

MR PRESIDENT: Thank you. Honourable Members good morning we commence with the Prayer of the Legislative Assembly

Prayer

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

Welcome

MR PRESIDENT: Honourable Members good morning. I note this morning that we have three visitors in the Chamber, students from Norfolk Island who are away at school and have come to see how things progress in this Assembly, Stirling, Amanda and Lucy may I say on behalf of Members to you and welcome this morning

Condolences

MR SANDERS: Thank you Mr President. I would like to move a motion of condolence as follows - That this House notes the death of the Member for Arafura and Shadow Spokesman for Aboriginal Affairs in the Northern Territory and sends its sincere condolences to his Parliamentary colleagues and to his family and friends. Mr President the Member was Shadow Spokesman for Aboriginal Affairs in the Northern Territory Parliament. He was the Northern Territory Delegate at the recent 10th Australian and Pacific Regional Seminar in which we participated. I was the Delegate for Norfolk Island. We valued his participation in the Regional Seminar and record our appreciation of his personal contribution to an organisation of which we have membership

MR PRESIDENT: Mr Sanders thank you. Honourable Members I will put that question

MR BROWN: Mr President I had the pleasure of knowing the Member for Arafura and I was proud to call him a friend. A number of our members over the years had met him at various conferences and had always been impressed by him. He was a big man in every respect and I'm deeply saddened that he has passed away

MR PRESIDENT: Thank you Mr Brown. Honourable Members I put the question that this motion agrees to the motion of condolence before us

QUESTION PUT
AGREED

Agreed unanimously. Thank you Honourable Members

Presentation of Petitions

We move to Petitions. Are there any Petitions?

Giving of Notices

There being no Petitions we move to Notices? Are there any Notices which Members wish to give?

Questions Without Notice

Are there any Questions without notice?

MR SANDERS: I have a number of questions Mr President, the first one is to Mr Brown and the question is do you propose to make a Statement with regard to Years 11 and 12 at the school

MR BROWN: I did propose to make a brief Statement later in the meeting Mr President

MR SANDERS: A further one to Mr Brown and the question is how long a patient who has a claim against Healthcare expected to wait to have that claim resolved and (a) as this difficulty only appears to arise when a person has private health insurance is it better for the patient to cancel that private health insurance to avoid delays

MR BROWN: Mr President it is a fact that there has been a difficulty in relation to the administration of the Healthcare scheme in relation to members of the scheme who also hold private insurance and there is no doubt that it is the role of this Government to hold and to retain their private insurance as well as being members of the Healthcare fund and that private insurance provides a lot of benefits which are not provided by the Healthcare fund, for example, it enables the patient to have his own choice of doctor in the event that he is referred away from the Island, it enables him to have private hospital accommodation rather than public accommodation, it enables him to attend for treatment on the mainland without the necessity in every case of a referral under the Healthcare Act and that sort of situation could arise where a person really does want to go to the mainland and see a specialist on the mainland and doesn't want to wait for a visiting specialist to arrive in Norfolk Island but under the referral guidelines it could be the case that he simply can't be referred away under the Healthcare Act so there are all kinds of very good reasons why we need to encourage people to maintain their private cover or to take out private cover. A question of interpretation has caused difficulties in respect of Healthcare refunds for some persons on the Island who hold private health cover and that question has been the subject of many discussions between myself, the Risk Manager, the Secretary to Government, Crown Solicitor and others over the course of the last few months. The stage that has now been reached is the Crown Solicitor has advised me that the interpretation which had previously been used by those administering the scheme is in fact incorrect and that it has been incorrect since the 1st July 1991. Healthcare payments prior to that time are unaffected but in respect of the period from 1st July 1991 there will in some cases be further refunds payable to persons who hold private health cover in addition to cover under our Healthcare scheme. It's going to take some weeks to work out just what those additional refunds will be but they will be worked out and every person who is entitled to an additional cheque will receive it. I hope that answers the question

MR SANDERS: Mr President I have a question here for Mr King. It was one that I asked on the occasion of the last Sitting. I didn't get a satisfactory answer and nor did I follow up the questioning satisfactorily so I will ask the question again. Who commissioned an inquiry into costs relating to Island Industries time and motion procedures and (a) who paid for that inquiry and (b) on whose authority and (c) is some similar type of inquiry going to be undertaken for the public service and executive member's salary increases and for Foodlands etc and (d) are you proposing to introduce a Big Brother is Watching into business on Norfolk Island?

MR KING: I'm just writing down the question Mr Chairman so I can answer it more to Mr Sanders' satisfaction on this occasion. There are three parts to this question Mr Chairman. Mr Sanders has asked who commissioned a time and motion study into the pricing structure or the operation of Island Industries and who paid for such a commission. Members will be aware that some three months ago I engaged a mining engineer, a quarry consultant to come and look at the short term and long term quarrying needs for Norfolk Island, one Mr Andrew Lyall. Following Mr Lyall's departure from the Island and the completion of his task I sought some further advice from him which was given to me at no cost I might add in an effort to enter into negotiations with Island Industries on a more appropriate or acceptable pricing structure for their products. Mr Lyall's advice and presentation to me which I repeat, was given free of charge, was very helpful in that respect and I would hope that Island Industries as well found it particularly helpful for I gave them particular copies of the pricing mechanisms and formulae that were used. I personally don't intend to conduct a similar inquiry into the public service, that's a matter for Mr Brown. I don't intend to conduct a similar inquiry in the matter of Members' salaries that's a matter for Mr Bennett. I don't intend to conduct a similar inquiry into Foodlands, that is a matter, probably, for Mr Christian and his responsibility for commerce but if Mr Christian likes I have a number of prices that relate to Foodlands products spread over a number of years and if he wants to undertake that inquiry I'll helpfully give Mr Christian those figures. Mr Sanders asks whether ... what's the last part of your question Mr Sanders?

MR SANDERS: Mr President the last part was are you proposing

to introduce a Big Brother is Watching into business on Norfolk Island?

MR KING: Well I wouldn't particularly term it as a Big Brother attitude Mr President but I would in areas of my responsibility attempt to ensure that not only the public purse or the public service but also members of the community are receiving value for their money and I would undertake any enquiry or any investigation towards those ends in matters where I have executive authority

MR SANDERS: Supplementary question if I may Mr President and the question is bearing in mind that only a few meetings ago Mr King and five other Members of this Assembly made a stand on non accountability of public funds could Mr King please inform this House on what qualifications he thinks he has, particularly as a failed businessman to be doing these things

MR PRESIDENT: Mr Sanders it's not appropriate for you to be

MR KING: I take no offence Mr President. I take no offence at that

MR PRESIDENT: Yes I can understand that but Honourable Members would want me to ensure that there are proper standards set in this House and to ensure that that is pursued I would ask you to refrain from using such phrases Mr Sanders

MR SANDERS: Mr President I agree and if I have offended I apologise but I believe that it is proper that the public should be aware of those who are making these inquiries and

MR PRESIDENT: Could you continue with the question then please

MR SANDERS: That was the question

MR KING: Well if I understand the question correctly Mr President Mr Sanders is asking what qualifications I have in respect of that?

MR SANDERS: That was it in part. I asked the question bearing in mind that Mr King and five other members of this Assembly had made a stand on non accountability of public funds and I ask on that basis what qualification has he got to be making such enquires

MR KING: Thank you Mr President. Well again there are three parts to that question. I can't quite understand what Mr Sanders is driving at when he talks about me or me being among five members who have raised matters of unaccountability of public funds. If I can draw just for a moment on the Island Industries affair which Mr Sanders has raised. For many many years the public purse has simply been paying what is demanded by that particular company for their crushed rock products. I have regarded for a long time that those prices have been somewhat exorbitant. They've been clearly excessive. No-one prior to me has taken a stand in those particular areas Mr President. Now if you are dealing fairly and honestly with public funds I would suggest that the approach that I've taken meets with that requirement. Secondly in respect to my qualifications, well all I can say Mr Chairman is I've probably learnt in the school of hard knocks but if I do say so myself I don't regard myself as a bloody idiot. In respect of my failings in business, indeed, I did fail in business. But I suppose if I had of had the wherewithall to find my products on the side of the road or have the heavy thumb of a butcher then perhaps I would have succeeded

MR SANDERS: Point of Order Mr President it appears to me that there's an imputation there. I would like to clarify just one point. I certainly wasn't in a restaurant that stole booze and blamed some other person and Mr King was one of those persons

MR KING: What! I stole booze

MR PRESIDENT: Yes. I don't want to be leading into this sort of

MR KING: Sure. I think I've answered the question Mr President

MR BROWN: Mr President could I ask a Point of Order. I am extremely concerned at the reference to finding stock on the side of the road with a heavy thumb and

MR BATES: The stealing of booze

MR SANDERS: The stealing of booze was the matter of a courtcase

MR BROWN: I really would ask that that be withdrawn

MR PRESIDENT: Yes. I've got to say that I've been concerned and I was trying to come to grips with that and I didn't really come to grips with it in a way that provided an answer. If in fact that was intended to have some imputation towards another member I would need to ask you to withdraw that Mr King

MR KING: I withdraw it Mr President

MR PRESIDENT: Now there'll be no more of that thank you Honourable Members. Have we got some clean questions then come forward please

MR ROBINSON: Thank you Mr President. My questions are addressed to Mr Bennett at this stage. Are you satisfied with the quality of the new phone book

MR BENNETT: Mr President as far as a phone book goes for directing my attention to people I want to ring up yes I don't have any difficulties with that at all. I am aware that in recent days a letter was written by one of the unsuccessful tenderers making certain comments about the quality of the telephone book and raising some questions about possible deviations from the tender process. That letter was sent to the Chief Administrative Officer and I haven't had a response from that, I'll be watching the outcome of that

MR ROBINSON: I see. So you weren't aware that the paper used did not meet specifications and consequently was unfair to the other tenderers?

MR BENNETT: Mr President I daresay that none of the members sitting around here would have understood the difference between 70 gram and 80 gram paper and that was one of the accusations. I certainly didn't and I make no bones about it. I also point out that the Government's role in this, or the Assembly's role is in the tender process, we agreed the tender and the public service took it from there. We don't follow that closely. If there's a problem that arises from it I'll certainly deal with it

MR ROBINSON: Well perhaps when you've had a reply from the CAO over that letter I can ask you some more questions but this is the first time I've asked you of this question but I've asked several times of previous Ministers, are the volunteers who man the Government launches in an emergency covered by insurance

MR BENNETT: Mr President that question should be directed at Ernie Christian

MR CHRISTIAN: Mr President, yes, I checked on this previously. I can't remember the exact reply but in essence, yes they are covered

MR ROBINSON: Could you please check up and make doubly sure on that for us

MR CHRISTIAN: I'll undertake to do that Mr President

MR SANDERS: I have a further question for Mr King if I may Mr President and the question is are you able to advise this House as to what taxes you propose to increase to enable the executives of this Assembly to increase their salaries

MR KING: Again, that is not a matter for my executive responsibility. If it were Mr Buffett I wouldn't be proposing any such thing

MR BATES: Mr President my first question is to Mr Brown, the Minister responsible for radio and television. In view of rumours circulating about the future of television when the present satellite reaches the end of its life supposedly next year could the Minister inform the House of the present situation, or the situation in the future

MR BROWN: Thank you Mr President. Mr Bates was kind enough to call me in relation to this matter late last week and I have the opportunity to make enquiries. I am advised that the reception of the television will not suffer as a result of the satellite coming to the end of its life and that in fact it is likely that the quality of the reception will improve by perhaps as much as 20%. That is the most recent information that I have available and I would like to thank Ron Becket for the work that he did in obtaining that. He had considerable discussions with technicians at the ABC in order to ensure that the information was in fact correct. It's obviously something we will need to continue to monitor though as it has been the subject of some concern

MR BATES: I thank Mr Brown for that Mr President. I have another question for him - at the July meeting of this House you agreed to make enquiries of the Mosman City Council as to the support staff provided to the Mayor and Aldermen, the level of their responsibilities and the time involved in council matters so that we could put in proper context certain assumptions you made. Have you made those enquiries and have you any information for us as a result?

MR BROWN: Mr President, no, I've not made those enquiries. Members may recall that there were certain changes which occurred at the July meeting and one of those changes was that I ceased to be the President of the House and Mr Bennett has had the carriage of the question of Members salaries. I must say I've done no further work on that question since

MR BATES: Another question for Mr Brown. As Minister for Health, in May you informed this House that you had engaged Mr Neil Summerson of Ernst and Young's Brisbane office to carry out an audit for review of the Hospital. could you inform this House what were the terms of reference or conditions of the engagement

MR BROWN: Mr President there was as at the time when I took over the executive responsibility for health considerable concern as to the accounting and accounting systems at the hospital. It's very hard for staff to do a good job if they don't have the right systems there to do it within. Difficulties had certainly been experienced over the course of the previous few years with welding the Healthcare scheme into the Hospital accounting and that's what had had to be done. At one stage it was attempted to have the accounting done here at Kingston and that didn't work and it was sent back to the Hospital. I engaged Ernst and Young to provide me with advise with the Hospital and Healthcare accounting system with the intention that they would assist to set up a new workable but affordable system. I've had a number of discussions with Ernst and Young both when they were in Norfolk Island during May and since. The discussions since have occurred by telephone and on a number of occasions in person when I've been in Brisbane. The stage that has been reached is I have a preliminary report from Ernst and Young which I intend to discuss with them when I'm next in Brisbane. Their recommendations are basically in line with the recommendations of the Salmond report in relation to the Hospital and with the recommendations of the Risk Manager, that is the Administrations Risk Manager in respect of changes to the Healthcare scheme and that's the present position

MR BATES: Yes, thank you Mr President. A further question for Mr Brown and his responsibility for employment. From evidence given at a recent sitting of the employment tribunal it appeared that a certain employer was using a fixed weekly wage as a means of overcoming some of its responsibilities to its employees under the Employment Act. Is the Minister satisfied that there is no breach of the Employment Act through such practice and what does he intend to do to protect the employees from such tactics in the future

MR BROWN: Mr President I'm not sure of the case to which Mr Bates refers but it may be that he, well, I'm not sure of the case to which he refers. If he'd like to point it to me I would be happy to look

at it

MR BATES: It happened last week

MR BROWN: Yes, I would be happy to look at it Mr President

MR BATES: I have a question for Mr Bennett the Minister for Finance. From evidence given at a recent sitting of the Employment Tribunal it appears that a certain employer was using a fixed weekly wage as a means of overcoming some of its responsibilities to its employees under the Employment Act. Is the Minister satisfied that there is no breach of the Employment Act through such practices and is he satisfied that there is no avoidance of the employment levy under those circumstances?

MR BENNETT: An extension of the same question I think. Insofar as the question relates to the administration or the responsibility for the Employment Act that's for Mr Brown. My role comes in simply as the keeper of the public purse and if I had any ideas that any of the fundraising or levy arrangements we've got were being shortchanged in any way I would certainly be concerned. In the particular case you've referred to I'm not fully aware of the details but I would be happy to take it up as Finance Minister to the extent that it covers a possibility of us missing out on any revenue and I would do the same for any part of the revenue raising arrangement

MR BROWN: Mr President I may be able to help Mr Bates to some extent. I think he is talking of the situation which occurs when an employer employs a person in the hospitality, or it occurs particularly in the hospitality industry but it may well occur in other industries, it could for example occur in a seven day a week business, and there is a practice of which I'm aware of engaging people at a particular rate. Instead of engaging them at a lower rate and then paying penalty rates it is quite proper in my view for them to be engaged at a higher rate and for the agreement that is reached to state that you will be paid this many dollars per hour for the purpose of compliance with the Employment legislation a certain number of dollars is your basic rate and the excess is accrued towards your penalty rates. I don't believe there's any difficulty with that but if Mr Bates has a particular difficulty with it and he would like to talk to me about it I would be happy to talk to him

MR BATES: Yes, I have one final question to Mr Bennett the Minister for Finance. Questions are being asked in the community

MR PRESIDENT: Just a minute, was this in connection with the matter that we were just talking about?

MR KING: Mine was a supplementary question Mr President

MR PRESIDENT: Yes, maybe we could attend to that Mr Bates before I call you again

MR KING: Well I wonder whether the Minister would care to inform himself on the requirements of subsection 15(3) of the Employment Act at a later time and he will find that that is a provision that deals with excess hours by written agreement of both parties

MR PRESIDENT: Were there any other supplementary questions in respect of that matter? No. Mr Bates

MR BATES: Yes, I have one final question to Mr Bennett the Minister for Finance. Questions are being asked in the community about the future of what is commonly referred to as the DCA houses. Bearing in mind the potential for revenue and the loss of revenue while they remain vacant could the Minister inform the House what is intended for these Houses?

MR BENNETT: Thank you Mr President. As Members will be aware there are I think nine houses in the DCA area three of which are occupied by the Met staff and there are six that are available to the Norfolk Island Administration. Mr President yes I too have been concerned that these houses have remained idle for a while. There is an explanation in respect to some of them and that's there's a slight complication that occurred in the hand over of the houses by CAA to the Administration that perhaps delayed the conclusion of it. If I could... I do have a couple of notes on it.. at present five of the houses are

vacant. Two of those have only recently been vacated and the keys for those two houses were held by the remaining CAA officer here, Mr Whysell, and my understanding is that they were not to be handed over until such time as an arrangement had been made about the furniture in the Houses and the arrangement was either we made an offer for them or say to the CAA no we didn't want the furniture and for them to remove and dispose of them. The advise I've received from the public service is that the remaining three will accommodate arrangements that are underway right now, one to relocate I think the Curator and a couple of the others that have got seconded officers either under way or imminent. As soon as the two that are held up with the furniture problem are released and passed over to us the arrangements are that they will be immediately let to interested parties. My understanding is that there are parties interested in them and we don't expect a problem in that respect. I did say in a memo just in the last day or two that if the commercial rates that we might have been aiming for were not obtainable then I would be happy to accept a lower rate under the condition that the tenants do the grounds and garden maintenance of it just to ensure that the houses are occupied and that they don't remain idle any longer and I would hope that at the next sitting of the House that question arises again and I would be able to say to you they are all full

MR SEMPLE: Thank you Mr President. A question here for Mr Christian. Would the Minister look into the matter of disposal of empty drums and containers having contained herbicides, pesticides and other toxic materials. Are these containers dumped into the sea where a potential threat to marine life could exist or are they buried where underground water supplies could be threatened and could you give consideration to establishing a central collection depot where all old and leaving or empty drums could be gathered and stored until such times as a satisfactory disposal method could be devised

MR CHRISTIAN: Mr President I am aware that there is quite a problem caused with the disposal of these used receptacles and there is a study being done now and some work being put into place to arrange a collection point and a proper disposal method for these things

MR SEMPLE: Thank you Mr President. I have a short question here for Mr Brown. When an executive member is unavailable during the working day whether he be off the Island or for any other reason is it inappropriate for another member to phone him out of hours to discuss specific Assembly matters which may have suddenly arisen

MR BROWN: I'm not sure of just what Mr Semple is getting at with the question. If he's asking whether he can ring me after five

MR SEMPLE: Yes, that's basically

MR BROWN: I don't particularly mind if he rings me after five

MR SEMPLE: Thank you. A question for Mr Bennett. For quite some time now the old D8 bulldozer which played a vital role in the original construction of the airstrip has been lying in the open just to the left of the road going towards the Met office. Is it intended to do anything with this bulldozer or is it just going to end up its days rusting away beneath the gum trees

MR BENNETT: Mr President the D8 is surplus to requirements around there and for it, if it ever became necessary for us to want to use it we would have to spend a fair bit of money on it. Yes I am aware that it currently is under the trees down the back. It's a shame in a way to see something which is perhaps an historic item rather than being of very much commercial use just rusting away. In an informal discussion recently it was suggested that maybe we could encourage, or the suggestion was that maybe enthusiasts could be encouraged to do the thing up and it become a showpiece adjacent to the airport terminal sort of thing. It's role was, as you will be aware, a very important role in the construction of the airport many years ago and it's got quite an interesting history. I'm certainly prepared to look at it. I can't guarantee that any Government money can go into the maintenance of it at this time, we're a little bit tight at the moment but I'll certainly follow it up

MR SEMPLE: Thank you Mr President, one final question of Mr King. In the interests of public safety I believe gates have been placed across the road down near the old whaling station. What are the hours that these gates are locked and unlocked and how is this going to affect locals who may wish to fish from the pier at night or indeed any locals who may arrive back late from fishing at sea and find these gates locked?

MR KING: Mr President there's no intention to lock those gates. Those gates are simply an attempt to caution people against moving into that area because of the safety risk factor in respect to the falling rocks so they won't be locked at any time. People will be asked to close them after them, there will be if there is not already clear signs placed on the gates and the adjacent area warning people of the risk that they will encounter if they move into that area

MR ROBINSON: Thank you Mr President I have three questions, once again one addressed to Mr Brown. Would you have any idea how much time the students at the school actually spend on reading writing and arithmetic? It seems to me that the students spend their time doing everything else but the three R's, can we do something about it?

MR BROWN: I'll need to investigate that question Mr President. I'm sorry, I don't have an answer for that

MR ROBINSON: Thank you. I have another one for Mr Brown. Are solicitors on Norfolk Island answerable to any form of association or professional body? If not what can be done to protect the public of Norfolk Island from unethical practices by solicitors

MR BROWN: Mr President members will be aware that the bill entitled the Legal Practitioners Bill is before the House at the moment. That bill has been tabled and it is now at the stage of public comment. Yesterday Mr Justice Morling, the Chief Judge of our court made time available to speak with me in relation to it and I've now had the opportunity to speak to a large number of the legal practitioners that come to Norfolk Island from time to time. There is still some discussions to be had but I do hope that the Bill will be in a position to proceed at our October meeting. The position then will be that for a person to practice as a solicitor in Norfolk Island he will need to be admitted under the provisions of that legislation and there will be trust account requirements and there will be a provision for discipline in the event of complaints. That's not to say that any people practising here now are totally beyond that. The Supreme Court of Norfolk Island obviously has an inherent jurisdiction to investigate the activities of solicitors and insofar as I am aware, all of the solicitors who practice here from time to time are members of, or are admitted in one or other of the Australian States or Territories and are generally members of the Law Societies or Bar Associations of those States and Territories. That's not necessarily the case, for example, this year I have chosen not to renew my practising certificate in New South Wales but under the provisions of the Judiciary Ordinance, if I wished to practice in Norfolk Island I am still entitled to by virtue of the provisions of section 55 of that Act

MR ROBINSON: One last question and it's to Mr King. What has been done about the extremely urgent bank removal at the pedestrian crossing at the school?

MR KING: Mr President that work has been authorised to take place and investigations into the effect of surrounding trees and the like have been completed, the matter has been costed, I think the matter sits on my desk now to give the Works Manager final authorisation to proceed with the works. It is expected that the works will take place during the imminent school holiday period

MR SANDERS: Thank you Mr President, I have a number of questions still to ask if I may. I have a few here for

MR PRESIDENT: Are they lengthy?

MR SANDERS: Only one of them

MR PRESIDENT: Another five minutes. Fine. Is that agreed that we extend by five minutes? Thank you

MR SANDERS: The first question for Mr Christian. Do you propose to make a statement concerning the recent round up with the stock and the visiting vets?

MR CHRISTIAN: Mr President I don't intend to make a statement at this stage. I'm waiting for the vets report at which time I will make a statement

MR SANDERS: Thank you and a further question to Mr Christian if I may Mr President, and that is, bearing in mind we employed an engineer some six or so months ago to do the codes in relation to the Environmental Act could Mr Christian tell us at what stage they are at and when we can expect them to be completed?

MR CHRISTIAN: Mr President to my knowledge we didn't employ an engineer as such but we employed a Special Projects Officer to work on these codes. He's already done considerable work on the whole lot, some twenty to twentytwo of them which were submitted to our legal draftsman and they've gone back to the SPOTS man for further alteration. On checking yesterday they should all be through within the next two to three weeks

MR SANDERS: Thank you. A further question for Mr Christian. Has consideration been given aimed at ensuring that persons coming to live in Norfolk Island are able to support themselves sufficiently to ensure that they do not need to seek the benefit of Social Welfare from the public of Norfolk Island until they have lived in Norfolk Island for at least ten years since their most recent arrival?

MR CHRISTIAN: Yes Mr President careful attention is paid to that fact

MR SANDERS: A matter in relation to immigration and the question is how many compensating departures have you approved in the life of this Assembly and would you advise this House as to what procedures you followed to (a) verify trading statements (b) value of substantial asset on Norfolk Island and (c) how was that figure arrived at and (d) have both departing persons agreed to depart or have you left the arrangement whereby one spouse can return back to Norfolk Island bringing the other spouse back that has signed, with them as you have not got the authority to divide a marriage

MR CHRISTIAN: Mr President I'll take all those on notice

MR SANDERS: Could I ask Mr Christian if he would be prepared to reply to all of those at the next sitting

MR CHRISTIAN: Mr President at this stage, I possibly won't be at the next sitting, I will reply at the first possible opportunity that I can get

MR PRESIDENT: Time for Questions Without Notice, yes Mr Sanders

MR SANDERS: I have just a further question for Mr Bennett, would you like me to move that the time be extended by five minutes

MR PRESIDENT: If this is the last that's fine, let's get on with it

MR SANDERS: Okay, I've asked this question before, perhaps Mr Bennett is more able to reply to me today. At a meeting of this House on the 16th July this year you produced a facsimile from OTC in relation to an ISD telephone call you claimed to have made to a gentleman at Qantas in New Zealand. Did you obtain that facsimile as a member of the public, a member of the Legislative Assembly or as a Minister?

MR BENNETT: Thank you Mr President. Mr Sanders indeed asked that question at the last meeting and I attempted to answer it as best I could at that time I was not aware and I still am not aware at the moment I picked up the telephone to call Telecom about it whether I was sitting in the chair as a Minister of the Government or whatever however, as Mr Sanders is now aware I was required to confirm that conversation. At the time I wasn't sure whether that letter was signed as Geoff Bennett, Geoff Bennett Executive Member or Geoff Bennett Minister for Finance because

they are three signatures that I do use on the letters. That letter was in the file, I didn't have it with me. As Mr Sanders will see, that letter was written by me as an Executive Member but in the context of the question I think that it was important for me to re-emphasise that I did not use my authority as a Minister in the context that I thought Mr Sanders was driving at, that is, that I had sort of coerced somebody to give me that information. I simply asked the question, as it turns out, the letter that confirmed my telephone conversation to Telecom about the possibility of tracing was written by me as an executive member but to this day I cannot tell you when I picked up the phone and asked the question, what the heck I was

MR SANDERS: Mr President, if I may there's two important issues here. One is if it was done as a private individual

MR PRESIDENT: Yes. Mr Sanders it is question time. Do you have questions?

MR SANDERS: Yes. I will continue that one and a further supplementary question is as it was signed as an executive member could you please explain what of your ministerial duties you were fulfilling in making the alleged telephone call and in seeking the facsimile from OTC and if you have difficulty in doing so, would you now acknowledge that you were in fact pursuing a throat cutting exercise and not the duties of a Minister

MR BENNETT: Mr President that's alot of nonsense. Mr Sanders would be aware that the evening prior to that I was made aware by I think it was Mr Horton who had spoken to John Brown and said that I had not made that phone call. Now I was aware that that was happening so it wasn't me that was doing the throatcutting. The cutting of the throat was coming the other way. I was simply preparing myself to make sure that there was no misunderstanding in what I said, that I had made that phone call, so I went about it doing it this way and I don't know to what extent my ministerial responsibilities are split to make me able to say to you I made it in the context of this or that. I mean I was the Minister

MR SANDERS: One way or the other it was in breach

MR BENNETT: If it was in breach

MR SANDERS: Mr President a further question if I may and the question is would he pleased inform this House the text of that call that has been so important?

MR BENNETT: Oh goodness gracious me, Mr President there was a suggestion in the last meeting and again now that privacy arrangements might have been breached and if Mr Sanders was saying what about if I was a private person. I did alot of checking up with the Crown Solicitor and he has been unable to discover any Commonwealth or Territory legislation which in any way leads him to conclude the request for the provision of the information was contrary to law, whether the request was made as a Minister responsible for Telecom or as a private citizen and I think the important thing was that there could never have been any basis for suggestion of impropriety because the call I made myself, I mean it wasn't somebody else's call

MR PRESIDENT: Yes. Any further supplementaries Mr Sanders

MR SANDERS: Yes, I asked if Mr Bennett could inform this House as to the text of that call seeing as it was an important issue

MR BENNETT: Mr President I didn't record that telephone call, I don't record telephone calls and I'm not even sure whether Telecom could give me the text of that but you know, no, I don't think, sorry

MR SANDERS: Mr President I'm concerned that the whole system seems to be thoroughly abused

MR PRESIDENT: Mr Sanders if you have a supplementary by all means raise it

MR BENNETT: Mr President I

MR SANDERS: I think Mr President

MR PRESIDENT: Order Order Mr Sanders. If you have a supplementary by all means raise it but it is not appropriate to debate the matter

MR SANDERS: Mr President I'll leave it for today and I will prepare some more questions on the same subject for the next meeting

MR BENNETT: Mr President I just want to respond to one part, a rather important

MR PRESIDENT: Is it responding to a supplementary

MR BENNETT: It is responding to it and this it to re-emphasise the point to Mr Sanders that it appears that anybody can make the enquiry because there doesn't seem to be any provision in the Act to prevent

MR SANDERS: Point of Order Mr President. I consider this to be a debate. If Mr Bennett is permitted to debate it then I feel that I should be able to too

MR BENNETT: Alright. Well

MR SANDERS: If Mr Bennett is able to debate it I feel that I should be able to too

MR PRESIDENT: I have interpreted - and I particularly asked him when he commenced Mr Sanders, whether he was responding to a supplementary question that you've raised and I received his assurance that that was the case

MR SANDERS: It didn't sound so to me

MR PRESIDENT: And that was the context in which it is being heard by the House. That matter is concluded then Honourable Members we will move on to the next

Questions on Notice

MR PRESIDENT: Are there any answers to Questions on Notice? There is a Question on Notice No 2 is that to be handled this morning?

MR BENNETT: Yes Mr President at the last meeting on the Notice Paper was a question from Mr Bates and it related to certain court cases involving John Brown versing the Administration and some members of the Fifth Legislative Assembly. Members will recall I chose at the time not to respond to the question, firstly because the Finance Manager was away and I was uncertain of the accuracy of some of the figures and secondly that John Brown himself wasn't here and I thought it seemed inappropriate to answer at that time. Mr President the question is in four parts and I will read each part and give you an answer to each part. The first part of the question is who bore the costs of the Administration and Assembly members and how much was it? Mr President there were three court cases involving the Administration, Mr Brown and other Assembly Members. The first and second cases were heard together in the Supreme Court of Norfolk Island and the third, which was an appeal by Mr Brown from the judgement in the first and second cases was heard in the full court of the Federal Court. The Norfolk Island Government bore all the parties costs in the first and second case and all the respondents costs but not the appellants costs in the third case. Subject to checking by the Finance Manager which I was able to do in these last few days the first and second case cost the Government \$50,055.94. Mr President in relation to the third case in out of pocket expenses the Norfolk Island Government has spent \$41,574.58 and professional charges are estimated to be in the order of \$10,000 in addition to that figure. Mr President the second part of the question was, was the Government or Administration entitled to recover any of the costs as a result of any court decisions and if so, from whom and how much? Yes, Mr President in the third case there was an order for costs in favour of all the respondents against the appellant Mr Brown. That

entitles the respondents to recover their party and party costs from the appellant which are expected to be in the order of \$50,000. If the parties cannot agree on the amount of costs payable they must be taxed in the Federal Court, that means, Bills of Costs must be filed in the Court, the Taxing Officer will then hear the arguments on the costs claimed and decide then how much is reasonably and properly payable by Mr Brown. The third part of the question is have any recoverable costs been recovered and in the event there are amounts outstanding, what is the Minister doing about recovering them? Mr President I am unable to do anything personally about recovering the costs. The Crown Solicitor is taking the appropriate action to recover them and as this remains a litigious matter it would be improper for me to comment any further and the fourth part, given that the recoverable amounts are recovered would the Minister estimate the nett amount remaining a cost to the public purse? Mr President the answer to that is about \$50,000

MR ROBINSON: Thank you Mr President. Having regard to the fact

MR PRESIDENT: This is a supplementary question?

MR ROBINSON: Yes. Having regard to the fact that at the time the payments made to those members of this House were illegal what was done to get those people to pay their own legal costs?

MR BENNETT: Mr President my understanding was, and I don't have the full details with me, but my understanding was at that time that an agreement was made that the costs for each of the respondents would be indemnified by the Norfolk Island Government and these costs were paid by the Administration, an arrangement apparently made and entered into

MR ROBINSON: As no Bill of Costs has been provided you really can't discuss too much else about the case then can you

MR BENNETT: Well exactly. It is still a litigious matter as I said

MR SANDERS: Mr President if I may, a supplementary question, if it was agreed that some members of that Assembly, bearing in mind that it was a case which was in the public interest if some members are being paid for out of public funds wouldn't it be discriminatory to suggest that some should be and some shouldn't be

MR BENNETT: Mr Sanders in the case of the first and second court cases all costs including Mr Brown's I understand were paid but it is the appeal case that is the one that's left and it was that appeal, or should I say that was an appeal by Mr Brown against the judgement and as I understand the others were prepared to accept the umpires decision, Mr Brown chose not to accept that an appeal and at that point the nature of the game changed as I understand it

MR SANDERS: Could Mr Bennett confirm that the Judges ruling was that those members did not cease to be members of this Legislative Assembly but they in fact should not have been paid and the question is has those wages been refunded to the public purse

MR BENNETT: Mr President I don't know the detail to the first part but I do know that some validating legislation has been passed and is already in that validates that arrangement and it deals with the question of repayment. That happened in the last Assembly

MR SANDERS: Mr President another supplementary question. Could Mr Bennett perhaps confirm that that validating piece of legislation that has passed in the House in Australia that referred to travel allowance and did not refer to wages so in actual fact that is still outstanding

MR BENNETT: Look I'm not certain of that but Mr Robinson appears to have a copy of it, I don't have it here

MR SANDERS: Mr President as it relates to the same question would it be appropriate to ask Mr Brown to comment on this question as it concerns us all

MR PRESIDENT: If Mr Brown wants to raise a supplementary question he is at liberty to do so. May I just say this Honourable Members the question that is on the Notice Paper is talking about costs. We are starting to enter into the case of debating the particular merits or otherwise of the substance of the case and in fact what we are talking about here is costs in respect of these matters that have been before the Court

MR SANDERS: Perhaps Mr President as Mr Brown is the person involved rather than debating the issue by all of us could he perhaps clarify it as it stands in his eyes

MR PRESIDENT: You have a supplementary question Mr Brown?

MR BROWN: Mr President could I just say that Mr Bennett was quite right when he said that the matter is far from over. That being the situation it really is not appropriate that I comment. There are certainly a number of things I would love to say but I don't think it's appropriate that I do say them

MR SANDERS: On that basis Mr President is it perhaps wise that we did the same and shutup

MR PRESIDENT: Well I have endeavoured to draw your attention to the fact that this is in relation to the costs and trying to draw you away from the matter of the substance of the case that might have been heard

MR SANDERS: As Mr Brown said that the matter is not over perhaps it should not be a matter of debate at this stage

MR PRESIDENT: The matter of keeping quiet is quite available to all of you Honourable Members. The matter of Questions on Notice has been handled then Honourable Members. Next on our programme are Presentation of Papers

Papers

MR PRESIDENT: Papers. Are there any papers to be presented?

MR KING: Mr President I lay before the House the tourist arrival figures for August 1992 and move that the Paper be noted

MR PRESIDENT: The question is that the Paper be noted

MR KING: Mr President there are some worthwhile observations that could be made in respect of the August figures. The normal thing to do on a monthly basis is to refer to what happened in the previous, in the same month of the previous year and by comparison with August 1991 we find that there has almost been a 37% increase in tourist numbers out of Australia. Unfortunately but a little better than in most recent months, an increase of almost 3% out of Auckland. That's far from satisfactory in my view and there's still allot of work to be done in the restoration of numbers out of New Zealand and in talking to the Chairman of the tourist bureau yesterday there is an apparent agreement among the Bureau that there ought to be some attention directed to that area. The overall result is a little in excess of 20% increase in the August figures for 1991 so a little bit better than the June and July months. Another point to be made which may be very interesting for Members to know is the loading factor out of Australia and I'm sure that Ansett Express will be very pleased to record some 96% loading factor out of Australia during August. Thank you very much

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

QUESTION PUT
AGREED

The ayes have it thank you. Any further Papers?

MR BENNETT: Mr President I table the Financial Indicators for the month of August and those include also the first two months of the financial year and I move that that Paper be noted

MR PRESIDENT: The question is that the Paper be noted

MR BENNETT: Mr President I have circulated that to Members and I think that whilst I haven't received any comment from individual members I think you probably all share with me some early concerns about the way that particularly revenue is heading. It's by no means time to panic but over the next few days we'll be looking at a couple of areas and just identifying some of the particular items that traditionally are low in the first few months of the financial year and pick up in the second half just so that I am doubly sure before starting to tighten things up a bit. The noticeable decreases are, or the noticeable shortfalls are customs duty and this could well be as a result of a ship arriving a few days after the end of the month or whatever. That fact I wasn't able to check out this morning before coming here. The other major shortfalls appear to be in the Financial Institutions Levy there's a shortfall of some \$40,000 odd from what we expected. Now that could be as a result of a very poor July in terms of visitor numbers but picked up again by quite strong August figures. The Liquor Bond is quite a way below expectations and I'll be looking at that as well. I think that there's a possibility that the very poor July tourist figures may have contributed to that. It's easy to look at those figures and be complaisant and say of well revenue's down 12% but expenditure's down 17% so we're okay but that isn't the case. Expenditure is really being committed and whilst there is an opportunity as we go through to pare back on some expenditure I think that we should be looking at these figures quite separately and I would say oh yes, it's about right, it'll be okay. I don't intend to take that attitude. I intend to monitor the situation very closely and particularly the key revenue raising items, such as financial institutions levy, departure fees, customs duty and some of the earnings from the undertakings. With the exception of the Liquor Bond all the other business undertakings are performing to schedule so that raises with me the question that perhaps some of the others are biased by the fact that it's the first two months of the year because it would follow that if everything had gone soft at the returns in the business undertakings would be likely soft or softly as such. Mr President just finally I compared the figures with the first two months of last year and of course, it's difficult to make a comparison. Things look pretty strong at the end of August last year but I haven't been able to accurately check just what the situation was in terms of ships arriving, tourist arrivals and the like but I just in closing say that if I've been a little bit tight fisted thus far I can assure you, and particularly the executive members that I will be closing the fist a little tighter as we go along, not in panic but just to make sure that we don't commit ourselves to additional expenditure that we may not have the funds to commit. We'll be looking at additional expenditure items in the context of being able to use funds that have already been committed in some votes thank you

MR PRESIDENT: Any further participation? The question is that that the Paper be noted

QUESTION PUT
AGREED

The ayes have it thank you. Any further Papers?

MR KING: Mr President I lay before the House in terms of sections 18 and 19 of the Norfolk Island Government Tourist Bureau Act the financial statements and the audit reports for the years ending 30 June 1990 and the 30 June 1991 and the financial statements only for the year ending 30 June 1992 and I move that those papers be noted

MR PRESIDENT: The question is that the Papers be noted

MR KING: Mr President that brings up to date the fulfilment of the statutory requirements of the particular Act. It remains only to table when available the audit report for the 30 June 1992. That has not yet been completed. It is in train and I don't have a schedule of when I might expect to receive that but in proper observance of the requirements of the Act that will be tabled as soon as I do receive it. In respect of the audit reports for the years ended June 1990 and 1991 which Members will understand take in the period commencing 1 July 1989 are in fact qualified statements. They do reflect

shortcomings in the internal controls and matters of procedures in respect of the Tourist Bureau. They bring out those points in a manner considerably different to the manner in which they were brought out by Ernst and Young in relation to the recent report but nevertheless they have been brought out and the result is that they are qualified auditors reports. I understand that matters of procedure and internal controls at the Bureau have been addressed by the Bureau, or by the Board of the bureau and those things have been considerably tightened up and I would be looking for a more favourable audit reports in the future, thank you

MR SANDERS: Mr President if I may, these reports are fairly thin in nature perhaps I could request Mr King that all members have a copy of them

MR KING: Yes I don't mind that. The facility is open to Mr Sanders of course to move the adjournment of this debate Mr President and in the meantime I'm quite happy to get copies of those from the Clerk and I presume

MR PRESIDENT: May I point out that Mr King has tabled those documents and therefore they are available to all Members and if the Members wish to ask the Clerk for copies they are certainly available

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

QUESTION PUT
AGREED

The ayes have it. Are there any further Papers?

Statements

MR PRESIDENT: We move then to Statements. Are there any Statements?

MR SANDERS: Just one very brief one if I may by leave Mr President and that is just to advise this House and the public that I was the delegate for the recent 10th Australian and Pacific Regional Seminar in Port Moresby and Hobart and the purpose of this statement is to advise Members of the Public that it was not out of the public purse, I paid my own way thank you

MR PRESIDENT: Thank you Mr Sanders. Any further Statements this morning?

MR CHRISTIAN: Mr President I wish to make a statement relating to Immigration policy. At the August sitting of this House I proposed that at this meeting I would bring forward, for the consideration of members, a revised version of the Immigration policy guide. The guide would incorporate the recently adopted method of administering the Compensating Departure Scheme and temporary entry permit applications. I have abandoned this in favour of three motions. I have before the House today. This Motion will give members an opportunity to debate the recommendations of the Immigration Review Group. Thank you Mr President

MR CHRISTIAN: Mr President I also wish to make a statement about the installation of gas appliances. I lay on the table of the House a draft code for the installation of gas appliances. This code has been prepared in response to recent difficulties over the installation of such appliances. In particular, there is at present no regulatory mechanism in Norfolk Island with respect to gas appliances. The draft code is tabled for the purposes of public information, and for public comment. I would particularly like to hear from those involved in the gas fitting and related trades. Copies of the draft code may be obtained from the Clerk to the Legislative Assembly. The draft code is framed as being a code under the Environment Act 1990. However, because the code - which I received from the public service late last week - includes substantive provisions which would be more appropriate in an Act, I propose to progress the matter by incorporating the contents of the draft code in a piece of legislation comparable to the Electricity (Licensing and Registration) Act 1985, and Regulations. In fact, in his minute to me of 16 September 1992, the Special Projects Officer (Technical Services) states that he has based the draft code on that very Act. The technical

manner of progressing this issue need not detain us. Whether the draft should be embodied in a code, or whether it should be included in its own Act, I intend to introduce at the next sitting of the House the required document. For the present, however, what I would appreciate from the community is comment on the technical issues specified in the draft code.

I hope that those interested in this issue will take the time to come to grips with the matter, and will be able to respond to me within in the next three weeks or so and I table the draft Installation Codes, thank you Mr President

MR PRESIDENT: Thank you Mr Christian. Any further Statements?

MR BROWN: Mr President late August I received a letter from some of the parents of children enrolled in Year 11 at the Norfolk Island Central School in which objection was raised to the payment of school fees in respect of years 11 and 12. A copy of that letter was circulated to most Members and Members will have seen that it's language was somewhat intemperate and some of its allegations were somewhat inaccurate. For example it suggested that the Assembly's 1992/93 budget anticipated a surplus of almost a million dollars. The surplus was actually about \$3,100. It suggested that no fee had been mentioned when the matter was discussed last year but several of the parents have since acknowledged that a figure of \$1000 per term was in fact agreed on. The letter suggested that my actions in ensuring that accounts were sent to parents for those fees were both hasty and ill informed. The fact is that the matter was discussed at length in this House in May and June last year and a meeting with representatives of the parents was held in the Courtroom downstairs in this building at about the same time. I've spoken separately with a number of the Members who attended that meeting and they were in no doubt as to what had occurred. Since the election of this Sixth Legislative Assembly I've sought legal advice to ensure that the fees can be legally charged and I've sought the views of members as to whether they wish the fees to be charged. I've then acted to ensure that the fees have been charged. Year 11 in this calendar year will cost about \$100,000. There are far fewer students than were expected and as a result the total receipts for the calendar year will be unlikely to exceed \$28,000. At the time that agreement was made to introduce years 11 and 12 Mr President said in the House that the cost in the first year would be about \$50,000 of which \$40,000 would be paid by the parents. Now the \$50,000 was an error which arose from talking of the remainder of the financial year to the 30th June rather than for the full calendar year. The \$40,000 figure on the other hand related to the full calendar year. I don't say that by way of criticism of Mr President I say it so that people will understand that it really was only intended that \$40,000 in this year would be paid by the parents towards what would in fact be a cost of \$100,000 and that has been around about the actual cost. On the basis of that mistake some members may have voted in the expectation that the parents would be contributing 80% of the costs. The reality is that on the anticipated numbers for Year 11 this year the parents would have been paying about 40% of the costs and then next year when Year 12 commenced it could well have been expected that the percentage being paid by parents would have increased because of the fact that there would have been more students. It was anticipated that the \$100,000 per year figure would have increased to \$150,000 per year as a result of the necessity to bring in a third teacher once Year 12 had commenced. As a result of the letter I've now met with each of the parents of students enrolled in Year 11 and I'll be responding to their letter shortly. But I should say that I'm very disturbed that they are suggesting, and they are doing this as far away as the corridors of Canberra that there has been no agreement as to financial participation by parents. The motion which was introduced into the House on the 22 May last year was as follows - I move that this House endorses the establishment of Years 11 and 12 at the Norfolk Island Central School commencing if practical in the academic year of 1992 and subject to satisfactory financial participation by parents of the students who utilise this extended educational facility and that Members will recall that a number of us were in fact opposed to the introduction of Years 11 and 12 here but in my own case because of the contribution that the parents had agreed to make I did not press that objection. The matter was further discussed in the House on the 12th June and on the 26th June last year and its ironic to look back at some of the things that were said on those occasions. For example, I said on the 22nd May, what happens at the end of the first year if the parents decide that although they were prepared to pay once they are not prepared to pay any more, and that is the situation in which we now find

ourselves. As I said, I am disturbed that parents are now suggesting that there has been no agreement as to financial participation. The proper explanation of that I believe is that some of them have been a little less than frank. I presently believe that the representatives of the parents did agree to the \$1000 a term figure but that those representatives intended all along to refuse to pay once the addition of years 11 and 12 had been achieved and in saying that I should make it clear that not all parents were present at the meeting in the Courthouse to which I've referred. However, the subject was one of considerable public interest at the time and I have no doubt that all of the parents were well aware of the \$1000 figure. I mentioned that I will be responding to the letter shortly and in making that response I will be inviting all of the parents to come and attend a joint meeting with me if they wish to do so and I'll keep Members advised of what occurs

MR KING: I move that that Statement be noted

MR PRESIDENT: Thank you. The question is that that Statement be noted

MR KING: Mr President I also believe that the prospective parents of year 11 children for 1992 were fully informed on the proposed fee structure. I quite admire Mr Brown's frankness in his presentation of his Statement in that he has been subjected to a great deal of pressure as we all have with phone calls and letters and the like and to take the stand that Mr Brown has taken is in fact quite admirable and one in which I would join. We had earlier agreed around an informal table that despite the fact that the fee accounts hadn't been sent out for the earlier parts of this year that there was an understanding that those parents who had to pay those fees for the earlier terms would be given substantial and generous time to pay and I think quite frankly that that's the extent to which I would compromise at this point

MR BATES: Yes Mr President. I've had some conversations with Mr Brown over the contents of the letter in question and there are some matters or parts of that letter which I think that he intends to do something about. Questions like children joining the school half way through the year, are they expected to pay the \$2000 twice before Christmas. The question of part time students. But what does concern me Mr President is that these parents through no fault of their own, though they may have been aware that something was happening, nothing did happen until about August or September when they received their first account for \$2000. They didn't get one back in February or March for \$1000 one in May for \$1000, they got one account just recently for \$2000 and they're expecting another one before Christmas for \$2000 and they're expecting another one for \$1000 just after Christmas. How young people trying to bring up children, put a house together, a home together, educate their children, can find \$1000 a month over the next five months is beyond me. I would certainly have to go to the bank and get a loan if I had to do that and I think that some consideration needs to be given to the fact that they weren't asked to pay earlier, that to find \$5000 in such a short period of time is really a very difficult thing to do, but I think it's placed some of these families in quite an embarrassing situation, thank you Mr President

MR BROWN: Mr President perhaps I could just respond to a few of the things Brian has mentioned. Certainly there are a number of points in the letter which are valid points. Insofar as a student who enrolls say at the commencement of term three is concerned, there certainly has been no intention that he pay for all four terms, certainly the intention is that payment only be made in respect of the terms which are actually attended. Insofar as part time students are concerned, the accounts have not yet been sent out but work has been done on that at the moment and certainly the part time students expect to receive accounts and they certainly will do. In respect of the hardship question, perhaps I should have mentioned earlier that when I issued the instructions for the accounts to be sent out I did ask the Chief Administrative Officer to ensure that the question of hardship was properly addressed. Firstly there is provision for fees to be waived for a family that simply cannot afford them and I had asked the Chief Administrative Officer to ensure that I was made aware of any children that were in that situation. I certainly didn't want the parent of a child in that situation to suffer the embarrassment of getting a bill that he was then going to have to come and apply for an exemption for. I wanted to sort that out far more

discreetly. At the same time I asked the Chief Administrative Officer to ensure that when the bills were sent out there was a nice letter with them which said that we realise that \$5000 over that period is a fair wack of money and I asked that it be indicated that the Administration would look favourably on a request to be able to pay those moneys over a period of time. I haven't at this stage seen the letter that actually did go out. I have asked for a copy of it in recent days but it certainly is the intention that if any of the parents find that they need to make the payment over a period of time then the Administration will be co-operative in that regard

MR CHRISTIAN: Mr President I would like to commend Mr Brown on the way he has handled the whole thing. I'm quite certain that the parents of the students were all aware that there was going to be \$1000 and though they may not have been at that particular meeting that was mentioned they would have been made well aware of the charges by their representatives. Yes, we were late sending out the bills, probably, I may have been partly responsible for that but the fact is that had these people and these people were aware that the amount would have to be paid, they would have been saving it right from the start so that although they didn't get their bill until the middle of the year the money still would have been set aside for it right from the commencement of the programme or should have thank you

MR SANDERS: Yes thank you Mr President. There should have been little doubt that these charges were still in the pipeline because I can recall I think asking you Mr President almost on a regular basis in this House at what stage were we at about sending out accounts so there should have been little doubt that those accounts were eventually going to come

MR PRESIDENT: Any further participation Honourable Members? The question before us is that the Statement be noted, that's the Statement on Years 11 and 12. I put the question

QUESTION PUT
AGREED

The ayes have it. Are there any further Statements? No

Reports from Select and Standing Committees

MR PRESIDENT: Any Reports from Select and Standing Committees? Then we are at Notices Honourable Members

NOTICES

NO 1 - NORFOLK ISLAND HOSPITAL ACT 1985

MR BROWN: Mr President I move that for the purposes of subsection 7(2) of the Norfolk Island Hospital Act 1985, this House resolves that -

Lester Reid Semple

be appointed to be a member of the Norfolk Island Hospital Board until 20 December 1992. Mr President it's the 20th December 1992 at which all of the appointments come up for review. It has been traditional that a Member of the House be a Member of the Board. The Board meets of an evening and that's the time of day when Lester is best with his phone calls. The Hospital is a subject in which Lester is interested. Public Health generally and particularly the garbage disposal area has been one in respect of which he's harangued many of us for a long time and I commend the motion

MR SANDERS: Thank you Mr President. Yes, this is an appointment which would be a position of extreme sensitivity. It's a position where a person has to be very accountable of public funds and it has to be a person who can express a large amount of common sense. I propose to oppose this motion because I have not been aware of any of these attributes from Mr Semple

MR PRESIDENT: Further participation. I will put the motion. The motion is as proposed by Mr Brown

QUESTION PUT
MR SANDERS VOTED NO
MOTION AGREED

Do you wish to have the House called Mr Sanders.?

MR SANDERS: Just record that I voted no Mr President

MR PRESIDENT: The motion is carried Honourable Members

NO 2 - IMMIGRATION POLICY

MR CHRISTIAN: Mr President I move that this House -
(a) requests the executive member to incorporate into a revised immigration policy guide the contents of his announcement published on 8 August 1992, that is -

"that applications for renewals of and variations to temporary entry permits be administered by ensuring that those applications are supported by a written statement signed by the proposed employer which provides details of:

(i) the nature of and duties, responsibilities, qualifications, and experience reasonably required for the proposed position;

(ii) attempts made to recruit local persons for that position; and

(iii) lists of all residents or general entry permit holders who applied for the position together with an explanation as to why they were not considered suitable";

MR PRESIDENT: Members could I just make one explanation to that you can see where we are at. There is a motion on the Notice Paper which appears in one total form. There has been a request that it in fact be presented to you as three separate motions and Mr Christian has presented the first part of it at this time. In fact it will be (a) which will stand alone; (b) will stand alone; and (c) as it is on the paper will stand alone and we are now looking at (a). If you wish to discuss them in their totality when you are speaking to the House I wouldn't see any inhibition in doing so

MR CHRISTIAN: Mr President, I move these motions to give this House an opportunity to debate the recommendations of the Immigration Review Group. Members may recall that at the last Sitting of the Fifth Assembly on the 15th April 1992 I tabled the final report of the Immigration Review Group of which I was Chairman. It is important that the Groups considerable efforts in reporting to this House be acknowledged by formally adopting or rejecting their recommendations. It is also important that those recommendations be dealt with in their entirety so that those administering our Immigration legislation policy are given clear guidelines within which to work and to remove any uncertainty about immigration within the community. Mr President I will take this opportunity to outline briefly the groups terms of reference and the recommendations of the group. The group was requested to examine the front door policy, to examine the three year temporary entry permit policy, to examine the manner in which the size of each general entry permit quota should be calculated, to examine the operation of the compensation departure facility and to enquire report and make recommendations on other matters the review group found were significantly related. The group formed the majority view that the front door policy is essential to the Norfolk Island Immigration system and should remain in place, that the general limit on temporary entry permit stay be increased from three years to four years, that the compensating departure scheme be discontinued but in the interim recommended that the scheme be administered in a more rigorous way. Members will recall that on the 10th June 1992 this House defeated a motion to adopt the recommendation of the group to increase temporary entry permit stay. On 8 August 1992 I published a statement in relation to the employment of temporary entry permit holders. This decision was taken to attempt to alleviate underemployment and unemployment of residents and general entry permit holders in Norfolk Island. The motions today are seeking the endorsement of this House to the incorporation of the contents of that statement into a revised immigration policy guide. Members will also recall that at the June meeting this House endorsed a motion of the then executive member to amend the immigration policy guide by incorporating the recommendations of the group relating to the administration of the

compensating departure scheme. I emphasise that on that occasion the House did not deal with the recommendation of the review group that the CDD scheme be abolished. My own position on that question is that I am opposed to the abolition of the scheme, however I support the recommendations as to the manner of the schemes administration. In July 1992 DASET's comments on the final report of the group was received. In light of those comments the immigration policy guide was not revised pending debate by this House. In moving the third motion members may recall that the group had acknowledged the administrative complexity of the general entry permit quota formula but did not propose a change. In light of the comments made by DASET I have reviewed the present quota formula and there does appear to be inconsistency in the treatment of some persons granted section 18 permits, particularly spouses of residents. The spouse of a resident may come to the Island and is granted a general entry permit without regard to the quota because of his special relationship with Norfolk Island. However, when applying the formula to calculate a quota that spouse is categorised differently and the permit granted uses a quota position. This motion seeks to redress this inconsistency by classifying a spouse of a resident as an Islander so that he or she does not use a quota position. The effect of such a change to the formula is difficult to ascertain but may result in a larger quota. Thank you Mr President

MR KING: Mr President, Mr Christian has chosen to present his debate on all three motions, the one presently before us and the two that follow and I understand that but I will confine my remarks on this occasion to the proposal (a), that is the motion presently before the House. That proposal Mr President supports the requirement of I think, under section 17 of the Immigration Act, that before dealing with a Temporary Entry Permit application the Executive Member or the Immigration Officer shall take into account among other things whether there is in Norfolk Island a person available to undertake the particular employment. The original intention of that section was I am sure, very honourable and worthwhile in that it sought to offer some protection to the local workforce but it didn't stop there unfortunately. Some bright spark in the Assembly on that occasion Mr President decided that the following words should be added "and whether the employer is prepared to employ that person" and out the door goes the protection of the local employment and in the door comes the protection of the employer. Employers interests first, job applicants interests second. That particular section of the Immigration Act has long been held to be almost totally ineffective in guaranteeing full and worthwhile employment of locals. You need only ask any of the local unemployed. It gave employers the advantage of being able to satisfy the law by simply stating, yes I've advertised, here's a copy of the ad, yes I have had a couple of applications from the local lads but I'm not prepared to employ them, fullstop, end of story. They don't want you, we can't help you, bad luck, better luck next time. Mr Christian's proposal goes part of the way towards easing the problem but it will not solve it unless there is a change in attitude, attitude of the executive member and his officials and also on the part of the employer. Employers need to accept that if they wish to operate in this environment then they must be genuine in their attempts to attract local labour. Advertisements for jobs must be clear and attractive. They should specify at least the name of the employer and not a post office box. They should state the true nature and qualifications for the job not some carefully crafted words designed to discourage local interest. We've all seen them all Mr President. Job applicant, must be faster than a speeding bullet, more powerful than a locomotive, able to leap tall buildings in a single bound whilst reciting the Employment Act in Swahili. Mr President all around this table have seen those similar job advertisements. I would suggest that one or two around the table have in fact written them. We must ensure that job advertisements specify the skills and qualifications that relevantly apply and that they are not ridiculously overstated. Employers have an obligation at least morally to put locals ahead of imported labour. The law in its present form offers no guarantees. Some will argue that there should be no guarantees but I will argue differently. In an environment which needs between 300-400 itinerant people to top up its work force we should be able to guarantee full and protected employment for our own people and unless members are willing to implement measures to achieve that end then we have no right to continue as elected representatives. I appreciate Mr President that there are many jobs in Norfolk Island for which local people do not have the skills and training but I'm equally sure Mr President that there are many jobs

in Norfolk Island which could be held by locals if there was a willingness on the part of the employer to train them, to give them a go and some jurisdictions employers are forced to appropriate part of their budgets towards staff training and perhaps that's a remedy that we ought to be looking towards. Mr Christian's proposal does go part way towards redressing the problems but I believe it can go further if Mr Christian firmly administers his policies with a clear commitment in mind, a commitment to achieving full and productive employment for local residents. He must ensure that in all cases there is a realistic and genuine attempt to attract local labour and not a contrived mockery. The key to easing local unemployment is in Mr Christian's hands, be it on his head Mr President if he doesn't use it, I intend to support this particular motion

MR ROBINSON: Thank you. After Mr King's vitriolic attack on the employers of the Island. Just part three of section (a), I wonder Mr Christian could you tell us how confidential will that information be, I mean if someone is dismissed on the Island for dishonesty and then applies back for the same job the employer doesn't want to cast dispersions in the community upon the dishonesty of that person and then decides he does not wish to have a tealeaf back on the staff, how can we get around problems like that

MR CHRISTIAN: Mr President I don't think this is any worry. As with everything else in the immigration area a high standard of confidentiality is held. The applications, the papers and things like that are not available to the general public or anybody else. Anything put forward by the employers would be kept in a truly confidential manner

MR BATES: Yes Mr President I'm pleased that Mr Christian has chosen to break his original motion into three separate parts. I have difficulty with long motions that you need to agree with the lot or

VOICE LOST ON TAPE

MR BENNETT: Mr President when the Review Groups' recommendations came out the Review Group recommended that the stay be increased to four years and at that time I thought well that was in some circumstances the right way to go simply because in particular, where you've got a massive unemployment in the labour market from where we draw technical or qualified people, there is a reluctance by many not to leave a position that they've got, they're the lucky ones to have a position to come for a short period and the four years with a possibility of five would have made it attractive for them to have arrived, three saw some of them dropping out of the list of applicants. But subsequent to that, and there's been many discussions by MLA's and interested people in the community, the difficulty arose as to how you could discriminate between somebody with a perceived technical skill and somebody else who was just a very good worker and I think that by changing it to four years we might have brought along a few difficulties so I reluctantly accepted the position that three years would be the term with the possibility of the fourth year under special circumstances being something that the applicant or the employer or both would make to the Immigration Department for consideration. The concern that I have in this particular motion arises out of the engagement process of, let's call them seconded people, people with technical skills, no longer can the employer say to the applicant, again I'm referring my remarks to technical and skilled people where skills have been demonstrated not to exist on the Island and I'm not generalising on the TEP question and getting back to that if an employer then had to include in his advertisement both here and off the Island that if the position was filled by a person from the outside that required a temporary entry permit that position would have to be readvertised every twelve months, that would give a fairly strong sense of insecurity to a would be applicant, particularly those that might be drawn out of the workforce in either Australia or New Zealand so that's of some concern but I wanted to just leave it there and ask Mr Christian a question and to say that this motion relates to renewals and variations to, and doesn't affect the present conditions laid down in the Policy Guide for the first time applicant except that that first time applicant only gets a permit for one year and then after that he has to follow this arrangement

MR CHRISTIAN: Mr President it is not the intention, or not my intention to force out of work anybody that is working in that area

already. It is purely and simply to cover where there will be genuinely new positions created or a TEP leaving that particular job for one reason or another and it being, we advertise

MR BENNETT: Mr President I hear what Mr Christian says but the motion says a bit more than that. The motion actually talks about renewals and or variations and renewals as far as I can understand it is when your permit expires after twelve months down you go and you apply for a new one and if you're applying for a new permit then your employer has to re-advertise that position. Now if I've misread it please clarify it for me. With variations I can understand it if somebody moves around, the employee decides to change jobs then its a different scene

MR CHRISTIAN: Mr President it's my opinion that these jobs should be advertised every twelve months. As much as anything it lets us in Immigration know what is happening with the workforce which is available on the Island but this was not the intention and it would not be my intention in any case to purposely force people who are already in those positions out of those particular jobs

MR SANDERS: Thank you Mr President. I support the first part of the motion even though I believe it is completely unnecessary. While this is the Immigration into Norfolk Island, the General Guide this one has been amended but the first part of it to deal with Temporary Entry Permits is still, as far as I am aware, the procedures that must be followed. Referring to what Mr Bennett spoke to about the four years, even that's covered in this. It refers to "in normal circumstances a further entry permit or an extension of an existing temporary entry permit will not be granted" the interesting thing there is if it's not normal circumstances it can be granted, that's not saying that it's prohibited. Further down on the same page to do with temporary entry permits it refers to the Executive Member having to take into consideration and it reads "any matter that the executive member considers to be beneficial to Norfolk Island". The paragraph under that reads "before determining the application for a temporary entry permit the Executive Member must have regard to such matters as he considers to be relevant and in particular, whether there is already available in Norfolk Island a person able to undertake the employment specified by the applicant and whether the proposed employer is willing to engage that person". That should cover the things that Mr Robinson raised. "The qualifications of the applicant to engage in the desired employment business or profession, whether a business or profession specified in the application is already sufficiently provided for in Norfolk Island, the applicants character, the effect on local facilities were the application to be granted, the health of the applicant and whether the applicant holds a ticket for travel from Norfolk Island." Everything that this motion, in fact, all of it, is basically included in here other than the compensating departure. The whole thing hinges on whether the executive member is strong enough to do his job and it doesn't really matter how we amend the Immigration Act or the policies if the executive member is not prepared to carry them out the whole system fails, so I don't really think that any of this is really necessary even though I support it as it stands, that first portion, but as I said again, it isn't really necessary, it's already there and it's been there for years

MR BENNETT: Yes thanks, Bill, for running through that but I still think that something else extra has been added and perhaps the Minister's motion is to give him a little bit more support in making those determinations but as I see in the present guideline there is no requirement for an employer to advertise after each twelve month and this is introducing that necessity, and just to put it into context, the Island or the Administration employs very senior people, doctors, CAO's, solicitors and what have you, and no longer can they say that the contract will be for two years and can be extended by one year. The contract can only effectively be one year, renewal subject to immigration to two years for a maximum of three. Now that in itself is the point I'm making and it may impact even on this Administration and make it very difficult to second senior personnel

MR SANDERS: Mr President if I may. I would like to respond to some of those things that Mr Bennett has just said. I actually agree with him and I agree with him wholeheartedly. I don't believe that the renewal of a permit needs to be advertised. All the executive member has to do is to consider what his policies are. The onus is on that

executive member whether he wishes to renew that permit. You don't have to advertise per occasion because you've already gone through that process and you have created that position. I believe that if there were circumstances where there were miles of those persons unemployed on the Island that consideration had to be given to them then all that is needed to do to protect those persons on Norfolk Island is to not renew the permit. Obviously, not to renew the permit you would have to have some consultation with the employer I would assume

MR PRESIDENT: On a limit of only twelve months at any one time is that the case

MR SANDERS: Yes. You can only get a permit for twelve months

MR BENNETT: Yes, that I understand but in addition to that there's no requirement as there is at the moment to readvertise that position every twelve months and what we are introducing here is the requirement that the position be re-advertised every twelve months and that's the thing that will effect the secondment of senior officers to the Administration plus alot of other technical or highly skilled people. I think that in my own view of it is that if an amendment was brought forward that removed the words "renewals of an" and this particular motion focused on variations to temporary entry permits only, it would then still permit somebody like the Administration advertising for somebody for two years or whatever. If this motion goes through unamended it will mean that the Administration or any employer could not advertise for anything more than a twelve months contract and I think the degree of difficulty that that will bring about is something that needs to be carefully considered

MR KING: Mr President I'll respond to that in just one moment but before it gets too far removed just a brief response to Mr Robinson's statement that he regards my presentation as a vitriolic attack on employers. That's a rather fanciful assessment by Mr Robinson and I don't think in any way shape or form it can be seen as that. In fact I regard a great many employers on the Island as being very generous employers of local people and satisfactorily meet their moral obligations to meet that end but if Mr Robinson is suggesting that they are not employers out there who have a lousy attitude in that respect then he's sadly mistaken. On Geoff's point that he raised in respect of this proposal binding employers including the Administration to re-advertise every twelve months, well that's not quite so. You have to bear in mind that this is in fact an administrative policy which we're discussing here. It's not binding, it doesn't have that binding effect on the executive member, or his officials. This particular policy for advertising is one that's been around for many many years. It may not have been written in any clear form in any policy statement or booklet but it has certainly in the early years been very clearly understood that that was a requirement of immigration but that requirement has often been waived in circumstances where it's very clear to immigration officials that a person with those required qualifications is simply not available in the Island. I mean it's simply ridiculous to suggest for example, that the Hospital should advertise or we should insist that the Hospital advertise for a radiologist when we all know darn well that there's no radiologist unemployed in the Island so there are circumstances in which it has been waived previously and that situation can continue

MR BENNETT: Mr President I still don't think that that would satisfy too many really. I mean the fact is that it would be against policy to advertise for a person for longer than that. Now if the intention of this motion to add some beef or some teeth to policy was as you described then perhaps you should be adding the words "in certain circumstances" clearly making the distinction between, or not making a distinction but identifying certain areas of technical or highly skilled people that would not be included in that. At the moment it covers everybody, all renewals and or variations and there's nothing else that would be printed in that book that would give you

MR SANDERS: Mr President I just want to point out to Mr Bennett that it's already there and has been for years. This is only a motion which I don't really see how it's going to change it at all

MR BENNETT: It's only in respect of the need to readvertise after the twelve months

MR SANDERS: But it doesn't say that

MR BENNETT: Well renewal means that when your permit runs out after twelve months you must readvertise, and everything else I understand Mr Sanders is in that policy guideline that you've just read out and I understand that. I think it is just the point that renewals and particularly people of highly skilled natures are going to be effected by that unless you qualify it in some way, then sure, it's policy and policy can be bent around, but you could not print anything else but that in your Policy Guideline and an employer could not use anything in his advertisement other than in accordance with the policy, in his advertisement now that's the concern. Now I would be prepared to accept some words like "in certain circumstances" which would then identify that there were people that policy would move around to leave unscathed by the need to advertise

MR ROBINSON: I wonder if it would help speed things up if you have no objections to removing "the renewals of and" out of that motion rather than sit here debating it all afternoon, perhaps I could move an amendment to the original motion and that is that the words "renewals of and" be removed

MR PRESIDENT: Is that the way you want to go Honourable Members

MR CHRISTIAN: Mr President it seems to be the way that everybody wishes to go. If that is the case then I would withdraw those and seek leave to change

MR KING: Mr President I think Members are overlooking the very basic principle concerning the application of policy and this applies not only in immigration but in all other areas, that policy cannot be applied rigidly. It must be applied flexibly and if you understand and accept that basic principle, and it's a matter of law that it must be applied flexibly then the alteration to those words or Mr Bennett's concerns are met

MR CHRISTIAN: Mr President I see this as no real alteration to what is already in there and what has been past practice. All I'm doing is confirming what is there and the Minister at the time would have the right to allow for alterations or variations to what is laid down. I don't really see it as causing any problem

MR BENNETT: Mr President with the greatest respect it is not quite the same. We are not just tidying up what we already know, it is different, it is a departure in our policy and whether you like the words or don't like the words the fact is that it would be improper of an employer to advertise for a person and say that the position will be available for three years because you can't do that. Policy notwithstanding, it's still in there and you've got to convince prospective employees, no in your case they'll probably consider your skills needed in the community and they won't abide by the policy but as a prospective employee leaving employment to come to Norfolk Island to fill a medical position or whatever, I mean he's not going to have any comfort by that all. Mr Robinson foreshadowed a motion or an amendment to remove the words "renewal of and", perhaps it might be a little softer because that really takes renewals right out of the ambit of this policy thing altogether, perhaps it might be preferable to add some words after the words "renewals of" and the words be "in certain circumstances, and variations" and then it clearly identifies that not in all cases, well, it indicates that there's some flexibility in the policy and I think it's going to be important particularly to the Administration

MR SANDERS: Thank you Mr President. I have no difficulty with what Mr Bennett is referring to and I also understand what he's getting at. I fail to see that there is even the need, as I repeatedly say, everything is already there, I think if Mr Bennett's additives resolve the problem then so be it let's put them in. One of the things that also concerns me is words that were used by Mr King which is very correct that we must be flexible in our handling of these matters, but one thing has to be very definite, that flexible doesn't mean ignored by the executive member and that is all that's causing the problem

MR PRESIDENT: Do you want a suggestion or not

MR BENNETT: Well, I'm prepared to, I don't know whether Mr Robinson's amendment's been moved but I'm prepared to make an amendment if that one hasn't been

MR PRESIDENT: Could I just make this point, and if you think it's inappropriate for me to do so you say so, but there seems to be three components, one is the initial grant, another is a renewal and a third is a variation. If in fact you do as Mr Robinson has suggested you are only then talking about the totality of this motion, about a variation and the other two things are not addressed. If you desire to do that by all means, I am just trying to point it out to you. If in fact you want to address the three of them maybe there is some room to say that "applications for an initial grant, variations and in certain circumstances renewals to TEP's be administered by insuring" ta ta da. That is an effort to cover the three of them if in fact you want to cover them, the decision is yours

MR SANDERS: Could you repeat those words again please Mr President

MR PRESIDENT: Do you want them repeated or not "that applications for an initial grant, variations and in certain circumstances renewals to TEP's be administered by insuring etc"

MR SANDERS: Does that cover Mr Bennetts?

MR BENNETT: Yes

MR BROWN: Mr President I can see what people are getting at by wanting to introduce the words in certain circumstances but it seems to me that if you are going to say in certain circumstances you might as well take it out altogether because it must surely be meaningless. We're not saying what the certain circumstances are

MR SANDERS: Perhaps Mr President if, oh I'm sorry

MR BROWN: Mr Sanders has read to us words from the Guide book as to the issue of a Temporary Entry Permit and he has said that all of the things that are referred to in the motion are already covered in the Guide book. That's probably quite right because that relates to the question of the initial issue of the permit. What's being talked of here is as a matter of law, I suppose the issue of the permit as well but we're preferring to define this as the renewal or the variation of a permit. In fact the permit doesn't get renewed, a fresh permit gets issued but if we really want to read down the impact on renewals by saying "in certain circumstances" I would rather just take that part out and recognise that this is intended to cater for variations of permits and just recognise that we have not done anything about a person renewing a permit unless you are going to go so far as to say a renewal is an initial issue in which event as Mr Sanders says, it is already covered in the existing Guide book

MR BENNETT: Mr President I hear what John says about that and in my terms or my thinking there are two very distinct categories of temporary permit holder, there are those that clearly bring skills that are not here on the Island and then there is the other group who are topping up our shortage of labour in particular areas and they may be areas where there are local skills but simply not enough of them so there clearly is two different types of employees that are covered by here and I would have thought that the words "in certain circumstances" may have directed people's attention to the class of employee who had those particular skills and was not necessarily somebody who was here just to make up the numbers because we were short locally. I do go along with John when he says that maybe we just want to focus on variations and in that case removing the words "renewals of and" will do that but I think Mr King would have some difficulty with that because I think where he's coming from is saying that there will be times, and particularly in recessed times where some permits may not be renewed simply because there is a shortage of work available on the Island and the executive member may exercise his authority to not renew a permit on the basis that there are people out of work in that particular category so I think Mr King would want those words to stay in "renewals" for that particular reason otherwise I think if you accepted them being removed it would defeat part

of what you are saying

MR PRESIDENT: Yes, could Mr King respond then I'll give you the call Mr Sanders

MR KING: You want to take that point up

MR SANDERS: Well, as all three of us are on the same wavelength here, Mr King just at this moment has the policy Guidelines in front of him so he might as well be the one that uses them

MR KING: Yes, what essentially Mr Bennett is proposing by an amendment is to change existing policy, policy which has been established in written form for many many years. The current booklet provides in certain relevant parts, applicants for temporary entry permits including applicants for renewals of such permits will accordingly normally be expected to provide evidence of health, health insurance, return ticket, means of support, in the case of employment reasonable steps taken by the proposed employer to ascertain no person ordinarily resident so it exists and those same words if I recall, although I probably can't put my hands on it at this very minute apply to applications for variations so what this proposal of Mr Christian's is, is simply a refinement of a policy which has existed for a while and what you're proposing is a change to existing policy and I should mention also that whilst those things are included here and talk of normal circumstances and therefore flexibility I would suggest that in better economic times those requirements haven't been firmly adhered to but in terms of existing policy it is open to the executive member to use those policies

MR SANDERS: Mr King was, he was the one that had the Guidelines at the time when we were taken to court

MR BENNETT: Mr President it just seems that that motion is largely superfluous except for the word variations. If we were to simplify the whole thing and add the word variation to the particular policy guideline in the thing it would save alot of additional words going into it and a major reprint

MR SANDERS: Mr President I don't think we need to put in the word "variations" because it covers it under an application so if there is to be a variation that means there is an application and all these matters must be considered

MR CHRISTIAN: There is a need to update the present booklet, particularly in the light of the CDD scheme and what comes from this meeting as regards to that. I'm not trying to depart from present policy but what I'm trying to confirm is, is this what the Government wants within the new booklet and the reasons why I'm taking these steps

MR BROWN: I wonder if the appropriate thing would be to adjourn the debate for today and to finalise it at our next meeting which will give members a chance to more carefully read the book

MR SANDERS: Mr President Mr King has just drawn my attention that it's the variations already referred to and its on a different page. I don't think, that as far as this part of the motion, that it even needs to be considered further

MR CHRISTIAN: Mr President I don't consider it superfluous, I wish to get the feeling of this House as to the upgrading of the booklet, but as I see it, the motion that I have moved or this portion of it, is in no way different to what is already in there

MR SANDERS: Does Mr Christian have any difficulty with deleting that first part of his motion as it already exists

MR PRESIDENT: Well what do you want to do. Mr Brown is proposing to us that we consider it further and bring it on at another day, do you want me to formally receive that or

MR KING: Well I'd probably go along with that Mr President on the basis that we all now understand that this is simply a refinement of existing policy. The policy exists regarding adequate steps to test

the local market etc. It's up to the executive Member as to how he administers that and its certainly open to him to tighten it up in respect of closer examination for example of all the advertisements and asking for information. He can do all these things without the House so I would be quite happy to support Mr Brown motion of adjournment on this particular thing and we can toss it around and in the meantime we can hope that in the interests of the local unemployed that Mr Christian does in fact tighten up a little - alot

MR CHRISTIAN: If that is the wish of the majority but I will not be able to bring it forward to the next meeting of the House but I would bring it forward at the one after that

MR PRESIDENT: Okay, then we've got a motion of adjournment is that the idea

MR BROWN: Mr President it may be that Mr Christian could with the help of a red biro, show us the amendments which he would propose to make to the existing guide book and perhaps that could then be finalised even in his absence at the next meeting and in the hope that that could be achieved I move an adjournment

MR PRESIDENT: The question is that this motion be adjourned and made an Order of the Day for a subsequent Sitting

QUESTION PUT
AGREED

The ayes have it thank you. Mr Christian do you want to progress with the other two parts

MR CHRISTIAN: Yes I would very much like to

MR PRESIDENT: Thank you. Mr Christian

MR CHRISTIAN: Mr President, I move that this House requests the executive member to incorporate into the revised immigration policy guide the recommendations set out at paragraphs 1 and 2 (page 4) and paragraphs 3 and 4 (page 5) of the final report of the immigration review group, concerning the administration of the compensating departure scheme. Mr President if I may read those extracts referred to is paragraphs 1 and 2 on page 4 refers to the expression "market" in the legislation should be read to mean the Norfolk Island market, not some wider market. Two: the expression "market value" in the legislation should be read to mean the price that a willing buyer in the Norfolk Island market would be prepared to offer today for the asset itself when valuations are sought to get a professional estimate of market value it should be made clear to the valuer that the estimate is for the asset alone not for the asset plus a general entry permit and on page 5 paragraph 3, in considering applications the Immigration Committee should give close and active attention to the criteria on which applications are to be approved or not approved. These include among others paragraph 4, the executive member should make use of paragraph 21(b)(v) of the Immigration Act which allows him to require an applicant to obtain a valuation by a registered valuer. When doing so the executive member should specify in writing the type of valuation required, including a valuers assurance that the definitions above have been followed. Mr President might I say that these recommendations are already in force, I am just seeking the assurance of this House that that's the way I am to continue

MR SANDERS: Mr President I'm aware that they are already in force, it was actually me that introduced them. The difference is that the motion of this House some time ago requested Mr Christian to tighten up on compensating departures. I carried on from that and indeed did tighten up but since then it's been completely abandoned again so I don't really think that it's going to make a helluva lot of difference what we do here, if the executive member isn't prepared to enforce the laws and the policies, then there really isn't much point in having them

MR CHRISTIAN: Mr President can I say that the present Minister is conforming to it exactly as he was requested to here and as Mr Sanders laid it down

MR KING: Mr President I would like to move my amendment as

set out on the programme if this is the appropriate time, then I would do so. I would move the Mr Christian's motion by substituting all of his words with the following, THAT this House requests the executive member to incorporate into the revised immigration policy guide as an interim measure the recommendations set out at paragraphs 1 and 2 (page 4) and paragraphs 3 and 4 (page 5) of the final report of the immigration review group, concerning the administration of the compensating departure scheme; and to give effect to the recommendation appearing on page 4 of the final report of the immigration review group that the compensating departure declaration scheme should be discontinued by bringing forward to the House at its next sitting legislation repealing the relevant sections of the Immigration Act 1980. Mr President the compensating departure scheme has been around now for some two and a half years. I don't have the particular figures in front of me but they're probably not relevant to my argument. It is important to emphasize that during the two and a half years of its operation not one application has been refused. The over-riding argument for the implementation of the scheme was the perceived need to alleviate hardship for residents who wish to leave but couldn't sell their home or business and despite cautions by the Commonwealth Minister and the Attorney-General's department that the proposed system may be open to abuse, it was argued by the then Norfolk Island Government that the benefits of the scheme outweighed the disadvantages. It was a successful argument by the Norfolk Island Government and ultimately the Commonwealth agreed to the scheme and I'm now left to argue that in face the Commonwealth was right and the Norfolk Island Government was wrong, that the disadvantages as seen now far outweigh any perceived benefits. I will argue Mr President that the disadvantages and side effects are of such ugly and unacceptable proportions that they can't be ignored. That the scheme is not only working contrary to interests of the community as a whole but that it has the potential if retained to destroy the credibility of the Government and undermine confidence in respect of the law, any law. Firstly however Mr President, I want to argue that it is improper of the Commonwealth to adopt as it did in its July 1992 response to the Immigration Review Group's report an attitude of "I told you so". In adopting that attitude the Commonwealth says that it would not support a repeal of the scheme and indicates that it would be very difficult if not impossible for the Norfolk Island Government to now persuade them to discontinue the scheme and I would remind the Commonwealth Mr President that the notions embraced by the Department in that response run foul of very basic democratic principles. I personally take exception to the implied suggestion that newly elected representatives should not exercise their own minds or express their own views about existing pieces of legislation. Governments and legislatures change bringing with them different persuasions and fresh outlooks. There would be no such changes unless the electorate decided it. It's good government Mr President to monitor the effectiveness of legislation but equally it is bad government to ignore the bad unintended side effects of legislation. (I'll be some time Ern). Mr President the CDD scheme is a repugnant and offensive piece of legislation. It is an unwarranted interference by the Norfolk Island Government in the laws of supply and demand. The scheme stimulates demand by widening the sale market to include those who wish to buy their way into the Island, the result being that locals wishing to pay a fair price are excluded. Residency has become a commodity that can be bought and sold, in fact evidence received by the immigration review group confirmed that residency rights sold with the property or business attract a premium. The scheme not only provides easy entry for those wishing to enter the Island but also offers a guarantee to the same people that their investments are safe because they can readily leave using the same system. Government guaranteed investments Mr President. Safeguards for an elite few but not for those however who are proud of their residency rights and wish to remain living in Norfolk Island. For them Mr President only an understanding that the government is protecting the interests of the few ahead of the interests of those who really call the Island home. At the risk of having my presentation being tagged as being boring Mr President it may be worthwhile for me to liven it up a little bit just by citing a number of examples of how the scheme has operated over the past two and a half years. Resident A Mr President leaves Norfolk Island and takes up residence elsewhere. He effectively abandons Norfolk Island as his ordinary place of residence. He retains ownership of a piece of land in Norfolk Island and sometime later after the scheme is up and running he visits the Island, sells his land at an inflated price, obviously inflated because he can't gain the sale on the local market, signs over his residency to the purchaser, the purchaser

jumps on the front of the queue and the ex resident jumps on the plane and goes home with his bag of money. But here's a better one Mr President. Members I'm sure will enjoy this one. Residents B and C were de facto married. He, B lives in Norfolk Island but C's done a bunk and lives elsewhere. B owns a property he can't sell. B and C briefly reconcile their differences. C returns to the Island and B transfers the property to C's name. C signs away her residency and strangely enough, immediately after that, B and C have a bust up again. B stays, C goes never to return with her chances of a fresh life no doubt enhanced by the rewards of an enterprising relationship. Resident D wants to sell his business but has problems. He doesn't want to leave so he goes to a local agent who provides the perfect solution. Resident E is on the books as wanting to sell a house and he's going to leave and it just so happens that there is a person F on the books who wants to live in Norfolk Island. F is willing to talk turkey about prices, the agent having already explained that you can add on 10% or more for the residency component so the agent brings D, E and F together. F buys D's business and E's house. F comes straight in, D stays but E goes. F doesn't really want to keep the house so after the deal's settled he sells it. He cops a bit of a loss but he doesn't care, he's content and the community is confused. Perhaps one more Mr President. Residents G and H are a married couple. They've lived here for a while and they want to get away. The asset in this case is a home but it's only in H's name, or G's name. I'm confusing myself. It's in one name not both. But a home of course is not sufficient reason for someone to come into the Island so the local agent once again finds someone who wants to sell a business, brings them altogether as a happy little group and hay presto we have another deal. But Mr President, it's only the asset owner, G or H or whatever, who signs away his residency. G and H leave the island together but also leave the community wondering what will happen if G wants to come back. He's entitled to because he remains a resident. What will he do with his spouse H. But maybe, maybe Mr President H will be traded in on a later model and G will return with a fresh spouse and start all over again. Mr President, these examples are not exhaustive. There have been so many so called triangular arrangements and other abuses and there are potential abuses and problems yet to come. What about the person who might use the scheme to sell a property. Leaves and subsequently marries a resident. Who will deny that person re-entry. What about the local married couple who might use the scheme and go away to help shore up the marriage. The marriage breaks down leaving the Island born wife on the mainland. No-one will deny her return to the bosom of her family. What about the local married couple who split their assets. He gets the business, she gets the home. Each leave separately selling separately to two different families who replace them under the scheme. Who will settle the community uproar. The combinations and possibilities are mind boggling Mr President. I agree that some of these problems real or potential are capable of being addressed in either administrative policy or legislative change but I defy anyone Mr President to write a policy or law which will cover every possibility. The greater the degree of problems sought to be addressed in legislation the more complex the law the greater the difficulty in administering the law. In any event Mr President who can legislate or change community perception or to ease suspicion and resentment? Mr President the measures set out in numbers one to four on pages four and five of the Review Group's report are intended solely as interim measures. The crux of the Review Group's recommendation was to abolish the scheme. A recommendation which was urged unanimously by the Immigration Committee, a statutory committee. Some members of the Committee, the Immigration Committee have urged me also in recent days to impress upon the House that the executive member retain a discretion to allow entry under the TEP provisions to a person wishing to stay indefinitely and that discretion can be exercised in circumstances where hardship is clearly evident. In my view Mr President that is sufficient provision. Most people who choose to live in Norfolk Island accept the limitations and constraints placed on life in a small isolated community. For better or for worse that is their choice. Most of us do not look for Government protection from the implications of our choice and I would commend my amendment to the House thank you

MR SANDERS: Thank you Mr President. I compliment Mr King on his presentation. I think it's marvellous but I would like Mr President for the record to say that I was part of the Immigration Review Group who also believes that this Compensating Departure scheme should be abolished but this morning when I was flipping through some papers I have here the

opinion of the Immigration Committee which is different to the Review Group and their comments are interesting also if I may. The Immigration Committee's comments start of, "the Committee's unanimous recommendation is to abolish the scheme. The Committee acknowledges that the scheme was adopted to assist genuine hardship cases but in practice the intent of the law is being abused. In making this recommendation the Committee had regard to some of the avenues of circumventing the intent of the legislation for example, transfer of asset to another name prior to sale; persons who are residents but no longer reside in Norfolk Island returning solely to utilise that scheme; these are matters that Mr King has mentioned, the sale of crown leasehold land utilising the scheme; persons who have the financial resources purchasing an asset they do not want as a means to enter Norfolk Island without regard to the quota queue. The Committee believes there are probably numerous scenarios which could be used contrary to the intent of the law and perceive more problems will arise than can be solved by a mere tightening of the provisions. The Committee is aware that abolishing the scheme will give rise to vocal dissatisfaction, particularly in the business community. The committee believes that those who adequately demonstrate hardship can be accommodated in current legislation; that's a view that's supported by myself Mr President. The Committee believes that although the purposes of the scheme in practice works, with one unit in and one unit out it in fact advantages those persons who have the financial resources to bypass the quota queue but disadvantages those on the quota queue who although financially sound do not have the financial resources to utilise the scheme. The scheme disadvantages residents of lineal birth in Norfolk Island who do not have another home to go to and it advantages those who have acquired residency who often maintain familial and historical links with another place by widening the marketplace with the sale of their asset. The Committee believes that immigration should not be used to influence the real estate market on Norfolk Island". It goes on an on but that's enough. That was signed by W J Menzies Chairman of the Immigration Committee, Miss Buffett MLA who was a Member of this House, Mr Cooper, Mr C L Evans and Mrs Joan Kenny. I just table that for Members consideration along with the opinion of the Immigration Review Group

MR CHRISTIAN: Mr President I would just like to correct Mr King's statement that all the applications were approved. This is not correct. I can definately remember two that were definately knocked back. There were also many applications which never came completely to the stage of going through the Committee because of discussions so they didn't come forward at all. A point about the local market value has shown up in a building which was recently sold and which the company before putting the property on the market went out and got some valuations of the property and before they could even advertise it received a local offer for considerably more than what the valuations were so it's very hard to determine what the local valuation is. I see a definite need for the CDD to take place I think the Island will stagnate quite considerably if the CDD scheme is abolished altogether

MR BATES: Mr President I have alot of difficulty with the retention of the CDD scheme in view of the opinions of both the Immigration Committee and the Immigration Review Group that it should be abolished. Those two groups in my opinion collectively know more about immigration on Norfolk Island than any other group or authority and I had intended to, I must thank Mr Sanders actually for reading out those recommendations of the Committee because I had intended to do so myself, and I won't repeat them but that Committee did consist of Mr Yarm Menzies, Miss Alice Buffett, Mr Sid Cooper and Mr Louie Evans and Mrs Joan Kenny and they finalised their report with the recommendation that the Government embargo any further CDD's forthwith until the legislation is adequately debated and or the legislation changed. The Committee recommends that if the legislation relating to the CDD cannot be repealed then it at least be amended to permit only residents to utilise the scheme, not general entry permit holders. Now turning to the Review Group, that group consisted of Mr Christian MLA, Mr Bill Sanders MLA, Mr Ed Howard, Mr Mike King, Mr J Robinson and Mr D Rodgers and their findings, or they received twentythree submissions from interested persons across the Board on Norfolk Island and I won't bore the House with the total of their findings, but in essence, and I'll quote part of it, "the Review Group recommends that the CDD scheme should be discontinued. The parts of the recommendation that have been included in the Minister's motion were really a fall back position. I think it would

be remiss of me not to take into consideration the views of all those people and their overwhelming opinion is that the CDD scheme should be abolished and on that basis I intend to support Mr King's amendment. Should it go through and the CDD be abolished it does leave me more comfortable with the proposed change in the formula to calculate the quota. To some extent it would compensate for the removal of the CDD scheme. Mr President I do appreciate the Minister's wish to progress the matter and to put to rest the findings of the Review Group and with that in mind, as I said earlier I intend to support Mr King's amendment

MR BROWN: Mr President, I'm glad that Ernie corrected the statement that Mike had made earlier in the meeting that not a single application for a compensating departure had been refused. I had understood that there had been some refusals but that there were also a very significant number of people who had enquired about making use of the scheme but had not proceeded further when they realised that they could not comply with it and as I understand it there are a number in the pipeline still who may not have yet have been rejected but who are a long way short of meeting the requirements for approval so I think that it has been demonstrated that it is not automatic that a person who makes an application receives an approval. Nevertheless, and Mike illustrated it in some of the things that he said earlier, it has been the case that many people would regard the scheme as having been abused by some. That's unfortunate. It is unfortunate for a few reasons. One of them is that the abuse by one person could cause the scheme to be simply withdrawn and not available for the genuine use of another. I certainly think that we all realise when the scheme was introduced that it was not going to be a perfect solution but we believed that it would at least overcome more problems than it would cause and as long as we achieved at least that balance I believe that we achieved a worthwhile result. None of us believed that the scheme would be without problems. Any sound economy has to have a commercial sector which is at least surviving and which hopefully is prosperous. The Norfolk Island commercial sector is certainly not prosperous today for all kinds of reasons. There are people within it who want to leave Norfolk Island. Some want to leave because of ill health, some want to leave because of old age, some want to leave because their business has not been as successful as they would like it to, others might want to move so that their children can be somewhere else for their education, there can be all kinds of reasons and even in looking at a business and saying, gee that particular business proprietor hasn't been very successful, we shouldn't just write off that business at that stage. It may well be that under new ownership a new life can be injected into a business and it can return to being something worthwhile or become something worthwhile and as I understand it that's one of the considerations that Ernie Christian has borne in mind when he has looked at applications under this scheme and as I understand it there are already examples of businesses doing much better under their new owners than they were doing under the previous owners. I don't think it is wrong to give consideration to factors like that. I think it is undesirable though for us to simply choke the commercial sector. The way the quota system has been working movement within the commercial sector has been badly slowed. People who are unhappy and who want leave have been unable to leave and having unhappy and unsuccessful people in your commercial sector does neither your economy nor your general island situation any good. I would certainly like to see the commercial sector having an ability to turn over and I certainly don't believe that we should use immigration to create a situation where someone could say I'm a local, chop the price of your business by two thirds because you're not going to be allowed to sell to anybody else. That can be a very unrealistic market place too. If there is a local wishing to pay a fair price to buy a business he is able to do so under the present system. I'll acknowledge there have been a few businesses sold on the Island, one I can think of related to the compensating departure scheme where I was somewhat surprised at the price that was paid. That sort of problem though can be overcome. This scheme is intended to only allow a person to sell a property at a reasonable price. It is not intended to allow him to ask double the reasonable price and to then say well there were no local buyers therefore I want to bring in an overseas buyer at double the price. I think a lot of the problems that people are complaining about at the moment can be overcome. I acknowledge what Brian Bates said. Brian said that he would be far more comfortable with Ernie's next motion which would cause an easing of the quota provisions if the compensating departure scheme was removed altogether and I do think that if Ernie's next motion is successful we won't see too much use of the compensating

departure scheme in the course of the next twelve months. I think that the quota system would cater for everyone that's wanting to leave but I don't think that that's enough reason to do away with the Compensating Departure Scheme altogether. It took quite some time to obtain the necessary agreement to introduce it. By all means tighten it up but my feeling is that we should keep it there but in the knowledge that it might, if Ernie's next motion is successful, in fact not be used for quite some time, thank you

MR ROBINSON: Mr King you mentioned that there is an option for the genuine cases of hardship to go without using the CDD scheme. Could you elucidate on that?

MR KING: Some wouldn't regard it as being a perfect solution. In fact, it's not a perfect solution. I'm simply talking of the discretion that the executive member has to allow people to enter on a temporary entry permit despite the fact that they are clearly coming to stay on an indefinite basis. He has that flexibility. It has been used in the past. Some will argue that it still reduces the attraction of anyone wanting to come to the Island because they are not gaining secure tenure, they're only getting a temporary entry permit. And I accept that. I accept that it may not be attractive to them but I also temper that comment with the knowledge that many many dozens of people have entered this Island on an indefinite term on the basis of a temporary entry permit for many many years past. Many didn't detract from their prospects of being able to stay, in fact, there has not been one person who entered on the base of a temporary entry permit in the past to buy a business to settle indefinitely who has subsequently not achieved residency and I believe that that is the course that ought to be available to us. That discretion exists within the present framework, it ought to be used in cases where there is clear hardship has been used in the past. Whilst I'm talking if that satisfies that particular question I would like to just talk briefly on some of Mr Brown's comments. Mr Brown says that everyone knew that it wouldn't be a perfect solution but that it would overcome more problems than it would create. I can't accept that that has in fact happened. I can't be convinced that the legislators of that time envisaged the type of problems or the nature of the problems that have emerged because if they did consider or envisage the nature of the problems as they have manifested themselves you wouldn't have done what you did. I agree that the commercial sector is not particularly thriving at the moment. It has had its lucrative times. Maybe those lucrative times are ahead. Who knows what's ahead but when people come to the Island they accept that there are constraints in a small Island community. They know that when they come here there is a limited resale market, they know what they are getting in for, there are in fact warnings in the Immigration Guide Booklet to that effect. If you can just bear with me for a moment and it's a clear cautionary comment, beware. Caution must be exercised. It is essential that those seeking long term or indefinite stay recognise that because of the Island's smallness, isolation and immigration restrictions, a limited market exists for the resale of businesses and property. Adequate consideration should be given to this aspect when applying to enter Norfolk Island. Surely no-one can argue with that. If they accept that when they come to the Island it is not up to the government to prop them up to ensure that they realise their investment on resale. I also find it difficult to accept unless Mr Brown has done sums that I'm not aware of, or perhaps his arithmetic is a little different to mine, that if the next motion

MR SANDERS: would you like a calculator

MR KING: ...that if the next motion was successful then it is going to result in a diminished use of the CDD scheme and that everyone is going to be perfectly happy. Mr Brown must have something up his sleeve that I'm simply not aware of because Mr Brown is moving towards a situation where he would promote a quota which is designed to cover every given contingency and that would be an irresponsible approach to take and a return to the haphazard attitude that officials and governments have had towards immigration in the past, thank you

MR BENNETT: Mr President. I would have been happier to have had the order on the paper reversed and have dealt with motion C before B simply because I think that whilst the CDD was introduced to cover hardship there was some members of the Assembly at that time who saw it being introduced for a different reason and that is to cope with the

stagnation. If the CDD scheme is abandoned and the next motion is defeated then we really have shut the door fairly tight. It's a tragedy that when the CDD scheme was talked about a couple of years ago that the advice was not heeded and this advice has been referred to in the Commonwealth paper, mainly to deal with valuations and making clear definitions of some of the terminology. Had that advice been taken up then maybe we wouldn't have had the degree of problem and community concern about it because it clearly did serve a purpose and it did allow or it did cope quite well with the hardship problem. On balance the CDD must go. If you look at the advice that's been received from the Immigration Committee and the Immigration Review Board and all different people and then the difficulties that the Commonwealth had, then on balance they would be pretty brave to throw all that good advice out and say no, we know better than that, we'll go on. I think the people that formed the Review Group and in particular to the composition of the Immigration Committee they've been working around immigration for a long time. Now not everyone on the Review Group had been involved with immigration but a substantial number of them had quite some involvement and of course the Commonwealth comments are obviously coming from a section of the department that has had to deal with the many appeals and whatever so they are fairly comfortable with the way immigration's worked on the Island. We come back to my earlier comments that I would be reluctant to support the amendment if I was going to see the next part of the motion part C rolled as well because I would then be seen as participating in a thing that just shut the door tight and we all remember the days when the door was shut very tight and what action was taken in those times to relieve it, it was to just sort of open it for a while and let the problem flow through and then close it again, that's quite unsatisfactory. However, I didn't put the motion down in that order and I guess we've got to deal with it unless the motion is adjourned to reconsider it at another time I will be supporting the amendment but foreshadow that I'll be supporting part C with some additional comments about immigration, population and the like

MR BROWN: Mr President what Mr Bennett has said is pretty sensible. I think a number of us possibly would like to dispose of the following motion before we dispose of this one and Standing Orders does allow us to do that as I understand it and I also notice that it's nearly ten to one. I wonder whether it might be appropriate for me to move that the continued debate on this motion be deferred so as to allow Mr Christian to move his next motion and for that next motion to be disposed of before returning to the present motion

MR PRESIDENT: I'm quite happy to have that motion Honourable Members. Any discussion upon it?

MR BATES: Yes Mr President. It really puts me in the reverse situation to the one put by Mr Bennett because if this one goes through and the other one goes through then I think we are really widening the door beyond what I think is reasonable

MR BROWN: Mr President could I perhaps resolve it a different way, could I move that we suspend until 2.15

MR PRESIDENT: Do you really want to suspend, I think if we apply our mind to it we could finish before lunch

MR BENNETT: I think there's going to be a fair amount of debate on this next one Mr President and I think there's the Road Traffic Bill to go, I don't think we're going to complete the paper before lunch

MR SANDERS: I agree with you Mr President. If everybody's hungry they won't talk so long

MR KING: Well I hope Mr Brown is not contemplating turning off the microphones and having a bit of a chat for an hour and sorting things out and then come back in the House because this is the forum where we should all sit around and discuss

MR PRESIDENT: No I didn't interpret that that was the proposal. I think he was proposing that we knock off for lunch

MR ROBINSON: I go along with Mr Brown's original motion that we deal with part C of Ernie's motion before we continue with the current

part

MR PRESIDENT: I will accept that motion and let's see how far along the track we get and if we seem to be going on when we will have to pause for lunch obviously. Mr Brown has moved that we in fact adjourn the motion that we're on about now which is really item B on the paper and that we consider it after we have considered what is item C on the paper which will be the next motion that will be proposed to us by Mr Christian and I'll put that

QUESTION PUT
AGREED

The ayes have it so we will do that, so that matter is adjourned for a moment and Mr Christian I look to you to propose the next to us which is basically item C on the paper

MR CHRISTIAN: Mr President I move that this House endorses a new formula for calculating the quota by excluding for quota calculation purposes those section 18 permit holders who enter the Island as the spouse (defacto or de jure) of a "resident", and requests the executive member to bring forward to the next sitting of the House a quota proposal calculated in accordance with the new formula. Mr President in moving the third part of the motion members may recall that the Immigration Review Group acknowledged the administrative complexity of the general entry permit quota formula but did not propose a change. In light of the comments made by DASET I have reviewed the present quota formula and there does appear to be inconsistency in the treatment of some persons granted Section 18 permits particularly spouses of residents. The spouse of a resident may come to the Island and is granted a general entry permit without regard to the quota because of his special relationship with Norfolk Island. However, when applying the formula to calculate a quota that spouse is categorised differently and the permit granted uses a quota position. This motion seeks to redress this inconsistency by classifying the spouse of a resident as an Islander so that he or she does not use a quota position. The effect of such a change to the formula is difficult to ascertain but may result in a larger quota, thank you Mr President

MR ROBINSON: Thank you Mr President. My only major concern about changing this piece is that the situation would have to remain the same for the length of stay of that person. I mean if a section 18 spouse were to come in under those conditions and then the marriage split up, whether it be for convenience or any other reason, should the permit granted be then not, or taken back. The situation would have to remain the same for the length of their GEP is what I'm trying to say

MR CHRISTIAN: That would happen Mr President. Once they were recognised as being an Islander they would continue along that path

MR KING: Mr President this is another immigration nightmare and it may come as no surprise for me to say at the outset that I'm not happy with it because of a very basic point. The trouble is that I simply don't know where we are headed with this. I don't know what the objective of the proposal is. One can't put policy or quota formulas and the like ahead of objectivity. It's ridiculous. The objective of the 1987 Select Committee from where this all commenced is very clear to me, simply, it is this. That we should maintain the level of those who have ticked, or would tick NO, to the census question "Are you of Pitcairn descent?" The level of those who tick YES should be allowed to increase naturally or unimpeded. Now no-one is going to be able to argue against that because that is the very basis on which the committee's calculations and therefore recommendations were made but the difficulty with achieving that objective however desirable it may be, is of course, it's incompatibility with the Racial Discrimination Act, so I would ask anyone around this table to please tell me here and now what the new objective is, or is it simply an exercise in casting objectivity aside and pulling figures out of the air as we have done in the past

MR BROWN: Mr President. One of the objectives in my mind, is to ensure that we do comply with the Racial Discrimination Act. Another objective is to ensure that we do comply with the relevant United Nations covenant and although it is a sad thing, the fact is that we cannot discriminate in contravention of the provisions of the Racial

Discrimination Act. We would like to but if we decide that we are not going to take notice of the provisions of that legislation then there are potentially unpleasant consequences which would flow. We have been able to give regard to the situation of people with a special relationship to Norfolk Island and we have been able to do that without breaching the Racial Discrimination Act. We have done it by treating the mainlander spouse of an Islander as an Islanders for the purposes deciding whether or not there is a special relationship and clearly once a person is categorised as an Islander for one immigration purpose they must be categorised the same way for all purposes. Now, I'm not in a position to say whether or not those mainlander spouses have been categorised as Islanders for all purposes but I do say that the result of the passage of this motion would be to ensure that they are treated as Islanders for all immigration purposes, not for census purposes. The census is a totally different thing. The Racial Discrimination Act has no relevance to a census but it does have relevance to the question of immigration. Now I don't particularly like the result that occurs as a result of what I've just said but there is legislation which extend to Norfolk Island and we're stuck with complying with that legislation and for that reason I support the motion

MR SANDERS: Thank you Mr President. I don't agree that the quota procedure is inconsistent. As a matter of fact, quite to the contrary and I don't agree that we are discriminating. It has been mainly used, not mainly, it has been used to arrive at population on Norfolk Island, exactly the same as Australia does in Australia. If they are arriving at how many persons live in Australia that call themselves Australian and what makes up this multicultural they would say there's so many millions of Australians, there's so many Asians, there's so many New Zealanders or various other countries, but we are all Australians and that is how in my opinion that the term is being used here in Norfolk Island. I believe that all residents who live on Norfolk Island are in fact Islanders but if you were trying to preserve the culture and the lifestyle and the identity of the Islanders as a separate group then you would need to say in our population that there are so many persons that have a birthright, there are so many New Zealanders so many Americans and what have you and this makes our population. If we don't wish to lose that identity, we must preserve it and I'm still insisting that we are not discriminating. I think we used the census in 1986 to arrive at, for a better words, mainlanders, not as a derogatory name but just to define that there was a difference, and it was thought that for the Island to preserve its lifestyle that that number should not increase. It often gets referred to as a stagnant population. It has never been so, it is only stagnant in that particular area because it was always open for those with the birthright and their spouses to return to Norfolk at any time they wishes. It actually caused alot of confusion because nobody ever knew exactly what those numbers were because there was no record. The quota as it stands or the quota method as it stands is a determination to arrive at keeping a consistent amount of a certain group of persons literally to preserve Norfolk Island and I think if we lose that then within a very few years and I would go so far as to say probably as little as ten years, the Island as a place for the Islanders will no longer exist. By allowing those extra numbers to increase, like the Compensating Departure where one person signs a piece of thing but five persons come in, it just blows the whole thing to blazes. I don't support that the quota system be changed

MR BROWN: Mr President, I said earlier but I should say it again. There is no infringement of the Racial Discrimination Act in doing a census and there's no difficulty in a census in identifying the different components of a population. It's done in many many places but census statistics and the compilation of them are very different to immigration. If an Australian citizen goes to Thailand and meets a Thai girl and marries her, he can't take her back to Australia automatically. No way. She has to go through a very lengthy immigration process which is not guaranteed of success. If an Australian person goes overseas, let us say to Cambodia and finds an orphan and decides to adopt the orphan, it is not automatic that that Australian citizen can take what is now its child back to Australia. There is a lengthy process and it's been the subject of lots and lots of dispute and so it's not automatic by the same token that an Islander just because he chooses to marry someone or she chooses to marry someone can bring them back to Norfolk Island. The problem that we are looking at here, if we pursue the argument that Bill has raised is, can we continue to have the special relationship clause.

You can't have it both ways in my view. You either need to adopt the amendment that Ernie is suggesting or we have to do away with the special relationship clause. It's a very significant legal problem. I don't like the answer that it arrives at but it's a significant problem and we've got to ensure that the decision that we make is sensible legally because otherwise if the immigration system is just tipped upside down it becomes open slather and then the result is far worse than the result that some speakers have spoken of earlier

MR CHRISTIAN: Mr President in 1987 the Select Committee on Population recommended zero population growth in the mainlander settler component whilst the Islander component should be allowed to naturally increase. The quota calculation formula is purely an administrative arrangement which gives effect to the objective in maintaining the level of the settler component of the permanent population. Basically the quota figure is determined by adding the numbers of settler deaths and departures and deducting the number of settler births and arrivals or returns. The calculation ignores Islander births, deaths, arrivals or departures. This basic formula will not change. The only change will be how we classify for quota calculation purposes the spouse of the returning resident

MR SANDERS: Thank you Mr President. I hear what Mr Brown says with the section 18, the special relationship but I believe that that has been handled in the past the same as the compensating departure. It's been totally abused. I think the special relationship was indeed intended to cover a spouse and dependent children. It was never intended just because Joe Blow was related to somebody a hundred years ago. That in effect hasn't got a problem so long as the same executive member is to enforce the law as it's supposed to be

MR ROBINSON: If we put a cap on the amount of mainlanders coming here we would all end up just as Won Casey said we were. We've got to have a few every now and then

MR BENNETT: Mr President I think what John Brown said about the choice is the way I see it. I don't think we can have a bit of both. I think it's amendment or you have special relationship coming out. I think that that's the nub of the problem. I intend to support the motion

MR KING: Yes Mr President thank you. I repeat again my question earlier in the debate. Would someone please tell me what the objective of this exercise is. No-one has satisfactorily answered that question but no-one's addressed it at all apart from Mr Brown who gave us his objectives. We need to comply with the Racial Discrimination Act and other international conventions. That's a marvellous objective. It's essential. We've got to comply with those things. It's not an objective that we can sit around this table and determine. Legislatures here in Norfolk Island Mr President have often had regard to certain recommendations which set targets, objectives, Butland for example stated a target of 2000 odd people, resident population and certain policies were developed to give effect to that objective. Harrison and Grierson spoke in terms of 1 and 1-1/2% increase in the permanent population level and an intake on our quota being equal to do that. There were no policies developed to give effect to that objective as I recall. The Select Committee sat some couple of years after that and they set as their objective to maintain the level of the mainlander, or settler component of our population and policies were developed around that, so where the blazes is our objective now. I think we're putting the cart before the horse here. It's like trying to pin the tail on the donkey Mr President except someone's taken the bleeding donkey away. Bare with me just a moment Mr President. Some have spoken about the need to have an objective so that we don't become what Ron Casey has charged us with being and I suppose setting aside the lightness of that remark, it's probably quite true. It's sensible to have new people, new blood coming into the Island. But to what extent? What objective? Mr Brown says that we can't have it both ways. We either accept the proposal that's before us or we do away with the special relationship clause. Well I simply can't see the significance of that particular point. There's a great deal of confusion about the operation of section 18 Mr President and special relationship. Most people will have the impression that spouses that come in under the section 18 clause have in fact acquired a permit by reason of having a special relationship. Well that's simply not the case. Those people come in under subsection 18(2). The special

relationship provision is in fact subsection 18(1) and that is the section under which a person can claim a special relationship. Subsection 18(2) is simply a provision to allow the spouse and the children, dependent children, of a person who has successfully claimed a special relationship to enter the Island. The law in itself is deficient in dealing with the spouse and children of a returning resident and so simply subsection 18(2) is used to enable those people to have ready entry at least equal to the preference given to the spouse and children of a GEP, special relationship GEP holder. The principle being that those people ought not to have any advantage over and above that of a resident, the spouse of a resident so whilst the law is deficient in that regard section 18(2) is used to meet those demands so that under section 18(1), that's the clause that establishes a special relationship, section 18(2) makes no reference to the person having a special relationship. Now they are the people coming into the Island under that clause, spouses and children, but just setting that aside, I've digressed just for a moment, coming back to Mr Brown's proposal that we either accept one or we do away with the other, I can't see that there's a link up. I'm open to persuasion that there may well be an increased GEP intake to be in the best interests of the Island, either economic or otherwise. The debate on that particular question is not essential to the issue that we're addressing now but I would be happy to address it at another time. I would suggest Mr President that there are other ways of achieving the original objectives, that is the original objectives of the select committee, other than by sticking to this complex, contentious formula which is becoming increasingly difficult to administer. If members consider that the age spread of our permanent population then they will realise that the Pitcairn descendants comprise probably 80% of the childbearing age group within the permanent population. Now think about it. I know there are no clear statistics to bear this out but if you understand that most of the people that come in as settlers are, how shall I put it Mr President, beyond doing the sort of things which might add to the population, I think it is fair to say that if you look at the permanent population you will find that the child bearing agegroup within that segment the majority are of Pitcairn descent so it's a natural conclusion that they will continue to add unimpeded to the natural increase in population of the Island. That group in fact achieved a 3% increase in numbers from 1981 census to the 1986 census and from the 1986 census to the 1991 census achieved another 3% growth so with or without the recommendations of the select committee it was a natural increasing group anyway and it will continue to naturally increase because of the simple demographics of our permanent population. A special relationship... I've lost my point Mr President, let me just go back over my notes here for a moment. The objective of the select committee can be met in other ways. I've mentioned to you that I believe that the Pitcairn descendants group will continually to naturally increase, and those natural increases and provided we maintain a solid stable environment for them, in which they should live and indeed attractive enough for those of Pitcairn descent to return to the Island then it will continue to add a snowballing or cumulative effect in future years. I believe that at the same time we can abandon the ridiculous formula that we are dealing with now. No-one knows, no-one around this table can tell me how section 18 people whether 18(2) or 18(1) have been treated in recent years because no-one knows. They certainly haven't been treated with any consistency. Some are included in the formula, some are not included in the formula, it's a haphazard approach to a formula designed to achieve an objective which can be achieved in other ways. Maintain the special relationship provisions, do away with its ridiculous quota formula and come up with an objective balanced quota which will give effect to where you want to see the population of this Island go. Set your objective first for God's sake. Who knows what the effect of what we are going to do now is? Who knows that if the next step in this exercise will be for someone to say okay, well now we've done this, now let's go back a few years and recalculate the quotas and see how many we can up it by. We've done all those things in the past Mr President, many many times. There's a history of the haphazard response or attitude to immigration. Set your objectives first then we'll talk about policies but I'm open to persuasion to talk about what level, what balanced numerical number the quota might be. If we can agree not necessarily here today, on what our objectives are

MR CHRISTIAN: Mr President I don't think in my mind there's any change as far as I'm concerned to the original objective and that was basically that it be the home of the Island people but Mr King has just

put forward a large part of the reason for my motion in saying that the present formula is unwieldy, haphazard, ridiculous, quota formula, very hard to work out. It lends itself to making errors and that's part of the reason that I brought forward the present motion

MR BENNETT: Thank you Mr President. I think when Mike last spoke he may have hit the nail on the head. I mean, he said that immigration's been dealt with rather haphazardly over the years and there seems to be a diminishing set of objectives. Now the objectives for immigration when it changed in '87 were I think wrongly focused completely on the select committee report. I will allude to why I say its wrongly in a minute. And I'll also say when I conclude at the end that I don't see this debate today on immigration if we include all three motions as being the end of immigration because there's still a little bit further to go but one of the real difficulties that arise out of change is not knowing all the consequences of that change that will occur and that's precisely what happened in 1987 when the recommendations of the Select Committee on Population were taken up as objectives. At the time there was a perceived problem that the Island was being overpopulated and all the rest of it. In a social sense we were able to see plenty of people around, more cars on the road and more people on the beach and all the rest of it but what the report didn't do and what we've been able to come to grips with is the economic consequences of making and setting of any of those objectives. Members will recall that the report was based on a survey of residents but the report acknowledged that it did not examine the economic consequences of any of those objectives either because of time or lacking the expertise or whatever but whilst it's slightly aside from the debate today I've now formed the view that the decision to set a policy of zero population growth taking into account the two recommendations that related to the mainland component in the Island and a special relation component without knowing the consequences at that time was the worst political decision made in the '80's. Now I was part of that and I acknowledge that. It's the economic consequences of making and setting of those objectives that are just starting to come to the fore now. Hard times has focused on perhaps some shortcomings. Now immigration's not going to fix all the problems of recession and I'm not suggesting that it will but I think that if you reflect back when the surveys were done of the people who lived on the Island formed the basis of that report in 1986 they were fairly buoyant times relatively speaking. They also coincided with a rise in tourist numbers to the highest level for '86, '87 and '88 that we've ever had, and sure it was very obvious that many people had said, I think we've got enough people, we've got enough, and they were keen to say okay enough is enough, but I venture to say Mr President that if a similar survey to that in 1986 was done now it would produce a very different result, particularly if the consequences of any changed numbers were made known. One of the real downsides of those objectives and those policies has been the stagnation effect. Now the CDD scheme which we are going to talk about a bit later wasn't designed to cope with the stagnation but that's one of the consequences of putting the CDD scheme in and has helped with that. I just want to give you an example of the real effect of those objectives in money terms and these are pretty loose but bear with me, they relate to revenue changes in the last two years and the effect that it's having on every man woman and child that live here and just bear with me for one moment, they are revenue and not expenditure but if you bear in mind that whatever we raise in Norfolk Island we tend to spend so that when I'm talking the revenue fund in the 1990 year raised excluding interest on investments from levies taxes earnings and other charges \$5.1M, two years later was \$7.07M. That's about a 38% increase in what we are asked to come out of the pockets of the people who live here. Now how many people do you know that have enjoyed a 38% increase in their wages in that time. Probably not even 8% so I think that you've got to let the people have some input into this whole thing. Not just the people we talk to to gather opinions to form the debate today but much wider view. These are the people that are having to prop up the government's spending wishes. The same number of people. I mean that increase in itself of \$1.8M, or \$1.9M, that represents almost \$1000 out of every man woman and child's pocket to fund the increases in the last two years. As I said, wages haven't gone up here. The pressures really on and we are now understanding what the stagnation effect is all about so it goes back to the wisdom of making far reaching decisions about immigration without knowing the full ramifications of those decisions. If you relate the economy to an orange, we've squeezed and squeezed the orange and now we've got a lemon. As Mr King said, what I'm

saying now isn't central to this whole debate, it's a matter that will come up, it's closely related to it and will need to be addressed shortly but I think before we go along a path of defeating that motion and effectively shutting the door so tight we should be addressing the broader issue, the economic consequences of the objectives when we set them before we proceed on. The governments over the years I think have been irresponsible. On the one hand they've acknowledged and gone by a zero population policy and objectives but have not thought about that when they've come to spending so they've raised more and more money out of a group of people which is only, accordingly to Mike's figures, increased by 3% or 3-1/2% in the last five years or 6% over ten years so the burden has been put fairly and squarely on the electors and the tax payers, on the people who live in Norfolk Island and I think we owe it to them for them to have a say in how we want our immigration to go in respect of these perhaps but in the broader question, before we nail down and make any more hasty decisions

MR ROBINSON: Thank you. I was just going to move that the question be put

MR PRESIDENT: I put to you Honourable Members the question. The question is that the question be put

QUESTION PUT
AGREED

The ayes have it so I will put the question. I won't read it to you but you will know that it is the last item, item (c) in respect of this series of immigration questions that is on the Notice Paper in front of you. So in respect of the motion that is in front of us those who agree that motion, I put the question

QUESTION PUT

Would the Clerk please call the House

MR BROWN	AYE
MR BUFFETT	AYE
MR BATES	AYE
MR SEMPLE	AYE
MR BENNETT	AYE
MR ROBINSON	AYE
MR CHRISTIAN	AYE
MR KING	NO
MR SANDERS	NO

Result of voting Honourable Members. The ayes seven the noes two, the ayes have it. We now revert to the second motion earlier proposed which really relates to the CDD. Yes the amendment. We have the totality of it before us which is the motion plus the amendment

MR BROWN: Mr President what we have before us at the moment is an amendment moved by Mike to Ernie's motion and the impact of Mike's amendment would be to adopt Ernie's motion but to add to it a requirement for Ernie to bring into the House legislation which would have the effect of repealing the CDD scheme at a later date. I've got some sympathy for the suggestion that as a result of the passage of Ernie's motion just a moment ago, it may be appropriate to remove the CDD scheme. Mike's amendment as I understand it would not cause the CDD scheme to be removed today but it would achieve Ernie's aims of ratifying that tightening up and it would require Ernie to bring into the House for us to discuss a piece of repealing legislation. My inclination is to support Mike's amendment but I want to make it clear when I say that I'm not guaranteeing that I'm going to support the repealing legislation when it comes in. I think that we do need to look at the repealing legislation and to be frank with you I'm not sure which way I'll vote at that stage but insofar as the amendment is concerned I support it

MR PRESIDENT: Thank you. Further debate? Then I'm putting the question Honourable Members that the amendment be agreed which is Mr King's amendment which has the two components

QUESTION PUT
AGREED

That means that the motion as amended is now before us. Any further discussion in respect of it? I will put the motion as amended

QUESTION PUT
AGREED

The ayes have it. The motion as amended is agreed.

NO 3 - NORFOLK ISLAND HOSPITAL AMENDMENT BILL 1992

MR BROWN: Mr President, I present the Norfolk Island Hospital Amendment Bill 1992 and I move that the Bill be agreed to in principle

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

MR BROWN: Mr President this is a short Bill. It's purpose is to tidy up the situation where a Member of the Assembly is a Member of the Hospital Board and where that Member ceases to be a Member of the Assembly, perhaps he resigns, perhaps he doesn't stand for re-election, perhaps he's not re-elected. At the moment it's necessary for that Member or, at the moment, that Member would continue to be a Member of the Board until he actually resigned from the board. The effect of this motion would be to deem him to have resigned when he ceases to be a Member

MR PRESIDENT: Thank you. Any debate in respect of the Bill that has been tabled? No debate. Mr Brown

MR BROWN: Mr President I don't ask that the Bill be dealt with urgently today and so I move that the debate be adjourned and the resumption of debate be made an Order of the Day for the next sitting

QUESTION PUT
AGREED

The ayes have it thank you

NO 4 - TELECOMMUNICATIONS BILL 1992

MR PRESIDENT: Notice No 4. Mr Bennett

MR BENNETT: Mr President, I ...

MR PRESIDENT: Oh, you did mention to me I'm sorry that that Bill would not be coming forward today. My apologies. That missed my attention at the time, so we are proceeding to Orders of the Day

ORDERS OF THE DAY

NO 2 - ROAD TRAFFIC AMENDMENT NO. 2 BILL 1992

MR PRESIDENT: Order of the Day No 2. We have this Bill in front of us. It's resumption of the debate on the question that the Bill be agreed to in principle. Mr Semple you were to resume and I am aware that you have some amendments

MR SEMPLE: Thank you Mr President. At the last Assembly Meeting on the 26th when I brought the Road Traffic No 2 Amendment Bill, when it was again brought before the House it did appear evident that some of the Members felt that it didn't quite go far enough in attempting to achieve its aim. Briefly the aim of this Bill is to ensure that young people before gaining their car drivers licence at the age of sixteen must holder a learners permit for a period of three months to give them a chance to practice legally on a public road in the company of someone over the age of 25 years. Again I stress the point that young people who sit for their driving test as soon as they turn sixteen have had no experience driving in traffic or if they have then this experience has been gained illegally contrary to the law which forbids people under the age of 16 from driving a car on a public road. I do appreciate that in certain instances this bill doesn't go far enough, for example, a young person may not wish to apply for a learners permit the moment they are

fifteen years and nine months and no provision was made to cover the situation where an older person may wish to apply for a licence for the first time. This has to do with the amendment, can I include

MR PRESIDENT: What we will do now Honourable Members, is I will put the question to you that the Bill be agreed to in principle and then we might, if that is passed and if that is your wish, then we will go to the matter of the detail stage where the specific amendments may be addressed so the question that I now have to you is the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it thank you and we are now progressing to the detail stage and I think the best way might be to do that is to listen to Mr Semple's specific amendments and his amendments in his brief are these, to insert clause 6(a) after clause 6 and then to omit clauses 4, 5 and 7. Now you might like to talk to those Mr Semple

MR SEMPLE: Thank you Mr President. As I said before one of the main comments conveyed to me by Members was that the Bill didn't go far enough. That it was only directed at young children and not overall licence or permit people. I feel that this amendment does widen the scope and would make it necessary for all first time car drivers to hold a learners permit for the three month period regardless of their age. In the case of an older person who has held a recognised licence within the past five years and for reasons other than having this licensed cancelled the three month period for holding a learners permit may be shortened at the discretion of the Registrar. It should be stressed however that a person who has had their licensed cancelled in the three month period would still apply. As the other Members have the sheets of the amendment do you wish me to read the amendment

MR PRESIDENT: This is your amendment which talks about clause 6(a)?

MR SEMPLE: Yes, the No 2 amendment on the sheet, yes. Do you want me to read the amendment Mr President or the fact that all Members have it

MR PRESIDENT: Well I'll just look to Members if they feel they are comfortable in having seen it on the page in front of them there probably is not a great deal of necessity but I'm open to whatever Members would wish. I'm taking it that you won't need it to be read to you? Further debate? Then I will put the ...

MR KING: We are debating Mr Semple's amendment?

MR PRESIDENT: Yes

MR BENNETT: Mr President there are two amendments the amendment marked (a) and the amendment marked (b), are we doing those together? No I'm doing amendment (a) at this moment which really addresses, as I understand it, clause 6(a)

MR KING: Mr President, as I understand the situation the amendment that is now before us satisfies my concern that any person who has had no experience in driving on the road will be required, it will be mandatory for them to undertake a period of learning or holding a learners permit for a period of three months. That's correct yes? It also has the effect, does it not, of reducing the age at which a person can drive a vehicle now? from sixteen to fifteen years and nine months?

MR SEMPLE: That is the way it is at present but whether you wish to regard that as reducing the age I think is perhaps open to debate

MR KING: Well could I ask a question? I am a bit confused, with sort of amendments all over the place, is it the present situation that a young person can drive a vehicle at the age of fifteen years and nine months on the roads?

MR SEMPLE: No a motor car no

MR KING: So this has the effect of reducing the age at which a person can drive a motor vehicle

MR SEMPLE: Legally

MR KING: That is the aspect that I am still having some concerns with. I'm happy with my earlier concerns about the mandatory period of learning have been met but I'm not happy at reducing the age further from sixteen years to fifteen years and nine months of which a person can drive on the road

MR BENNETT: But amendment (b) would cover your concerns as they cover mine

MR KING: Yes. That's of course Mr Semple's fallback position and I imagine he wants to hear some sort of debate to see which way things are going

MR SEMPLE: Well if anyone else has any comment on that, I don't strictly see it as lowering the age simply because most children who gain their licence at sixteen has been practising on the road anyway, illegally

MR BROWN: Mr President just because something presently happens illegally isn't necessarily a reason to legitimise it. If that were the case we would be legitimising the possession of marijuana for example because some people have, for whatever reason, possessed marijuana. I would have great difficulty in reducing the age and I certainly would see it as that. In fact, Lester's motion has caused a reasonable amount of comment as to whether we should be increasing the age. There have been examples I'm informed of Norfolk Island children attending school on the mainland driving motor vehicles on the mainland at the age of sixteen years and when pulled up by a policeman they have produced a Norfolk Island licence and this has caused problems. I understand that the view that is going to be taken in New South Wales is that such a licence does not entitle a person to drive on a road in New South Wales. I'm not sure quite how they are going to handle that from the point of view of their own legal purposes, I would actually be sympathetic to an argument that the age should be increased here to bring it line with the mainland states and territories. I wouldn't oppose Lester's bill for that reason provided that the Bill did not cause any reduction in the present age and so if the amendment (b) does not seek to reduce the age and caters for the problem Mike mentioned then I think I would be prepared to support that. I wouldn't support the amendment (a) if it had the impact of reducing the age at which a person legally drove a motor vehicle on the road albeit under supervision

MR CHRISTIAN: Mr President I have the same problem. I don't think that the age should be lowered. I think if you try to make it legal at fifteen years that they get their licence then in fact we are going to see them out there at fourteen and a half practising the same thing. I don't support this present amendment but I would definitely support the (b) one

MR SANDERS: I have a similar view

MR ROBINSON: I don't mind. I got my licence legally at fifteen and I wonder how many others round here also did. I see different stroke for different folk

MR BENNETT: Mr President my preference is to take amendment (a) and amendment (b). There are certain things about amendment (a) that I think that are important and that is some of the qualifications that the Registrar might take note of so that if you abolished (a) and put (b) in then we might have to come along and still think about those things that the Registrar obviously had some concerns with

MR KING: I think annexure (b) being Lester's fallback position as it were is as well as or in conjunction with (a)

MR BENNETT: Yes. It's not clear though. A further amendment so you wouldn't be abolishing (a) it would just be accepting (a) provided it was amended with (b). Okay. I support that

MR PRESIDENT: Anything further around the table?

MR BROWN: Mr President it sounds as if there is general support for the bill as amended by amendment (a) as further amended by amendment (b)

MR PRESIDENT: Yes, well I'm just about to put amendment (a) to you and you can decide upon that and then I will put amendment (b) to you, is that?

MR BROWN: Perhaps we ought to be amending amendment (a) by virtue of amendment (b) first

MR PRESIDENT: Yes, you are quite right about that, yes, and are you moving that?

MR BROWN: I so move

MR PRESIDENT: Thank you. The proposal is that amendment (b) amends amendment (a) and I put that question to you

QUESTION PUT
AGREED

The ayes have it thank you. So we now have amendment (a) as amended by (b) and I put that question to you

QUESTION PUT
AGREED

We therefore have an agreed amendment to the Bill in front of us and I'm now going to ask you as to whether you agree to the balance of the legislation that is in front you, that is, the unamended parts

QUESTION PUT
AGREED

The ayes have it. Therefore what we have is the Bill in its totality with the amendment in its totality that has been presented by Mr Semple. Right, that the Bill as amended be agreed

MR SEMPLE: I so move Mr President

MR PRESIDENT: Thank you. Any debate on its finality, then I put that question. The Bill as amended be agreed to

QUESTION PUT
AGREED

The ayes have it thank you. That completes the Road Traffic Amendment No 2 Bill. We move to the Fixing of the next Sitting day

FIXING OF NEXT SITTING DAY

MR SEMPLE: Mr President, I move that the House at its rising adjourn until Wednesday 21 October 1992 at 10 am

MR PRESIDENT: Thank you, the proposal is that we adjourn until Wednesday 21 October 1992 at 10 am. I put that question

QUESTION PUT
AGREED

The ayes have it thank you. We move to Adjournment

MR PRESIDENT: Wait. Mr Christian

MR CHRISTIAN: Mr President I would just like to seek leave of the House to be granted on that day

MR PRESIDENT: Right. Is leave granted? Leave is granted, thank you Mr Christian

ADJOURNMENT

MR BROWN: Mr President I move that the House do now adjourn

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

MR BROWN: Mr President in last weekends paper Mike King had a fairly lengthy statement in relation to the tourist industry. I defend his right to make such a statement. I don't want Members to think that I necessarily agree with its contents but what is done is to put a concern that he has into the public forum. He proposes as I understand it to now have discussions about his concerns with a number of public groups and I think he's to be encouraged in that and if any affected people, be they members of the particular industries that are being discussed or other people within the community have a view then they should make sure that preferably between 9.00 and 5.00 and preferably down here they make Mike aware of it, thank you

MR PRESIDENT: Any further participation in the adjournment debate? There being no further participation I put the question

QUESTION PUT
AGREED

The ayes have it, therefore Honourable Members this House stands adjourned until Wednesday 21 October at 10 o'clock in the morning

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