Ordinance." The Section 12 I referred to in the portion I just read out is in fact in the Ordinance. I recommend that this be the policy.

MR HOWARD: Thank you. Mr Sanders has had a hard time in his portfolio of having to make executive decisions about land subdivision because there has not been a clear policy. He has had nothing firm to go on. The material that he has read out says that a policy recommended by the First Legislative Assembly has never been adopted by the Minister, and that all that stands at the moment is a 1980 policy of Mr Ellicotts and the Land Subdivision Law of the old Ordinance as it stands. Mr Sanders motion now proposes to accept that as the basis for our policy. The first Assembly a couple of years ago meeting as the Policy Committee adopted what I think was in the circumstances, a very sound good policy of its own about land subdivision. Very simply boiled down it said that we should not have any more subdivision at all except if someone who is living on the Island needs a block of land to build a house on and they are entitled to live here, then a block of land acceptable under the Coldham Plan should be able to be subdivided off for that person for that purpose, that is, to allow them to build a house provided they go ahead and build the house. Now we find something like two years later that that Assembly recommended policy was never put to the Minister. It got blocked someplace in the Department in Canberra. I think it was a wise policy. From memory it was unanimously supported by the Members of the Assembly at the time. If that policy were followed, it puts a damper on all further subdivision at least until we get some Island plan. But in the meantime if there is genuine real need for somebody who wants a block of land to build a home on not for speculation not to flog off to somebody else and make a profit but to build a home on, then we recommend that that kind of application be approved. I think that we ought to try again and get it through the Department that we would like the Minister at least to consider this policy that the First Assembly thought was good and I think we ought to put once again as our recommended policy the same policy that the Assembly adopted a couple of years ago but this time see if we can't push it through the Department and get the Minister at least to think about it and look at it. And I therefore want to propose an amendment that changes most of what Mr Sanders has moved. The first long paragraph of his motion would remain but I then move that after that our policy be as follows; let me lead into it properly. When the Administrator has received an
an application to subdivide the Executive Member when he considers it on behalf of the Assembly shall act as follows, now the motion is -

'(1) In general he shall inform the Administrator that the Legislative Assembly, being of the opinion that to approve new land subdivisions at this time could pre-empt the implementation of an overall plan for the orderly and beneficial development of Norfolk Island, cannot recommend approval be given to the application.

(2) He may, however, inform the Administrator that an application to subdivide land is recommended by the Legislative Assembly for approval if he has satisfied himself on all the following matters -

(a) that the proposal, if approved, would not create more than 1 additional parcel;

(b) that it is proposed to transfer the new parcel so created to a person already living on Norfolk Island;

(c) that the proposed transferee has given adequate and credible assurances that he will, within 12 months after the transfer of the land to him, build a residence on the land for his own occupation;

(d) that the land it is proposed to subdivide is within rural A or rural B zones set out in the Coldham plan and that the parcels within the proposed subdivision would all continue to comply with the minimum areas set out in that plan for those zones (that is, 2 hectares and 1 hectare respectively);

(e) that the proposal otherwise complies with the Coldham Plan;

(f) that the proposed subdivision is satisfactory in respect of each of the criteria set out in section 12(4) of the Land (Subdivision) Ordinance 1967...

I think the Assembly a couple of years ago adopted a good policy and that is the policy that was adopted then. I think we ought to try again and see if the Minister may not be willing to endorse it. He has never been asked. It has never been put to him. I think we ought to put it to him.
MR BROWN: Thank you Mr Chairman. I would certainly support Mr Howard’s proposed amendment. It joins together the policy of the first Assembly with much of, in fact, what Mr Sanders wanted to have put forward as policy today. Sections a. through to g. of Section 1 of Mr Sanders motion in fact are the provisions set out in 12(4) of the Land Subdivision Ordinance already and referred to in Mr Howard’s proposed amendment. Mr Howard’s proposed amendment will not include the exception to the general rule clause that Mr Sanders had been proposing and I would certainly agree with Mr Howard in that respect. I do not think that we should be saying “here is a set of rules and here is the paragraph that will let us disregard them if we want to”. We should bear in mind in any event that when the Administrator refers a proposed subdivision to the Assembly under the present Ordinance in the vast majority of cases he is doing so only as a courtesy without any legal obligation to do so, other than the Minister’s policy direction in so far as that applies but under the present Ordinance the Administrator will have no obligation to take any notice in any event of what we say to him although we sincerely hope that he will. I think that Mr Howard’s proposed amendment is a step in the right direction – it certainly does not get us all of the way. We need substantial changes to our existing Land Subdivision Legislation and in time we need a far more detailed policy than that which even Mr Howard’s proposed amendment would give to us. I do suggest however, that there is one further amendment that Mr Howard may like to look at and that is at line 3 of the commencement of Mr Sanders motion where I suggest that it may be appropriate to delete the following words namely “in accordance with Section 6(1) or 11(3) of that Ordinance as the case may be. It would seem to be that if we leave those words in the motion we are restricting to only applications referred to in accordance with those sections, the considerations proposed in the amendment. I am sure that what is really intended is that the policy to be decided on today or the interim policy to be decided on today will apply to all applications referred to the Assembly not simply applications referred under those sections. I do not know whether Mr Howard would be ....

MR HOWARD: I would be happy to have an amendment like that.

MR QUINTAL: Yes Mr Chairman. The Land Subdivision has been a very unsatisfactory mess for a long time and I am very pleased that Mr Sanders has fetched this matter forward. There has been a lot of persons here on the Island with families that would have dearly loved
to give a piece of land to their child or relative but because of the moratorium on land subdivision that was not allowed. I wondered in the proposed amendment by Mr Howard under (b) that it is proposed to transfer the new parcel so created to a person already living on Norfolk Island. But what about a person who has a child or relative on the Mainland who wishes to come home and probably have their house built before coming to the Island? That is one thing that I thought is not very fair and the other one is under (c), the proposed Transferee has given adequate and credible assurances that he will within twelve months after the transfer of the land to him build a residence on the land for his own occupation. Well with the high cost of building I would feel that it would be far better to extend the time to two years probably. I do not see that that would create any hassle at all but we all know that building costs are just astronomical at present and the economy is bad as I mentioned before, and again, and I feel that if those two sections could be changed I would be delighted to see something done about them.

MR HOWARD: If I could comment on those questions Mr Quintal raises. I think the first question he raised about someone who has a child living on the mainland who wants to come home and live here. The intention of the policy that the first Assembly adopted and that is now expressed in this proposed amendment was that anybody entitled to live here should be able to have such a subdivision. Now if there is a child living on the mainland, I think that all they have to do is come and make a trip here, make sure they have their residency that they are entitled to be here and once that is the case then I am sure that this policy would allow them to get a subdivision and go ahead and start building even though they might go back to the mainland for a year whilst the house is being built but they would have to establish their right to residency first before they can get it. The idea of that exclusion in the mind of the first Assembly was that we do not want subdivisions for people who do not have the right to live here. On the other one, two years instead of twelve months, that worries me a little bit. The policy of the first Assembly and the way that this motion reads is that a person has to give adequate and credible assurances that he will. I do not know how you can give adequate and credible assurances about two years from now. That is a long time. I can see how you can give adequate and credible assurances to deal with one year but I suspect that if somebody says look I am going to build a house there in the
next two years you have reason to wonder whether they are really
going to make good on that and do it or whether they are hoping to
be able to and I think what the policy was aimed at was that if
somebody fair dinkum and genuinely wants to have a block to build
a house on let them do it but if it is just somebody who thinks maybe
they might in the next couple of years that wasn't the intention of
the policy. But on the other one of the child wanting to get home
I think that is covered. I think that person would be alright.

MISS BUFFETT: Thank you Mr Chairman. I am not coming to debate
yet I just want to bring up a point on matter (c) that is being
discussed by Mr Howard and Mr Quintal. I feel that there is a point
to the advantage of a person not necessarily building within that
twelve months time limit. Land is given to children and relatives
and people without the provision that they must build on it within
a certain time. If it is given it is given to them to build upon
when it suits them. Quite often it is not built upon until the
next generation, or generation following which I think is an
advantage. I really with this motion of Mr Sanders, disagree with
the executive carriage in place of the Assembly. I do not want the
Executive Member to consider applications on behalf of the Assembly.
The Building Ordinance clearly states that where matters are referred
to the Administrator the reference shall be from the Assembly not
from the Executive Member. I realise that this policy has existed
in previous Assemblys but I disagree with it. I believe and I would
like to see the whole Assembly consider the application for
subdivision and that the policy or the majority of this Assembly
be recommended to the Administrator by the Executive concerned.
The Land Subdivision Ordinance 1967 as amended in September 1979
states that where the Administrator has received an application
to subdivide land either under section 5(1) or 11(2) and in
accordance with section 6(1) and 11(3) of that Ordinance as the
case may be the Administrator shall refer the case to the Legislative
Assembly for its consideration and the Legislative Assembly may
if it thinks fit make recommendations to the Administrator
in relation to the application. Now by this motion of Mr Sanders
that we have before us an Executive Member responsible in this area
is asking us as an Assembly to relinquish the responsibility conferred
upon us by the Ordinance and thereby change the law so that, and I
quote - "The Executive Member shall on behalf of the Legislative
Assembly consider the application in accordance with the policies....."
he goes on to list after he states that he shall consider each of the
following matters and shall not recommend the proposed subdivision to the Administrator unless he has satisfied himself. Land subdivision is one of the few matters in which the Legislative Assembly is legally implicated in policy recommendations and land occupancy development and subdivision is so vitally important to the people of the Island that I am not prepared to shirk my responsibilities to this and future generations because there are a lot of people who love the Island and the people depend upon us to look after their land rights and to protect the land usage for the conservation and preservation of this beautiful heritage of ours. I really do not think that any one executive, never mind how impartial he or she may be regarded, should have sole rights to recommendation of land usage and subdivision. I think the policy should come from the Assembly so I would oppose the amendment that would seek to transfer the decision from the Assembly as a whole to the one executive, I am sorry. I was hoping that there was an amendment coming in on that.

MR HOWARD: I take Miss Buffett's point about giving carriage to an Executive Member. I have always been concerned about giving any Executive Member too much authority that belongs to the Assembly. In this case I do not think that the result would be to give the Executive Member great sweeping powers that he could use according to his feeling about any particular case or his discretion in any particular case. I think this pins him down to a series of conditions that have to be met and if they are met then he may go ahead. If they are not met then he cannot. Now I think it would be abit of a danger in having the Assembly carry out such a policy. If we were to look at every case and vote one way on one case and another way on another case I suspect we may be letting personalities come into those decisions. I think if we give the executive member a crisp clear set of policies like this he has no choice as to whether he is going to vary it depending on the person. He applies the policy laid down by the Assembly. That is the beginning and the end of it. So in this particular case I think we would be tying the Executive Members hands quite tightly and giving him clear writing instructions he had to follow.

MR JACKSON: Could I ask the Member to clarify that situation where he stated that the Executive Member's hands are tied and that he cannot move without advice or direction or some consultation with Assembly members.
MR HOWARD: No I did not mean to say with consultation. I was not implying that. What I was saying then was that the policy of the First Assembly as set out in this motion would be laid on the Executive Member as absolute conditions that he must follow. He has no discretion as to whether he follows those or not. An application would have to meet every single one of those points and if he missed out on any one thing he could not say well it is a friend of mine and so I will give it to him. He would have to say no. If an application does meet all of those even though it is from an enemy of his he has to say yes, I recommend it. So it takes the discretion out of his hands. It would be the Assembly.....

MRS GRAY: Mr Howard said a couple of the things that I wanted to say. I did disagree with Miss Buffett's wish to rest the decision making with the Assembly. The Executive Member must act within the confines or restrictions of a policy laid down by the Assembly and that is precisely what we are attempting to do here and now. Could I refer to, which are we addressing, Mr Howard's amendment or, Mr Brown has also put an amendment... On Mr Howard's amendment in point 1 he says that at this time of the opinion to approve new land subdivisions could pre-empt the implementation of an overall plan and the use of the word could indicates that there is a lot of looseness in that terminology within that motion. I suggest that it need not necessarily pre-empt. Again one could define the conditions. In Section 2B I tended to agree with Greg about people already living on Norfolk Island and I suggest there that the possibility of using the words 'that is proposed to transfer the new parcel so created to a person eligible for residency on Norfolk Island' and in C, credible assurance that he will within twelve months, again I tend to go along with what Alice Buffett has said, what is the situation for example, with the transfer of estate in the terms of deceased estates? Apart from that I agree with the other points in Mr Howard's amendment. I am a little wary of what we call on the floor amendments, and that is the amendment which John Brown has put in wiping out certain words in that motion. I would like to get some assurance that that does not do something else that we are not anticipating.

MR JACKSON: Mr Chairman. When we look at the amendments to the motion that Mr Sanders has placed before us and listening to the previous members who has already commented on the motion I suppose we can say that with the exception of No. 2 of his motion it would be acceptable. No. 2 of his motion is this, it states that
in one hand you will abide by the requirements of the Coldham Plan in regards to the minimum size, but you used the words 'however', if I would like to depart from that size I will do so. So I see your motion Bill, perhaps in some sense acceptable without that 2nd paragraph and that is the damaging part and what members have said is that it gives one man, one person a discriminatory clause - his own discretion, and that is what I strongly oppose. Now I can assure Mr Quintal that when he talks about C. and the amendment before us that the proposed transfer has given added and credible assurance that he will in twelve months after the transfer of land to him build a residence on the land for his own occupation. In the First Legislative Assembly we had many many application for subdivision. Some single blocks we had one for 16 half acre blocks in one area, without mentioning any names, and this was being applied for simply for speculative reasons. Now to place conditions on these persons that wish to do this subdivide a large area and just sit on it, when provisions like this is placed in the Bill that they must build a home for their own use within twelve months well that puts the damper right on it, because they cannot, especially in the case of this particular block that I say, sixteen in one, how would they build sixteen homes. But in those days where genuine family subdivision... we were confronted with a moratorium and the unclear situation of what is before us. I have always stated that the Assembly itself can decide who is genuine and who is not. Some of those that have applied that have a parcel of land subdivided to give to their close relatives are prepared to enter their name in a register and they are prepared to sign that they cannot dispose of it for ten to fifty years because they do not want to, but the others that wish to speculate and we have quite a few of them on the Island, and Greg you are aware of that. However, as you will see on the notice paper that I also have an amendment to this because land subdivision has always concerned me because I realise that within a very short time land on Norfolk Island will become practically unprocurable and if anyone can give a piece of land to their nearer relative to build a home for themselves and their family and if they meet the criteria that has been laid down well I will fully support it. I take the view of what Mrs Gray has said on a hasty floor motion. Section 6(1) of the Land Subdivision Ordinance 1967 refers where an application under the last preceding section includes provision for the opening of a public road the Administrator shall refer the matter of the proposed road to the Legislative Assembly. Not to the Minister
responsible for subdivision, not the Executive Member but the Legislative Assembly and in 11(3) it is there again, the Administrator shall refer the application under this section to the Norfolk Island Assembly for its consideration. Once again, not to the Executive Responsible. So therefore, the motion that promoted would read after the word 'motion' to be amended by deleting all words following consideration. That means all words after consideration and then the motion would read 'the application shall be considered by the Committee of the Assembly comprising of all members meeting in close session and the meetings of the Committee established by this resolution shall be recognised by this House as an authorised departure from the general rule laid down by this House and referred to in the minute No. 7 of the meeting on 10th April 1982 and the reason that no doubt Mr Howard has presented his motion is because he is concerned, I am concerned, the rest of the members have shown concern about this very delicate situation of subdivision on the Island and therefore I do believe that if we sat down, in due respect to what Mr Howard has said about his amendment that is a blueprint of the members of the First Legislative Assembly let me remind Mr Howard that there's only three members in this House that were members of the First Legislative Assembly. The other six were not and certainly they would like to contribute to any new draft that would be a future policy for subdivision on this Island and I commend the motion.

MR HOWARD: Mr Chairman there have been a number of recommendations for amendments. Mrs Gray's question saying 'could pre-empt' and she raised the question that Mr Quintal had raised earlier about whether we should specifically mention someone who is entitled to residency even though they are not resident here at the moment. Mrs Gray said that she had misgivings about trying to write amendments on the floor of the House and I agree with her. That leads to problems in laws that say things you did not realise you were saying when you acted on them. And if Mr Jackson has just moved another extensive amendment, Mr Brown moved and amendment to delete certain words, I would like to seek leave to move that this full whole matter be discharged from the notice paper today and that the Executive Member, Mr Sanders, try between now and the next meeting to pull together as many of the thoughts that have been put today as he can and bring fresh to the next meeting so we start with one clean thing and we can then discuss that. We have twenty
different proposed amendments in the air and some may be good and some may be bad and the matter is too important to do in a patchwork way.

MR CHAIRMAN: Honourable Members is leave granted to move that amendment? Yes. Mr Howard.

MR HOWARD: I then move that the matter be discharged from the paper for today and that the Executive Member be asked to bring a new motion embodying as much of what has been said around the table as he can embody at the next meeting of the House.

MR JACKSON: I would like Mr Howard to include in his motion that the Executive Member pull us together. We will be in recess until the 2nd of February, and there is plenty of time to call together the nine Assembly members and those who wish to attend and sit down and see if we can come up with something....

MR HOWARD: Land Subdivision is too important. I think what we discuss should be put of the radio

MR JACKSON: Of course! The Committee meet and then collate...

MR HOWARD: I am against a Committee cooking up an agreement without the people on the Island hearing what we are saying on a matter as important as land subdivision. I think Mr Sanders as Executive Member should canvass all the members. I think he ought to listen to the tape of this meeting and hear the proposed amendments that we have put forward. I think the job ought to be on him to try to pull together as many members thoughts as possible but I am against a closed session where we try to reach an agreement with the radio switched off about a matter as important as land subdivision. I think that ought to be done in the open House.

MR GRAY: There is only one argument I will put against that and that is that most of the proposed amendments if we would like to call them that, have been put here and now. It really is a matter of pulling all those together as you have suggested. I do not think that the people listening would be missing out on much except alot of wasted time.
MR SANDERS: I see no difficulty in what Mr Jackson and Mrs Gray suggested. I would like to have the meeting of the nine members with the Clerk of the Assembly, so that he can also hear our discussion and put it into an acceptable form.

MR HOWARD: Could members of the public listen?

MR JACKSON: Certainly....

MR QUINTAL: The other thing Mr Chairman, is that we could have quite a bit of input from the public sector anyway, in the meantime because there would be a lot of people that are interested in this very important matter and as subdivisions have been held up for quite some time the interest should be quite considerable.

MR CHAIRMAN: Honourable Members - the question is that Mr Howard moved that a notice be discharged and that the Executive Member for Planning, Tourism and Commerce establish a new policy in respect of land subdivision with other members of the Assembly.

MR HOWARD: Could I add something to that Mr President: In the comments just made about all the nine Assembly members meeting and discussing this. If we are going to do that I guess it is alright, but let us authorise if by adding to my motion that if the Executive Member for Planning, Tourism and Commerce wishes to call a meeting of all nine members of the Assembly to discuss it, that that shall be an acceptable departure from the general rule laid down by this House and referred to in Minute No. 7 of this House's meeting of 7 April, 1982. In other words, that allows us to have a closed session talk. I would be happy to do that if that is what the other members want to do.

MR CHAIRMAN: Is the motion agreed Honourable Members?

Question put -
Motion agreed unanimously.
ORDERS OF THE DAY

FINANCIAL PAPERS

MR ACTING DEPUTY PRESIDENT: Mr Buffett to resume the debate on the motion that the following papers be noted -

MR BUFFETT: Thank you Mr Acting Deputy President. I moved that adjournment at our earlier sitting so that Members could have time to look at what were documents that related to the first quarter of this financial year and they were quite extensive figures that had been compiled and they showed comparisons and various other details essential for the understanding of the Island governmental financial progression.

What I need to say at this time is that whilst we have those figures, behind the scenes of these returns that are before us are the operating principles which I think in some sense continue to have some unsatisfactory aspects to it and I example the method of allocating sums of money, usually inadequate, on a fortnightly basis, for example, in respect of repairs and maintenance relates to something like $15,000 per fortnight and the same principle has been applied in respect of salaries, and another amount is applicable there. Some of these were shown at the beginning of the financial year to be without any real appreciation of the demands for funds in these areas and there is a continuing concern as I see it. I know in my own experience of seeking funds for essential areas, and I have already mentioned today the Radio Station, there seems to be some confusion about the allocation of monies, in which quarter they are and whether they can be available for utilisation for what in this particular instance is a real community need. I think from looking at the financial returns that in fact we are considerably down on our financial arrangements. I doubt whether we will have a balanced budget - I think if in fact there had been a better assessment at the commencement of this year we might have had some more accurate detail as to how we would stand not only in this quarter but no doubt at the end of the financial year. One needs to make some predictions of course.

Bearing in mind that we are talking about financial returns, and that these are the quarterly returns it again strikes me when we look at the difficulties we now face in respect of our financial situation, the fact is that in this House this afternoon the Treasurer almost disregarded a possible $50,000 that might add to the coffers of the Norfolk Island public purse without any great additional demand on the individuals in the community. I suppose what I am saying Mr Acting Deputy President,
is that I continue to see difficulties in the budgetary arrangements that are reflected in this financial quarter that I had earlier referred to in fact when the budget was earlier introduced into this House.

MRS GRAY: I would imagine that it is in order to address these papers collectively. Thank you, then I wish to refer to the paper entitled 'The Administration of Norfolk Island Quarter Ended 30/9/82 Revenue'. The actual revenue anticipated by Mr Howard in the budget debate was $3,167,800. If one takes the revenue figure shown on this sheet for the quarter and purely and simply multiplied it by four for the purpose of the exercise it strikes me that we are coming up with something like two and a half million dollars in revenue rather than in excess of three million as anticipated by Mr Howard. This in itself is pretty frightening. I think Mr Sanders has already this afternoon predicted a half million deficit by the end of the year. I would certainly like to confirm that. Unfortunately it was something that I spoke at length about during the budget debate. It has been suggested in this House already that we are down $200,000 on the first quarter. Multiply that by four for the purpose of the exercise. I think it is something like $800,000. We may break even. We may - over these next couple of months but I cannot see that we are going to make up that existing deficit. We are in a deficit situation now. We will be down half a million at least by the end of the year. I further understand from what has been said in this House that we are currently raiding our revenue fund. How long does the Executive Member intend to allow that to continue. How empty will the coffer become before he starts making cuts in expenditure. Could I refer to the sale of stamps figure on the Revenue Statement and ask the Executive Member responsible, referring to Item 11 on the Sale of Stamps, how much of that is Philatelic Revenue and specifically if he is able, how much of it is North American and Crown Agent sales.

May I put that question before proceeding to the expenditure paper?

MR HOWARD: I cannot answer the question I'm sorry. You find that one of the things you cannot do is to be sure what is Philatelic and what is postal. Australia had a terrible problem a few years ago where you could buy philatelic stamps from their Bureaus without waiting in line whereas if you went to the stamp window you have to wait in a long queue to buy the stamps that the office needed, and so people began going to the Philatelic Bureau and the Philatelic Bureau began promoting that just for their ordinary stamps and philatelic sales zoomed up, but it wasn't philatelic sales at all it was just ordinary people buying
ordinary stamps so one cannot be sure how stamps can be used really. You can make a guess but that is not something that is possible - to break down exactly.

MRS GREY: The Hungerford Report that you tabled today is that likely to start breaking those sort of figures down?

MR HOWARD: It may well prove - I am assuming that the Assembly and the community are going to be delighted by this new way of keeping the accounts - it is capable of further extension presuming it works well. I think that there could be advantage in it once we get working on this system and in dissecting the separate operations. The Philatelic Bureau on Norfolk Island for example, the Norfolk Island Postal Service, now maybe philatelic will be a section of the Postal Service, I do not know, but further breakdowns are possible and may be helpful.

MRS GREY: If I may Mr Chairman, move to the Expenditure Sheet, I have said on a number of occasions that I have trouble relating the monthly financial indicator sheets to the budget. That is a breeze compared to trying to relate this paper to the budget. This one took me about two hours, however, we made it and for a start, the initial figures shown in the first column page 4, the grand total of expenditure was 673601. My figure is 673194. Which then, I am afraid, calls into question every other figure on the paper. It has to. The expenditure shown, and I am going to accept my figures, they have been checked by experts, does not include quite a number of items in the expenditure sheet that are showing blanks. There has apparently been in heading 102-201 fuel light cleaning etc for courts and lands; 104-205 incidental expenditure in community services; 201-204 Department of Education, Administrative Costs; and even though I understand that it is totally predictable there is virtually nothing shown in education salaries. Now for the quarter that should be up around $89,500. It does not appear in either expenditure or committed column which I cannot come to terms with at all. 401-106, $11,000 supplied in the budget for an incinerator not yet used. A question perhaps to the Executive Member responsible rather than the Executive Member for Finance. Why not? All in all, in the items I have just mentioned, admittedly the Education salaries is the biggest one, we have maybe $100,000 that is not shown in these expenditure sheets. So that the deficit even on this paper is likely to be more in the 150,000 mark rather than the comparatively smaller sum than that that shows up in these figures.

Can I move to the allowance made for - 201-301. The subsidy to the school for buses. In the budget debate there was no detail given
as to what extent that money was to be used throughout the year. If we apply the rough rule of thumb and we multiply the amount mentioned here 10,725 by four, we get 42,900. The allocation in the budget was $19,000. Now, I suspect that that money may have been allocated just to a bus service until the airport upgrading had ceased. Is that correct? Perhaps the Executive Member responsible might give me a reply there.

MR BUFFETT: It is Mr Howard's paper. I do not wish to interfere in what has been Mr Howard's presentation.

MRS GREY: It is the portfolio of Education which is concerned. It was the subsidy allocated to the school for the running of a bus. I do believe that it is closer to the portfolio for the Executive Member responsible for Education.

MR BUFFETT: Do you mind if I respond to that Mr Howard?

MR HOWARD: Of course not.

MR BUFFETT: Mr Acting Deputy President, the amount that was allocated in a projectional way was for a school bus for the remainder of this year, for school terms within this calendar year which will see us through until school breaks up at the end of this year. In other words it is not projected for the total period of the financial year which ends of course at the 30th June next year.

MRS GREY: So then in fact we may expect a bit of a refund on that one. Thank you. I would like to thank the Executive Member responsible. Bursaries. The sum allocated for bursaries. $45,000. Only $4,500 has of that has been spent or allocated. We are at the end of the school year. Is the Executive Member for Finance perhaps able to tell me what is happening there. It is an enormous allocation and yet very little of it is being spent.

MR HOWARD: I think that Mr Buffett could respond

MR BUFFETT: Mr Acting Deputy President when we talk about the bursaries situation we must consider when the bursaries are principally paid and when the financial years occur. You will realise that in bursary arrangements you are also looking at fares and the like. They do not necessarily turn up until probably the end of term times and the commencement of term times and so in the next couple of months you will
probably have a considerable rise in expenditure in respect of those sorts of items. And so you will see that the expenditure does not reflect evenly in respect of this matter. You will also know that when this matter was introduced the matter of bursaries and scholarships were not only those that related to the Norfolk Island Central School or people who derived from that source, but in fact also included an amount for training arrangements for persons who might be involved in the public service situation. Courses and the like that might fit them better for their job.

MRS GREY: Thank you. I think that even if you take into account the bursaries that are paid and the airfare, it is a single airfare and I do not think that we have anyone going further afield than Auckland or Australia, it is still only around $14,700. The point perhaps I would like to make is that there was no detail given in the budget debate on the allocation of that $45,000 and it is obviously not being spent. I am curious to know why we had to allocate such an amount. I will suggest to you that even if we pay the bursaries and the airfares for the 22 students we are talking about, we get up around $14,700-$15,000. There is an allocation of $45,000 there. What for?

MR BUFFETT: Mr Acting Deputy President if I might just again say what I said earlier that there is a quantity I must say not totally defomed in the total detail for job training. We have a couple of persons who have been involved in that. It is not possible to totally predict what needs to be spent but you will realise that that also does not occur evenly, in fact opportunities in respect of on-the-job training and the associated expenses sometimes do arise without a great deal of warning.

MRS GREY: Thank you. I am going to suggest to the Executive Member that that allocation was made subject to a request being placed by the powers that be for a much greater school bursary set up which was covered in the Education Bill to which no assent has been granted. The payment of the bursaries is contingent upon assent to the Bill which allows $1,000 per head. The staff training situation certainly is an unknown one because if we start playing with those figures we get up around $31,500 which does not leave much for other training.

The Social Welfare Services headed expenditure 203-101. If
continued at this rate will exceed the budget allocation. Possibly not by a great deal. Does the Executive Member for Finance wish to make any comment on that?

MR HOWARD: No I have no comment on that. The budget figure was based on my estimate of what the rate of spending had been. What we budget for are Social Welfare Services which are specified in the Social Services Act is beside the point. Those are statutory payments that people are entitled to and if they qualify and are entitled to them we have to pay them. That is what the other law, Social Services Law says, so I hope that it won't run much over what we have budgeted for, but if it does we will have to find the money.

MR GREY: The second last point Mr Chairman, is the allocation for the incinerator 401-106. $11,000. Not utilised. Why? Again the Executive Member responsible may be able to clarify this.

MR ACTING DEPUTY PRESIDENT: Mr Buffett you wish to make some comment?

MR BUFFETT: No, it has not been done at this time Mr Acting Deputy President.

MRS GREY: Finally, page 4, 401-1 which in the duplicated copies is not particularly clear. 10. Now that heading does not even appear in the budget papers as they are presented to us. I think it goes with 408 or something. I will not take up time searching for it, but the the number 401-110, minor new works, does not appear in the budget paper. Does the Executive Member for Finance care to make any comment on that.

MR HOWARD: Yes. There were some minor works that were needed for example, the telephone line and power lines at the bathing sheds at Emily Bay had been undertaken and needed to be paid for. Off the top of my head I cannot remember what other items there were but there were a couple of what you would call minor works of that kind that needed to be carried out and money for them has been spent. It was provided from savings either made from other areas in which we had underspent or by being provided from the $50,000 advance that the Executive Member has to work with at the beginning of the year. If you were to go back through the paper I had tabled on Section 32B, Transfers of Public Money Ordinance you would find a couple of those
I think and if there were any missing then they would have been 501 Executive Members advance items, but that is where those moneys come from although none were specifically supplied in the Supply Bill.

MRS GREY: Sometime ago, I just have not a date on this paper, I think it was sometime in July the revenue fund was said to stand at $1,480,000. Is the Executive Member, in the light of these figures that have come forward, able to tell us the balance remaining in what I might call the accumulated revenue fund. The fund which was considered sacred here on Norfolk Island.

MR HOWARD: Yes I can give an answer to that. Based not on the figures that we are discussing now but based on the new accounts that I tabled earlier in the day which I think give a fair and true view of our actual state of affairs than the traditional set of accounts they have been giving us. Based on what has happened since the 30 June and taking the 30th June position as the Hungerford figures set them out. The amount of money in the Revenue Fund at the beginning of the year which was available for use and from that I am excluding some things such as the amount of money that the Administration needs in the bank as its working capital any day of the month, and the advances given to the Postmaster and items of that kind which you need to have tied up in the operation, deducting those. The amount of money available for use in the Revenue Fund was not as great at the beginning of the year as we thought it was because there were a number of substantial commitments such as the cost of education payments from January through June of this year which had not been billed for yet. Nonetheless that is a commitment which we had to pay and we have to have set aside and be able to pay. At the start of this year, the 1st July, the amount of the revenue fund available for use was almost exactly $1,000,000. Since then because of losses in the months since then it has dropped down to just over $800,000. That is through to the end of October. I do not have any figures as at today covering the month of November. I would guess we had another loss in the month of November. At the end of October we had available, useable in the Revenue Fund about $800,000.

MRS GREY: One more point before I close. The tourist figures that are to hand for the end of November, 1,411. This is a total for the year of 5,989. If we take the January to June figures of 1981 reduce them conservatively by 25%, add it to the total we have now, we get
something like 11,680. The only month that excludes is the month of December. Maybe, we might have a full house, 1,600, I do not know what the maximum is, what is the maximum we have recorded? Add that on, 12 to 13,000 if we are lucky. I say again Mr Chairman, how long will the raid be continued on the Revenue Fund before expenditure is cut. Thank you.

MR SANDERS: Thank you Mr Chairman. I like Mrs Grey, am sharing her feelings and regret the erosion that has been happening in our Revenue Fund and I would like to move the following motion - "That in view of the worsening recession in Australia and New Zealand and the unacceptable losses being incurred by the Administration because of revenues far short of expectations the Assembly asks the Public Service Board and the Chief Administrative Officer to ensure immediately that the provisions of Sections 40 and 42 of the Public Service Ordinance concerning work outside normal hours are uniformly followed so that all overtime and penalty rates are discontinued at once with an equal amount of time off during the following week being granted instead. Those two sections are in the Public Service Ordinance and they already state that there will be no overtime.

MR BUFFETT: May I make a point of order - I am rather confused with the motion that Mr Sanders has just promoted, I thought we had a motion before the House. Am I correct?

MR ACTING DEPUTY PRESIDENT: You are correct. Mr Sanders you may leave your motion before the House. Further debate Members? The question is that the paper be noted.

Question put
Motion agreed unanimously.

NORFOLK ISLAND PUBLIC SERVICE - TIME OFF IN LIEU OF OVERTIME PAYMENT

MR SANDERS: Mr Chairman I seek leave to pass that motion that was just stated.

MR ACTING DEPUTY PRESIDENT: Is leave granted Honourable Members.
MR BUFFETT:  No. I am really not opposing the motion but I just do not like things dropped on us.

MR SANDERS:  Mr Chairman, could we suspend standing orders?

MR ACTING DEPUTY PRESIDENT:  The question is that so much of standing orders be suspended to allow Mr Sanders motion. Question put. The House voted -

AYES 6
Mr Howard  NOES 3
Mr Brown
Mr Christian-Bailey
Mrs Gray
Mr Quintal
Mr Sanders

Standing Orders are suspended Mr Sanders.

MR SANDERS:  Mr Chairman I will read that motion again. I move the motion that in view of the worsening recession in Australia and New Zealand and the unacceptable losses being incurred by the Administration because of revenues falling far short of expectations the Assembly asks the Public Service Board and the Chief Administrative Officer to ensure immediately the provisions of section 40 and 42 of the Public Service Ordinance concerning work outside normal hours are uniformly followed so that all overtime and penalty rates are discontinued at once with an equal amount of time off during the following week being ranted in lieu of.

MRS GREY:  I would just like to ask Mr Chairman, I gather from what Mr Sanders has said that that is the law as it stands, we are seeking to do nothing more then enforce the law

MR SANDERS:  Yes

MR JACKSON:  Without prior knowledge of this motion I would like to move that that motion be suspended and becomes the Order of the Day for the next Sitting

MR ACTING DEPUTY CHAIRMAN:  The question is that the debate be adjourned. Those in favour -
The House voted -

NOES 6
Mr Howard
Mr Brown
Mr Christian-Bailey
Mrs Gray
Mr Quintal
Mr Sanders

AYES 3
Mr Buffett
Miss Buffett
Mr Jackson

Debate continues.

MR SANDERS: Mr Chairman would you like me to read those two pieces out of the Ordinance for the benefit of the Members. Section 40 - "1. The following days or any days appointed by the Administrator by notice published in the Government Gazette should be observe and lieu thereof shall be observed as public holidays in the public offices of the Territory, namely the first day of January, the 26th day of January, the 6th day of March Norfolk Island Foundation Day, the 25th day of April, Good Friday and the following Monday, the day declared by the Administrator by notice published in the Gazette to be the day for the observance for the Anniversary of the birthday of the Sovereign, the day in October declared by the Administrator by notice in the Gazette to be Show Day, the 8th day of June, the Anniversary of the landing of the Pitcairn Islanders, the last Wednesday in November, Thanksgiving Day, Christmas Day and the Day following Christmas Day.

2. Where any of those days except the 25th day of April falls upon a Sunday the next following Monday shall be observed as a holiday in lieu thereof. The Administrator may by notice published in the Gazette provide the day or part of a day additional to the day appointed under sub-section 1., shall be observed as a Public Holiday in the Public offices of the Territory. Where an officer is required to work on a holiday or on a Saturday, Sunday that officer may be granted a holiday in lieu thereof at such time during the following week as the Chief Administrative Officer determines."

The other one is 42 which reads - 1. The normal hours of attendance of officers and employees other than part time employees
a) are 36 hours 45 minutes per week unless the Chief Administrative Officer otherwise determines b) except in special circumstances does not include any part of the Saturday or Sunday and c) commence and terminate on each day at an hour that the Chief Administrative Officer determines being except in special circumstances 1) in relation to the commencement of duty an hour not earlier than
8.00 o'clock in the morning and, (2), in relation to the determination of duty an hour not later than 6.00 o'clock in the evening. (2) Where an officer or employee is directed to work hours in excess of those described by the section he may during the following week be granted such time off in lieu of that excess that the Chief Administrative Officer determines.

MR BUFFETT: Mr Acting Deputy President, listening to what Mr Sanders has just read to us which is the law, I gathered that Mr Sanders earlier indicated that what he was proposing was what the law demanded. From what he has read there which is the law, I do not interpret that the law demands that. It says that it may be the situation where-by a person can be granted time of in lieu. It does not say that he shall be granted time off in lieu. That is in respect of 40, if I remember the words correctly. The same provisions, or terminology is what I heard read in respect of clause 42 section 42. May be granted. There is no compulsion in fact, so if in fact it is the intention of the Assembly to say 'look this is what you should be doing because the law demands it'. From what I hear Mr Sanders say in reading the law to us just now that is not the case at all. There is not such a demand One has to take into account that if one makes restrictions such as are proposed they may well be founded. What I am really dead against and concerned about this afternoon is that this is a matter that might have far reaching repercussions and we are not given the opportunity to re-examine them before in fact we are asked to take a vote upon it. The proposal that is made could well have some far reaching repercussions - for example, it could well be that because of these restrictions that are proposed, that in fact certain services may not be able to be performed. Now before a decision is taken is taken in that particular instance one needs to have all the facts and know for example whether in fact, all of the existing services can be provided if you are going to make some curtailing of the arrangements for staffing and if they are to be curtailed what is to be curtailed and the Assembly should have that information in front of it before it makes a decision. That comes back to my earlier point Mr Acting Deputy President that we are being asked this afternoon to make a decision with only half the information in front of us and I find that a difficult situation to accept.
MISS BUFFETT: Thank you Mr Acting Deputy President. This motion dropped before us now has obviously been well planned. It should have been brought to the attention of all the members, I can quite see the tactics used. I do not appreciate them as is obvious. But the mind boggles as to how much further this Assembly - though I cannot include the whole Assembly - but this seat of Government is going to try and force a depressed phsyiological state of mind of the people. It is obviously giving alot of people pleasure or a few people pleasure. I note in the motion or in the address to the motion that equal time off be taken for instance Mr Sanders, would that mean that a person working eight hours on a Sunday or Saturday, would take eight hours off on a weekday. Is that the intention of that? Are there Regulations governing the Public Service employment. Could I ask the Minister responsible whether there are regulations whereby the Public Service Board stipulate terms and conditions of work. Whichever Minister is responsible, could I ask how the terms and conditions of the Public Service operated?

MR BUFFETT: There is an existing piece of legislation which governs the Public Service and it is the one that, I understand, provides for the Board and for various operations within the Public Service. It is a matter of an Act, I stand corrected, I think it is called an Ordinance. I think it was prior to August of 1979, which lays down the operation. There is provision for Regulations provided within that Act but I do not recall that in fact Regulations have been made pursuant to that piece of legislation.

MR SANDERS: Mr Chairman, the purpose of this was only to cut overtime in an endeavour to try and stop the very swift decline of our revenue fund. It was in the hope that we could perhaps slow it up at this stage rather than wait until next year when it is too late.

MRS GRAY: Have any of our Executive Members got any idea of what sort of figures we are talking about, monetarily.

MR BUFFETT: I am sure not. This has been dropped on us. There has been no time to research same.

MR HOWARD: It has been running between $1600 and $2000
per fortnight.

MISS BUFFETT: I would like to comment on the manner in which this type of action is taken, I feel leaves alot to be desired. I am a great believer in negotiation and discussion and I think it could have been done with a discussion with the CAO, it could have been arrived at in a far better manner.

MR SANDERS: Mr Chairman, if Miss Buffett had listened to the motion she would have heard that the Assembly asks the Public Service Board and the Chief Administrative Officer. It uses the word 'asks'.

MR JACKSON: Mr Chairman, I remember, I think it was the last sitting or the sitting before when Mr Howard commented upon snap legislation. Well here it's a snap decision that has been dropped on us. I am concerned with what has been the law and what has been read out by Mr Sanders under section 40 and 42, especially where he requests the public service to work on public holidays. Regardless what holidays it is, it could be Anniversary Day, Anzac Day. It could be Good Friday or Christmas Day. And then be given off the same amount of hours they worked in the following week. I have always believed in negotiation. This motion as is set out here today to whip the big stick in a confrontation. I would have thought with Mr Sanders being so close to the Public Service within his areas of responsibility and within this building here, that he would stroll over and say 'now look, I'm concerned about the overtime - could we do something about it. Can we make cuts or do away with some overtime that is not essential. Has this been assessed. Has what Mr Buffett pointed out, been assessed? What can come out of all this if this is moved and passed here this afternoon because it seems quite obvious that it will pass and I would like to make it quite clear that I do believe that we should be looking to the public service and working in with them. If this be the case, that it has to be done, well let us go about it in a different way then what has been proposed here this afternoon. I cannot support a motion that when I come in here is just dropped upon my lap and say this is what we want you to vote for and this is what we will say to the Acting CAO over there to carry out and implement. We have the endorsement of the majority of the Assembly members, now you go
ahead and do it. I cannot see that that is how we are going to get
good relationships with the Public Service and the Assembly - we will
drive a wedge between us. It is quite clear that it is worrying
someone, to have them come forward with a motion of this nature. It
is either some who is obsessed or they have an obsession about
something and I believe it to be a comination of all those. Let us
negotiate with the Public Service and I am sure.... why, Mr Howard
here this afternoon showered praise on the response of the Public
Service and the attitude that they took towards the Auditors when
they were here and here is a motion which I am certain he knew about
before the standing orders was voted on. Now here, in the one breath
at the same meeting heaping praise on the public service and now here
were are, a motion that will perhaps destroy the good public relations
that has gone on. I cannot support a motion of this nature that
has come before the House at this short notice. I move in the first
instance that it be suspended and discussions take place with the
Executive and the Public Service Board and the Chairman of the
Public Service Board and try and negotiate in a manner that would
be acceptable to all concerned

MR ACTING DEPUTY PRESIDENT: Mr Buffett

MR BUFFETT: Mr Acting Deputy President, it has been mentioned by
Mr Sanders that the motion only asks the Public Service Board and
The Chief Administrative Officer to examine this matter. Yes, I
understand that but I do make the point that the opinion of this
House does carry some weight when an opinion is passed to those
persons within that body on such a matter and I would like to
think that in making such a request or asking such a body and a
person that in fact it is a request that has been made with the
full knowledge of all of the facts that are relevant to a particular
situation. I just want to elaborate further on one of the points
that I made earlier and that was that such a move may well mean that
some services might need to be curtailed. One needs to bear in mind
that the Public Services in Norfolk Island are dependant upon, in fact,
all of the community in one way or another. There are Health Services
- there are many services that one needs to be aware of, and if in fact,
because of this motion there needs to be some curtailing of these
services within the community, I would wish to know about it before
I am asked to vote upon the matter so that some proper weight can
be given to all of the factors that need to be taken into account
and from what has been presented at this time none of those factors
in fact has been brought forward. There has been no time whatsoever to make an assessment of that sort of detail. They would require some consultation with a number of Departments within the Norfolk Island Public Service as to whether this would have that sort of effect on providing services to the community. And I would wish to know about those things before being asked to pass an opinion.

MR BROWN: Mr Jackson a short time ago said that he thought something must be worrying someone. And he asked me if I had a problem on my mind. Well, quite possibly something is worrying a number of the responsible members of this House and to that extent I think we all have problems on our minds. Mr Sanders proposal really in comparison to the total problem is just a drop in the bucket. The total overtime bill as Mr Howard has mentioned is somewhere in the vicinity of $1,600 to $2,000 per fortnight. That is somewhere around $40,000-50,000 per year. If we are able to substantially reduce that it would be a step in the right direction but it certainly would not solve the problem. What worries me is that something far more substantial than this must be done or we might have real problems towards the middle of next year in ensuring we have enough money in the bank each fortnight to actually pay the salaries of the public servants and so I do not think that we should treat Mr Sanders motion as something that is meant to upset people or disturb people. I accept what he is attempting to do is a very serious effort to show that there is a problem and we have to start somewhere at the edge of the problem. He is not saying that we have to cut salaries, he is not saying that he wants to amend the Supply Bill by reducing the amount of money which is supplied each fortnight - it is up to the Public Service Board to decide what it is going to do with the money that is being supplied to it. As I said, that money is not being reduced but Mr Sanders is wanting to ask the Public Service Board and the Chief Administrative Officer to make use of the provisions of the Legislation to give time off at least wherever possible instead of paying overtime and under all of the circumstances that apply today I do not consider that to be a highly unreasonable request. I intend to support it.

MR JACKSON: In answer to Mr Brown I suppose that if I had the same knowledge of this motion as some of the other members have indicated and inferred that they had, well I may have looked at it in a different manner too. I may have been able to assess it as the matter should be because it is quite obvious that other
members of this Assembly knew about this motion. I certainly did not.

MR QUINTAL: Mr Chairman, Mr Jackson just mentioned that he was not aware of the motion before us. This is the first time that I have heard anything about it. I did not even know that it was coming up and probably the other members are in the same boat. I don't know. But I felt that probably it would have been a good idea if we had known about it, to give it a further thought because it is kind of sudden however, I do agree that we will have to start saving money in some way or other and I feel that even to save $2,000 per month or $40,000 per year, is a saving. I do not want to upset the Public Service Board at all, or any member of the Public Service but I do agree that something will have to be done because we all know that we are in financial difficulties, and it will get worse before it gets better in my opinion and I might be right, or I might be wrong but that is my opinion.

MR HOWARD: I am torn between two forces in this situation. The budget that was proposed, not the one that was brought to this Assembly but the earlier one that was proposed by the Administration for this year were for onward and upward, more and more spending all around the place, and as best I could at the time, I cut that back to a hold still situation and that is what I recommended to the Assembly. A steady as you go... I have still got my fingers crossed that maybe we can make it on a steady as you go basis through the year. I may be wrong and the latest financial figures do not give me much encouragement. I am still not convinced that we are in disaster trouble yet. I still stand by the remark that I made at the meeting a month ago, that I do not think that the time has come for cutting jobs or cutting people seriously in any way, but I think we have to be very watchful and I think that we have to be more watchful now that we have seen the new figures than we were a month ago. In New Zealand and in Australia jobs are being lost every day at a horrifying rate and the dole queue is getting longer. I hope that we can avoid that on Norfolk Island. If we can do, if we can just maintain the employment that exists we will have done a remarkable thing in the time that is very bad in the big countries nearby us. We may not be able to do that. I think that a great lot depends on what the financial results are in December and January. If those months turn out to be good enough so that we recover the losses that we have suffered in the last two months
then at least we will be on an even goal before the last quarter of the year. On the other hand if they are not what we hope for and they continue to be disappointed I think in February or so we are going to be faced with having to do some painful things. I hope that we won't have to do this, but if we have to do them, we will do them. Meanwhile it seems to me that what Mr Sanders is proposing here, that the Public Service Board and the CAO be asked if they can have people take time of in lieu instead of getting overtime payments seems to me a modest enough kind of sacrifice to ask the people to make. I heard and I take to heart comments that Mr Jackson and Mr Buffett made about the consultation and examining consequences and so on, and I was thinking about that, and I was wondering first whether Mr Sanders motion might somehow be amended to ask the Public Service Board and the CAO to do this thing if it is possible or to the extent that it is possible or something of that kind but as I was reflecting it seems to me that Mr Sanders own answer to that pointing out that it is just a request asking and not telling, asking, that the Public Service Board and the CAO do this. Now the Public Service Board is responsible and so is the CAO and I do not think that they are going to do any foolish things or things that will damage the Island and I think that if they find there is some kind of essential service that you really should'nt cut off that their response to Mr Sanders motion if it is adopted today will be to say that, well, we heard the Assembly, we have responded to your request by eliminating overtime and having time off in lieu in these five ways but in these three ways we don't think that it can be done without hurting the Island. Now if that's the effect, if there are some ways that would actually damage the Island then I think it would be the responsibility of the CAO and the Public Service Board to say so and not to cut overtime in those places. I do not think that the Assembly needs to make that examination. I think that that is something that they should look at. So, my hope is that we won't have to hurt people's employment in any serious way. We may have to unless things improve. For the time being, I think asking for the end of penalty rates and paid overtime is a reasonable enough request to make and I think the Public Service Board and the CAO will take that as a request and will resist it if they think it is in the bad interest of the Island, so I support the motion.

MRS GREY: May I ask for a reading of the motion Mr Chairman?
MR SANDERS: That in view of the worsening recession in Australia and New Zealand and the unacceptable losses being incurred by the Administration because of revenues falling far short of expectations the Assembly asks the Public Service Board and the Chief Administrative Officer to ensure immediately that the provisions of section 40 and 42 of the Public Service Ordinance concerning work outside of normal hours are uniformly followed so that all overtime and penalty rates are discontinued at once with an equal amount of time off in lieu during the following week being granted.

MRS GREY: Thank you Mr Sanders. I wonder if after the word 'asks' if we could soften that request to some extent. It is a request? It is what is being expressed around this table.

MR HOWARD: As I said, I was thinking about that Mrs Grey and you get into a grammatical problem first of all. If you put in 'the' as near as possible at that point then the end of the motion also require some similar words and it gets all mucked up. It seems to me that the fact that it asks and the Public Service Board and the CAO know that they have duties to the Island's wellbeing; I don't think that they are going to do anything foolish or crippling I think leave it as it is.

MR JACKSON: Regardless of whether it is asked or requested I cannot support a motion of that nature being dropped on us and being applied in the manner that is being asked for here this afternoon. I cannot support it.

MR QUINTAL: I feel Mr Chairman that it would not be quite fair on any public service member to have to give up a Sunday or a Saturday in lieu of time. I feel that overtime is overtime is overtime and they should be allowed the time that they are entitled to in lieu of the holiday work. We all realise that the economy on the Island is not good. I think we've been very fortunate to have the ANZCAN and the upgrading of the airport. I do know for sure that there has been a lot of men employed and there will be a lot of men out of work when those two projects are completed and in one organisation some men have already been turned off and there is a big shortage of work on the Island for the public sector and I don't want to criticise anyone but I think we have got to the stage in the history of Norfolk where everyone will have to tighten up their belts. That is
my belief. One carpenter had eighteen men working for him last year. He is down to about two now. There are quite a few young Islanders that probably will have to leave the Island from the public sector and that is not good. An island with just old people is not a good place to live in.

MR ACTING DEPUTY PRESIDENT: Thank you Mr Quintal.
Question, that the question be put, put.
Motion agreed unanimously
Question, that the motion be agreed, put.
The House voted -

AYES, 6
Mr Howard
Mr Brown
Mr Christian-Bailey
Mrs Gray
Mr Quintal
Mr Sanders
Motion agreed

NOES, 3
Mr Buffett
Miss Buffett
Mr Jackson

TOURISM REPORT - SELECT COMMITTEE ENQUIRY

MR ACTING DEPUTY PRESIDENT: Order of the day No. 2. Tourism Report
Mr Sanders

MR SANDERS: Mr Chairman as you are aware I left this on the table for the month to get comments from the public. I have here three submissions, one is from the Chamber of Commerce, one is from the Tourist Bureau and one is from the Accommodation Proprietors Association. From what I gather from the Accommodation Proprietors one which was given to me, I think it is the same one that was presented before when the report was first being done. Do you want me to read them Mr Chairman? I table these reports.

MR BROWN: Mr Chairman I am sure that all of the members would like to read and consider those reports. I understand that there is also a submission from the Conservation Society. I am not aware whether there are any other submissions but it would seem to me that it may be more appropriate to adjourn further consideration of this matter until all of the members have had the opportunity to properly
read and consider what has been put before us by Mr Sanders today, and any other submissions.

MR ACTING DEPUTY PRESIDENT: The question is that the debate be adjourned. Motion agreed unanimously.

CHILDREN OF TEMPORARY ENTRY PERMIT HOLDERS

MR ACTING DEPUTY PRESIDENT: Order of the day No. 3. Children of Temporary Entry Permit Holders. Mr Howard to resume debate.

MR HOWARD: May I seek clarification Mr President. The paper for the day says Mr Jackson to move attached amendment. He has not yet moved that has he so we are still talking to Mr Sanders original motion. Basically the motion Mr Sanders put was that in the case of temporary entry permit applicants where they have special technical qualifications that are needed or where they have bought a business ought to be allowed to come into the Island without any regard to how many children they have. It has been a contrary policy for a long time to protect the school from becoming overcrowded. Since the last meeting Mr Sanders has told me that there is plenty of room at the school at the moment. As there is plenty of room at the school at the moment I see no reason to restrict people with those special qualifications as to the number of children they have and so I intend to support the motion although I am happy to listen to Mr Jackson's amendment.

MR JACKSON: Speaking to the motion Mr Chairman that Mr Sanders has before us, if it is correct that there are plenty vacancies at the school for school children of all ages well that is very good. Because may I state quite clearly that the Immigration Review Board examined this situation and in cases are guided by it. But we must always remember that this situation may not stay that way. There may be instances where there is certain classes where they would exceed the ratio that is requested and required by the teachers and the New South Wales Education Department of the 30:1 ratio, and that it be maintained. So if there are vacancies there now, and I have indicated that there may not be later on, but we must make sure, amply sure that it does not exceed it and therefore I would like to propose an amendment to Mr Sanders motion and this amendment reads that this
House recommends that subject to the preservation of the existing maximum ratio of 30 pupils to 1 teacher in both secondary and primary classes at the school, where an application for a temporary entry permit includes school age children and would but for such school age children be granted, approval be granted by reason that—

a) the principal applicant is engaged in an essential public service; or

b) the principal applicant is seeking to be engaged in private enterprise where—
   i) expertise whether technical or managerial is an essential qualification and
   ii) that particular private enterprise is considered an integral part of private industry within Norfolk Island; and

c) the principal applicant is entering Norfolk Island to purchase an existing business and has indicated that he wishes to stay indefinitely or for a long term and the Immigration Review Board has recommended the granting of approval of the application.

Now comparing the amended motion which I have just read out to Mr Sanders, and this amendment to Mr Sanders motion gives the Immigration Review Board the opportunity to assess those persons making application to enter Norfolk Island for the various reasons as I have outlined in a) b) and c) of this amendment, and then make recommendation to the Minister who has responsibility for Immigration, which is Mr Sanders. Mr Sanders motion is an open ended one which would open the floodgates to all those who qualify under his proposals regardless of how many children they have, thus straining the facilities of the school and exceeding the 30:1 student to teacher ratio. It is all very well to say that we should not discriminate because of children. As the Honourable Member, Mr Tom McVeigh, our Minister has stated, however, I must remind Mr McVeigh that Norfolk Island is only a small island, five miles by three, with limited facilities, not like mainland Australia who could absorb tens of thousands of new settlers and not be effected. Therefore Mr Chairman I commend the motion.

MR HOWARD: I am attracted by Mr Jackson's amendment. I like the look of it. I wonder if it would be happy to have one word taken out. Halfway down the page, the word 'seeking'. It says if the principal application is seeking to be engaged in private enterprise... To my mind it would be sounder if it said that the principal applicant is to be engaged. If you leave the word seeking in, it seems to me
you are saying that if somebody wants to come over and look for a job then we should let them in. If it read 'is to be engaged'...

MR JACKSON: I agree to that

MR HOWARD: Well, I like the sound of it. I like several aspects of what Mr Jackson is proposing. We do not want teachers to start getting stretched over too many pupils. That is not good either for the teachers or the pupils. I like the idea of the Immigration Review Board considering those. If the school begins getting crowded again, we can revert back to the old policy but for the time being, if there is room in the school, that sounds okay to me.

MRS GREY: I am just a tiny bit worried about that 'seeking' coming up because doesn't permission to come in many instances, or isn't it sought before the person arrives on the Island? To be engaged...

MR BUFFETT: Yes, he is to be then engaged

MR HOWARD: Arrangements have to be made for him to be engaged. In other words it is a deal made it is not somebody who is just job hunting.

MR BROWN: The only aspect of Mr Jackson's proposed amendment that concerns me is in relation to the Immigration Review Board where Mr Jackson's amendment presently would read the Immigration Review Board has recommended the granting of approval of the application. I believe that it may be more appropriate to change the word 'recommended' to 'considered' because that is the present situation. The Immigration Review Board considers an application and it either recommends that the application be allowed or it recommends that the application be disallowed, but we would be changing the existing situation quite substantially if the Executive Members hands were tied because the Immigration Review Board has refused to recommend the granting of the approval. I do not know whether Mr Jackson intended this. Perhaps he did.

MR JACKSON: No. The word was there that we recommend and then the Minister Responsible, he holds the trump card as we are all aware. The three Executive Members holds the trump card on their own
responsibility. We only recommend and that is the procedure at present. We recommend or perhaps reject an application and it is only the Review Board’s recommendation as they assess the situation. If it is worrying ....

MR BROWN: If the word is changed to considered I would be quite happy to support the amendment. I think it is a good amendment.

MR ACTING DEPUTY PRESIDENT: We are speaking of the deletion of the word 'seeking' Honourable Members, first. The question is that the word 'seeking' be deleted.

Question put
Motion agreed unanimously
We will now talk on Mr Jackson's amendment as amended

MR JACKSON: My amendment reads 'and Immigration Board has recommended'; Mr Brown has suggested that the word 'recommended' be changed to 'considered'. I see no problems with that

MR BROWN: I ask Mr Chairman, that the word 'recommended' be deleted and be replaced with the word 'considered'

MR ACTING DEPUTY PRESIDENT: The motion is that the word 'recommended' be deleted and the word 'considered' put in its place

Question put

MISS BUFFETT: I would like to put a word in there because I think when the word 'considered' replaces 'recommended' you could consider anything and not come up with an answer its a very open-ended thing, you have changed the whole meaning. I do not agree with it.

MR ACTING DEPUTY PRESIDENT: Those against? Miss Buffett. The ayes have it

MR SANDERS: Could I point out to Miss Buffett that we can all only consider it because it is a Canberra retained function. Our recommendation or consideration only goes to the Administrator who can over-ride it if he so wishes. I have a point that I would like to make. I have no difficulty in the 30:1 ratio, the only thing that I would like understood is that everybody who comes here
including seconded Public Servants or Bank Managers or anybody the same policy applies, not to just a few

MR HOWARD: I sense general support for Mr Jackson's amendment from around the table and I would like to move that the question be put.

MR ACTING DEPUTY PRESIDENT: The question is that the question be put. Put.
Motion agreed unanimously.

Question, that Mr Brown's amendment to the amendment be agreed, put.
Motion agreed unanimously.

Question, that Mr Jackson's amendment as amended (twice) be agreed, put.
Motion agreed unanimously.

Question, that the original motion, as amended, be agreed, put.
Motion agreed unanimously.

IMMIGRATION (AMENDMENT) BILL 1982

MR ACTING DEPUTY PRESIDENT: Order of the day No. 4. Immigration (Amendment) Bill 1982. Mr Jackson to resume debate.

MR JACKSON: Mr Chairman. This amendment was brought forward because of the previous amendment to correct the requirements of the Social Service Act of 1980. We became aware when the permits was being issued to be declared a resident even to people who was born on the Island. Anyone who was born on the Island and has not even been off the Island, under the 1968 Ordinance it was required for all people to get a permit and be declared a resident and may I add that many of our elders went to their graves without seeking that permit because they realise they have been on the Island all their lives and why should they have a piece of paper to say that they are residents. An amendment to that section to define who is a resident and who is not a resident was carried out but it went too far. That particular section that amended the Social Service Act was gazetted on the 24 August 1982 and when the basis of the Immigration Amendment Bill 1981 was brought forward it was sort solely to remedy an unsatisfactory situation that required persons born on the Island to apply for a Declaration of Residency. The Bill adjusted the situation and at the same time also provided that persons meeting the qualifications of Section 17(1)(b) shall be regarded as residents without the need to apply for a declaration. Mr Chairman, it is at
this point that the problem begins to emerge. The qualification of Section 17(1)(b) paragraph 1 to 4 are such that a person meeting particular qualification may for some years be regarded as a resident when through a change of circumstances may no longer meet the qualifications and therefore may no longer be regarded as a resident within the meaning of the Ordinance. And this is for instance a child of a resident who has not obtained the age of 21 and is unmarried would be automatically regarded as a resident. Once attaining the age of 21 years or becoming married the qualification of section 17(1)(b) are lost. And therefore, that person could no longer be regarded as a resident within the meaning of the amended section 4. Similarly the spouse of a resident may be regarded as resident pursuant to section 4 but no longer if that person becomes divorced or widowed. Well I am certain that from the legal question that may arise, and it is undesirable that persons may lose residential status in this manner and I for one would not like to see that happen either and therefore I support the proposition to amend section 4 but I am also aware that at this stage, Miss Buffett has some amendment to section 4 so I will withdraw now and let Miss Buffett bring her amendments in and then we can look at it from there.

MR ACTING DEPUTY PRESIDENT: The question is that the Bill be agreed to in principal.
Question put.
Motion agreed unanimously.

MISS BUFFETT: Thank you Mr Acting Deputy President. I wish to move an amendment to the amendment which will provide for those born off the Island of parents temporarily residing off Norfolk Island even though they are residents. The first amendment goes on to omit everything after Clause 1 of the original amendment and substitute:

2. - INTERPRETATION

In this Act the 'Principal Ordinance' means the Immigration Ordinance 1968.

3. - INTERPRETATION (AMENDMENT OF SECTION 4)

Section 4 of the Principal Ordinance is amended by omitting the definition of "resident" and substituting the following definition:—

'resident' means a person

(a) who has been declared to be a resident under section 17 or 18 of this Ordinance;

or

(b) would be entitled upon application to be declared to be
a resident under paragraph 17(1)(a) of this Ordinance,
and who has not been declared, by a declaration that is
valid and effectual, to be no longer a resident;

4. - DECLARATION OF PERSON TO BE A RESIDENT (AMENDMENT OF
SECTION 17)

Section 17(1) of the Principal Ordinance is amended by omitting
paragraph (a) and substituting the following paragraph -
(a) by a person who-
(i) at the time of his birth, had a parent who
was a resident; and
(ii) was born-
(A) on Norfolk Island; or
(B) off Norfolk Island at a time when one or both
of his parents were temporarily absent from
Norfolk Island; or...

and that is the amendment. I seek support of this amendment because
it allows for the amendment brought in by Mr Sanders, and I was
quite prepared to leave matters lie for a while, seeking a ruling
reply from Mr Ewens in the Department on a previous matter that I
brought in on the 1st September, but this amendment comes forth
in the interests of all those people who by viture of their having
been born of parents one or both of whom were residents of Norfolk
Island at the time of their birth but whose parent or parents were
temporarily absent from Norfolk Island at the time of the persons
birth, not eligible by the 1968 Immigration Ordinance to be a resident
either by birth or by declaration. This amendment only adds to
one clause of Mr Sanders amendment and if assented to will reunite
many families who have been wrongly deprived of many family benefits
through a purely legal anomaly. If members would prefer more time
to consider my amendment I would be pleased to seek an adjournment
until the next meeting but I will leave it to the members to decide
upon that

MR BROWN: It is obvious that Miss Buffett has done a
considerable amount of work and done a considerable amount of
thinking in putting together this amendment. She has quite wisely
suggested that some of the members may like an adjournment to further
consider it. There are some implications perhaps in so far as social
security is concerned. May be there are other implications. I would
certainly welcome the opportunity to adjourn the matter and I so move
MR ACTING DEPUTY PRESIDENT: The question is that the debate be adjourned.

Question put
Motion agreed unanimously

DAY OF NEXT SITTING

MR JACKSON: Mr Chairman, I move that the House at its rising adjourn until Wednesday 2 February 1983 at 2 p.m.

MR ACTING DEPUTY PRESIDENT: The question is that the House at its rising adjourn until Wednesday 2 February 1983

Question put
Motion agreed unanimously

ADJOURNMENT

MR QUINTAL: I move that the House do now adjourn

MR ACTING DEPUTY PRESIDENT: The question is that the House do now adjourn

MR HOWARD: It is late Mr Chairman but there is an important matter that I want to make some comments on and it won't take very long. The subject is Workers Compensation for Members of the Administration Public Service. There has been some confusion about it on the Island and I want to do what I can to clear it up. There is a Norfolk Island Workers Compensation Scheme. It has been operating since 1980. It was adopted by Members of the Assembly. It was accepted by the Public Service Board. It was made known to members of the Public Service. Claims have been paid in accordance with that scheme on a number of occasions since then. The adequate funds were supplied and are available for the Administration to pay claims and payments can be made on the authority of the Chief Administrative Officer. No reference to the Executive Member for Finance is necessary unless there should be a very serious accident with a very large compensation entitlement in which case a new Supply Bill would have to be passed by the Legislative Assembly. The Assembly would not have any choice about how it voted on that Supply Bill. It would have to authorise the payment. The scheme exists
and members of the Public Service can rely on being paid by it. I understand it is being said that payments under the Workers Compensation Scheme are subject to the whim of the Executive Member. Anyone who tells anyone that is an ignorant, misinformed troublemaker who is shooting his mouth off without having found out what the facts are. Several months ago I received a formal request to make special additional funds available to allow one person to be given a compensation payment more than double what the scheme provides for. That special request has not been approved. That matter is being examined and compensation will be paid at whatever level the scheme would compensate anyone else who had an identical accident. My opinions won't have any effects on what the payment is or whether it is paid. That is determined by the written agreed words and terms of the scheme. The Executive Committee has had a recommendation from the CAO that the level of compensation payments in the scheme ought to be raised across the board. Such an increase would require Legislative Assembly approval. The Executive Committee has asked Mr Buffett to examine the situation further and to bring any recommendations he has to the Assembly for consideration. I just wanted to clear up any misunderstanding about that scheme. And with those rather terse words I would like to wish everyone a Merry Christmas and a Happy New Year.

MR ACTING DEPUTY PRESIDENT: Any further debate Honourable Members

MR QUINTAL: I wish that all of the Island have a Happy Christmas and we hope that next year will bring us a bit more happiness than the last year

MR ACTING DEPUTY PRESIDENT: The question is that the House be now adjourned

Question put
Motion agreed unanimously

House adjourned at 6.57 on 1 December 1982 until Wednesday 2 February 1983 at 2 p.m.