of that when the Bill is debated, I do not want to pretend that they are not contentious. The charging of duty on imported food is a contentious matter, it becomes even more so if you think of baby food and charging duty on baby food; The charging of duty on cooking gas will be contentious; The charging of duty on books, newspapers and magazines will be contentious; Duty on material for use in church services would be contentious; On agricultural equipment - contentious; soap and cleaning supplies - contentious; livestock, tombstones, animal feeds, solar heaters, bicycles, pencils and stationery, spectacles, sewing machines, all of those things are contentious points.
I want to add a couple of general comments about the Bill. If the simplification of the customs law is approved by the House and assented to by Australia, it seems to me essential that an increase in social service benefits be made at the same time to offset the effect of duties on food on people who are living on pensions. I think there are some relevant points in considering that fact. The first is that only imported food would be dutiable, and it is my belief that a great many people who are drawing social service benefits on Norfolk are people whose food naturally include a reasonably large amount of Island produced, locally grown, locally caught fish, food, and of course there will be no duty on that. I think it should be taken into account that whilst spending on food various from one house to another, the cost of food is probably not more than half the weekly total budget at the highest and I think we need to take into account that some duties would decrease under this new law, petrol, clothing for example. I think that pensioners should have benefits raised enough to make sure they are covered and I do not think we can do that precisely, we cannot calculate it precisely, and I think we should make sure we are not under shooting the mark but I do not think we should be unduly generous in gauging it, and my suggestion would be that half of the recommended duty increase be added to the pensions, in other words adding three percentage points to the present ratio between Norfolk social service benefit rates and Australian social service benefit rates.

There are a number of other aspects of the Customs Ordinance that are showing their age which need upgrading and in due course I will want to bring further amendments to the Customs Ordinance, but in response to pressures in the Assembly and pressures in the community I thought it was wise to bring this proposed simplification of the customs schedule as promptly as it could be brought.

The customs rates proposed in this Bill will begin being charged from midnight tonight. The Bill will lie on the table for two weeks until we meet again on the 30th. It will then be possible for the Assembly to amend the Bill as it has been introduced or to reject it entirely. If it turns out that any duties have been charged in that two week period which are amended at the end of the month which disappear, the customs people will have to give refunds, they will have
to go back and straighten out with importers what the duties should have been, but unless they are changed the duties proposed in the Bill take effect from tonight. I do not expect that the Bill will find universal agreement at all, I am certain that almost everyone will find something in it that troubles him, I hope on balance that the Assembly and the community find that it is a reasonable balancing and compromise among the various proposals that have been made and I certainly believe that the Assembly and the community will feel that it brings down some of the duties that is felt have been hurting our tourist industry and I do not think there is any question that it is a wonderful simplification in the schedule, and that is all that I will say at this sitting Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Howard. Is there any debate. Mr. Buffett.

MR. BUFFETT: This Bill results from various submissions that have been put to the Executive Members, to the Members and to this House, submissions for example from the Chamber of Commerce, from Burns Philp through Mr. Cuthbertson, from the Administration, Mr. Jackson made a suggestion and I think there are a number of others, and there was discussion on those various submissions in this House on 26th May at which people aired their views. There were three principal aims in the customs review and they were really to gain simplicity, to raise revenue and another was to offer some assistance in the retail area in the present difficulties of the tourist decline, and I must acknowledge that those three have been achieved in the Bill that Mr. Howard has presented. There is one particular aspect within the Bill in which I certainly cannot agree and the exception to the acceptability as far as I am concerned is that that relates to placing a duty on foods that are imported into Norfolk Island, I strongly oppose this. Food as we all know is a necessity of life it is not just a luxury that can be dispensed with, it is one of the biggest items to be met out of a householders pay packet. Food here in Norfolk Island is already more then you would have to pay on the mainland. Not only is duty on food proposed but also on gas on which to cook food, and I think that is another spiral in the cost of living arrangement in this Island. I am
not overly protesting at the cost of gas but what I am saying is that if it is on gas and it is on food as well that makes a considerable spiral in the cost of eating to exist in this Island. It has been said that it is proposed to make some compensatory arrangement in the area of pensioners. I think also one needs to point out that duty on food will obviously hit the family man, the person who has children, and some have considerable families, numerically, in this Island and that would place an additional burden on persons who are in that category, and I consider an unnecessary burden for persons who are going through what is probably a very expensive stage of their life having to care for a growing family, so it is not only the pensioners that need some consideration there, I think it would be better off not to have duty on food and that would be across board caring for those who might be more hard hit than others. I really see that placing duty on food will contribute to a spiral as far as the cost of basic articles in Norfolk Island are concerned, and when you consider putting it on food, and I oppose it for the reasons that I have mentioned, it almost seems ridiculous that you reduce duty on non essentials for example cigarettes to the extent of 66% and yet you put it on necessities, food for example by 6%, I am not saying you should not reduce it on cigarettes, I am not opposed to that but I just see some inequality in the non essentials by reducing it by such a large amount, 66%, then trying to compensate for that by putting it on food. Also spirits have been brought down, while some people may of course consider it essential, I think 19% reduction in spirits when you measure that again with the increase on foodstuffs duty, is in my view not acceptable.

I have just drawn these particular factors Mr. Chairman that I consider to be unsatisfactory in the Bill that has been presented, and that is the placing of duty on foods. The other I think has found some happy medium in revising the customs legislation and the schedule that relates thereto.

MR. ACTING DEPUTY PRESIDENT: Mr. Quintal.

MR. QUINTAL: Mr. Chairman there has already been a lot of debate on this matter and I will not be saying too much at this time, however I do have strong views on some things. The idea of having a
flat rate of duty on most imported items is a good idea and has my support and I believe the full support of the business community. Because of the need to make Norfolk Island really competitive again to tourists shopping here, the flat rate of duty should be kept as low as our budget requirements allow. We should also be careful to make sure that in future years we are not tempted to keep raising the flat rate of duty when more revenue is required. We should keep looking for ways of reducing the rate even further. I do believe that essential food and goods should not be taxed because in my opinion the working man with a large family would be hardest hit. I also realise that a lot of Norfolk Islanders who have land and do have families do keep their own chooks, can go fishing and they have eggs and there are a lot of things available to them, but I would not be in favour of a duty on food. I am pleased that this Bill has been prepared so quickly and not like a lot of our laws which have been allowed to drag on and on, I refer to one, the Liquor (Amendment) Ordinance which took ten years. I suppose that the Bill will be available for the public after this meeting, this will allow the Members to get all the feelings about the proposed changes in time for the final debate at the next meeting. Thank you.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman. I support this Bill. I believe that if a household spent $100 on groceries, not all of them would be imported and I would imagine the most it could cost any family would be an additional $4, that is about a third of a carton of beer and they all have that. Thank you Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Sanders. Mrs. Gray.

MRS. GRAY: Thank you Mr. Chairman. Just a couple of questions really. If we do not put a tax on food, if we do not put a duty on food, where do we put it to get the amount of revenue required, and I wonder if off the top of his head the Executive Member can tell us what that figure might be.