

MR PRESIDENT: Honourable Members Good morning. This is our first Sitting of 1992. We commence with the Prayer of the Legislative Assembly

Prayer

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

Honourable Members I firstly call upon Condolences

Condolences

MR E CHRISTIAN: Mr President it is with regret that this House records the deaths of Russell Stephen Kilbourne; Wilfred Arthur Mawson; Russell James David Judd; Dorothy Elizabeth Evans and Graham Robinson.

Russell Stephen Kilbourne died on the 16th December 1991 aged 30 years. He was the elder son of Lorraine nee Christian and John Kilbourne known always as Turk. Russell left Norfolk after completing Year 10 to go to Sydney where he completed his Painting and Decorating Apprenticeship. He married Tracey nee Britton in November 1986 and they spent a year touring Australia where he spent time tuna fishing in Ceduna and working with heavy machinery in Western Australia. They returned to Norfolk to settle a year later and Russell's capable and reliable wide range of skills were appreciated by his workmates at the crusher. A very keen all round sportsman Russell represented Norfolk in the Football team which toured New Zealand; in 1988 he represented Norfolk Island at the Brisbane Expo as a member of the Norfolk Island Bodybuilding Team and again in Auckland in 1989. He also won a body building trophy in a local competition. Russell was also a loyal and staunch Greens supporter and player and December 1990 was part of a six member equestrian team touring the North Island of New Zealand where they achieved third place in Wellington. This very gentle Norfolkier was always seen with his dog Khan and often on his quarter horse Missco. To Tracey, Lorraine, Turk, Johnathon, Lorna and to his many relatives and friends this House extends its deepest sympathies.

Wilfred Arthur Mawson died on the 4th January 1992 - his 91st birthday. Affectionately known to all as "Art" he was born at Lithgow, one of a family of five and had an interesting life as a painter and decorator. He eventually became the decorator of both Union and Hoyts Theatres. He and the late Scotty Neagle worked together in creating the wonderful Christmas pantomime scenes for Grace Brothers for many years. Art started promoting boxing at the Newtown Stadium and was in that field for fourteen years. During that time he also developed vaudeville in conjunction with boxing and big open air fights - running stadiums at Leichhardt, Wollongong, Goulburn, Penrith and Katoomba. The promotions went as far as the Philippines and Western Samoa and he and his wife Jean bought their own ship to trade in those areas. He spent time in the building trade and from there went into the coal industry. He and Jean once owned eight coal mines. Art came to Norfolk after meeting Ray Fitzgerald of Hotel Kingfisher. He thought that Norfolk would be an ideal place to build a home for the aged but this was not possible. He and Jean came to live here in 1968 and Jean purchased the Hotel Norfolk while Art purchased and restored Brancker House. They also built the Mawson Units in the hospital grounds for ageing but mobile patients. Apart from these projects Art was a generous supporter of sporting and community groups on the island. To many who knew him Art was hailed as a man ahead of his time. To his wife Jean, to their daughters Rea and Diana, to his grandchildren and great-grandchildren, to his many friends this House extends its deepest sympathies.

Russell James David Judd died on the 7th January. He was born in Live, New Zealand in 1957 where he grew up and attended primary school. His secondary education and apprenticeship for panel beating was at Pairoa. He came to Norfolk Island 1980 to work for Kerry Coop. Russell married Joyce Adams the following year and in 1985 he took over the panel beating business which he successfully ran until six months ago when his illness, diagnosed in 1987 prevented his further involvement. Russell spent much time travelling back and forth to the mainland for treatment but one week before Christmas he returned to have the Season and New Year with his family. Russell was a keen fisherman, diver and overall sportsman. He

played Rugby in New Zealand representing Thames Valley and on Norfolk Island he played, supported and coached for the Cascade Football Club. He also represented Norfolk Island in Football. Russell had a great interest in the sporting activities of his children and had left his sick bed with much effort to watch them run races. Russell was a keen gardener who loved to potter around the home doing necessary jobs. Russell was a perfectionist in everything he did. He enjoyed working the ship as stevedore and more recently in tallying. Russell also played the bagpipes. During his long illness Russell maintained his sense of humour and never complained. He is remembered as a man of great courage and inner strength, a good father, husband and provider. To Joyce, Clinton and Kari, to Russell's many relatives and friends this House extends its deepest sympathies.

Dorothy Elizabeth Evans died on 16th December 1991 at the Norfolk Island Hospital. Known affectionately as Betty she had lived a very full and active 82 years in New Zealand, with the Forces overseas and on Norfolk Island. Betty was reared in a farming area in Port Waikato and when war broke out she joined the New Zealand Army. Betty served overseas in New Caledonia, the Middle East and Europe. Afterwards she served on the Allied Control Commission in the rehabilitation of Germany, returning to New Zealand after discharge. Betty came to Norfolk Island for a holiday and stayed for the next 43 years. During her years on Norfolk she married Gunsen Evans in 1965 but had only six months of marriage when Gunsen died. She ran the boarding house called "Felecita" which was on the site of the present "Colonial of Norfolk Island". Betty worked with World Traders when the Gostling family owned it, was a member of the Administration Philatelic branch for many years and was also joint Librarian. She loved travelling and whenever she could she packed her bags and went overseas. Betty was an unassuming but friendly person who got great pleasure in caring for her garden. To Betty's many relatives and friends this House extends its deepest sympathies.

Graham Robinson died on Saturday the 1st February at the Norfolk Island Hospital. Born in April 1908 on Norfolk Island Graham was the fifth child and third son of Enoch Cobcroft Robinson and Jemima Quintal and was the only one of Cobby and Jemima's four sons to survive into old age. Graham is survived by two sisters, Girlie (Sylvia) here on Norfolk Island and by Audrey in Byron Bay. At about fifteen years of age Graham left Norfolk Island for Sydney where he trained as a telegraphist with Australian Cable and Wireless. As a young man he was transferred to Fiji where he met and married his first wife Betty Southey. They returned to Norfolk Island to farm at Steele's Point and their children Euene and John were born here. Later he moved his family to Australia so that he could take a course as a hotel manager. The outbreak of the Second World War saw him back in Fiji where he was managing the Hotel Metropole in Suva. He joined the Fijian Military Forces, was sent to New Zealand for officers' training and came back to Fiji a Second Lieutenant. He and his company fought on Guadalcanal in the Solomon Islands campaign and he was promoted to First Lieutenant, then to Captain. After the War ended, Captain Graham Robinson was posted to Western Samoa as the aide-de-camp of its last Governor, Colonel Volkner. During the years spent in Samoa he met and married his second wife May Newton and upon his retirement from the army they returned to Norfolk Island. Graham and May had three children, Adrian, Ric and Michelle. His Norfolk Island post is better described as many jobs: he was Customs Officer; Policeman; Bailiff and part time telegraphist. Graham moved his family to Auckland, New Zealand and there they lived until the children were grown and married. But the Norfolk Island roots were never forgotten though Graham had a good job in Auckland, was a Justice of the Peace and a Freemason. As he became older his greatest ambition was to return to spend his last years on Norfolk Island and three years ago this became a fact when he and May moved into their home in Grassy Lane. To Euene, John, May, Adrian, Michelle and their families, to Girlie, to Graham's many relatives and friends and especially to fellow Member Ric Robinson this House extends its deepest sympathies.

Thank you Mr President.

MR PRESIDENT: Honourable Members as a mark of respect to the memory of the deceased I would ask that all Members stand for a period in silence. Thank you Honourable Members. Gentlemen, feel free to take your coats off if you would feel more comfortable. It is warm

Leave of Absence

MR ROBINSON: Mr President I seek Leave of the House for Mr Sanders

MR PRESIDENT: Leave for Mr Sanders is sought. Is Leave granted? Leave is granted thank you

Presentation of Petitions

MR PRESIDENT: Petitions. Are there any Petitions?

Giving of Notices

MR PRESIDENT: Notices. Are there any Notices?

Questions Without Notice

MR PRESIDENT: Questions Without Notice. Are there any Questions Without Notice?

MR ROBINSON: Mr President my first question is addressed to Mr Smith. Why has the position of Broadcasting Officer not been advertised in the Government Gazette or have we got yet another case for jobs for the boys coming up?

MR SMITH: Thank you Mr President. No I certainly don't think we have a job for the boys situation coming up in reply to the latter part of the question Mr Robinson. The first part is that the job is going through a reclassification, or that was from the previous Broadcasting Officer, she recommended that the job be reclassified because the position has changed an awful lot since she has been in that position. As far as I'm aware that's where it still is at

MR ROBINSON: Mr President I would like to address the next question to yourself. Why have you not made the submissions to the Public Service Board on the reclassification of the Broadcasting Officer so that it can be ratified and advertised, considering that the previous Broadcasting Officer resigned in October of last year effective on the 1st January this year?

MR PRESIDENT: Let me make two points. One, that's not my responsibility as the President and of course you will know that my role in responding in this House will need to be in that situation. However so it might be helpful I do perform another role in another place and I will just confirm that there has been a proposal lodged with the Board for reclassification. The Board is considering that proposal and they have come back asking for some further information. Fairly extensive and wide ranging information which is in the process of being got so that might be helpful but I might say that I'm not responding in my role as President. You will understand that as I've explained that. Further Questions Without Notice

MR BROWN: Thank you Mr President. I direct this question to Mr Ernie Christian. A statement under your name regarding Quarrying on Norfolk Island appeared in the Norfolk Islander on the 18th January 1992. Could you advise who wrote that Statement for you?

MR E CHRISTIAN: Mr President that statement was prepared by two of the Members of the Administration and myself

MR BROWN: This question to George as Minister for Tourism. A lengthy article bearing your name was recently printed in the Norfolk Islander in relation to tourism. Could you advise who wrote that statement for you?

MR SMITH: Yes thank you Mr President. I wrote that myself the day before it was put in the paper Mr Brown between 9.15 and 9.30 in the morning

MR BROWN: I direct this question to Mr Neville Christian the Minister for Finance. In respect of travelling allowances paid to Members of the Norfolk Island Public Service and to Members of this House, can you advise how the number of days of travelling is calculated.

For example, if a person travels from Norfolk Island on a Tuesday and returns in the same week on a Thursday for how many days is he paid?

MR N CHRISTIAN: Basically Mr President, travelling allowance is calculated on the number of nights away from home. Consideration may be given into slight modification to that depending on when the aircraft gets you back to the Island. You know, getting in at 7 o'clock at night may be considered as another night. When you've spent the actual day away from home but you will be back on the Island that night there will obviously still be expenses to be incurred but there is a provision Mr President for members to refund portion of their travelling allowances not used

MR BROWN: I direct this question to Mr Ernie Christian. Can the Minister advise the total final cost of construction of the Rawson Hall Netball Courts and the proportion of that cost which are being paid by the Administration and by the Netball Club and can the Minister advise whether a similar assistance will now be available to all present and future sporting and other clubs?

MR E CHRISTIAN: Mr President I have a statement to make later on in the meeting about the overall costs of the thing yes. My understanding is the share of it at this stage by the Netball Club was \$3000 odd which they put forward to actually place the hot mix seal on the top plus labour that they are doing themselves in setting up the courts to finality. My views are that as generally Community Services that help will be given to all other sporting bodies who wish to use that area as much as this Assembly is able to

MR ROBINSON: Thank you Mr President. I have in fact a question here asked by Mr Bill Sanders of Mr Ernie Christian. Is it a fact that the Legislative Assembly Amendment No 2 Bill 1991 was passed by the Legislative Assembly on the 24th September 1991? Is it further a fact that the Bill has not been assented to by the Governor General and if so, can the Minister indicate why it has not been assented to and if not would the Minister (a) take steps to obtain copies of any correspondence exchanged between the Administrator and the Commonwealth Authorities in which the Administrator may have expressed views about the Bill; and (b) confirm whether it is a fact that the well known antagonism by various people in authority and persons in the department and Canberra towards Mr J T Brown MLA has contributed towards the delay in the assent process?

MR E CHRISTIAN: Mr President. It is a fact that the Legislative Assembly No 2 Bill was passed by this Assembly on the 24th September 1991. It has not yet been assented to. There is correspondence taking place between the Administrator and ourselves. The most recent sent this morning which I table is a reply from ourselves to the Administrator on this. I am quite prepared to bring forward, and I think I actually have already supplied to most Members copies of recent letters that have transpired between the Administrator and ourselves but I will make sure that everybody does have copies of those letters. Regarding the (b) section I have no comment Mr President

MR PRESIDENT: Questions Without Notice? Mr Brown

MR BROWN: Mr President I direct this question to Mr Smith. Are any of the Members of the Tourist Board paid from the Public purse to carry out their duties?

MR SMITH: Do you mean in actual Board activities?

MR BROWN: Yes

MR SMITH: I don't think so. Let me take that on Notice Mr Brown and I'll give you a better reply in the next meeting

MR BLUCHER: A very quick question to the Minister for Community Services. Can he inform the House of the progress with the Codes for the Environment Act?

MR E CHRISTIAN: Mr President as all Members will know the completion of the Codes for the Environment Act have reached the stage where they are unable to be finalised without significant technical

input. Last year Members made a decision to appoint a suitably qualified Technical Officer to devote himself in part to the finalisation of the required codes. For various reasons the appointment has not yet been made however, I'm sure the appointment will be made as soon as possible.

Mr President this Assembly has had quite a heavy legislative programme and many matters have been finalised. It is a matter of regret to me that we have not been able to make comparable progress on the Environment Act. Of course substantial provisions did come into force a year ago and the remaining parts of the act are already in the main covered by old legislation. Naturally though I am keen for the appointment to be made as soon as possible and for the codes to be completed thank you

MR BLUCHER: Thank you Mr President. My question is one that was asked of Members the other day at our Members meeting and my question to the Minister for Finance is, can he advise the House whether negotiations or communications have been taking place between the Norfolk Island Government and the appropriate Shadow Ministers in Australia for investigation of the ramifications of GST on Norfolk Island when or if the Liberal party gains power at the next election?

MR N CHRISTIAN: Thank you Mr President. In short Mr President there has been no direct communications with anybody at a Federal, Ministerial or any level in Australia, concerning the introduction of GST if Liberals win the next election. However, right at this time I have commenced an in House review to ascertain exactly what impacts that would happen so we have started internal work ourselves on that very matter. Thank you Mr President

MR BLUCHER: Thank you. I have a number of questions to the Minister for Finance who I understand is the Executive Member in charge of undertakings, the airport for instance. With the Rescue Fire Fighting Service who is being trained to undertake that service? Are the people being trained locals? and Have other applicants been interviewed for the position?

MR N CHRISTIAN: Thank you Mr President. As Members would be aware the taking over of the RFFS of the Airport happened quite rapidly. The measures that are in place at the moment are temporary measures whilst long term plans are worked out for the future of the Fire Service. One of the duties of the new Fire Officer would be to advise back to the Government on what method should be followed in the long term implementation of the Fire Service. It is envisaged in the near future Mr President that expressions of interest would be called from interested members of the community whether they be public servants or otherwise to be trained as auxiliary fireman the aim of this being to give us enough trained personnel to cover any emergency that may arise in the short term until the long term objectives of the fire service are put in place and I shall endeavour to keep this House informed of developments as they occur

MR BLUCHER: Just supplementary questions on those matters Mr President has there been a final selection for the senior chief fireman and who are the members of the selection panel?

MR N CHRISTIAN: Mr President I am not involved in the selection panel process and I am not aware of who was actually on the selection panel. I do know that a fire officer has been appointed for a period of three months. He is not on the Island. I also understand Mr President that someone on the Island was approached about taking the job on but when the position was advertised neglected to apply for the job. That may help answer Mr Blucher's query

MR BROWN: Mr President I direct this question to the Minister for Finance. It's a question that I asked at the last meeting. Is the Minister aware of statements by a number of voters at the recent referendum that they voted YES because the Canberra proposal would give them free pensions and Medicare? Could the Minister advise whether the Canberra proposal would in fact have given free pensions and Medicare, that is, free Australian pensions and Medicare and if the claims are false, can the Minister advise whether any member of this House was responsible for circulating such false promises?

MR N CHRISTIAN: Thank you Mr President. I can answer that as best I can. I have made some enquiries and stories of that nature were circulated through the community. That's everybody's democratic right.

I don't think the Commonwealth intended to give anything to anybody for nothing. As everybody would know, there is a Medicare levy and on the third part of the question I'm not aware of any member of this House circulating incorrect or misleading information to any member of the community

MR BROWN: I direct this question to Mr Smith. It's a question that Mr Sanders has asked on a number of occasions. Is the Minister yet able to advise the name of the person in the Administration that is able to make a decision that criminal action should not be taken against a person who is found stealing?

MR SMITH: Thank you Mr President.

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MR SMITH: Thank you Mr President. As I've been saying to Mr Sanders, if he would like to put it on Notice I can then get it looked into, if he would like to do that as Mr Sanders hasn't yet done that and if you wish it to be investigated Mr Brown perhaps you would like to put it on notice

MR ROBINSON: Thank you Mr President. My question is addressed to Mr Ernie Christian. It's in two parts; how much public money has been spent to date on repairing power and telephone cables damaged and not reported as damaged by the Water Assurance Scheme and (b) why wasn't the said damage reported by the Supervisor of the Water Assurance Scheme?

MR E CHRISTIAN: Mr President I'll have to take that on notice for a reply at a later stage as I don't have the answer to either of those

MR ROBINSON: Also to Mr Ernie Christian. What assurances can you give the public in regard to the confidentiality of both private telephone calls and doctor/patient relationships at the hospital

MR E CHRISTIAN: Mr President there was earlier, about eighteen months ago from memory, a very extensive change in procedures and things done at the hospital to take care of precisely these points. To my knowledge and recent checkings the system is being followed and should be covering confidentiality for all patients concerned up there. If it isn't and this isn't happening and patients do have any worry about the confidentiality then I wish they would come to me and I can set in motion something possibly to fix it but to my knowledge the study was done and it is working

MR ROBINSON: Again to Mr Ernie Christian. Do you remember telling the Members at a meeting in the Committee Room that a sign pointing out the Post Office was in the process of being constructed and (b) as this was about six months ago and there's still no sign, did you tell an untruth or hasn't the department concerned got around to it yet?

MR E CHRISTIAN: Mr President no it wasn't an untruth. It is still in train within the Administration set up. There have been some changes to the original intention of method of setting up that sign and what was to go on it but the intention is still there to list as originally said, all of the things that take place within that area and it's still ongoing. I will get back onto it and chase it along a bit

MR ROBINSON: Again to Mr Ernie Christian. Does each employee

of the Administration have a job description defined for him or her in writing and if so in the case of any changes made to the job are these changes noted in writing on the file of the particular employees job description?

MR E CHRISTIAN: As far as I'm aware Mr President yes that happens in both cases

MR ROBINSON: Once again to Mr Christian. Are the posts marking the drains on the sides of the roads in Burnt Pine temporary, if so, when can we expect to see them removed? If not, how many more posts need to be knocked over before you change the system or put up more of the same?

MR E CHRISTIAN: Mr President they are temporary. There will be a couple of extra ones set up in the next week or so. What it is doing we're replacing and setting into place the storm water drainage for the whole of the Taylors Road Burnt Pine area in keeping with the road upgrading which is to commence as soon as the necessary equipment arrives which I'm hoping will be by the middle of February

MR ROBINSON: And the last one to Mr Ernie Christian, before you think of anything else to make Norfolk Island look more like a big city don't you think that a decision about the traffic islands up the road from Smithy's ought to be made and the mess cleaned up?

MR E CHRISTIAN: Mr President a report is forthcoming to a Committee Meeting of the Assembly Members fairly shortly on the islands. There has been alot of concern and admiration given to the idea that is there by members of the public. The bag markings that have been set out at this stage have been moved on occasion. The pattern of it has been altered to fit in with public comments and it's generally felt at this stage that what is there is what will happen and that's the way it will stay within the upgrading but this I will bring forward to the Assembly Members very shortly

MR ROBINSON: Thank you. And my next question is addressed to Mr Neville Christian. Will any of your machinery be used on the Water Assurance Scheme extension?

MR N CHRISTIAN: Mr President as Members will be aware I'm a director of the Company called Norfolk Earthmovers Proprietary Limited. We are available for hire at an hourly rate to anybody who cares to hire us

MR ROBINSON: Just a subsequent question. Did you sit on the Tenders Committee when the Water Assurance Scheme extension tenders were put in?

MR N CHRISTIAN: Mr President I had no part in the design of the stage II of the sewerage scheme and I did not take part in any working group looking at the tenders and I did not take part in any of the tender meetings deliberations

MR E CHRISTIAN: The Members of the Tenders Group which took that decision was myself, the Chief Health and Building Man who has been responsible for the planning and the setting out of the extension and the CAO

MR BROWN: Mr President I direct this question to Mr Ernie Christian. Is it a fact that you together with the Clerk of the Legislative Assembly and the non executive President recently met with a school teacher representing yourselves to be the Norfolk Island Government and giving undertakings purporting to be from the Government in relation to support for the raising of funds to install a satellite dish at the Norfolk Island Central School. If so, would you please advise when was authority given to that group to represent itself as the Norfolk Island Government and by whom? when did the Legislative Assembly agree to support fundraising to install such a dish? who will pay for the dish and its upkeep? what is the total cost to install it and what will be the annual cost to maintain it?

MR E CHRISTIAN: Mr President in part answer to that yes I with the Clerk of the Court did meet the schoolteachers in a recent meeting

and gave the okay for the purchase of the dish to start proceeding. The whole thing arose from money which was donated from people involved in the tourist industry at the tourist conference and it has evolved from there. I have had no discussion at this stage basically with the Assembly Members as such but I will be having discussion with them and will also be able to bring forward to them then as soon as we can find out what the ongoing costs are for this project. The project is a help or will be a large help with the introduction of Years 11 and 12. Also for adult training and apprenticeship training on the Island and was seen by a lot of people as being very very helpful and very necessary but I will bring forward when available answers to the rest of the question

MR BROWN: A further question to Mr Ernie Christian. Can the Minister advise how many Students have enrolled in Year 11 at the school this year and of that number how many are local children who were enrolled in Year 10 last year? how many are schoolteacher's children? and how many are adults? and finally what is the current total estimated cost for providing Years 11 and 12 this financial year and what is the total estimated cost for the 1992/93 financial year

MR E CHRISTIAN: Mr President, Mr Brown I would have to take the whole of that on notice at this stage. I have no figures, no definite figures to present but I'm very very happy to take that and come back with as much of that as I can answer at our next meeting

MR BROWN: I direct a further question to Mr Ernie Christian. Could you advise what is the policy of the Administration and of the various government undertakings in relation to filling positions with family and friends rather than advertising them?

MR E CHRISTIAN: The policy Mr President as far as I am aware is that all jobs will be advertised and all selections will be made by a selection panel made up of the Members of the Public Service, the Branch Manager and that's the way it's done

MR BROWN: Mr President I wonder if the Minister would be good enough to remind the Chief Administrative Officer that that is the policy that the Minister has set down and if the Minister could ensure that the Policy is now followed?

MR E CHRISTIAN: I'll take that forward

MR BLUCHER: Thank you Mr President. I still have a number of brief questions to ask and I wonder whether we'll be running out of time or if we need to extend the time

MR PRESIDENT: We have a couple more minutes. How long do you expect to take Mr Blucher?

MR BLUCHER: About ten minutes

MR PRESIDENT: We need some more time I think. Somebody want to propose ten minutes more?

MR BROWN: I so move Mr President

MR PRESIDENT: Yes thank you. Is that agreed? It is agreed. Thank you very much

MR BLUCHER: Thank you Mr President. A further supplementary question to the Minister for Finance with the airport undertaking. I'm not too sure whether I did ask him who is being trained at the airport? and could he also, he may have to take this one on notice, how much overtime was paid for the workers at the airport for the months of December and January

MR N CHRISTIAN: The auxiliary firemen Mr President, no-one's been trained yet. We're calling for positions for those very shortly. The existing staff at the airport whether they be permanent or temporary at this stage have been trained a little bit in fire fighting services. This meets CAA requirements as far as the overtime that has been paid Mr Blucher I could come back to you with figures on that but they would have been paid in accordance with administration salaries and wages policy

MR BLUCHER: It is just the overtime I'm interested in Mr President for those two months. If I could continue. My question now is to the Minister for Community Services. Has a new Curator of Museums been appointed yet? and if so, what experience and qualifications gained and where gained to operate Museums of the like?

MR E CHRISTIAN: Mr President at this stage a new curator has not been appointed. The position is being looked at very very closely. There has been correspondence with the Museums people from overseas and we are at the moment in the middle of discussions. As to what form and when that appointment will be filled

MR BLUCHER: Thank you. A question to the Minister for Finance. Would the Minister for Finance be in a position to advise the public of the whereabouts of the Annual Report?

MR N CHRISTIAN: Offhand Mr President I couldn't advise Mr Blucher but I could find out immediately after this meeting and inform him

MR BLUCHER: The public. This was discussed the other day

MR E CHRISTIAN: Mr President if I may take that one. A recent statement put forward by the CAO as to the whereabouts of this is that he is at this moment very very busily editing the Report. Apparently the Report was in its raw form was much much bigger than it has been in previous years and they have had problems editing it back to a state where it can be put forward but he reckoned to have it within the next few weeks

MR BLUCHER: Also to the Minister for Community Services. Could the Minister for Community Services advise whether Temporary Entry Permit holders are setting up stalls at the Kingston Markets on a Sunday? and if they are, should not only residents operate stalls?

MR E CHRISTIAN: Mr President I can confirm and I'm checking out on last Sunday's ones. No Temporary Entry Permit holders are setting up stalls at the market. We have three times in contact with the people that are operating the markets to make sure that this does happen. There are however two people who are on Temporary Entry Permits who are working for stall holders down at those markets but their permits record that fact. But they are not working them in their own right

MR BLUCHER: But just correcting my own information, is the Minister aware that there is a policy of non engagement of TEP's on new established businesses and is this a newly established business

MR E CHRISTIAN: I am quite aware of that Mr President and am informed that they are filling the stalls down there now it falls within the guidelines of the Immigration Act

MR BLUCHER: Question to the Minister for Finance of airport undertaking again. Is the Minister aware that there are cigarette advertisements at the airport within the terminal area and yet there are no smoking allowed on aircraft to and from the Island and if he is aware that the placard within the terminal who is paying for it and what permission has been given for that to remain there?

MR N CHRISTIAN: Offhand Mr President I'm not aware that we have banned cigarette advertising on Norfolk Island or in the airport. Smoking may certainly be banned on flights to and from Norfolk Island, carriage of cigarettes certainly isn't. I don't know who owns the sign but he would have had the prior permission of the Airport Manager before erecting those signs

MR BLUCHER: Thank you. Just to make sure that the Minister is aware that somebody is paying for that. A further question. When the proposed airport terminal is upgraded will there be calls for applicants for concession shops and counters at the airport to the operators on Norfolk?

MR N CHRISTIAN: Thank you Mr President. Yes. We're drawing very close to the time, in fact, I think it'll be one of the major projects for the next Assembly to construct a new terminal at the airport and at

the appropriate time consultants experienced in that sort of work would be sought and public comment would be sought and I would hope that the final product would accommodate as much as possible everyone's wishes

MR BLUCHER: Thank you. Further question Mr President. Is the Minister for Finance aware that the Airport Manual includes a form or a document which must be given under common seal of a company or corporation to operate equipment on the Island on the airport and particularly the air site section of the airport and is the aware that in reading the very confusing wording that the Administration is cleared of all liabilities for damage to any equipment on the airport whatsoever whether it belonged to other users of the airport. I table the indemnity documents for information of the House Mr President. You needn't answer that today but I would like to have that clarified as to whether the users of the airport including the airlines and the refuellers, the whole lot of the people that use the airport is protected by any accident or damage to its equipment by Administration equipment and users of the airport. I table that

MR PRESIDENT: I not sure whether in fact you are seeking a legal opinion Mr Blucher. If so, I would point out that that's not a part of the question process but no doubt if it's taken on Notice that examination can be done

MR BLUCHER: Thank you. What I'm really seeking is clarification of the obligation on the Administration

MR N CHRISTIAN: I will issue you with that clarification at a later date

MR BLUCHER: As soon as possible. The reason I say that is because there is this document going around to all users to have it signed under the common seal which binds them legally

MR PRESIDENT: Yes Mr Blucher

MR BLUCHER: This question is to the Minister for Tourism. Is the Minister aware that there are moves within the community to make approaches to the Minister for Tourism to release some protective nature on accommodation houses in order that there would be fair trade practises within the business houses on the Island whereby accommodation houses are now going into certain business activities freely and the people that are in the business activities apart from accommodation houses are not allowed to enter into the accommodation houses activities or business and will he be introducing a Fair Trade Bill to the House at any stage?

MR SMITH: Thank you Mr President. I am aware of that discussion going on in the community Mr Blucher. I'm not too sure who's the Minister for Commerce at the moment. I would expect the Minister for Commerce to take that up. I think it's a question that's been asked for many years, since the freeze on accommodation has been in place. What are you actually asking me for? The Fair Trading? Hmm. I don't know if I'm the appropriate Minister to be asking that question but let me find out

MR BROWN: Thank you Mr President. I direct this question to the Minister for Tourism and it relates to the Radio Station. Are you aware that VL2NI is not permitted under the terms of its licence to broadcast advertisements? Are you further aware that in fact VL2NI is broadcasting advertisements? When will you ensure that this illegality ceases and what action will you take to ensure that it does not recur?

MR SMITH: Thank you Mr President. VL2NI is not broadcasting advertisements as such. They are broadcasting sponsorship announcements. The requirements for sponsorship as against advertising is to mention price and actual product. That doesn't happen

MR BROWN: Mr President. I wasn't asking Mr Smith for a legal opinion but I will ask a further question along the same line if I could. Would the Minister before the next meeting of this House seek legal advise as to whether the sponsorship notices to which he has just referred in fact do constitute advertising and in fact do breach the licensing conditions under which the radio station operates?

MR SMITH: If Mr Brown thinks that we are well I'll certainly get a legal opinion. I've got no problem with that. But I don't think we are

MR BLUCHER: Thank you Mr President. I have two brief ones. This question was asked of the House and the Minister responsible some time back. Is he aware whether or not there are solicitors either visiting or operating as Members of the community on Norfolk Island without a practising certificate? and, is he aware that without a practising certificate there is no indemnity against negligence to the client?

MR E CHRISTIAN: I am aware Mr President of the latter half of that statement. I am not aware of the first part of that but I will do some checking out

MR BLUCHER: Very quickly. There is a matter that I want to ask the Minister for Community Services and it deals with the Employment Act. There is a letter from an insurance agent on the Island and I wish to table and read this letter in order to ask the Minister the question

MR BROWN: Mr President to enable this may I move that question time be extended by a further ten minutes

MR PRESIDENT: Is that agreed? That is agreed

MR BLUCHER: Thank you. I have no view one way or the other on this question I would like to say here. It is a letter from Argosy Imports and it deals with the Employment Act and the matter of insurance companies operating currently on Norfolk Island being approved as insurers in competition with the insurance cover extended by the Employment Act and it's addressed to myself. "At the 11/12/91 meeting of the Legislative Assembly, during debate concerning the Employment Act, you asked a question of Mr E Christian, Minister for Community Services, whether any existing insurance companies had made application to become official insurers.

The Minister responded (Quote) "At this stage there have been no official applications by any other insurers to become an approved insurer".

The reply given by the Minister was incorrect.

We made application, on behalf of Commercial Union Insurance, to become an approved insurer by letter dated 02/09/91 addressed to the Chief Administrative Officer. By letter dated 25/10/91 Mr E Christian, Minister for Community Services, (copy attached) approved Commercial Union Insurance as an "approved insurer" under Part III of the Employment Act, subject to 7 conditions.

Commercial Union Insurance responded to the Minister by fax dated 1/11/91 regarding the seven conditions. No reply was received to this fax until 5 weeks later on 6/12/91. Commercial Union Insurance in their reply on 6/12/91 stated "we are unlikely to proceed with our application because we would not be able to sustain a portfolio where we are to be levied 9 cents out of every 15 cents (ie 60% of our premium pool) for Administration of the Health/Safety (ie Non-compensation component)". (Condition 6 refers).

Commercial Union Insurance administer the Christmas Islands Workers Compensation scheme, are licensed to provide Workers Compensation in New South Wales and yet cannot accede to the conditions of the Norfolk Island Government.

Since the commencement of the Public Scheme on 01/11/91 we have had numerous enquiries from employers who do want to join the public scheme, but want private insurance - some at any price. However we can no longer offer Workers Compensation Insurance on Norfolk Island. Among the benefits provided under our policies that are not provided under the Public Scheme were :

- Cover while travelling to/from work
- No excess period for claims
- Householders Cover for persons employed for domestic duties or property maintenance

The public scheme has significant drawbacks, the least of which is getting money out of the Administration. In addition the monthly forms that now need to be filled out are a nightmare for many employers including ourselves.

I consider that the conditions imposed by the Minister are unreasonable.

Interestingly enough, in the Employers Handbook it states on page 10 "An employer may apply to have this insurance, or may get it from any other approved insurer so long as the full requirements of the Act are covered". There is no reference to any conditions in the handbook or in the Employment Act for that matter. I believe that the excessive conditions have been imposed by the Administration to prevent any insurers from obtaining approval. The attitude to private insurers can be summed up by the statement of the Administration Crown Solicitor to me in August 1991, that they did not want any other insurers so as to not to dilute the premium pool. Yours faithfully, Duncan Evans. Argosy"

Could I ask the Minister for Community Services to take that letter on board and to reply to Argosy and to the House on those matters please Mr President

MR E CHRISTIAN: Mr President I will take that on board and reply to the Argosy people. I would like to say first though that I make no change to the statement that I made which was referred to in that letter.

It is true that that letter was sent to me by I replied to them giving them certain terms in which they could become official insurers. They have not done this so there has been no official applications, I maintain again, for persons to become insurers. In talking to the Pacific Island Manager of that particular firm in discussions with him and he is responsible for the region we are getting two stories, and we are getting from them that they are not interested in becoming official insurers. But however, I will take that letter on board and I will reply to it

MR BLUCHER: Will the Minister undertake to provide documentation from the insurance company that they do not wish to take part. That is the people that he has been talking about

MR E CHRISTIAN: I certainly will Mr President

MR BROWN: Mr President I direct this question to Mr Ernie Christian. Is there yet an approved plan for the various developments which have been proposed for the Rawson Hall area and if not when will such a plan be prepared and lodged for approval?

MR E CHRISTIAN: Mr President in discussions yesterday shortly after lunch with the Chief Building Inspector he tells me that he apologises for the delay in getting that plan and everything all up and working. It's now at present on the board in his office. He's started work on it again and he hopes to have it finished within the next two weeks

MR BROWN: I direct this question to Mr Neville Christian. It relates to the airport. Is it a fact that the fire fighting training which has been mentioned earlier in this meeting is being conducted at the airport on a Sunday and that accordingly the training is incurring penalty rates for the employees and if this is the case is there any reason to prevent the training being done during normal times?

MR N CHRISTIAN: I'm not aware Mr President of when the training sessions are proposed to take place but I will certainly find out

MR BROWN: I direct this question to Mr Ernie Christian. Will you be tabling today a Report from the Public Sector Review Task Force and if not, when will the Report be tabled?

MR E CHRISTIAN: Mr President I will not be tabling a Report from the Public Sector today I will be tabling a statement at the next meeting of the House

MR BROWN: Mr President I direct this question to Mr Neville Christian. Is the Minister aware of difficulties being experienced by various residents of the Island as a result of the hospital not paying overseas specialists and hospitals in a timely fashion and furthermore is the Minister aware that some of these people have been threatened with legal action by the overseas specialists or hospitals as a result

MR N CHRISTIAN: Yes Mr President I am aware that there is one visiting specialist who has experienced such problems. I took the matter in hand about a week and a half ago in the absence of Mr Christian and

things are proceeding to a satisfactory conclusion. It's basically been a case Mr President of insufficient documentation or missing documents but I'm hopeful they're getting it all together now

MR BROWN: I direct this question to the Minister for Tourism. Is the Minister aware that a Price Fixing cartel has been formed by the proprietors of the various rental car operations in Norfolk Island? Is it a fact that such price fixing is illegal under the Trade Practices Act of the Commonwealth of Australia and under the Fair Trading Acts of the various States of Australia insofar as such agreements are made in Australia and does the Minister propose to take any action to restore competition to the Norfolk Island marketplace?

MR SMITH: Thank you Mr President. Yes I am aware that there is a group that has been formed to look at the pricing structure of rental cars. I've been made aware of it. As far as the Fair Trading Act is concerned in the States in Australia and the Commonwealth law I don't know whether that applies here, I guess it doesn't. Right. But I don't think there's been any general conclusion at this stage. Is there anything you want me to do with it Mr Brown?

MR BROWN: I just wondered what action you were proposing to take to restore competition to the Norfolk Island marketplace

MR SMITH: I will give it some thought Mr Brown

Answers to Questions on Notice

MR PRESIDENT: Members, time for questions has expired. We will now move on to Answers to Questions that are on Notice. There is one question On Notice and I will look to see if the Minister wishes to respond at this moment. Question on Notice 42.

MR SMITH: Mr President I will answer that. The question is from Mr Sanders to myself. Will the Minister provide details of monies expended from the Bureau's funds on travel and air fares by staff and members of the Norfolk Island Government Tourist Bureau and I have those things here. There's three or four pages and I'll table it for Mr Sanders and perhaps if other Members are interested I'll give them a copy and they might like to discuss it next time if that's necessary

Presentation of Papers

MR PRESIDENT: Thank you. Presentation of Papers. Are there any Papers to present? Mr Ernie Christian

MR E CHRISTIAN: Mr President I would like to table the Interim Report of the Immigration Review Committee. This Group worked very hard to present this Report and I now table it

MR N CHRISTIAN: Thank you Mr President. I table the following papers. Firstly the Financial Indicators for the months of November and December 1991 and secondly a letter of advise dated the 11 December 1991 from the Collector of Customs advising that four headstones were imported duty free on the 7 December 1991 the amount of duty waived being a total of \$315.36 and thirdly I table directions I have given for virements under the Public Monies Ordinance since the last sitting of this House

MR SMITH: Mr President could I move that the paper be noted

MR PRESIDENT: The question is that the Paper be noted. Mr Smith

MR SMITH: Thank you. Mr Christian, just looking through the figures for December, Community Services has gone from \$77,000 last year in that period to \$126,000 in this year. Is there a reason that it has taken such a large jump

MR N CHRISTIAN: The Community Services one? I don't have the information available at this meeting George to give you the accurate answers but what you can rest assured is that if there is an increase there are substantial reasons for that to happen and it may well be that other people have been added to the benefits list or there may have been

exceptional circumstances that I necessarily don't get to find out about.
I haven't dug any further because at the budget time it must have been approved

MR PRESIDENT: Further participation? I put the question that the Paper be noted

QUESTION PUT
AGREED

Are there any further papers? Mr Smith

MR SMITH: I have a letter here from Air New Zealand which I would like to share with Members that I have just received. "Dear Minister" it reads "You will be aware Air New Zealand introduced a weekly Boeing 737 service between Christchurch and Norfolk Island in November 1990.

The performance of this South Island link to your beautiful destination is, unfortunately well below expectations and budget notwithstanding the various marketing initiatives implemented during the year aimed at lifting the route profile and passenger numbers.

The general economic and difficult trading environment in New Zealand coupled with competitive pressures and high focus of other destinations, particularly Australia, is severely impacting on our ability to sustain profitable load factors and revenues yields. Further, and with respect, the very significant increase in passenger charges introduced last April by your Government is having a serious direct impact on operating cost and this profitability. We consider it is inappropriate to raise airfares at this time to the levels necessary to recover these additional charges during the recessionary climate. You will of course, be aware of our views on this matter through earlier discussions and correspondence.

Minister, it is therefore with real regret and disappointment I write to advise that Air New Zealand will be withdrawing its Christchurch-Norfolk Island service following the 17 May 1992 operation.

This decision has been made with great reluctance and only after careful route and market analysis. The airline has a reputation for its progressive stance and innovative approach and it is of no comfort to us to have to withdraw this service from our network.

On a more positive note, we have been able to reschedule the Sunday Auckland service from 24 May 1992 to depart Auckland at the later time of 1000 (currently 0830) with a direct Norfolk Island turnaround. This improved schedule will therefore provide same day connections from/to Wellington and Christchurch.

We do hope that circumstances may change in future to enable the opportunity to consider a reintroduction.

Meanwhile we look forward to maintaining our close working relationship with the Norfolk Island Government, Tourist Bureau & Industry colleagues to further develop and strengthen the Norfolk Island destination throughout our network. Yours sincerely, M P Swann, Route Manager, South West Pacific." of Air New Zealand and I'll table that letter thank you

MR BLUCHER: Mr President I move that that letter be noted

MR PRESIDENT: The question is that paper be noted

MR BLUCHER: Thank you Mr President. I'm fairly disappointed that this situation has come about because that was one of the areas in which the Norfolk Island Tourism Industry was placing a lot of its faith, because it can be recalled that going back one or two years, that particular area was marketed very very strongly and in surveys conducted it was found that that particular area was the greatest potential area of travel from New Zealand because of I suppose the wealth of that area and the opportunity for those people to now come to Norfolk whereby it was far too costly for them to go through Auckland and so it's rather disappointing. It's rather ironic that all those things have taken place and yet it's failed

MR BROWN: Mr President, tourism generally in Norfolk Island is in a sad state. We've just heard that the Christchurch service is to be withdrawn. It's my understanding that the Melbourne service is either just being withdrawn or is about to be withdrawn. Both have occurred because the services have not attracted sufficient passenger numbers to be viable. In December the tourist numbers to Norfolk Island dropped by 448 compared to December of the previous year. That

represents a reduction of 15%. The preliminary January numbers would indicate that January also has suffered a very serious decline and we've got to start to ask why. During the life of this Assembly the Tourist Bureau has been run under the personal direction of the Minister. It's my suggestion that that is no longer the appropriate way for the Tourist Bureau to be run. I believe it is time to look again at the composition of the Tourist Bureau to look again at how we run the tourist industry; to get away from a lot of the fixed thinking that has occurred in the past. Certainly to get away from the practices that has developed of not supporting this and not supporting that because I don't like that person and I don't like some other person. Our tourist industry is in a mess Mr President we need to do something about it

MR SMITH: Thank you Mr President. Yes Mr Brown is quite correct in the first thing he said that tourism is in a bad way and Mr Brown is perfectly, should be perfectly well aware that tourist generally is in a bad way. We suffer more than probably countries around us because we depend totally on Australia and New Zealand people coming here. Other Islands have the capacity to draw on any place they want to.

Norfolk Island can't except out of Australia and New Zealand. I've been pushing for quite some time in this Assembly that we should be looking at returning to our original basis of an international service out of Australia to Norfolk Island for that very reason, so that we can tap other markets but have been repeatedly refused that permission. I think we should still follow that push for internationalisation. The other comments Mr Brown made is an interesting comment. Mr Brown obviously spends a lot of time at the Bureau if he thinks the Minister has a hands on, I think your words were, directly involved in the Bureau. Mr Brown should be aware that we have an executive officer that does the major work in the Bureau. Second to that we have a Tourist Board which I sit in on. I certainly don't have the hands on approach there as Mr Brown will be aware that if the Minister wants to direct the Bureau or the Board he has to put it into the House and that has to be approved in the House. I don't see how I can be controlling it. As for the people that get chosen for the Board. I think there's always been criticism of that.

I really can't understand why. I mean everybody's an expert in marketing in tourism but really when you get down to it it's just how you do it. It's not a matter of being an expert. I've seen the experts.

They're no different. But the other thing is, and it really gets interesting, is that when things go wrong people like to blame. Mr Brown knows that tourism is ... we've been lucky. We've been really lucky in the last couple of years. We've had a pilots dispute, the Gulf War, a recession. We've seen our figures declining but I think that we've done very well especially in my term of the Assembly I'm speaking about. I'm not talking about before that. We had very good years before my time. We had the Bicentennial Year which was almost our record year and years before that Noumea had problems up there that cut them out as a Tourist Destination. There was a coup in Fiji. Norfolk Island benefited from those sort of things. But I think that in the current situation with the recession in Australia and in New Zealand not getting any better I think we're very lucky to have what we have

MR PRESIDENT: Thank you. Any further participation? Then I put the question that the paper be noted

QUESTION PUT
AGREED

MR SMITH: ... is the tourist arrivals Mr President. I would like to move that it be noted and I will table it. Thank you Mr President. From Sydney this year we had 934 persons arrive compared to 1990 of 1054. Brisbane we had 650 compared to last year of 463. Melbourne we had 87 passengers in December. From Lord Howe we had 108 compared to 147 the year before. The Australian total was 1779 which is more than what we had last year of 1673. Auckland certainly showed a marked difference. 649 arrived from Auckland compared to 825 the year before. Christchurch 96 compared to 450 the year before. The total was 2628 compared to 3076 last year. There's an interesting fact that I will point out in this year. There was 2032 people stayed in public accommodation but 596 of the December total stayed in private accommodation and in that same period locals and transits who take up plane seats but not beds was 379 with a plane total of 3007. Thank you Mr President

MR BLUCHER: I'd like to move that that Paper be noted Mr President. I agree somewhat Mr Smith inasmuch that I believe that the Island is doing quite well at the present. We're always trying to reach that peak and do better than the peak that we had prior and when we don't reach that peak well then all hell breaks loose and everybody complains but quite frankly I believe that the Island is doing very well. Has been doing well in the past. We've not got less than 20,000 in many many years and I think that's something to commend the Island for because we're up against other destinations, for instances, the trans tasman route. People can fly from Christchurch and Auckland to the Gold Coast and North Queensland for probably half the cost of getting here in those advertised low periods - \$187 across the Tasman. Well they're ludicrous prices, and everybody takes advantage of that and that's one of the reasons why we suffer to some degree. We can't afford to have that. The Airlines can't afford to have that coming to Norfolk Island because of our very isolation. I believe we have to pay for our isolation and the accommodation situation needs to be dealt with and I understand that you'll be talking about that later on in the House but I believed that the Island has done quite well as long as we keep on creating the numbers. But the more tourists we get into this Island the more we're going to increase our labour content and our labour force to cope with it and so therefore we have to import all of those labour and when we get back to the basics I think we can do very well if we just cut our cloth to suit our needs and I think that's the only way that we can go. I personally think that the Tourist Bureau has done as best they possibly can under the circumstances. They do have a limited budget and it's a budget which needs to be looked at very carefully and utilised very carefully. It's not the same volume of budget that other large operators on the mainland can go through and airlines in particular, they can spend millions, but we can't and I think that on percentage for percentage per population head I think that we're doing reasonably well but we need to keep at it and we need to keep at it very strongly

MR SMITH: Yes thank you Mr President. Yes I agree with you Bill and I should say that we never need get complacent about the amount of people we've got here. That's the Tourist Board and the Bureau always looking at different ways of marketing and encouraging people to come here. There's another think is, we have problems here that people don't often want to look at and I'll quote from a letter that was received from the Manager of Alice Springs, Territory Rent a Car. He recently spent time on the Island and he makes some interesting comments but one here, and he says, I have only one other comment to make regarding our trip. We could not find enough to buy. The shop keepers seem to stock very similar products catering to the older visitors. We actually came back to the mainland with several thousand dollars we intended to spend on Norfolk Island. When I bring that up, which I have done, at meetings, there's a reluctance to accept that. I've said once before in the House last year, I had spoken to a friend of mine who came here as, what I would call, in the younger age group and she went through the shopping centre to buy things and she said there's nothing here for me to buy, and I said this last year, but who's going to take any notice. We've got little problems like that. It's the same as the cost of coming here. How many accommodation places offer real discounts on accommodation. I know they do, some will do it with one of the airlines perhaps or one of their agents or wholesalers, but how many do it. Wouldn't it be better if everybody did it. Say this month, or this trough period we'll cut our rates by 70% because we're all empty, which could have happened in this last couple of weeks. How many do it. How many people are prepared to do that sort of thing. How many signs in the shops say, special, sales today. I don't think I've seen... there is one actually at the moment. But nobody's doing that. Everybody's sitting around waiting for the Minister of Tourism and the Tourist Board and the Bureau to try and encourage back what used to be but that's gone. I don't know how you solve it and perhaps other Members might have some ideas but solving the local problems we have with tourism

MR BLUCHER: Thank you. One of the problems that is not often thought about is the fact that ... and groups are good to have on the Island because we can fill up the place at certain times of the year. You tackle this recent group of Lions that came, that filled the Island up fairly well but the unfortunate part about these groups is that they are here for a period of time now when the ordinary tourist want to get into the Island in mid stream they can't so they put it off so that at the end of the group period you have this empty leeway because those

people could not get in in that period to extend into that leeway period so there'll always be this period of emptiness after groups travel. Yes. I speak well with my hands

MISS BUFFETT: Thank you Mr President. I think the message is there loud and clear that we must not only monitor the numbers but monitor what the numbers want to buy

MR BROWN: Mr President each month the Finance Minister tables the monthly financial indicators. Each month the Tourism Minister tables the visitors arrival statistics. And both of those are quite important sets of numbers. During the time in which Ed Howard was Finance Minister he started to develop a plan aimed at being able to predict when the Norfolk Island economy was running into trouble and he did alot of work on that plan. Unfortunately during the life of this Assembly it hasn't been pursued but one of the very important parts of the work that Ed Howard did was to recognise that if for a number of successive months there was a drop in the number of visitors coming to Norfolk Island, not very far down the track Norfolk Island was going to be in trouble. Bill said earlier that he thought we were doing fairly well because year after year got better than 20,000 and in some respects that's quite true but what that comment does not take account of is the fact that the Norfolk Island economy has come to need to have significant tourist numbers each year. Now that doesn't mean that George was right when he wanted to introduce homestay accommodation. That doesn't mean that George was right when he wanted to increase the number of tourists beyond what was regarded as the desirable level but what it does mean is that when the tourist numbers start to drop as they have now we need to be doing something to get them back up again to a figure not exceeding the desired maximum level. As I sit and listen today I really think that George is saying to us that he doesn't know what to do next. And that's certainly not good enough Mr President. If George doesn't know what to do next someone else should take over the role of Minister for Tourism. One of the things I suggest that we should do immediately is to actually review how the Tourist Bureau and the Visitors Information Centre are operating. It's said in the community that the Visitors Information Centre is really run by the two ladies in the office and that they tell Lisle what he can do and what he can't do. It's said that there is a lady on the Tourist Bureau that similarly tells the Minister and the Board what they can and cannot do and if either of those allegations is correct then it's a very serious matter that needs to be acted on now. Not when the next Assembly comes but now. Mr President the position in my view is very serious. With 2103 appearing to have been the total number of visitors that came to Norfolk Island in the month of January that must surely be the lowest January for many many years. I wonder whether the tourist Minister can tell us what numbers of passengers are booked to travel to the Island from Australia and New Zealand in February and March. Those statistics would be interesting because if it is the case that this downward trend is continuing into February and March then something needs to be done now to stimulate short term demand to travel to Norfolk Island. The monthly statistics that George read out earlier are the statistics for the month of December. We're now into February. There's no point sitting down two months later and having a look at what happened eight weeks ago. What George needs to do is to find out what's happening today and what's happening during the course of the next couple of weeks and if that is not satisfactory something needs to be done to fix it Mr President

MR N CHRISTIAN: Thanks Mr President. I kind of differ with some of John's remarks there in that we're not living up to the standard that Mr Howard set in the previous Assembly. I would just like to point out Mr President that I don't need to reinvent the wheel. From the Finance point of view the format that I follow is identical to the one that Mr Howard set in place and the Financial Indicators do give us important information and up til now they've given us no great cause for concern however, if there is a sustained decline it would certainly be picked up and measures would be taken. In fact I think this Government, this Assembly in fact, has a good record of dealing with gradual declines or in fact abrupt ones like when the pilot's dispute were on, we handled that quite well and it's important to note that the Government's purse, or the Administration's purse didn't suffer as much as it was predicted that it would. I think we've been quite responsible. I think that the system that we're following is adequate, I do acknowledge however that the governing of Norfolk Island into the future will eventually need more

economic indicators leading indicators if you like, but they must be accurate and at the moment under the present structure of business on Norfolk the Administration just can't get accurate information. The collection of accurate data is something that needs to be looked at fairly quickly and I think it will be a priority for the next Government to do this because we have to become more sophisticated in our economic management and I think Mr Smith has been saying that for a long time. I think we need to stop firing shots at each other across this table, put our heads together and pull for the good of Norfolk and I'll ignore the comments from back. I think we've got a rat up here and I'll carry on Mr President

MR BROWN: Point of Order. Mr President the comment just made by the Minister is a totally inappropriate comment to be made by any member of this House and I would ask that it be withdrawn

MR PRESIDENT: I think Mr Christian if you could observe courtesies that are recognised amongst us it would make a smoother arrangement for us and ensure that the House is obviously seen as a place of courtesy

MR N CHRISTIAN: I always abide by that Mr President but I heard this disturbance behind me and I wasn't sure what the source what but if the remarks were

MR BROWN: Mr President I think those remarks were not withdrawn I think it would be disgraceful to be seen in here

MR N CHRISTIAN: I will withdraw the remarks if they offend Mr Brown yes

MR SMITH: Thank you Mr President. I must comment on what John has said just a little while ago. Two or three of the things that he said. He obviously wasn't listening when I said to him before that when there's problems around everybody wants to blame someone and Mr Brown turned around and did exactly that straight afterwards which is fine. I'm used to it. As for the comments made Mr Brown about the Bureau or the Executive Office being run by the two ladies and the Minister being driven by another I would suggest that Mr Brown on his Directorship of the Company he is involved in is also driven by a women but besides that I would like to invite Mr Brown if he thinks that's a fact, that he spend the next week at the Bureau which I will do with him and we'll just see how the tourism does work because I think Mr Brown's missing out on what actually does happen so I would certainly welcome you to come along there Mr Brown, we'll spend the next seven days there if you like and we'll see who runs who and what's happening. I suspect that there's an election coming up soon and anything to make it look like I'm not doing a good job so I wouldn't be elected in the next election could be an issue, but I can assure you that I won't be in the next election Mr Brown so you can stop doing it. As to the accommodation matter. You do keep referring Mr Brown to me wanting to open up the bed situation so that we can have a flood of people in. I must remind you is over a ten year plan for opening up accommodation. It is certainly not supposed to open the gates the day that we pass anything and I think that needs to be born in mind that it's in a ten year plan to increase our tourist numbers not an instant fix to anything. Thank you Mr President

MR PRESIDENT: Thank you. Anything further? I put the question which is that the Paper be noted

QUESTION PUT
AGREED

Are there any further Papers? We move on to Statements

Statements

Are there any Statements this morning Honourable Members?

MR N CHRISTIAN: Mr President I wish to announce that I have instituted a reveiw of the Financial Institutions Levy (FIL). This was a major recommendation of the Revenue Review Working Group which tabled its draft report in the Legislative Assembly on Wednesday 19 December 1990. As background history, Mr President, the FIL was first introduced from 1

December 1985 as a levy on deposits to bank accounts. Subject to a range of exceptions, the levy was set at 0.15% on all credits to bank accounts held in Norfolk Island. The levy is also imposed on a range of other bank transactions.

The FIL was increased from 0.15% to 0.2% from 13 October 1988, from 0.2% to 0.25% from 10 August 1989 and finally from 0.25% to 1.0% from 3 July 1990. It is accepted Mr President, that the technical structure of the tax is now bearing a load greater than was originally intended. This point was noted by the Revenue Review Group which saw what were "acceptable differentiations" at 0.15% are "anomalies" at 1%. The Group went on to say that:

"This is because the tax is transaction-specific. It therefore either falls somewhat haphazardly on some transactions but not all or distorts normal commercial operations in order to achieve minimisation".

Whilst FIL is easy to collect, at its present level on 1% it has resulted in an increase in avoidance and minimisation which is clearly unacceptable if a tax is to have proper meaning and purpose. As identified by the Revenue Working Group, the high level (1%) of FIL has resulted in:

- . movement of funds off the Island;
- . increase in credit card transactions;
- . movement to a cash society.

The Group's view was, Mr President, that the levy is probably set too high and is too transaction specific, resulting in its revenue raising potential being far less than it could be.

As a member of the Review Group, I support its findings and am most anxious to ensure that the levy is based on equity and fairness to all in our community. Any suggestion of a tax being avoided does create significant unhappiness in the community, particularly amongst those who honestly meet their tax commitments.

The Administration has engaged Mr Chris Nobbs, an economist who returned to Norfolk Island last Year. Mr Nobbs in recent times has been an economist with a Victorian Government Department and has spent a number of years with the Organisation for Economic Co-operation and Development (OECD) in Paris.

Basically, Mr President, the Brief to Mr Nobbs is to examine how the FIL is currently working, whether existing exemptions are adequate and/or appropriate, the issue of avoidance, and a move to a cash society. Mr Nobbs will be asked to indicate what changes, if any, are necessary or desirable to the existing legislation covering FIL including the possibility of a better way of raising Government revenue from a similar source. Members may recall that the Revenue Review Group referred to the Buchanan Committee in New South Wales which had recommended the abolition of that states FID (equivalent to our FIL) and its replacement by a levy on the total assets of financial institutions.

As part of the Review, Mr Nobbs will consult with key Administration personnel and the Banks as well as those members of the public who express a specific interest in the matter. It is proposed to invite community comments on any aspects of the operation of the FIL. However, it is important that comments are constructive and not just a criticism of Government taxes in general.

Whilst it is envisaged that the actual work involved in the Review would be about three weeks, the process involved (research, inviting public comment, etc) may take at least 6-8 weeks.

Thank you Mr President.

MR BROWN: Mr President I move that the Statement be noted

MR PRESIDENT: The question is that the Statement be noted

MR BROWN: Mr President I'm pleased to hear that there's to be a review of the FIL. It was reasonably unobjectionable while it was at a much lower rate but now that it has been increased and increased and increased so as to suck the maximum possible amount of blood from the community it has certainly reached the stage where it is causing problems but in saying that I think I should also make it clear that there is nothing wrong with a person minimising the extent of tax that he is obliged to pay. Tax avoidance is quite legitimate. Tax evasion is a different story. The Australian Government during the course of the last ten years tried very hard to confuse the two and tried very hard to frighten people away from legitimately arranging their affairs so that the minimum possible amount of tax was required to be paid by them. Neville used words to the effect "honestly meet their tax commitments". All that a person is required to do is to pay the amount of tax which the

law says they are required to pay as a result of whatever transactions they carry out and if someone chooses to bank in Australia there's nothing wrong with that. They simply are not liable to pay the Norfolk Island tax and in this House it was said many times when the FIL was being increased that that would be the result of the increase but let's not try to terrorise people by saying that minimising their tax is illegal. It's simply not. But also, let's proceed with the Review

MR N CHRISTIAN: Thank you Mr President. I must emphasise on the points John has raised there. What I'm having is a Review. I'm not claiming that anyone is doing anything illegal. What I am claiming is that some aspects of the FIL may have outgrown its usefulness and that is the purpose of the Review. It must also be pointed out Mr President that you can't describe the FIL as a failure. It still raises a substantial portion of the revenue for the revenue fund but I believe it could perform better and these are the sorts of things we're looking at

MISS BUFFETT: Thank you Mr President. I commend the Minister for Finance for his initiative in calling for a Review. Especially for a Professional person as Dr Nobbs. I believe the brief is a good one. I think it's timely. The comments that are around the community certainly indicate that it is timely and I hope that as a result we will, well we will definitely be far more informed about the situation of its usefulness and whether in fact some parts of it have become less useful than it was and I am of the view that the present level of FIL may even decrease its potential income so I commend the Bill

MR BLUCHER: Thank you Mr President. I agree that a Reveiw should be conducted and conducted very quickly as Mr Brown says. There is no reason why someone shouldn't try to avoid as much as he possibly can his commitments legally and you'll probably find that alot of people on the Island doing just that because in these times it is very difficult for them to meet those commitments, meet their other commitments and get a reasonable livelihood out of it if they were to not endeavour to live as cheaply as they possibly can and to reduce their commitments legally. One of the things that come to my mind when you were talking about someone being given a brief to review the FIL, is, how much teeth would that person have. I would think it would be quite difficult for that person unless he was given some authority to do so to investigate a company's activities in order to find out whether or not there is a potential greater income from that particular company that could be put into the FIL. I would imagine that unless he had teeth all he would be doing is making a general report on what's gone through and what may have gone through had it been this or had it been that but I think that the difficulty will be that there probably will be no teeth in order for him to get the true information and I don't believe that that should be introduced either because I believe in certain rights

MR N CHRISTIAN: Well Mr President I think Mr Blucher can rest easy that this isn't a Royal Commission or anything like that on the workings of the FIL. We have no intention of trying to obtain company documents and things like that. As far as public listed companies go we can fairly accurately or easily get that information from the annual lodged returns. It's not a nosy thing. It's just a general look at the effectiveness now of the FIL and there's no hidden agenda. The information is that this economist will be sifting through is easily available from various sources and if anybody freely has information that they could give it would be welcome but we're certainly not going to go looking for it to take it by force

MR PRESIDENT: The question is that the Statement be noted

QUESTION PUT
AGREED

Thank you. Are there any further Statements?

MR E CHRISTIAN: Mr President in line with a motion agreed to in the December Sitting of the House I called a public meeting to consider what should happen with jet skis, wind surfers and other craft in the Emily/Slaughter bay area. Fortyone people attended the meeting and fifteen phone calls were received between 5 and 7.30 pm on the night of the meeting. Numerous comments were made to me before and since the meeting and I feel

that a particularly large section of the public have responded to this matter.

The majority of the persons who attended the first meeting were representing the jet skiers, windsurfers, divers and glass bottom boat operators. Phone calls and personal contact were mainly from swimmers although a number of representations were also received from campers, environmentalists, walkers, tourists, the Tourist Bureau, pet owners and interested residents.

The most common statement was, that the bays were there to be enjoyed by everyone and as long as people obeyed some simple rules then everyone should be able to use the areas.

It was agreed that wind surfers had operated under an agreement set four years ago with the Government; policed by the windsurfers themselves and with virtually no public complaint. The jetski owners had also in the main stuck by their agreement for these people were prepared to make sure that there were no more isolated incidents like the two that instigated the initial complaints.

The feeling generally was that environmentally, there was no damage being caused by the small amount of motorised craft that were using the area.

A Committee was established to bring forward a set of rules to be made public and which would cover windsurfing, jet skiing and motorised craft.

Mr President I now table these rules.

Mr President the other recommendation was that a committee be formed to study the management of the total areas of Cemetery Emily and Slaughter Bays from an environmental and user aspect to help look after the area. For instance previously the rails in the area were removed and replaced by short posts. This was considered unsuitable as short posts could be dangerous if anyone were to stumble or fall and it was further noted that the area which did have the short posts were now more accessible to motor bikes and cars which severely damage the sandhills. This activity has increased dramatically since the rail fence was changed. Other issues which were raised and need to be addressed were the effects of the campers and other users on the flora and fauna. Whether there is a need to plant more trees; the site of a new change shed and a host of other things. Mr President this is my Report on what took place at these meetings and may prove useful when Orders of the Day No 1 is discussed later. Mr President just for clarity I'll read the Rules.

Rules for Jet Ski's

1. Craft will not be used in Emily Slaughter Bay except for travel to and from the beach to the open sea
2. The operator will kneel while within the confines of the Bay

Rules for Wind Surfers

1. Will give swimmers Right of Way at all times
2. Stay one mast length from swimmers
3. Stay outside a line to the seaward side of Emily Bay raft
4. Limit the use inside the Bays at times of heavy usage by swimmers, divers etc

General

1. All motorised craft shall not exceed three knots
2. All propellers must be shrouded

Thank you Mr President

MR BLUCHER: Mr President I move that the Statement be noted

MR PRESIDENT: The question is that the Statement be noted

MR BLUCHER: As Mr Christian will be dealing with the matter further in Notice No 1 I wouldn't want to go into too much in questioning about these matters. I will do that at the particular time. My question right now is having introduced these rules who will police the rules and who will make sure that all these rules are carried out. You'll find that when people have to rule themselves sometimes they tend to move away from the strict meaning of the rules. I have a very strong feeling about that particular area. I believe it's a pristine area of the Island that must, must under all circumstances, be protected and anything that will give any risk of taking away that pristine atmosphere of the place is the beginning of the end for that particular area and you can go to many places in the world where tourists are involved and other people are involved and you will find that they have lost all of that and there's no way of getting it back and that's why this particular area must be protected very very rigidly and I believe self policing is not the answer. Particularly, last night I was on the beach and not necessarily tied up with the windsurfers and jet skis and swimmers and divers and sail boats and so forth but there was some pollution going into the bay

running out of the creek now whether there is a reason for that or whether it's inadvertently still something in it but the whole of the bay area from the outlet of that creek was green, absolutely green. It's either very strong algae or some sort of liquid. It has no smell to it and it created a huge froth right over the whole of the bay area. Fortunately the wind was blowing it away back up into the creek area and I would like that to be investigated also

MR E CHRISTIAN: Mr President I'll investigate that. What I think it is is that late yesterday afternoon the water in the dam was released and sorry Bill when you spoke earlier it hadn't occurred to me but I believe this is what it will be. There was a considerable and always is a considerable amount of algae and stuff goes down at that time and I think this will be what you saw but I will check that point out

MR BLUCHER: You say that the dam was emptied?

MR E CHRISTIAN: Yes

MR BLUCHER: At this time of the year? When we have a drought?

MR E CHRISTIAN: Yes

MR BLUCHER: That's ridiculous

MR E CHRISTIAN: It's the best time to plan it when there's no large amounts of water Mr President flowing in there and it's normally done at this time of the year. However, Mr President, I take note of what Mr Blucher has said and that's why the recommendation I made and was just tabled was that further investigation is done into the management of the whole of the area in keeping with not just the use of it by swimmers or jet skis or anything else but in view of the camping which there seems to be some thought that this may be having detrimental effect on the area down there. There's a thought that there should be places made available for campers down there more so than what it is now. There's a very very strong demand from right through that the area should be further planted out. May be some grassing done in the area, levelling of the sand and some grassing done in the area. There's a whole lot of things so I agree totally in the recommendation that I have put forward here is that that Committee or a Committee carry on to study all this and to bring a final report forward. All that I have tabled now is an interim plan and the management to cover the problems that were arising in the bay shortly before Christmas

MR BLUCHER: One of the other matters that I wish ... was that some twelve months or more ago I requested the then Minister to introduce better dressing sheds and particularly to replace the toilet that was placed at the other end of the beach. Across the road was quite dangerous for people to cross and replace the toilet area that was previously there for the picknickers and so forth. Now I would invite all members of the Assembly to go into that dressing shed and see the mess that is in that dressing shed. It's not a dressing shed. It's a toilet. And it's simply because people for the last twelve months have not been able to take their children or other and to use the other toilet and I've requested this take place at least twelve ago but nothing has happened. I invite members to go into that dressing shed as soon as possible to have a look at it

MR E CHRISTIAN: That was put forward in the last budget and was deleted out of the last budget. It will be going forward for the next budget

MR BLUCHER: ... pristine that we must protect from the very beginning

MISS BUFFETT: Thank you Mr President. I just commend the Minister for having taken this step forward to form the Committee. At least something's moving forward. I would like to see that we get our heads together with the plan that's already been put out or submitted to us by Australian National Parks and Wildlife. There's been valuable input into that and we could work together or the Committee could work together with the Minister and surely something can come in and save the situation. I'm a believer that alot of self regulation will be

effective. Norfolk's fairly practised in that kind of thing in many areas of self regulation so that's all I really need to say thank you

MR N CHRISTIAN: Thank you Mr President. Adding to Mr Blucher's concerns about the Emily Bay area I just wonder whether it might not be worthwhile for the Minister that's Mr Ernie Christian, to consider taking to the next KAVHA Board meeting a proposal that the Watermill Creek there be channelled back through Government House to an outlet in Cemetery Beach where it used to be before the convicts started meddling with it so as to reduce the risk of contamination in the Emily Bay area given the view expressed by various experts in the past, that's the marine biologists etc., that the fresh water flowing into Emily Bay is silting and the possible carriage of chemicals does have an adverse effect on the life of coral and fish etc in the Emily and Slaughter Bay lagoons. I believe if the creek could be taken back to Cemetery Beach or diverted and put into the Kingston jetty

MR E CHRISTIAN: Mr President this has been a view put forward by quite alot of members of the community. It was also specified in the report which was quoted in the copy of the National Parks and Wildlife finding for the management plan that alot of the damage does come from the creek in silting and that and one of those things that has been studied is the continual clearing of the weed from the creek has removed the natural filter that used to be there. That's another aspect that needs to be looked at. There is alot of things but what Mr Christian is talking about., Mr Neville Christian is talking about, is one of the fairly common view points held by alot of people

MISS BUFFETT: Thanks Mr President. I think it's a very worthwhile suggestion and going into, of course it will have its expenses but over the many years even the medical report from the doctors at the hospital for years and years and years have stated that people swimming in the area where the stream runs into Emily Bay, ear infections, eye infections and skin infections, we even in my childhood days a thousand years ago, we were reared never to swim or play in that area

MR E CHRISTIAN: So on what Miss Buffett has just said that there has been very recently quite an occurrence of an eye infection which the common point seems to be coming from the use of Emily Bay at the outlet of the creek. I've already been in contact with the Health Section of the Administration who do monitor regularly the status and level of the creeks emptying into Kingston but they are going to look further this time for traces of other substances which may, may possible, have caused these eye problems. Problems have been particularly with young kiddies

MR PRESIDENT: Anything further? The question is that the Statement be noted

QUESTION PUT
AGREED

Do we have any further statements?

MR E CHRISTIAN: Mr President over a number of meetings late last year I was asked many questions regarding the construction of the Rawson Hall Netball Courts particularly, in relation to the final costing for this worthwhile community project.

The final costing has now been provided to me by the Administration which is made up as follows:

Labour	\$4256.06
Plant Hire	10,347.00
Materials (includes hard fill, fine crushed rock timber etc	33,546.01

"This makes a total cost Mr President of 448149.07, which is somewhat less than the \$80,000 that had previously been mentioned in this House.

Mr President I believe the cost of this project has been most cost effective having regard to the circumstances under which the construction was carried out. I will remind members that the original estimate to undertake the preparatory work on he netball courts was given to me at \$12100 and it was on this basis that I agreed and sought members' approval to proceed with the work on 27 August 1991.

I will again remind Members, Mr President, that approximately 2200 tonnes

of topsoil was excavated to provide a solid clay foundation on which to build the netball courts. The value of this topsoil based on current purchase prices was \$50000. This topsoil was earmarked for a number of Administration projects including the airport upgrade and Taylors Road redevelopment. At the time Mr President, I was not aware that it would have been necessary to excavate such a large amount of topsoil but, in retrospect, it is now seen as a good decision. As the Administration officer responsible for the project, the Works Manager, Mr David Sanders, should be congratulated on his foresight.

The Administration has been able to excavate a significant amount of topsoil (valued at around \$50000) and, at the same time, complete a project that enhances the Rawson Hall/Bicentennial Oval Complex for the community.

As I have stated previously Mr President, I am more than happy with the result that has been achieved although the method of works and the anticipated costs associated therewith were not as exactly how I originally expected. Thank you Mr President

MR SMITH: Mr President in December the Tourism Conference was held on Norfolk Island. The conference was designed to have an insight into what was being said about our industry from within and from Australian and New Zealand representatives.

We followed this with a meeting last week that was open to anyone who wished to be involved by having a say. This meeting started with an open discussion to choose subjects to be discussed in workshops which followed the open forum.

The subjects that were pursued were the improvements required in our shopping area and the airport; the control of business and accommodation review.

The first group recommended action as soon as possible with improving Taylors Road and the airport and the second group suggested no controls on existing business and recommended that the Government investigate the GST tax system to ascertain the effect on exports from Australia to Norfolk Island. The third group consisted of accommodation proprietors who gave their view of tourist bed requirements for the future. There were many different sections of the community at the meeting and I sincerely thank all those who took the time to attend.

In the December conference it was recommended that a marketing consortium be instigated as soon as possible to get the best value for the money we use in marketing. This was put in place in Auckland with Norfolk Island, Air New Zealand and Qantas representatives and a new plan was talked about at that meeting and should almost be ready to put into place.

Discussions on a Consortium were also discussed with Ansett Express in Sydney.

Also a request from the Conference was for representation by the Chamber of Commerce and the Accommodation and Tourist Association at the Tourist Board level and a delegate from each of those Associations has been in attendance at Board meetings over the last few weeks. Thank you Mr President

MR PRESIDENT: Are there any further Statements? Well we will move on Honourable Members.

Message No 41 from the Office of the Administrator

Message and communications from the Administrator and I have a Message from the Administrator, message No 41. I have received the following message from the Office of the Administrator. On the 18th of December 1991 pursuant to sub section 21(2) of the Norfolk Island Act 1979 I declared my assent to the Social Services Amendment Act 1991 which was Act No 18 of 91; the Statute Law Revision (Self Government) No 5 Act 1991 which was Act No 19 of 91; and Appropriation No 2 Act 1992-92 which was Act No 20 of 91 dated this 19th day of December 1991, Bruce Mac Donald, Administrator

Are there any Reports of Standing and Select Committees? We then move to Notices Honourable Members

NOTICES

NO 1 - IMMIGRATION ACT 1980 - GENERAL ENTRY PERMIT QUOTA

MR E CHRISTIAN: Mr President I move - THAT for the purposes of subsection 21(1) of the Immigration Act 1980,

this House resolves that no general entry permits be granted during the period 8 February 1992 to 8 February 1993

Mr President this motion is made primarily for technical reasons. On the 8 February 1991 Mr Blucher, the then Minister for Immigration and Commerce, made a similar declaration that will expire on the 8 February 1992. In order to enable continued control over the number of general entry permits to be granted a further declaration is necessary. I hasten to assure Members of the House and the general public that this proposed resolution does not affect the grant of special relationship GEP's, does not affect the grant of GEP's under the Compensating Departure Provisions of the Immigration Act and does not prevent further GEP quotas from being made during the forthcoming year. Thank you Mr President

MR PRESIDENT: Thank you. Is there any debate Honourable Members? There being no debate then I will put the question, the question is that the Motion be agreed to

QUESTION PUT
AGREED

I'll just pause for a moment Honourable Members

MR E CHRISTIAN: Mr President it appears I've made a slight error there. Could I re-read the motion?

MR PRESIDENT: Please do so

MR E CHRISTIAN: Mr President I move -
That for the purposes of section 21(1) of the Immigration Act 1980, this House resolves that it be declared by instrument in writing that no general entry permits be granted during the period 9 February 1992 to 8 February 1993

MR PRESIDENT: Yes. I thought that's what I had in front of me but I may have misread that but as read just now by Mr Christian is the motion in front of us and I will just go through the procedures again in respect of casting votes in respect of it. The question is that that Motion be agreed to

QUESTION PUT
AGREED

Thank you. That Motion is agreed to

NO 2 - APPROPRIATION NO 3 BILL 1991-92

MR N CHRISTIAN: Thank you Mr President. I present the Appropriation No 3 Bill 1991-92

MR PRESIDENT: Before you do that Mr Christian can I just read the Administrator's message which covers this matter please?

MR N CHRISTIAN: Certainly

Message No 40 from the Office of the Administrator

MR PRESIDENT: I have received message No 40 from the Administrator which refers to this Bill, Appropriation No 3 Bill 1991-92. In accordance with the requirements of section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of a proposed law entitled "An Act to authorise expenditure from the Public Account for the service of the year ending on the 30 June 1992" dated this 4th day of February 1992, Bruce Mac Donald, Administrator. Thank you Mr Christian

MR N CHRISTIAN: Thank you Mr President. I present the Appropriation No 3 Bill 1991-92 and move that the Bill be agreed to in principle.

Thank you Mr President. I don't intend to labour long on this Mr President. At this time of the year we normally conduct a budget review and as a result of meetings of the Management Group and consultation with Assembly Members additional expenditure proposals of \$216,000 had thought to be worthwhile. These would be funded in the following way. Estimated savings on current supply, these are savings that were found within the

current Supply Bill totalling \$113,000 were identified which left about \$105,000 to be provided by this Supply Bill. This would for the year Mr President take the revised budget expenditure in total to \$7,548,600 alongside of revised revenue estimates of \$7,562,700. This would give us for the Financial Year Mr President a revised surplus of approximately \$14,000 allowing for that \$216,000 of additional expenditure. Mr President part of that saving on current supply that I mentioned before was achieved by a turn-around in the Philatelic and Postal area where instead of the Revenue Fund subsidising this area of operation it will instead received a \$50,000 dividend. This is quite encouraging and indications are that this improvement is sustainable. The balance Mr President has been obtained by income running better than expected and this is why there are no increases in taxes and levies that go hand in hand with this Review and I support the Bill

MR PRESIDENT: Any further participation? No. It wasn't clear to me as to whether you wanted to proceed with this Bill to finality today

MR N CHRISTIAN: I think it's not marked on the Agenda Mr President but if Members have no problems with it I think we should dispense with it today

MR PRESIDENT: Then at this stage I will put the motion which is that the Bill be agreed to in principle

QUESTION PUT
AGREED

Thank you. Do you wish to dispense with the detail stage and proceed to it's finality? If I would just go around the table and ask if you are comfortable with that happening. I understand that is so and so we will proceed thank you Honourable Members. If we are to dispense with the detail stage I then seek a final motion that the Bill in its totality be agreed to

MR N CHRISTIAN: Mr President I move the Bill as presented be agreed

MR PRESIDENT: Thank you. Then I put that Motion to the House

QUESTION PUT
AGREED

Thank you. That is agreed to

NO 3 - LIGHTERAGE AMENDMENT BILL 1992

MR PRESIDENT: We do have the procedures in respect of this to proceed today to its finality because the Business Committee has met and declared that the Lighterage Amendment Bill 1992 is an urgent Bill

MR N CHRISTIAN: Thank you Mr President. I present the Lighterage Amendment Bill 1992 and move that the Bill be agreed to in principle.

Thank you. Mr President the purpose of this Bill is to exclude the Administration from liability for personal injury or death suffered by persons being carried by the lighterage service. The Lighterage Ordinance 1961 has for many years included a provision excluding liability for loss of or damage to cargo however, the Ordinance does not exclude liability for personal injury or death. As the Island is hoping to obtain regular visits from cruise ships and because the lighterage service may be involved in the carriage of passengers from these cruise ships it is felt to be desirable to extend the exclusion from liability to cover not only cargo as before but also passengers. I emphasise that the Bill would not exclude the Administration's liability under the Employment Act 1988 in case of accident to persons travelling on lighters in the course of their employment. I should also mention that the Administration's Public Risk Liability Insurance does not cover activities on the water and that is why an exclusion from liability is desirable. Mr President this is a straightforward Bill and in view of the impending visit of the first cruise ship I believe that it should be dealt with on an urgent basis

MR BLUCHER: Thank you Mr President. I guess I'll be the only one to oppose this Bill today and the reason I oppose it in its present form, the amendment to the Lighterage Ordinance is the very fact that I made mention earlier, that the Administration, of its own accord is releasing itself from all liability. Now I don't have a problem with the liability for injured persons or otherwise because they do that at their own risk and they probably carry insurance as passenger on board those ships and or aircraft but what I do object to is the very fact that the Administration over the years have released themselves of any liability whatsoever for the carriage of cargo from ship to shore and yet, there is an obligation to the importers on the Island to insure the Administration equipment. The lighterage equipment. For example, there is an obligation for the lighters to be insured privately by the importer against any damage caused by the use of that lighter to carry that importers cargo from ship to shore and from shore to ship on export of cargo. I see that as an anomaly because the Administration or the Lighterage Undertaking is charging a fee for service, that cargo, and has been doing so for many years and I've always been against that point and I don't believe it's fair that no responsibility whatsoever is taken by the Administration or by the Lighterage Service or by the Administrator in these particular instances when there is a fee charged to carry out that service and there is no recall on that service for any negligence or accidental damage to the handling of its cargo whilst it's being carried and I don't believe it's fair or appropriate that the Administration under all circumstances should release itself from these responsibilities. I just don't see the fairness there Mr President so I'm afraid I can't support the Amendment

MR N CHRISTIAN: Thank you Mr President. I'll attempt to change Mr Blucher's thinking here and point out some relevant details regarding lighterage. Mr Blucher just mentioned that the private importer or customer is obliged to insure the Administration lighters. That is true Mr President with effect to heavy lifts, that is, individual articles weighing in excess of four tonnes or four and a half tonnes. The customer would be required to insure one Administration lighter and the Administration would carry the risk on the other in the event that they were both totally lost. I made mention at an MLA's meeting last week that I consider that this situation was no longer workable and I would be changing the charges for lighterage for heavy lifts. This does not need to be part of this Bill today Mr President I can simply do that by Gazette Notice and I intend to do that in the near future after more discussions with MLA's about what the appropriate charge would be and papers to that nature are coming forward. The other point Mr Blucher mentioned was that the Administration is getting itself out of all responsibility and I would just like to draw to everyone's attention for that matter that the Administration isn't seeking to dodge its reliability, it's responsibilities. All care is taken when someone's cargo is transported from ship to shore. The Lighterage Ordinance protects the Administration and the Lighterage Service in that sense, however, I would think that if Mr Blucher could ever come forward with a case that his cargo was wilfully damaged by an individual employed by the Lighterage Service, then he may well have a case against that individual.

Hang on Mr Blucher I'll finish what I have to say. The other point that needs to be taken into consideration Mr President is that the Lighterage Service of the Administration conveys all cargo transported by a vessel to Norfolk Island from the ship to shore. Now what you need to do is get a copy of the Shipping Manifest and look at the amount of cargo shipped into Norfolk Island that the Shipping Company denies liability for as well because it's insufficiently packed and yet here we have Mr Blucher wanting the Administration to be responsible for cargo that the Shipping Company itself is not responsible for because they haven't been packed properly and I don't think there's been any damage ever except with the unfortunate experience of a lighter swamping of capsizing where cargo that is properly packed has ever been damaged

MR BLUCHER: Mr President I would just like to clarify the situation here. I was not pointing the finger at any particular person within the Lighterage or the Lighterage workers. What I am saying is that I don't believe it is fair that you pay an individual or a company or the Administration in this case a fee to carry out a service for you and to do something for you as a Contractor. As a Contractor they are now denying, and have been, denying all liabilities whatsoever. Now I understand that alot of the cargo is declared to be insufficiently packed by the Insurance Companies, by the Shipping Companies and so

forth. What I am really talking about is the anomaly that you pay a contractor to carry out a service and he has no liability to you whatsoever. That's the point I'm making and that's the unfairness of it all. Now whether I am missing the point I'm not too sure but on the basis of my thoughts at present I would still have to oppose this amendment in that light

MR N CHRISTIAN: Mr President, the point I need to emphasise to Mr Blucher is that the Lighterage Service is in no different a situation than the Shipping Company or the Insurance Company that covers the goods on its voyage from either New Zealand or Australia to Norfolk Island. It's a disclaimer and it's standard in the industry

MR BLUCHER: Not entirely Mr President because the Insurance Company does cover your cargo. An Insurance Company covers the cargo from ship to shore. They have to because they are the only ones that do it and the premiums are getting so high that that's one of the reasons why goods are so expensive on the Island is because of the high premium in that area and damage. Admittedly we've got the wrong sort of system here for discharging cargo but the point I'm making is that it is not fair to charge a fee to carry out a service and accept no liability whatsoever and one of these days the Insurance Companies are going to withdraw all their cover from the cargo and lighterage system which means that somebody will have to carry the bun or the bag

MR BROWN: Mr President, discussion about cargo is probably irrelevant to what's before us today but I would say that I significantly agree with Bill. There certainly should be an exclusion for inadequately packed cargo but if the Administration is to maintain for itself a monopoly on bringing the goods from between the ship to the shore and if it's going to charge a fee then it probably is time that we had a bit of a look at whether it should be able to maintain the present exclusion. I think there's a lot in favour of what Bill's saying here but what the matter before us today relates to is people being carried in the lighters. As I understand it the only people who are supposed to be in the lighters are the workers and as Neville said they are covered under the compensation scheme. As I understand it no-one else is supposed to get in the lighters and we've had incidents where people have been in the lighters and there was an incident not that many years ago where someone could well have drowned when a lighter had a problem. If this legislation was aimed at saying to people you are not allowed to jump into that lighter and if, knowing that you are not allowed to jump into it, you still do, then you should know that the legislation says that the Administration has no liability for any injury which you may suffer or even for your death should that occur. If that's what we were doing I would support it. But I'm very concerned that at the same time we are talking of bringing cruise passengers ashore in the lighters. It's a very different thing to be saying you're not allowed in that lighter but if you do choose to get in of your own free will knowing that you are not allowed in it there is this exclusion, that's one thing, but to say yeah sure, we'll carry you from the ship to the shore but if anything goes wrong and you get hurt or you die, we won't cover you, I think that's wrong. I don't think that's the sort of thing the Administration should be doing. If the Administration is not going to be prepared to accept such liability as a Court may impose on it then it should not carry out the function of carrying those people from the ship to the shore

MR N CHRISTIAN: Thank you Mr President. Mr President the need for this does come about as a result of the cruise ships. I must say that John may be right. It may not be the perfect solution to fix all this. But when the cruise ship originally said that they would like to call at Norfolk Island and in fact, planned to do that, they were going to use their own boats to ferry the passengers from the ship to shore. As it's turned out on the 13th March when the ship's expected to be here it's going to be low tide and the ship's boats can't get into the jetties. They draw too much water. The Tourist Bureau then had to look for alternatives and the alternatives were the Administration providing the lighters or private boat owners providing their boats. It's subsequently been brought to the attention of people that there's only a few boats that can work Kingston jetty at low tide here even in the private fleet and therefore that may not be a suitable option come the day which leaves the Administration launch and lighters which may also have problems on an extremely low tide but nevertheless we have to have all these options covered. It was explained to me that the Shipping

Company would have the passengers, the disembarking passengers insured or ensure that they were insured with private insurance and all this seeks to do is to protect the Administration if it is in fact called upon to provide the ferry service if you like from the ship to shore and I think under the circumstances that it's an opportunity we can't afford to pass up but if this bill is passed today the effect of this will certainly be made known post haste to the operators of the ship that intend to call to Norfolk

MR BROWN: Mr President. That's a sensible explanation of why the Bill has been brought before the House. Certainly I don't like to see people being carried on the lighters at all but as long as it is perfectly clear that the Administration has by legislation removed any possible liability that may fall on it and as long as the shipping company is going to ensure that it has arranged adequate insurance for the people involved it's fairly hard to argue with

MR E CHRISTIAN: Mr President I've been involved with some of the discussions on the cruise ships and the statements that had been made and we're going back to verify this again is that the shipping people will cover from ship to shore with their insurance. By doing what we're doing under this Bill the same is to clarify the whole thing and bring it all out in the open so we know exactly where we stand with it and that was the intention basically of the bill as it is

MR BLUCHER: One of the things that comes to my mind with this also is the very fact that you mentioned that there'll be private boat owners delivering the passengers from ship to shore and that those passengers will be covered by their travel insurance. I wonder whether those insurance companies realise what dangers those passengers will be going through by travelling in boats and I wonder what would happen if someone had an accident on a private boat, who does he sue? The private boat owner or the shipping company's insurer? Now, I believe this leaves the private boat owner wide open because the private boat owner according to the insurance companies would have to have certain equipment on board. A life jacket for every passenger on board and every passenger must wear that and all of the other safety factors that come involved. Insurance companies won't accept a bar of a claim unless everything has been looked at and then they argue

MR N CHRISTIAN: Thank you Mr President. I think what Mr Blucher says is true there. I would imagine that the ship would provide life jackets for everyone coming ashore. The exposure of private boat owners to the possible risk of legal action I think will deter alot of them in the first instance anyway from even becoming involved in this if they were the preferred option. They don't have the resources to fight a legal battle and I honestly believe that under the circumstances prevailing that the Administration equipment is the best to do the job and I think we need to make our position quite clear equally and that is of all care and no responsibility

MR BLUCHER: Yes. I would like the private boat owners to be aware again and I mention again that they are at risk for litigation if they cause an accident or some accident happened within their control. Now that's that part of it. Mr President this could well be the opportunity for me to move an amendment to this Bill

MR PRESIDENT: Not quite

MR BLUCHER: Not quite. Well would you be able to advise me when it is appropriate for me to do so

MR PRESIDENT: Yes. Well what I would firstly seek from Members is to whether they agree or do not agree to the Bill in principle and then we will come to the detail stage in which I will offer you an opportunity to maybe move your amendments maybe in bulk or something like that Mr Blucher and they can be considered by Members and I'll do it on that basis if you are comfortable with that. Mr Brown do you want something before we come to this Motion?

MR BROWN: Thank you Mr President. I wonder if the Minister could give me some assurance as to just what dealings will transpire with the ships owners before these people are brought ashore. I would hope that the Administration will insist on having satisfactory

proof that all of the persons are adequately insured and furthermore that the Administration will obtain some form of acknowledgement from the insurer that the insurer is aware of the amendment that we are proposing to make to the legislation today. If both of those things happened I will support the Bill

MR N CHRISTIAN: Mr President, Mr Brown can be assured that those concerns of his will be taken into consideration and dealt with and there is a meeting at 5.30 this afternoon between Members of the Tourist Bureau, the private boat owners and members of our Lighterage Service to discuss these matters further this afternoon. I think if this Legislation goes through today the picture will be a little bit clearer at 5.30 and will be resolved who's going to provide the ferry service to the shipping owners and then they will then be informed of all our concerns and requirements

MR SMITH: Mr President from the Minutes of a Meeting that Ernie's had recently it was quoted that CTC requires satisfaction of adequacy of public liability cover by boat owners if private boats are used. If they aren't used what would you suggest - they are obviously not going to insure the passengers themselves

MR N CHRISTIAN: Well CTC have indicated that they would

MR SMITH: They were going to when they were going to use their own tenders they would cover people right to shore

MR E CHRISTIAN: Mr President we've been back to them since that, since what George is reading there and I am at this stage under the understanding, and this will have to be clarified after the decision has been made whether we are going to use local ships or the Lighterage that those passengers and this is what John was getting to before, that those passengers are definitely covered under the CTC insurance but we can't.. we have to this stage gone and are under the understanding that this is what is going to happen but it will all be made definite after the decision as to what type of ship we will be using to get these passengers ashore anyway. The circumstance for the second ship will possibly change and it looks like there is a strong possibility of the cruise ship using their own tenders for those ones. This one's a particularly awkward one because it's low tide and that's the problem but can I reiterate that all steps necessary will be taken to make certain in fact that Administration is covered should it be Administration that uses lighters; that the local boat owners will be covered should it be local boats or whatever it necessary to get these passengers on board. It will definitely be sorted out as to how the insurance stands

MR SMITH: Can I ask the question. I think somebody else may have before, if the CTC company knows about the amendments we are making today to the Lighterage Ordinance? Are they aware of it

MR N CHRISTIAN: ... and if this is passed today they will be formally advised of the changes

MR SMITH: And I got you right that they are going to cover if we use our lighters

MR E CHRISTIAN: That's the understanding I'm under Mr Smith and this is why we wish to put this Ordinance through .. this motion through today so that we can notify them that this is the position and find out just where it stands

MR ROBINSON: I'd like to move that the question be put

MR PRESIDENT: Have we gone round the table. Yes. Well I won't actually put that question Mr Robinson I will proceed to the matter in hand and I put to Members the Motion that the Bill be agreed to in principle

QUESTION PUT
AGREED

MR BLUCHER NO

The Motion is agreed that the Bill be agreed to in principle. We come to

the detail stage. Mr Blucher you mentioned that you had amendments. I've just searched for those amendments and I don't see that you have given me any Notice of Amendments

MR BLUCHER: ... and when I ... (UNABLE TO BE TRANSCRIBED)

MR PRESIDENT: Do you wish to insert something or just..?

MR BLUCHER: I wish to delete something Mr President

MR PRESIDENT: Okay. If we proceed to the detail stage Honourable Members. Could you just point me to the clause that you have difficulty with and I might isolate that and we can take the rest as one

MR BLUCHER: Alright. Yes thank you. Yes certainly. My difficulty Mr President is that I wish to amend the amendment to the Lighterage Ordinance by including all of the new section 8 with the exception of "the deletion of section 8(1)(a)." That section (1) deals with loss of or damage to cargo during lighterage of the cargo. If we can deal with that particular deletion I would be happy

MR PRESIDENT: I'm to understand Mr Blucher that you would vote against that one and I just want to isolate the one that you will have a different view about so that we can actually vote upon that and then I will put the other on mass so to speak

MR BLUCHER: I will abide by the Rulings of the House Mr Chairman

MR PRESIDENT: It's a tidy way to handle it in lieu of us doing it bit by bit by bit by bit. Could I then ask Members to turn their minds to clause 3 of the Bill in which it talks about 8(1) and (2) and (1) has (a) and (b). I will put the question that the clause as presented be agreed or not agreed and Mr Blucher then has the option to vote as he would think appropriate. I put the question that clause 3 which is 8(1) and (2) be agreed

MR BLUCHER: Point of Order. I believe that I have the right of placing an amendment through the House prior to the Bill be agreed to, prior to the clause being agreed to

MR BROWN: (What he's doing at the moment is asking the House to vote on whether they want that clause in or out)

MR BLUCHER: Fine. Fine. If the question is whether clause 8(1)(a) which reads "loss of or damage to cargo during carriage of the cargo" be deleted well that is the amendment that I wish to put forward

MR PRESIDENT: Well I ... to be specific as that. Let me just make these point Mr Blucher. There are procedures for lodgement of amendments and you have a proposal for amendment there are time frame in which they should be lodged. Amendments can be received but only with my approval and I am reluctance to just take amendments off the cuff without giving Members proper opportunity to examine them. However, because this is an urgent Bill and wants to be decided today I am trying to give some leeway so that all parties can be accommodated and so to do that I am willing to isolate the one that you have a difficulty with and see what Members as a whole agree or not agrees to it and then we'll take the rest from there

MR BLUCHER: And the need Mr President for the supply of the amendment prior is also applicable through the detail stage

MR PRESIDENT: Yes oh yes

MR BLUCHER: Is that a ruling?

MR PRESIDENT: Yes oh yes

MR BROWN: Mr President it might help Members if the Minister could tell us whether clause 8(1)(a) already exists in the Legislation or whether it is a new clause. My understanding is that that clause is already in the Legislation we're not inserting it today

MR N CHRISTIAN: It's already in the existing legislation. ... is (b). "a person" ...

MR BLUCHER: Yes I still wish to stay with my amendment Mr President if that's allowed

MR PRESIDENT: Yes I will ask Members as to whether they agree or disagree 8(1)(a). Those who agree 8(1)(a)

QUESTION PUT
AGREED

MR BLUCHER NO

Those who disagree 8(1)(a). Mr Blucher I understand that you are the person who does not agree and that will be appropriately recorded and the remainder agree the clause. Am I correct in that? Fine thank you. Then we will proceed. I will take the rest of the Bill as a whole as far as detail is concerned and I will put the question whether the remainder of the Bill be agreed. Is the Bill agreed in the remainder sense?

QUESTION PUT
AGREED

MR BLUCHER NO

Thank you. Mr Blucher again. The remainder of the Bill is agreed. The result of that Honourable Members is that the Bill as originally presented stands and I interpret now that we have completed the detail stage and I would seek a final motion in respect of the Bill

MR N CHRISTIAN: I move that the Bill be agreed to

MR PRESIDENT: The question before us now is that the Bill be agreed. Any further final debate? Then I put that question

QUESTION PUT
AGREED

MR BLUCHER NO

Do you wish to have the House called in the final stage Mr Blucher. No thank you. The Bill is agreed to

NO 4 - ROAD TRAFFIC AMENDMENT BILL 1992

MR E CHRISTIAN: Mr President I present the Road Traffic Amendment Bill 1992 and move that the bill be agreed to in principle

MR PRESIDENT: The question is that the Bill be agreed to in principle

MR E CHRISTIAN: Mr President, the purpose of this Bill is to increase money penalties in the Road Traffic Act 1982. The view has been conveyed to the Government by the Magistrates that the money penalties in that Act which were struck in 1982, are now inadequate. In many cases, although not in all, the maximum penalty for an offence was \$100 under the existing legislation.

This Bill proposes a three fold increase in money penalties. This increase results in a relativity between money penalties and periods of imprisonment that is consistent with the relativity used in legislation for the last two or so years. It is also a relativity which has been endorsed on previous occasions by the Attorney-General's Department. I believe that, in the interests of consistency with the legislation we have been passing over recent years, the amount of the increase is appropriate. Members will of course know that the penalties are maximum penalties and the Court of Petty Sessions has wide discretion not to impose the maximum penalties in particular cases - in fact, I think it is fair to say that the Court only rarely imposes the maximum penalty. So of course there is a good deal of flexibility given to the Court by reason of these proposed amendment.

Members will also note that consistently with the usual principles, the amended penalties do not apply to offences committed before the commencement of the Act.

That is all I have to say at the present time Mr President. I commend the Bill

MR BROWN: Mr President the relativity of which Ernie spoke is important and although normally it would be the case that inflation causes the value of a penalty unit to increase and therefore causes the maximum fine to increase, if the Magistrates have asked that this amendment be made then I think that it is appropriate that we support it.

As Ernie says, the penalties are the maximum penalties. It's totally up to the Magistrates to decide what penalties they impose between nothing and the maximum. I support the Bill

MISS BUFFETT: Thank you Mr President. I just have one question to the Minister if I may and that is do the Magistrates agree with the extension of the... with the amount of increase? The relativity amount?

MR E CHRISTIAN: At this stage I didn't have a chance to have any discussion with them yesterday between our two meetings. I don't know on that. The feeling was, that I got from the Magistrates in the discussions earlier, and this didn't say whether they were to be doubled or trebled, the discussions were purely and simply that the amounts were far far too low and they needed to be considerably increased so I ... No I haven't checked with them but I have no reason to believe that they would not support a triple rather than a double increase

MISS BUFFETT: Thank you Mr Chairman. In view of the fact that it is up to the Magistrates what they do impose, and they don't have to impose the maximum I would agree with this

MR BROWN: Mr President this is simple legislation but important and if it is the wish of the House to deal with it to finality today I would be happy to support that

MR PRESIDENT: ... thank you

MR E CHRISTIAN: If that is the wish of the House Mr President

MR PRESIDENT: Looking around I would see that it is unless somebody specifically says otherwise to me and I will proceed on that basis. Could I then ask if there is any further debate in respect of the Motion that the Bill be agreed to in principle. I put that Motion then

QUESTION PUT
AGREED

Dispense with the detail stage? Yes. Thank you

MR BROWN: Mr President such ... as necessary I move that so much of Standing Orders as is necessary be suspended to as to enable the Bill to be dealt with to finality today

MR PRESIDENT: That is agreed amongst us. Agreed thank you. Then I do now seek a final motion which would be that the Bill be agreed to

MR E CHRISTIAN: Mr President I will now move that the Bill as put forward be agreed to

MR PRESIDENT: Thank you

QUESTION PUT
AGREED

ORDERS OF THE DAY

NO 1 - EMILY AND SLAUGHTER BAYS - PROPOSAL TO CONTROL USE OF BAYS BY CERTAIN POWER AND WIND DRIVEN CRAFT ETC

We now move to Orders of the Day Honourable Members. The first one, I will just check that I have your wishes correct in this. Mr Ernie Christian has presented some detail to us and on that basis there is a proposal to discharge the Motion that is in front of us because that may well have been seen to be overtaken by the Reports that have been

presented. Is that your wish? That is agreed and that will happen thank you.

I will then move to No 2.

NO 2 - COMPENSATING DEPARTURE SCHEME

This is a Motion of Miss Buffett's and she has requested that in fact I do not call this on but I leave this until our next Sitting so that some further information might be available at that time and so I will do that.

I call Order of the Day No 3.

NO 3 -- PUBLIC SECTOR REMUNERATION TRIBUNAL BILL 1991

Mr Ernie Christian you have resumption there

MR E CHRISTIAN: Mr President this Bill has been before the Legislative Assembly since the July 1991 Sitting and I am keen to finalise it at this meeting.

Members will recall that this Bill seeks to establish a Public Sector Remuneration Tribunal to deal with general wage adjustments for public sector employees.

Since the introduction of the Bill I have had the opportunity of detailed discussions with a number of interested parties, including the Public Service Board, the officers' representative of the Public Service Board, the Hospital Board, the Tourist Bureau, the staff of the Tourist Bureau, the staff of the Hospital and Mr Fitzgibbons. I have also had correspondence from Federal authorities about the Bill.

The consultations I have had will lead me to propose some amendments to the Bill at the detail stage. For the moment, I just wish to say that nobody, during the consultation process, has expressed any doubt that the Remuneration Tribunal should be reformed on a statutory basis.

Members will remember that one element of this Bill is to "localise" the setting of pay and allowances for members of this Assembly. As I have mentioned at previous meetings, this proposal was put to the Federal Minister, because it would require amendments to the Norfolk Island Act 1979 and the Federal Remuneration Tribunal Act 1973. I am pleased to report that both the former Federal Minister Mr Simmons, and the Minister responsible for the Federal Remuneration Tribunal Senator Cook, have agreed to passage of the necessary amendments in the Federal Parliament.

I understand that the amendments are due to be introduced in the Autumn Sittings of Parliament commencing in the next few weeks.

Mr President that is all I wish to say about the Bill at the agreement in principle stage, but I will be dealing in more detail with the proposed amendments in a moment

MR PRESIDENT: Thank you. Further participation? No. Then I put the question to Members that the Bill be agreed to in principle

QUESTION PUT
AGREED

Thank you. We move to the detail stage and there are some amendments and what I would propose to do is go through clause by clause so that we might cover those that are proposed for amendment. Clause 1 of the Bill has a proposed amendment and so I will look to Mr Christian to address that

MR E CHRISTIAN:P Mr President as I foreshadow I have a number of amendments arising from the consultation process. I will explain them in the order in which they appear on the amendment sheet circulated in my name. The first amendment merely changes the short title of the Bill to reflect the current calendar year.

The second amendment arises from suggestions of both Mr Fitzgibbons and the Public Service Board. The original Bill separated the question of determining general wage adjustments on the one hand and making recommendations as to efficiency, effectiveness and accountability on the other hand. These two things were set out in separate paragraphs of clause 8 in the Bill as introduced. The point was made by Mr Fitzgibbons and by the Public Service Board that the two matters were not separate but went together. That is, the role of making recommendations as to efficiency, effectiveness and accountability was linked to the question

of general wage adjustments. For that reason the old paragraphs (1)(b) and (c) of clause 8 have been rolled together into a reframed paragraph. The third amendment likewise arises from the same sources. The suggestion was made that in theory the Tribunal need not sit at all. To avoid this rather remote responsibility clause 11 is proposed to have a new subclause (4) which requires the Tribunal to convene at least once in each twelve months in order to perform its functions. That does not of course prevent the Tribunal convening more frequently if it wishes. The fourth amendment relates to the Tribunal's power to make rules of procedure. It was thought desirable by the present Remuneration Tribunal that before making rules of procedure under clause 12 the Tribunal should endeavour to consult with employing authorities and employee representatives. This amendment makes the necessary adjustment. Finally Honourable Members the fifth amendment relates to the distribution of determinations. The existing Bill requires a determination to be provided to the Executive Member who in turn is required to lay it before this House. As well it is thought desirable to require a copy of a determination to be provided to the representative of a public sector employees affected by the determination. That would of course in most cases be the PSA representative at a Tribunal sitting. The intention is merely to ensure that Public Sector employees are fully informed about the determinations made by the Tribunal instead of having to wait for the tabling of the relevant determination in the Assembly. Mr President the only significant amendments which were proposed in the consultation process and which I have not taken up are twofold. First a suggestion was made by the Public Service Board that the Tribunal should be appropriately remunerated and the Board suggested that Sitting fees be paid. Mr President I am not taking up the suggestion because I believe it is a matter which can if desired be accommodated under the Bill as it stands. The reason I say so is that the Bill already provides for the determination of the Terms and Conditions of the Tribunals appointment. This could, if desired, allow for the payment of Sitting fees. Alternatively the situation could be left as it is and the Tribunal would act on an unpaid basis. At any event the Bill leaves it open which way to go and I would imagine it will be a matter for the next Legislative Assembly to consider whether Sitting fees should in fact be paid. No amendment to the Bill is necessary one way or the other. The other suggestion which I did not favour was the proposal that the Legislation should provide for a three member Tribunal. I think it is sufficient on this point to say that the Tribunal has been operating on a non statutory basis quite satisfactorily for some years now. I see no pressing need to change the constitution of the Tribunal and I believe that might be counter productive to do so. If in the light of experience difficulties arise then it will be an easy matter to amend the legislation at a later date, however, as I have said, no such difficulties have been apparent over recent years and I believe the one Member Tribunal has and will continue to operate satisfactorily. In case of any misunderstanding I point out that there is already provision in the Bill for an acting Member of the Tribunal in case the full Member cannot sit because of illness or incapacity or unavailability. Thank you Mr President

MR PRESIDENT: Thank you Mr Christian. That has really covered all the five amendments as you will understand. I will go through and seek your views in respect of each.

MISS BUFFETT: Thank you Mr President. I just wish to advise you that I am comfortable with all the amendments if it were to be dealt in that manner

MR BROWN: Mr President I'm comfortable with all the proposed amendments

MR BLUCHER: Mr President I'm comfortable with all the proposed amendments with the exception of clause 8 on page three. I think that in the way its written I had difficulty in understanding it and if you would like me to read it I would. And it reads "if a general adjustment is to be made to determine the amount or basis of calculation of the general adjustment and any matter relating to the implementation of a general adjustment and to make such recommendations as to efficiency effectiveness and accountability within the Public Sector as are relevant to the amount or base of calculation for the general adjustment". That leaves me a little bit confused but I had to read it a number of times to separate the wording and try and make an understanding of it so anybody else reading it would probably not have the same difficulty as I am

because I'm probably not as bright as most others but I find difficulty in just understanding and putting that paragraph together as to what it really means

MR E CHRISTIAN: Mr President I think Bill's brighter than I am but thanks for saying that Bill. All it says basically is that the Tribunal has the right to deal with matters of general adjustment of wage rates or efficiency and effectiveness and that's all it says

MR BLUCHER: Then why don't you say that

MR E CHRISTIAN: I did!

MR PRESIDENT: I'm interpreting Honourable Members that the only clause that is in contention is the Clause 8 that Mr Blucher just read am I correct in that or not?

MR BLUCHER: ... I go along with the Bill Mr President

MR PRESIDENT: What about that amendment?

MR BLUCHER: It's been explained to me and I understand that

MR PRESIDENT: Are you comfortable with that? Okay then. Well then I will put to Honourable Members that all the amendments, that is, items 1 or 5 be agreed. Those of that view?

QUESTION PUT
AGREED

That is agreed thank you. I now put to Members that the balance of the Bill in front of us, that is, the rest except those that we have amended just now be agreed

QUESTION PUT
AGREED

Fine. Well what we have now Honourable Members is the Bill with those five amendments made to it and that's the final motion that we now come to and I seek a motion now that the Bill as amended be agreed to

MR E CHRISTIAN: Mr President I move that the Bill as amended be agreed to

MR PRESIDENT: Is there any final discussion? Then I put that motion.

QUESTION PUT
AGREED

NO 5 AND NO 6

Orders of the Day Numbers 5 and 6. Mr Smith has indicated to me that he would wish me not to call those two on because of some progression within the Tourist Conference that he would like bring forward so that they could be considered also and so I will not call those two on today.

Fixing of the Next Sitting Day

Which leads us on to the Fixing of the Next Sitting Day Honourable Members

MR BLUCHER: Mr President I move that the House at its rising adjourn until Wednesday 18 March 1992 at 10.00 am

MR PRESIDENT: I will put that question. The question is that the motion be agreed to

QUESTION PUT
AGREED

ADJOURNMENT

Thank you. We now move to Adjournment

MR N CHRISTIAN: Mr President I move that we do now start home

MR ROBINSON: Mr President on behalf of my family I would like to thank both this House and our many kind friends on Norfolk for the help and support given to us during our recent loss

MR PRESIDENT: Thank you Mr Robinson. Anything further for general debate?

MISS BUFFETT: Thank you Mr President. Mr President before the next meeting of this Assembly Foundation Day will take place again and it is hoped that we will have more or less a Foundation Week extending into a few more days creating interest within the community, both culturally and sportwise as well as for the tourism aspect which is catered for particularly on Foundation Day very ably by the re-enactment that's usually handled. There will be programmes appearing in the paper and I would like to call upon the community of families and people residing in Norfolk to participate with joy on Foundation Day. It falls on a Friday, the 6th March so there's the weekend as well. I've asked so far some of the talented people in the Island if we could perhaps get together and have a lovely concert on the night of the 7th of March with the music for young and old and any participation in the concert of humour and any activities and I would like to wish everyone a very happy Foundation Weekend and Week. Thank you

MR BROWN: Mr President a year ago a Committee of the Legislative Assembly was formed to look at the question of Members of the Public Service standing for election to the Legislative Assembly. From recollection that Committee has met once in order to appoint a Chairman but has not otherwise met and the reason that it has not proceeded any further is that it wanted to wait until the report of the Public Sector Review Task Force had been completed because that report was going to look at some similar subject matter. This Assembly is rapidly coming to an end and election for the next Legislative Assembly must be held no later than May. I hope that it will be felt wise to in fact hold that election earlier than May in recognition of the difficulties that the next Assembly is going to have in forming a budget. Particularly that's the case when many of the piggy banks that had existed have actually been raided by this Assembly and there will not be any piggy banks left to be raided to save the day and consequently a space of a few weeks would be grossly inadequate for the next Assembly to get its act together but, at the same time as I'm saying I hope that it will be decided to recommend that an election be held well before May it is most important that the public Sector Review Task Force deliver its report without delay. If that report recommends that the present situation should continue and that Members of the Public Service should be able to continue to be Members of the Assembly then it is important that those Members of the Public Service know that as soon as possible. It would be unfair to allow a situation to develop where they didn't know at all whether that Task Force was going to come down saying one thing or the other and they may risk standing for election, being elected and then having to choose between remaining in the Public Service or remaining a Member of the Assembly and at the same time it is important that if the Task Force is going to recommend against the present practice continuing it do so well before the election. Even if there is not time to pass any necessary legislation before the next Assembly is elected, if a person stands knowing the recommendations of that Task Force then he cannot complain if those Task Force recommendations are subsequently implemented and he would not suffer any unfairness as a result of that so I do hope that at our next meeting that Task Force review will have been finalised and will be tabled and available for all to see

MR E CHRISTIAN: Mr President as earlier stated I will have a report to lay before this Assembly at the next meeting of the House

MR PRESIDENT: Further participation in the adjournment debate?
There being no further debate I put the question which is that the House do now adjourn

QUESTION PUT
AGREED

So therefore this House stands adjourned until Wednesday the 18th March

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1992 at 10.00 o'clock in the morning.

5.2.92

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