

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

Prayer

Almighty God we humbly beseech Thee to vouchsafe Thy blessing 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

Honourable Members, please feel free to take your coats off if it feels more comfortable this morning

Condolences

MR PRESIDENT: Thank you. Honourable Members I firstly call upon Condolences

MR ROBINSON: Mr President, it is with regret that this House records the death of Muriel Kathleen Christian who passed away in Brisbane at the home of her son, Dennis on the 8th October. Muriel arrived on Norfolk Island some 45 years ago from New Zealand. She married Holder Christian and they had one son, Dennis. Later they parted and Muriel occupied much of her time in working at various jobs and giving a great deal of time to looking after children on the Island - many parents today remember her with gratitude for her loving care and attention. Muriel was always a lady, was greatly respected by those who knew her and was a wonderful mother and grandmother. Muriel worked in the Burns Philp Middlegate Store for some years and had many friends amongst both staff and customers. To Dennis and his wife Ana, to their children Marcia and Daniel and to Dennis's son Dean in New Zealand this House extends its deepest sympathy.

MR PRESIDENT: Thank you Mr Robinson. Honourable Members as a mark of respect to the memory of the deceased I would ask that Members stand for a period in silence please. Thank you Honourable Members

Presentation of Petitions

We move to Petitions. Are there any Petitions?

Giving of Notices

Notices? Are there any Notices?

Questions Without Notice

Are there any Questions without notice?

MR ROBINSON: Thank you Mr President. My first question is addressed to Mr Brown. How many summonses were issued recently to recover bad hospital debts and what circumstances were those summonses issued?

MR BROWN: Mr President since the election of this Sixth Assembly I've been quite concerned about the level of debtors at the Hospital and it has seemed that no hard action had been taken by the Hospital for quite some time in order to collect those debtors. I requested the staff at the Hospital to pursue the debtors to such extent as they could and in recent weeks I asked that a summons be issued against all persons who had had debts outstanding to the Hospital for more than, I think it was 60 days, I may have even asked that the first lot of summonses be addressed to those with debts outstanding for more than 90 days and I don't have the precise number of summonses with me or in my mind but I think it was in the region of twenty and those summonses have been issued. There are then two further categories of people in the long overdue areas. One category comprises people against whom or people in relation to whom it was perceived there was some difficulty in issuing a summons, for example, people who are away from the Island or people who are thought to be in hardship and the situation of those people is being examined at the moment. There is a further category of people who have been paying the Hospital in bits and pieces over a period of time and those two are being examined at the moment, some of them are people who ought to be able to afford to pay the whole of the bill straight away and the Hospital staff have been asked to contact people who fall into that

category and to ask that their payments be expedited. Others are people who are clearly in genuine hardship and who are making a fair endeavour to pay the bills as quickly as they can and in the case of those people who have been in touch with the Hospital and made an arrangement for payment over a period, that arrangement will continue. There will be a further group of summonses issued within the next week or so and in fact it is intended that the Hospital will collect promptly all of the moneys owing to it and anyone who has had money owing to the Hospital for more than 30 days could well expect to receive a summons in the quite near future if the amount is not paid in full or if they do not call at the Hospital and make an arrangement to pay by instalments

MR ROBINSON: Just while we are on the subject of debts Mr Brown, could you tell us what you are doing about school fees for Year 11?

MR BROWN: Thank you Mr President. Members will recall that accounts had not been issued for the first two terms of this year in relation to school fees for Year 11 even though it had been agreed at the time that the decision was made to introduce Year 11 that fees of \$1,000 per term would be charged. After this Assembly was elected and after I was given the executive responsibility for education I took action to ensure that the fees could legally be charged and I then took action to ensure that the accounts were sent. Because the accounts had not been sent for the first two terms the accounts for terms three and four are at \$2,000 per term per child and the accounts for next year will reduce back to the \$1,000 but be issued for each of the four terms so that no parent will be paying more than the agreed \$4,000 per year. When the accounts were sent to parents during the course of third term a number of them objected to paying the accounts and as well as writing to all of the Assembly Members they also wrote to the Minister in Canberra complaining to her. As a matter of courtesy I have waited until she has replied to the parents before commencing any form of action to recover those monies. The Minister had now replied to the parents advising them that the matter is a matter entirely for the Norfolk Island Government and suggesting that if they have any representations to make they should make them to me. I've not heard further from any of the parents since then. The accounts for the fourth term are being issued at the moment. Parents were invited when the bills for third term were sent out to contact the Accounts branch at the Administration if the bill was going to cause them hardship so that arrangements could be made to pay it over a reasonable period of time. That option is still open to parents and that option is certainly open to them for term four but in the event that at the end of next week there are any fees outstanding for term three without a time payment arrangements having been made, I will be requesting the legal branch to issue a summons at that stage to collect those fees, and it must be clear that the introduction of Years 11 and 12 have been a very expensive exercise, the decision was made on the basis of the assurance by the parents that they would pay these fees which in the current year will recover something like one quarter of the cost of providing Year 11 this year and if the parents have now formed a view that they are going to refuse to pay those fees the Assembly will need to reconsider the whole question of the provisions of Year 11 and 12

MR ROBINSON: It's not all the parents that are refusing to pay I presume

MR BROWN: No. I don't think it's appropriate that I mention names but certainly not all of the parents have refused to pay

MR ROBINSON: And while we are on the school if I may Mr President. What have you done to encourage local employment at the school of teachers?

MR BROWN: Mr President the short answer to that is at the moment I have done what I can. In earlier years the advertisements for the employment of teachers have not been printed locally and not much appears to have been done to encourage local teachers to apply for the positions. I asked this year that the positions be advertised locally and they were. I had hoped that a significant number of qualified local people would apply. The number was not as high this year as I had hoped but nevertheless a reasonable number of qualified local people did apply and I'm pleased to say that I understand that at least one local person will be employed for next year and in relation to the others who applied

and in relation to other qualified people who did not apply on this occasion I intend to continue to press the Headmaster and the New South Wales Department with the aim of encouraging local employment as far as that is possible. I did have discussions during last week as to how this could be achieved and I was assured that for example in the case of a teacher who may not have taught for five or ten years, there are refresher courses available by correspondence that such a teacher could complete in the course of one year and massively improve their chances of being selected when the positions are advertised next year. I have spoken with a number of the members about this concept and everyone has agreed with me that it desirable that as far as it is possible local people be encouraged to apply for those positions and that will certainly be the policy I'll be adopting

MR ROBINSON: Just one more question Mr President and this time to Mr King. What's happening at the Cascade Rock Cliff Face with rocks falling down etc

MR KING: Thank you Mr President. I think Members will all be aware that there was a rather serious fall from the Cascade Cliff Face to the adjacent road I think some seven or eight days ago and that was in the order of some 200 tonnes of rock and I'm sure that I've mentioned previously to the House that my proposals are to enter into a programme to stabilise the cliff face as we know it with an exercise involving blasting and barring away the loose rocks. On the 7th September we wrote to the Administrator's office seeking his assistance in having the Members of the Australian Defence Force assist in that stabilisation programme. The Administrator responded on that occasion that he would be happy to offer whatever assistance he can. There has in recent times been some contact with the first construction engineers at Upholdsworthy of Sydney and it is planned that an Army Engineer will be making a reconnaissance visit to the Island if you like in early November to assess the situation followed hopefully by a team of engineers arriving in the Island in February/March to do the particular barring and blasting on the cliff face and we hope all of that will be followed by or will establish a regular programme of maintenance using the Australian Defence Forces and those formalities will of course include, as I mentioned before, the assistance of the Administrator's office in formalising those arrangements and that assistance is forthcoming

MR SANDERS: Thank you Mr President. There's a couple of supplementary questions with regard to Mr Robinson's. I had similar questions of my own and it's to do with the Hospital and it's to Mr Brown. Have summonses included senior public servants and Assembly Members or have you shown favouritism as to those who proceedings which have already commenced?

MR BROWN: Mr President it's probably not appropriate that I confirm or deny whether a summons has gone to a senior public servant or whether a summons has gone to a Legislative Assembly Member but I think it is appropriate that I say that summonses were issued against a number of my friends and colleagues and on no occasion did I telephone any of them to say that a summons was about to be issued and I did so deliberately because I felt that it would not be appropriate for me to treat friends and colleagues in one way and other people differently and to that extent I probably owe an apology to my friends and colleagues but I hope they understand why I acted the way that I did

MR SANDERS: A further question to do with the Healthcare Mr President, also to Mr Brown. How long is a person who is owed money bearing in mind that we've been going about collecting it, how long is a person who is owed money from the Healthcare Scheme expected to wait for payment

MR BROWN: Mr President there are probably three categories of people to who Mr Sanders may be referring. The first would be people who are referred away from the Island for treatment overseas with a Healthcare referral and in that situation I think the position has significantly improved compared to what it was four or five months ago. I did hear numerous complaints around May and June of this year about mainland doctors and hospitals being unhappy to accept referrals from Norfolk Island because we were taking far too long to pay our bills. In so far as I am aware, that type of bill is now being paid extremely promptly. The second category would be people who have gone away for

treatment but without a Healthcare referral. Members will probably be aware that there are two types of referral to doctors and providers of treatment on the mainland. One is a referral under the Healthcare Act where the Healthcare Fund will pick up the responsibility for payment and will then bill the Healthcare member for whatever part of his first \$2,000 has to be paid towards that. That is a Healthcare referral. But if the doctors in considering the Healthcare referral guidelines decide that a patient does not qualify for a healthcare referral the patient can nevertheless receive a non healthcare referral and anyone can ask for that. A non-healthcare referral is a referral to a specialist in the proper form but in a situation where the patient can pay his own bill and will not be able to claim against the healthcare fund for it. Members will be aware however that there are appeal provisions within the Healthcare Act and there certainly are on my desk at present I think five appeals under the Act, some of which date back twelve to eighteen months, and in the case of at least one of those appeals, the patient has chosen not to pay his or her mainland health provider until the appeal has been finalised. Now in that situation clearly mainland providers would have been waiting quite some time. I'm hoping that the Appeals Committee will dispose of all of those appeals within the course of the next fortnight to three weeks at the most but I would like to say about that that it is the responsibility of the patient to pay his off shore provider in the event that he has had a non healthcare referral. It simply isn't appropriate to come back and wait for the appeal to be dealt with where a person has chosen to go away of his own volition rather than with a healthcare referral. Now the third situation would be one where a person has had private health insurance in addition to this healthcare fund membership and in that situation there has been considerable argument which has now been resolved as to just what amount the healthcare fund should be repaying. Members will recall that at our last meeting I think I mentioned that if a persons private insurer has met \$2,000 or more of eligible expenses then to such extent as the private insurer didn't cover any other eligible expenses the patient is entitled to be covered for those. In short, if the private insurer pays the first \$2,000 then the patient doesn't have to pay another \$2,000 himself, doesn't have to pay anything else himself. The Healthcare Fund covers what the difference is and it's for that reason obviously that people have private insurance and we need to encourage people to maintain that private insurance. In that situation I'm sorry to say that there have been difficulties. I had asked the Hospital to ensure that the known cases of difficulty were finalised by today. I haven't had time to check this morning whether that has in fact occurred but the hospital is doing two things in that regard. Where there is a known difficulty the Hospital is resolving it in accordance with the new directions but secondly it will have to go back as from the 1st July 1991 and reassess the situation for everyone who has private insurance because there may be refunds due to other people as well that are not known at this stage. I can't say how long that will take. It will be done as quickly as possible but it will require some communication with each of the relevant people

MR SANDERS: Mr President I have a couple of other questions to deal with Health and Education, if I may I might as well while Mr Brown's in the chair and this one is to do with health. What action have you taken to ensure that the standard of health in the kitchen at the hospital is the same or better than that which applies to restaurants?

MR BROWN: Mr President I think I've already mentioned to some members privately that I have taken action to compare the hospital with the tourist industry in so far as its food services and accommodation services are concerned and I've requested the Tourist Accommodation Officer to inspect the Hospital at a convenient time and to provide a brief report as to whether the hospital meets the minimum standards which would apply if it were seeking registration as a guesthouse under the Tourist Accommodation Legislation and just as a matter of further interest I've asked if he could give me an indication of what sort of a grading the Hospital would be likely to receive if it were to be looked at from the point of view of a guesthouse. I made a similar request of our Health and Building Department to look at the kitchen and to tell me whether or not the kitchen would be eligible if it were applying for the issue of a Sale of Food licence. It seemed to me that the standards which were required of a property in which food is sold ought to be the minimum standards that we provide at our hospital and I have in the course of recent days received a report as to the sale of food aspect. In that report there are a small number of matters that

are drawn to my attention and it concludes this kitchen was upgraded approximately five years ago and so far is wearing well. If the problems addressed above were rectified and then maintained the kitchen could obtain a Sale of Food licence and I propose to take these matters up now to ensure that they are rectified. I might just add that I spoke this morning with the Tourist Accommodation Officer and because the Hospital has been quite busy there has not been enough rooms empty as yet for him to do his inspection from the point of view of minimum standards under the Tourist Accommodation Legislation

MR SANDERS: Mr President do I understand that the kitchen at the Hospital is not suitable for a Sale of Food Licence?

MR BROWN: Mr President the major items which have been drawn to my attention are fly screens, a tile that's missing from behind the sink, a need to replace the sealant around the sink, the extraction hood installed above the stove is unsuitable and not used and some cleaning and general tidying up are required in a couple of other areas but I would hope that all of these matters could be addressed within a week and I would hope that I could then say to you that if the Hospital were to be applying for such a licence it would be issued to it

MR SANDERS: Thank you Mr President. I have two on matters of education for Mr Brown. Firstly could you please explain to this House why the Headmasters salary has increased from \$43,000 per year to \$57,000 per year in approximately two years

MR PRESIDENT: Order. Mr Sanders you will recognise that there is a Standing Order which precludes the identification of specific public servants and discussion of their situation unless of course we go through the process of

MR SANDERS: It wasn't intended to be offensive Mr President. We had been recently speaking of education costs. Perhaps I could cover it in the other question that was to do with costs which doesn't refer to any of those things at all

MR PRESIDENT: Yes, well if we could try it that way. It's Standing Order 72a to which I'm referring and it doesn't necessarily mean that it is has to be a referral in a detrimental way it's where there is specific identification and I would ask you to please observe it

MR SANDERS: Yes I'll put that specific question aside and I'll ask the next one. Is it a fact that the education budget for the year 92/93 is overspent by approximately \$100,000 and is it a fact that this represents more than a 50% increase in the cost of education in the last four years

MR BROWN: Mr President there are significant concerns in relation to the cost of education. It is the case that I have just reviewed the budget for the remainder of this financial year and for various reasons it appears that the budget is going to, if something is not done to rectify it, the budget will be overspent by just over \$95,000 and members deserve some explanation of just how that comes about. When the Assembly decided in June last year to introduce year 11 this year it did so at the same meeting as that at which the budget for the current financial year was finalised. That was I think, the 26th June last year. It didn't occur to me at the time and it obviously didn't occur to other members that we had agreed to engage additional teachers this year but not put any moneys into the budget in order to pay for them and that same problem appears to have slipped through at the time of the half yearly budget review. That aspect of the problem didn't come to light until relatively recent weeks when the bill arrived from the NSW Education Department for the first six months of this calendar year, that is, for the period up to the 30 June 1992 and when that bill arrived it was for, from recollection about \$63,000 more than was left in the budget from last year. On examination it came about for three reasons. The first one was we were charged for one teacher for a period of six months during which that teacher did not in fact work here and so a credit will come through for that hopefully. The second reason was the engagement of two additional teachers for year 11 for whom no provision has been made in the budget and so we had the equivalent of salary for a full year plus removal expenses inwards at least for two teachers in that period and the third problem which to me was probably more concerning was that there was

a basic flaw in last years budget which continued into this years budget. That basic flaw related to leave loading and to superannuation payments for the teachers. In last years budget and in this years budget a 5% allowance, that is, 5% of the basic salary had been included to cover those items but the reality is, looking back over the last few years that the leave loading has been costing just under 1 1/2% of salaries and that the superannuation has been costing around about 8% and so we've allowed 5% for leave loading and superannuation where we should have been allowing just under 9 1/2%. Upon taking up the shortfall from last year and making allowance for the additional leave loading and superannuation for this year together with a few relatively minor adjustments to take account of the current likely position in relation to removals and arrival of teachers for next year a figure of \$95,000 is thrown up. Of that amount, something like \$44,000 will be received by the revenue fund from school fees for year 11 and year 12 next year in the event that years 11 and 12 continue and that \$44,000 will relate to the period from the 1st January 1992 until the 30th June 1993 so it will be 1 1/2 years of revenue. At the moment that will go into the revenue fund, it isn't allocated specifically to education it just goes into the revenue fund. I will be asking the Finance Minister to give consideration at the time of the half yearly review to voting that \$44,000 in the event that we are certain that that's the figure towards this shortfall but there's still roughly \$51,000 to be found and I'm having discussions with the headmaster at the moment as to how we can find that \$51,000. I have said to the Headmaster that it may well be the case that at some time in the future school fees will need to be introduced for all students at the school but I have said to him that I do not regard that as a satisfactory solution to this problem so I hope that helps

MR BATES: Mr President my first question is to

MR PRESIDENT: Sorry. Have you concluded Mr Sanders?

MR SANDERS: With Mr Brown yes. I have a number of question for Mr Bennett and Mr King

MR PRESIDENT: I see

MR BATES: I don't mind, as long as we can extend Question time to enable my questions to be asked

MR PRESIDENT: Yes. Continue if you would like to Mr Sanders and I'll seek some participation about extending time

MR SANDERS: If Mr Bates is already I'm quite happy for him to continue

MR BATES: In my first question to Mr Bennett the Minister for Finance, traditionally the balance of the revenue fund has been the Island's reserve funds. Could the Minister inform the House the purpose of the Island fund?

MR BENNETT: Thank you Mr President. The Island Fund as I understand it, or the head of the Trust fund called the Island fund was established a few years ago and its specific purpose at that time was to provide or to allocate funds specifically to a fund other than the revenue fund as we know it to provide easy access to those funds should there be the need for litigation or expensive consultations in relation to matters that might have been in dispute with the Commonwealth. At the time there was the feeling that if there did arise a dispute that was so serious that required us to allocate a fair amount of money to it, and if we had been relying on the normal budget process to vote those funds and given that the Appropriation bills or then Public Expenditure Account bills needed to be assented to by the Administrator there was a feeling that there was an opportunity for us to be starved of funds should the dispute be of a nature that caused them to take an action not to assent to an Appropriation bill for money virtually to fight them. In recent years the, or in those earlier years the sum of about \$50,000 was actually voted for specifically the Island fund, in subsequent years it's been the practise by some Finance Ministers to allocate the unspent portion of the discretionary vote 52/1/0 to that head of the Trust Fund called the Island fund and still with the same purpose in mind that should it be required to access quite quickly funds for consultants or other councils advise in relation to speech with the Commonwealth that

that money was easily accessible. In the end of the financial year 30 June 1991 there was an amount of \$100,000 in the Island fund and members will recall that the Legal Regimes Dispute which went on for year or so gobbled up a fair amount of that money, in fact, it depleted that Island fund by some \$46,000. I guess it's a mute point now if the relationship between the Commonwealth and Norfolk Island is alot better that we should have that fund at all but I don't have any intention at this time of scrapping it, in fact, I have committed myself to applying unspent portions of my discretionary vote to the Island fund come the 30 June 1993

MR PRESIDENT: Question time has expired so I look for a motion of extension

MR SANDERS: I so move that Question time be extended by about fifteen minutes

MR PRESIDENT: Thank you. Is that agreed? Thank you

MR BATES: Yes, a supplementary question to that. Does this in fact mean that the Minister is able to spend the Reserve Funds without the approval of this House?

MR BENNETT: Mr President I think the answer to that is covered by Section 12 I think it is of the Public Monies Ordinance which talks in terms of the way in which Trust Funds or monies held in Trust Funds may be spent and if there is, or if a Trust Fund is there by enactment then it shall be spent in accordance with that enactment and otherwise it should be in accordance with the purposes for which the Fund was created. That's my understanding, I don't have the Public Monies Ordinance with me but that's my understanding

MR BATES: I have several more questions Mr President. The next one is to Mr King, the Minister for Tourism and the question is, how many staff at the Tourist Bureau have been made redundant and if so, who made the decision and why?

MR KING: Mr President, thank you, I've only in recent days been made aware of the possibility of a particular staff member being made redundant and that I understand arises as a result of a person applying for leave without pay for a certain period of time and during that leave had been advised by the Tourist Bureau that the position has been made redundant. I imagine that that decision was taken by the Tourist Bureau. As to why I can't answer that but I would be prepared to take that particular point on notice. I haven't yet made any direct enquiries with the Tourist Bureau Chairman or any of its members

MR BATES: A supplementary question to that Mr President. Since the revenue earning activities of the Bureau have been almost eliminated does this saving in wages mean more public moneys available for promotional activities of the Norfolk Resorts Group

MR SANDERS: Point of Order. That's an imputation that members of the Tourist Bureau are in fact using it for their own personal benefit. I find that offensive

MR BATES: Mr President I'm happy to rephrase the question and remove reference to the Norfolk Resorts Group. The question is, since revenue earning activities of the Bureau have been almost eliminated does this saving in wages mean more public moneys available for promotional activities at the direction of the members of the Tourist Bureau?

MR KING: I have no idea what the results of those sums would be or how any savings might be applied Mr Chairman but I would be happy to take it on notice

MR BATES: A supplementary question to that Mr President. At a time of high unemployment and a time when the Government has been trying to help the economy by creating useful employment does the Minister support such moves?

MR KING: Given Mr President that I haven't yet made any enquiries with the Tourist Bureau I don't think that I can fully respond

to that question. If it is as I understand it to be I would think that it would be highly unusual that someone who has sought leave on a particular basis and been granted that leave then I would think it improper or unusual rather than improper that that person be advised otherwise during the course of that particular leave but I have yet ascertain the accuracy of that

MR BATES: Another question for Mr Bennett in his responsibilities for the airport, in the previous meeting you promised to report further on the use of the airport or as we commonly know them, the DCA houses. Have you any information on that?

MR BENNETT: Thank you Mr President. Yes I do have information. Members will recall that I gave an outline of the position of all the houses in the circle at the last meeting and indicated at that time that there were two or three that were held up pending the resolve to the question of the Norfolk Island Administration acquiring furnishings and fittings of some of those houses. Some of the houses were still in the control of the Civil Aviation Authority. I'm happy to report that the furniture of those three houses was recently transferred to the Norfolk Island Administration following successful negotiations and the position at this time is that all the former DCA residents have now either been occupied or arrangements made for them to be occupied including one being held for the Museum Curator who arrives towards the end of November

MR BATES: Yes, a further question for Mr Bennett in his responsibility for the airport. Since the withdrawal of the Civil Aviation Authority from Norfolk Island could you inform this House how the Flight Information Service is now operating and how do you see its role in the future?

MR BENNETT: Thank you Mr President. That is one of the aspects of the airport that's been particularly difficult and particularly sensitive however, members will be aware that when the Civil Aviation Authority passed the Flight Service Arrangements to Norfolk Island they did it on the basis that the services hitherto provided by the Air Traffic Controls Service that was in place and manned by the Civil Aviation Authority could in fact be operated by the agents to the airlines. They left certain pieces of equipment in place and they provided additional equipment which would assist the pilots of incoming aircraft to be in touch with the Island and through Sydney radio so that they were aware at all times of the weather situation and the like. When this Assembly came to power what had happened was the ghosting period which was a period of one month where they switched off the microphone that is located in the airport and that microphone connects to the radio system that talks to the pilots, they switched that off and the Norfolk Island Administration personnel stood with the Civil Aviation Authority people to monitor the situation without the hands on arrangement and subsequent to that our own airport personnel has been sitting in the chair so to speak and not actually doing the job that was done by the Civil Aviation Authority but being there and providing any assistance that was required should a pilot or an incoming aircraft require the same. Now I wasn't happy with that arrangement for a number of reasons but the biggest concern I had was the question of the liability that rests with the Administration in the event that any advise given by the Administration personnel to incoming aircraft should there have been an incident involving that information then I felt it was irresponsible of the Administration to accept that kind of liability. That liability of course wouldn't arise if the Airline Agents were dealing with their respective pilots in their airline companies. Then we proceeded to move from the Administration personnel sitting in the chair to the agents of the airlines talking to the airlines but the problem was the location of the equipment, particularly the wind indicators and the runway lighting and t-vasis light switches. Also the crash alarm systems. They were located at one end of the terminal and the agents as you are aware are at the other and it was inconvenient for them to be running backwards and forwards particularly if an airline or a flight was on its final approaches. We approached the Civil Aviation Authority and asked them whether they would provide additional equipment which would be located at the end of the terminal where the agents operate from and so that would avoid that inconvenience and avoid any unforeseen circumstances and that's where we are at right now. The Civil Aviation Authority have agreed to supply the equipment but the equipment hasn't yet arrived and

when it does so then there'll be discussions about where it should and the rest of it. That's not the end of the problem unfortunately because if we shifted the light switches and the wind indicators out of there you still have the problem with the crash alarm and somebody needs to be physically in that room in the event that there's an incident involving an aircraft to hit the crash alarms. Now we were investigating ways of that being by remote control and the remote control device being located in the fire engine at the airport but we've run into difficulties. It's rather a long explanation but it's quite an involved and complex issue and right at this moment in conclusion we are still awaiting equipment to be sent over and confirmation that it will be installed to our satisfaction and secondly there's got to be another round of discussions with the airline agents to make sure that they are happy with the arrangement. Now in the interim period there have been a couple of incidences involving aircraft at the terminal and one out at the airstrip that have concerned me greatly and have steadied me a little bit in my resolve to proceed to quickly having the agents operate the flight service part. I will be talking to members again before final decisions are made and also having a number of discussions with the personnel involved

MR BATES: Supplementary question to Mr Bennett. Are there any plans to change or reduce the role of the Fire and Rescue Service?

MR BENNETT: I won't be quite as long with the answer to the one Mr President. The Fire Service was also handed over to the Norfolk Island Administration by the Civil Aviation Authority rather at short notice and the situation right at this time is that the Norfolk Island Administration or the airport authority operates the fire service roughly the way it was prior to the CAA withdrawal. Again the Civil Aviation Authority believed that we had no need to operate a fire service in the manner we are doing now. It was sufficient for us to have an adequate aerodrome emergency plan in place and that was all that we were required to do, however there are consequences that I don't think that they adequately advised us on and these are briefly the international Civil Aviation Authority requirements and also the attitudes of the airlines to the situation if we withdrew the fire service from the airport. Now in recent days I have sought the advice of Mr Alan Taylor from Canberra who is a consultant to the airport owners association and has a fair amount of expertise in the rather complex international Civil Aviation Authority regulations and requirements where it impacts on the licensing arrangements and all the rest of it and I'm hoping that in a matter of a few weeks he can take us through that so that we can once and for all know whether we can take a decision to shut the airport fire service down and have the airport emergency plan in place. We've heard from different groups who've said yes you can do it, others say no you can't and I think that this independent arbiter who will have the expertise will give us the advice that we need to make that decision

MR PRESIDENT: Thank you, are you going to seek an extension Mr Sanders?

MR SANDERS: Yes Mr President. I have a number of questions that I wish to ask

MR PRESIDENT: Yes. In fact Mr Semple has the next call so do you want to extend time?

MR SANDERS: Is there a need to do it now

MR PRESIDENT: There is

MR SANDERS: Can I ask Mr Semple if he has many questions? Could I seek to extend for a further twenty minutes?

MR PRESIDENT: Twenty minutes. Is that approved? Agreed. Twenty minutes

MR SEMPLE: Thank you Mr President. Question for Mr King. In recent weeks I've been approached by a number of concerned residents regarding the practice of some vehicle owners driving with young children or pets sitting on their laps. Of particular concern is the practice of carrying young children as passengers on tractors and young children travelling on the backs of trucks without direct adult supervision. Would the Minister look into these potentially dangerous practices?

MR KING: I would be happy to do so Mr President

MR SEMPLE: Another question for Mr King. Can the executive member with responsibility for the slaughtering of stock inform the House whether he has in recent days received any complaints concerning the slaughtering of stock in unlicensed premises for the purpose of sale and what he proposes to do about it?

MR KING: Mr President I have in very recent days received a complaint concerning the slaughter of a swine or pig in premises which are thought to be unlicensed for the purposes of commercial resale. That of course has implications for the Slaughtering Ordinance 1913 under Section 2 which in essence provides that it is an offence for stock including swine to be slaughtered without a licence without being on licensed premises for any purposes other than personal consumption or the consumption of the beast by friends. Investigations haven't yet been completed on the matter. I imagine that would be a matter that Mr Christian will be taking up on his return

MR SEMPLE: I would like to ask a supplementary question Mr President. Can the Minister assure this House that if the person complained of is a Member of this House he will not be treated any differently because of that membership?

MR KING: Well once again Mr President I don't want to pass the buck on the particular matter and I'm not sure that Mr Christian will be particularly enamoured to have the thing dropped in his lap but I imagine that he would take the same view that Mr Brown has done in respect of the outstanding hospital bills, that the matter would be treated fairly and consistently without regard to who the person is. Thank you

MR BATES: Yes. I have two questions of Mr Brown. Firstly in his responsibility for employment. In view of the fact that regulations setting a minimum wage in the Employment Act expired on the 7th June, and the fact that the Minister has been aware for several weeks that we are now without a minimum wage, what has the Minister done about it?

MR BROWN: Mr President I'm sorry to say that I'm awaiting advice from the public service. Back in I think August a memorandum was sent to the Chief Administrative Officer seeking certain advice and in particular it stated that I wanted that advice to be given with the benefit of public comment but as at today's date I regret that I have heard nothing back. I will follow it up however.

MR BATES: One more question for Mr Brown in his role as the Minister of Health. When does the Minister intend to release to his colleagues the Summerson Report on the Hospital or is it true that no report exists?

MR BROWN: Mr President I certainly have a report which was completed I think on the 24th July. Members will recall that I've said previously that while in Brisbane I had had a number of meetings with Ernst and Young in relation to the report. I do happen to have a copy with me and I am happy to tackle that now. Mr President I should add that that is a preliminary report. There is further work to be done and the bills which I will be tabling later in the meeting are relevant to that further work. Once those bills have been dealt with by the House it will be necessary to then revise the total accounting system both of the healthcare fund and of the hospital but all of the matters will be dealt with together rather than piecemeal

MR SANDERS: Thank you Mr President. This is one of the questions I direct to Mr Bennett. Is it a fact that in recent weeks you authorised a New Zealand registered aircraft to (1) advertise on Norfolk Island for Joyflights on the local radio for hire and reward and (2) that you were aware that this was a breach of aviation law and (3) that apart from the breach of law there was no insurance for persons who took those flights and (4) did you check to see if the New Zealand pilot was licensed to carry passengers for reward in Norfolk Island?

MR BENNETT: Mr President firstly I am not aware that there

was any breach of law, that's news to me. Yes I did authorise, it was the Christian Aviation aircraft that was here in conjunction with one of the Church fetes and the approach was made correctly through the Airport Manager for permission to have Joyflights. I became involved on the question of the charging regime and at that time we didn't have a satisfactory charging regime but I would imagine that the Airport Manager in his role would have done all those things that are necessary to do in those circumstances but I'm certainly not aware of any breach of any law

MR SANDERS: A supplementary question. Perhaps Mr Bennett could inform this House whether a New Zealand registered aircraft has the lawful right to pick up passengers in the territory under the control of Australia for reward

MR BENNETT: Of the top of my head I've got no idea. I'm happy to look into it, but I think what you maybe confusing and Mr Brown might be able to assist here he knows a bit about aviation, but it wasn't the pick up and on carriage of passengers it was in fact more akin to a charter arrangement where the aircraft was available to the Church and they filled it

MR SANDERS: Is it a fact that you allowed that New Zealand registered aircraft to land continually on Norfolk Island at half the landing charges as charged to the airlines that serve Norfolk Island and do you propose to inform Air New Zealand, Qantas and Ansett Express of your actions or should I as a member of the public and as an Assembly Member do so?

MR BENNETT: Mr President if Mr Sanders had told me he was going to ask me those questions I would have brought a paper up which is entitled Airport Aviation Charges and the question is that the aircraft that first lands and last leaves Norfolk Island pays exactly what the schedule says and its no different to any other charging regime for any other aircraft that arrives. It became obvious that there were other circumstances that needed consideration and I did give them consideration and these involved a number of things. These were aircraft that arrived in Norfolk Island and had some need for maintenance and as a result of the maintenance they needed to take off and land to check whatever they had done and it was unreasonable that after having charged them the full amount for first landing and the full amount for their last leaving that the interim arrangement should be an arrangement different to that. Secondly, in the event that there were any local, in fact, there was an application for a local aircraft to be imported to do two things. One is to have pilot training and secondly I think is to do with joy flights and that was another circumstance that was included in these additional considerations. There were quite a number and I don't have the thing with me to quote it verbatim but Ii would be very happy to provide it and to provide members with it. It hasn't been nailed down and put into the schedule officially at this time because we are still awaiting advise on a couple of other things. For example if we were to lease any space on the airport for any other thing other than what's there at the moment I need to have advice from the public service on a charging regime for that. There are a whole category of things that I'm waiting advise on

MR SANDERS: A further question for Mr Bennett. Is it a fact that your inability to resolve a problem at the airport has cost the public purse a further \$15,000 in the appointment of an additional person for a period of six months, initially

MR BENNETT: That's a nonsense Mr President. As a result of some things that I took over, I mean and it's not Mr Sanders fault either, it was the circumstances that evolved from when the airport was taken over in the flight service and the fire service arrangements there was confusion as to how the Norfolk Island Administration was going to operate those and in the passage of time there was a diminishing quantity of maintenance, I can't think of the other word, the normal maintenance of equipment on the airport including the powerhouse and this resulted from an assessment that was made early in the year that the two locally appointed trainee fire officers would be devoting some percentage of their time to the power house and airport mechanical workshops. Now this in fact didn't turn out to be a satisfactory arrangement and I undertook to get it involved but in the course of trying to find the way through it I became concerned about The standard of maintenance, particularly the power house. The question was, it had to be resolved and my first

concern was to get those generators all up and running. I felt that it would take six months to do the assessment about whether we keep the fire service or not because if we don't keep the fire service then we have two mechanics up there that are available, one who came from the power house to the fire service, so it wasn't a matter of saying, aah, there's the answer, bang, go. I've undertaken to have the thing completed in six months and it seemed prudent to put on a mechanic for six months to get the maintenance of the power house in particular up to scratch while we sorted all this out, so it's not as you say, my inability. What a lot of nonsense

MR SANDERS: Thank you Mr President I have a number for Mr King. I'm trying to make sure I don't ask the same one about the rocks. Yes. The question is is it a fact that you have embarked upon an exercise of interference into the accommodation of rental care charges on Norfolk Island and that you threatened the regulation of tourist accommodation and would you advise this House and the public who has authorised you to take this price controlling action or is your big brother is watching

MR KING: Mr President, it seems I've heard this song before, it must be about up near the top of the chart by now

MR SANDERS: Yes, it'll be for quite a few more times too Mr President

MR KING: Firstly, have I embarked on an exercise in respect of the rental car industry? I'm sorry. There are a number of parts to the question. One was in respect of the rental car industry, the second was in respect of the tourist accommodation and the other was the big brother big again. In respect of the rental car industry, yes Mr President I have in recent times been investigating an issue as it were which arose between the rental car operators and the operators of tourist accommodation in the Island. That investigation led me to conduct an exercise in both industries in an attempt to understand the profile and the activities of each individual industry. I haven't yet reached any conclusions in respect of the rental car regulations, with the exception of the fact that at the informal meeting of members on Monday last I raised with them the possibility of writing to the rental car operators in respect of what I perceived initially to be unfair business practices. I intended over the next couple of days to be writing to the rental car people in an attempt to get from them their interpretation of the facts that I have before me and I don't intend to take, or I haven't any preconceived notions about where I'll go to from there. In respect of the tourist accommodation industry yes I have involved myself in an exercise of analysing what has happened in the tourist accommodation industry over the past nine years in an attempt to answer a question that I put to myself and that is what has been the effect of regulation or protection of the tourist accommodation industry. The results of that exercise I have made relatively public, I have passed them on to the Tourist Accommodation Proprietors and in fact met with them at some length approximately a week ago. We had a reasonable discussion on those particular results and again, my interpretation of them. I've asked them to take some time to assess and to interpret again the facts that I have put towards them and the ATA, the Accommodation Tourist Association has undertaken to provide me with a response within a week or so. At this point in time I have no intention of deregulating the tourist accommodation area. I have indicated to the Tourist Accommodation Proprietors that there are a number of options which may be open to the Government and I would not hesitate in putting those options forward unless there is what I see some reasonable degree of self discipline within the tourist accommodation industry. I will repeat to this House my closing remarks to the ATA of last week that I will not tolerate a situation where I see excessive increases in the order of some 225% in accommodation tariffs over the past nine years to the detriment as I see it of the entire tourist industry and therefore the livelihood of every resident in this Island. As far as the big brother attitude is concerned, well again I will respond as I have responded previously to Mr Sanders in this respect. That I will take whatever steps I feel are necessary to take to ensure the continued success of Norfolk Island as a tourist destination and therefore the continued livelihood of its residents. I hope that adequately answers Mr Sanders question

MR SANDERS: Thank you. There's a supplementary question Mr

President referred to Mr King. Will you confirm that you have only one vote without Lester's and that you are not attempting to impose on others the business principles that led to your own failure in business

MR KING: I am perfectly aware of those things Mr President. As Mr Sanders is aware that I have a certain executive authority which has been given to me by this House, I will exercise that authority as I see fit to exercise it. If it doesn't conform with the thinking of the majority of this House then they can take the steps that have previously been taken by this House in respect of those about whom they weren't happy

MR SANDERS: Yes. I have two more. One is fairly brief and it's to do with Mr King. It's as the Road Traffic Act has been amended to increase penalties can you advise when the penalties and the regulations for the Act will be amended

MR KING: To be quite truthful I don't have any knowledge of it. Can I ask who or when?

MR SANDERS: Rather than waste the time of the House would Mr King undertake to have the matter resolved

MR KING: Yes indeed I will

MR SANDERS: And one further question to Mr King. I refer to your tabling the audit report of the Norfolk Island Government Tourist Bureau at the September meeting of this House. Would you advise this House why you did not circulate copies to MLA's before the meeting. Was it because you did not want the public to know that the incompetent methods created by Mr Bennett as referred to in the...

MR PRESIDENT: Order Order. This is inappropriate to be using that sort of language in this Chamber

MR SANDERS: Mr President it's a matter of record that's been tabled in the House

MR PRESIDENT: Order

MR BENNETT: I am interested to hear it

MR PRESIDENT: Standing Orders quite clearly indicate, Mr Sanders and Mr Bennett, that Members should not use offensive words against Members of the House and imputations and improper motives and all personal reflections on Members really are considered highly disorderly and you will understand that Mr Sanders

MR SANDERS: Mr President the audit that was tabled in the House referred to incompetent methods. I will just delete if you prefer Mr Bennett's name

MR PRESIDENT: Yes I do

MR SANDERS: As referred to in the 1988/89 audit, were still in place in the 1989/90 and 1990/91 audit and that the report referred to the inadequate controls of the Norfolk Island Government Tourist Bureau and that they could not rely on transactions being accurate. Do you propose to circulate the 1991/92 audit by Ernst and Young before you table it so that Members may comment on it when you do so?

MR KING: I'm just trying to think where I'm at with all these audit reports and financial statements from the Bureau Mr President. I had felt that on this occasion I had tabled the Financial Statements for 1991/92 but not yet the audit report. Forgive me if I'm wrong but I'll rectify that as soon as possible. There's no ulterior motive as far as I'm concerned in not circulating these things. Members can have a copy of them as soon as I get them. In fact I did circulate them, or I only received the ones that I had previously tabled only a couple of days before that particular sitting of the House when I did table it. I had nothing to hide from. I wasn't trying to protect Mr Bennett during his period which is way back, 86/89, nor Mr Smith's stewardship in 89/92. The exercise in tabling those documents was one to bring up to date the requirements which are set out under the Act, really

nothing more than that. We've all acknowledged that there are things that need to be tidied up in the Bureau and I've embarked on that exercise and hope to bring that to some conclusion over the next few months.

MR SANDERS: Mr President I have another one here concerning the Cascade pier, but that's already been raised by others and I have another question here I don't know whether Mr King can help or not. Are you able to tell us as what stage the Codes are at for the Environmental Act?

MR KING: Well I understand, I have been dealing with Mr Christian's portfolios or his responsibilities during his absence and received just the other day a bundle of papers which appeared to be all the Codes in their final draft form

MR BROWN: Mr President I wonder if I could add a few words to a response I made to a question of Mr Bates earlier in the meeting. Mr Bates asked a question about the Employment Act and the fixing of the new minimum wage and in my response I said that I had sought certain advise from the Chief Administrative Officer back in I thought August and that I was awaiting that advise. It has since occurred to me that I could have added a few more helpful things and I would like to do that. I have received a preliminary advise from the public service which has suggested that one option open to me is to fix a new minimum wage now without resort to the public comment process and to then go through the public comment process and then if in the light of that public comment it is thought necessary make a new fixing of the minimum wage and I think I've said at a previous meeting or at least I've said to some of the members previously that that's the course I intend to follow. I intend to make a new determination at the same rate at that which has just expired but to then go through the public comment process. I had hoped to have that done prior to today but the legislation drafting priorities have meant that not all of the legislation for today is yet to be finalised and this has had to wait for that legislation to be finalised and for that I apologise because I would have liked to have had it done by today but as part of the public comment process there are a number of matters which I wish to have a look at and as to which I'll be seeking thoughts from members. One is that of the youth wage. In Australia at the moment there's considerable talk about this and there has been an amount of talk in Norfolk Island. Members may have noticed that a position was advertised in the newspaper last weekend for the engagement of a junior office assistant at the school and members will have noticed that the salary range frankly quite amazed me. It is my understanding that if a person such as the librarian at the local library were to calculate her hours and what she is paid she would be almost better off to resign from the library and get the job as the junior at the school and that is a situation which will only apply for fourth term. It's a degree of assistance that is necessary at the school but clearly a salary range of that nature must be a deterrent to the employment of young people within the general workforce and a number of people have brought to my attention the fact that they would love to give employment to one or more young people but with our minimum wage it is such that they simply can't afford to do it. I certainly would like to look at that. Another area of concern that's been expressed to me relates to sick leave. I haven't yet looked at this but it has been suggested to me that if a person is employed today and decides tomorrow that they are sick they are immediately entitled to five days sick pay despite the fact that they've only worked for one day. If that is the case it is clearly something that needs to be reviewed. It doesn't occur in other places and I'm sure it wasn't intended to occur here. A further area of concern to some is the area of overtime and penalty rates generally within the hospitality industry. It's an area which has been addressed across the length and breadth of Australia. It is causing considerable concern in Australia as it is felt that the cost of those overtime and penalty rates is causing the quality of service in the tourist industry generally to deteriorate in Australia and clearly we need to just look at that here. I just thought those things added to what I had said before may help Mr Bates in the question he had asked

MR PRESIDENT: Thank you Mr Brown. Question time has expired Honourable Members and we move on

Questions on Notice

MR PRESIDENT: Is there a need to answer the Question on Notice? We know that Mr Christian is not present today and you will recall Honourable Members that he sought and was granted leave at an earlier occasion so I will move on from that. Next on our programme are Presentation of Papers

Papers

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

MR BENNETT: Mr President I table the Paper which outlines virements may since the 1st July 1992 and move that the Paper be noted

MR PRESIDENT: The question is that the Paper be noted

MR BENNETT: Mr President there are three movements or in fact two movements involving three actual transactions in that paper. The first of it is the re-arrangement of the education furniture vote as a result of representations from the Headmaster through the Minister. At the time we found a way around providing funds for furniture which had in fact been ordered in April 1992 but funds for that had not been suspended at the end of the 30th June period simply because neither Mr Brown nor myself were aware of that expenditure. The cost was \$1,900. We did the necessary virements to allow that bill to be paid and subsequent to that we found some spare money in another furniture vote and to tidy it all up it meant that we had to do a cross journal entry of \$900 going back to one account from which it first came. The second one is a virement of \$10,000 from 1/1/18 to 1/2/66. Now 1/1/18 is the provision to be made for the costs of the Risk Manager and I am advised that the \$10,000 will be superfluous in that vote by virtue of the fact that my understanding is that costs incurred by the Risk Manager, two particular things are debited to the fund for example, workers compensation, healthcare and the like so the transfer of that \$10,000 from that vote to a new vote 1/2/66 entitled Third Party Motor Vehicle Insurance and General Insurance provides funds for the costs involved in having a third party insurance arrangement

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

QUESTION PUT
AGREED

The ayes have it thank you. Papers. Are there any further papers to be presented?

MR BENNETT: Mr President two Papers which outline duty that's been waived from the standing exemption. The three are headstones and the total amount of duty is somewhere just a bit under \$300 in three separate circumstances and finally Mr President I have to table the Financial Indicators for the month of September which then incorporate the financial position after three months in the financial year and Mr President in that respect I move that the Paper be noted

MR PRESIDENT: The question is that the Financial Paper be noted

MR BENNETT: Mr President Members will recall that at the last Meeting having had the Financial Indicators for the first two months there was the need for a little bit of concern. The revenue at that time had been much slower than we had anticipated, particularly in comparison with the first few months of the financial year but I'm happy to say that at this time, at the end of September the results look far more reasonable and in fact I am quite comfortable with them. It shows that 89% of the revenue that we had budgeted had been got in at that time and expenditure was 82%. Members will be aware that those percentages really don't have much relevance until the year moves on but some notable comments or some comments I want to make about them for members interest are that in the period to the 30th June there was expected to be another \$75,000 of revenue, \$35,000-40,000 for FIL which actually didn't hit the Admin tills in that month, that would have increased the other tax portion of the financial indicators and improved that substantially and also a sum of money in customs duty so whilst they don't appear there it

will show that the month of October will be inflated slightly by those particular amounts and if you add that \$70,000 into the revenue earned in the first three months we are going reasonably well. As I said last time we should not get complacent even if it buzzes a bit ahead for a while we've got a whole year to go and we have to watch it fairly closely because on the down side Mr President there is a shortfall in Liquor Bond Revenue which is running on an annual basis of about \$100,000 and so if our expenditure maintains the same track through the year we are going to be short by that much in our revenue. Also the health and welfare spending is well up on what we had budgeted for and is running at about \$200,000 per annum basis ahead of budget. For those two alone they represent some concern and of course earlier Mr Brown referred to two things in education, one was the shortfall in the financial year ending 30 June 1992 of some \$60,000 and a projected shortfall in the vote that we made for 1992/93 of somewhere around about \$95,000 less the revenue end so putting just those three together I think there is a cause for a little bit of concern in those three areas. To assist Members what I'm going to hope to achieve by the next set of financial indicators is to separate out the FIL from the other taxes and to separate out welfare, education and health expenditure so the sheet will become a little bit more elongated but it might help Members to track just what's happening with those particular pieces of expenditure and just in closing, not actually relating to these financial indicators but I want to say that I hope to have the audited financial statements for the revenue fund available for the meeting in November

MR BROWN: Mr President this set of September indicators is a very helpful piece of paper. In the course of the last few days I looked back through the indicators going back for the last ten years because it is roughly ten years since we commenced to produce them and there are a number of things that are very interesting when you look at them over a number of years. The first one is that it is the case of rather has been the case in a number of years, but not in every year, that at the end of the September quarter customs duty has been running noticeably behind budget. At the moment it is running 11% behind budget and there have been a number of years where that's been the case. I think that that is not sufficient reason to ignore it however, because a number of us have had concerns that at some stage having regard to the difficulties in the economy generally the customs revenue might start to run downhill. Those who are in the commercial sector will tell us that they may place orders up to twelve months ahead and place irrevocable letters of credit to support those orders and so it can be the case that a person upon noticing that there was a downturn in the economy can't do much about cancelling his orders because of the fact that they've been made twelve months out and have been supported with the irrevocable letters of credit. I worry that we may only be now seeing the downturn in customs revenue that in my view has been a near certainty for some time so we will need month by month to continue to monitor that figure. Another figure that's of interest and somewhat concerning is that of interest received. During the September quarter interest received was 64% above budget. We received \$64,000 compared to budget of \$39,000. In terms of total dollars its not a fortune, it's just \$25,000 but we should be cautious about the interest figure because interest rates have reduced significantly over the course of recent times and the Administration has done a fairly good job over recent years of managing its interest bearing deposits and managing its funds generally and that will have led them to lock in higher rates at earlier times which are obviously still supporting us now but there will be a stage at which those higher rates will have gone and the roll overs will be done at the new lower rates and the benefit of the extra \$25,000 that we picked up in this first quarter won't be there to support a shortfall in some later quarter. Geoff mentioned that the bond store is not performing as well as he would like it to and we may find that there are some other areas that run somewhat short too. That's the revenue side of it. It's not a side about which we can afford to be complacent but because of these monthly financial indicators we are able to constantly monitor it. But on the expenditure side Geoff mentioned some concerns and I've got significant concern about them. I mentioned earlier and Geoff referred to the education budget which at the moment nothing is done about it, will blow out by \$95,000 compared to budget for 1992/93. That includes the blow out from last year so its the combination of the two years and Members will recall that at the time of formulating the budget because bills had not then been sent out for year 11 we did not include year 11 school fees as part of the budget revenue and I mentioned earlier that at the time of the half

yearly review I will be asking the Finance Minister to give consideration to then incorporating the revenue but at the same time increasing the education vote by a compensating amount. That would mean as I said earlier the shortfall would reduce to something just over \$50,000 but that's still a lot of money that we've got to find particularly when the social welfare vote looks like over-running budget by \$200,000 or more. That's a matter which members will be discussing over the course of the next few weeks. It seems to have arisen partly due to our not having realised what the real cost was last year at the time when we formulated this year's budget and it is partly because of the fact that in common with much of the western world we have an aging population which is, God bless their hearts and soul, living a lot longer and one can only expect that social welfare costs and medical costs related to the social welfare vote will continue to increase as the years go by and this will become even more noticeable as a result of our slowly losing the benefit of the Veterans Affairs payments because as the percentage of our senior citizens who do not have veterans affairs benefits increases the Island will be picking up more and more of that medical bill. Now health, welfare and education are things that are very hard to overcome. You can't just walk away from them. In the education area there are some things that we can look at. There has been talk in earlier years of perhaps looking at doing it a different way, perhaps looking at localising the salaries of the teachers, there may be ways that that can be done without rocking the boat too hard but we've certainly got to be prepared to look at all of these things. The fact is that we are looking okay as at the end of September because of the fact that we have only spent 82% of what we had budgeted to spend in the first three months but we can't safely assume that we will be able to get through the year only spending 82%. We've mentioned education and we've mentioned social welfare. There are two areas where we are going to be above budget unless we can find some fancy solution and they are on present trends going to be so far above budget that it is only by cutting capital works or important maintenance programmes in my view that we are going to be able to make things balance at the end of the year unless we look at increasing taxes during the course of the year and that's something that most of us don't want to do, thank you

MR BENNETT: Mr President I just want to add something to what Mr Brown said in relation to interest and by way of clarification perhaps, it's traditional that the first few months of the year has an interest return much higher in percentage than the rest of the year because we've simply got more money in the bank at the moment and as we start spending it we get less interest as well. In the first quarter of each year you'll find that the interest on investments is roughly 40-50-60% above budget but the important thing to consider is that it is that much over budget because we've got more money in the bank at that time but as we spend it we are getting less

MR PRESIDENT: Thank you. Any further participation?

MR KING: Thank you. Just some brief observations. I also share some of the concerns that Mr Brown has mentioned. I believe that there are danger signals, without being alarmist Mr President, but I believe there are danger signals that we ought to take some note of. Mr Brown has observed that the only reason that we are right at the end of this first quarter is that we are running at, for example 82% of our expenditure, our proposed expenditure. You will notice that in that particular group the capital works and purchases is only running at 27% and I would suggest to people or I would inform Members of the House the reason why that expenditure is so low is because of the works that are being done on the road have in fact been using the stock piled equipment from the previous financial year. My roads programme fully intends to utilise all the funds that have been made available to it and to this point in time we really haven't dipped into the allocation that has been made for capital works roads this year. If for example we didn't have the rather large stockpile of aggregate and the like that we had at the end of the previous financial year then that figure would be far far higher than the 27% presently before us that would throw out that 82% quite considerably and perhaps even to the extent of throwing it into excess of 100% so there is room for concern, there is room to take particular note and in a little period of time I will also be presenting the tourist figures and one ought to look at those two papers side by side. It doesn't surprise me that customs duty is running at only 89% of budget. Whilst that appears to have been the case as at the same time in

previous years I would suggest that the economic times presently surrounding us are far far different from previous years. The indications to me are not good Mr President when we look in a short time at the tourist figures and take particular note of some of the trends that are evident there, look at it side by side with customs duty, the bells start to ring. Let's take care. Thank you. I don't have any further comments at this point

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

QUESTION PUT
AGREED

The ayes have it thank you. Are there any further papers to be presented?

MR BROWN: Mr President I table a report from Ernst and Young Chartered Accountants in Brisbane in relation to the Norfolk Island health system. I also table a report in relation to the Healthcare Fund Survey that we recently carried out on the Island, I don't propose to say much about that Mr President but I perhaps should move that the paper be noted. This report relates to a survey which was conducted in September. Survey forms were sent to all adult people on the Island or to almost all adult people on the Island, be they residents, general entry permit holders or temporary entry permit holders. A total of 1491 questionnaires were distributed and responses were returned or valid responses were received from 235 of those persons which gives almost a 16% response rate. I am informed Mr President that that is considered to be a very good response rate for a survey of this type and that the reliability of the data which comes from the survey is quite high. I don't propose to say any more about the survey, its available for members to look at if they wish to, it has been of assistance in relation to the healthcare scheme as I mentioned in a recent press release and members will also be aware that a separate survey was done in relation to the hospital. I made some reference to that in a recent press release but I will also table a report in relation to that survey as soon as it is available to me, hopefully at our next meeting

MR PRESIDENT: The question is that that the Paper be noted unless there is any further discussion. No. The question is that that the Paper be noted

QUESTION PUT
AGREED

The ayes have it. Further papers?

MR BROWN: Mr President I table referral guidelines under the Healthcare Act 1989. These are guidelines which I signed on the 8 October and which were at that time provided to the doctors at the hospital in order to assist them in determining whether or not a person should be referred to a mainland provider under the provisions of the Healthcare Act.

MR PRESIDENT: Any further Papers?

MR KING: Mr President I table the tourist arrival figures for September 1992 and move that the Paper be noted

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

MR KING: Mr President once again it's my unhappy duty to report a downward turn in tourist numbers as compared to September of 1991. I report a downward turn of 10.2% in the total tourist numbers as compared to September 1991 but more importantly a very significant downward turn in the number of bed nights of 17.3% and that is the figure that we really must focus on since the total bed nights of the tourist that arrive here in Norfolk Island represents the very basis of the revenue base for the entire Island. It appears to me to be in continual decline and I believe it is up to this Assembly to focus on any factors which may be contributing to that decline thank you very much Mr President

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?

Statements

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

MR KING: Mr President I wish to make a brief Statement concerning the recent Philip Island exercise. All Members will be aware by now of the nature and extent of the rehabilitation exercise which took place on October the 10th on Philip Island. The exercise which was jointly developed by the Norfolk Island Forestry Section and the Australian National Parks and Wildlife Service is regarded as having been a hug success. The exercise Mr President would not have been possible if it were not for the visit to Norfolk Island of the operational Deployment Force of the Australian Army. But more importantly I think, nor would it have been possible without the overwhelming co-operation of local organisations and individuals. An equal number of our own residents deployed on Philip Island on the 10th October with 90 odd army personnel. From the Norfolk Island Government's point of view that level of local interest was extremely satisfying - there's little doubt in my mind that a great many more would have come forward to contribute to the days activities if circumstances and the transport facilities would have allowed it. I would like to take this opportunity Mr President to especially thank the local community for its response to the call for assistance and to congratulate the Forestry team and the staff of the National Parks and Wildlife Service for its very professional co-ordination of the exercise

MR BROWN: Could I move that that Statement be noted

MR PRESIDENT: The question is that that Statement be noted

MR BROWN: Mr President I would like to join in Mike's remarks. We were fortunate with the weather on the day and one could not have had helped but to be moved by the fact when coming down to the oval and seeing the very significant number of local people who participated so keenly on the day and there were a fair number of those people and people who are not always receiving praise Mr President for the things that they do and I think that it is important that we do as Mike has done and formally recognise the assistance that they gave on the day. The Administrator played a very large role in putting the day together and he certainly helped to co-ordinate the Commonwealth's end of the arrangements and all of the executives of our government were kept informed of what was going on on the day and all of our executives and all of our members supported the day. I would simply like to join in saying thank you to all who participated

MR BATES: Mr President I certainly support the remarks made by both Mr King and Mr Brown and I think that it is timely to acknowledge the work done out there all the time by Owen Evans mostly at his own expense. He spends alot of money chartering the boats and taking people out there and with his interest in the Island I think it would be remiss of us not to acknowledge that

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

QUESTION PUT
AGREED

The ayes have it thank you. Any further Statements this morning?

MR KING: Mr President I wish to make a brief Statement this morning about the Tourist Bureau, merely to inform the House Mr President of my intention to appoint a further two persons to the Government Tourist Bureau and I'm pleased to announce that those persons

are Bryan Charles Roberts and Brent Hattersley. Both Bryan and Brent, whilst having different backgrounds, are well informed and intelligent people. Brent's professional background in education and Bryan's successful background in business within the Island would ensure that they would both make worthwhile acquisitions to the Bureau. The new appointments do not suggest that I'm unhappy with the performance of the present Bureau Mr President, the appointments can only enhance the performance of the Bureau and ease the workload currently shared by only four and I am sure that they will also ease the concerns of perhaps Mr Bates and some others that are being raised around this table thank you

MR PRESIDENT: Thank you. Any further Statements?

MR KING: Sorry to steal all the time Mr President but I have a further Statement I want to make on Immigration in Mr Christian's absence and that is a Statement about general entry permit quota under section 19 of the Immigration Act. At the last Sitting of the House Mr President Mr Christian moved 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, de facto or de jure of a resident and request 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 there was considerable debate on the particular motion and alot of discussion at the time focused on identifying the objective of the motion. Some Members ventured to guess that a higher quota number would result from the change. No-one was able to identify what desirable level they would like to see achieved. There were cautions offered in the debate not only about the lack of objectivity but about the complex and unwieldy nature of the quota formula. As a result of the successful motion at the last Sitting Mr President, and following a strict interpretation of the resolution a quota calculation has arrived at a nil figure. I place some emphasis on strict interpretation Mr President because it seems that all this House has succeeded in doing has been to add to the administrative nightmare of quota calculation. This House addressed in the motion only the entry into the island of a spouse of a resident and how that person should be categorised for the purposes of quota calculation. The House ignored other pertinent questions, for example, how do you deal with such persons upon departure or death? How do you categorise a TEP holder who marries a resident after as period in the Island? How do you deal with the entry of dependent children? How do you categorise the spouse and dependent children of a special relationship gep holder? and other such questions. The two things seem reasonably clear to me Mr President. Firstly that Mr Christian did not seek proper advice from immigration officials in respect to his motion with the result that our wafflings for over an hour or so simply added mud to the already dirty waters. Secondly Mr President, that further and urgent consideration needs to be given to the question of gep quotas and the quota formula and I personally will continue to press for the establishment of clear objectives. And finally Mr President I should make it clear that section 21 of the Immigration Act does not prevent Mr Christian from bringing before this House at any future time a recommendation in respect of a positive quota number. He simply has to do his sums in a different fashion. Thank you

MR BROWN: I move that that Statement be noted

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

MR BROWN: Mr President I should say some words in Ernie's defence. Ernie did in fact seek advice on an occasion on which I was present with him in relation to the potential impact of changing the basis of quota calculation to treat as Islanders for quota purposes the mainland spouses of special relationship entrants. One of the disturbing things in this immigration area is the number of times that the same question can be asked and yet a different answer received in relation to the same period of time. I know that Mike King has said things to me in the past to the effect that he has on occasions experienced a similar difficulty and certainly when I was present with Ernie and officers from the Administration I left the meeting with the impression that I had been told that if the change was made that was talked of at our last meeting a very significant increase in the quota number would occur as a result. I'm disturbed that the same people are

now apparently giving advise that there would be no change. I'm sure it's something that Ernie will look at closely when he gets back but I just did want to say some words in his defence at least to the effect that I had been with him when he had made enquiries albeit a few months ago

MR PRESIDENT: Thank you. Any further participation? The question is that that Statement be noted

QUESTION PUT
AGREED

The ayes have it thank you. Are there any further Statements? No, we have concluded Statements

**Messages from the Office of the Administrator
Reports from Select and Standing Committees**

MR PRESIDENT: There are no Messages from the Office of the Administrator and no Reports from Select and Standing Committees? So we are at Notices Honourable Members

NOTICES

NO 1 - NORFOLK ISLAND HOSPITAL ACT 1985 - APPOINTMENT OF BOARD MEMBER

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 -

Patricia Jean Buffett

be appointed to be a member of the Norfolk Island Hospital Board until 20 December 1992. Mr President Kath Adams Friend who has served as a Member of the Hospital Board for some time recently resigned and she will be going to the mainland for some medical treatment for a short time. I have already written to Kath but I would like to publicly thank her for her endeavours as a Member of the Board over what has been quite a long period. She has served the Board competently and she's put alot of effort into that. I would like to also say that I hope that her medical treatment is quickly finalised and that it's not too long before she will be back home again. As a result of Kath's resignation it is necessary for the Assembly to appoint a further Member. The appointments last only until the 20th December this year when a new Board will be appointed or when the same Board or part of the same Board is reappointed. Paddy Buffett is well known in this community as person with a deep feeling for her fellow human being and she is well known as a person who worked for a number of years at the Hospital and obviously has a good knowledge of the Hospital and a good feeling of how the Hospital runs and should run and I ask Members to join with me in this motion

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

QUESTION PUT
MOTION AGREED

The ayes have it. Notice No 2

NO 2 - PUBLIC SERVICE AMENDMENT BILL 1992

MR BROWN: Mr President I present the Public Service Amendment Bill 1992 and I move that the Bill be agreed to in principle. Mr President Section 16 of the Public Service Ordinance 1979 presently provides -

"Where an officer or employee becomes a member of the Legislative Assembly, he shall, while attending a meeting of the Legislative Assembly at a time when he would otherwise be required to be on duty, be deemed to be on leave with pay."

This Bill seeks to amend the Ordinance by omitting the present section 16 and substituting a new section. The new section would provide that an officer or employee who is also an Assembly member would be deemed to be on leave without pay while attending an Assembly meeting, or while engaged in any other activity that relates to the person's membership of

the Assembly. A period of leave without pay under the new provision would not count as part of the person's period of service as a public servant. This would apply both in respect of entitlements under the Public Service Ordinance itself (for example, calculation of credits for recreation leave, sick leave and long service leave) and also in respect of entitlements under any other enactment (for example, calculation of a contributor's period of service for the purposes of the Provident Account Ordinance 1958). Mr President I table the summary in relation to the bill but there's a few more words I would like to add in relation to the Bill thank you. Firstly, Mr President this would mean that in the course of an average year a public servant who is also a Member of the Assembly would reasonably be expected to receive less pay from the Public Service than he receives now but he would be entitled to then receive his normal pay or the normal pay of a Member of the Legislative Assembly and so it may well be that in the end such a person would receive a higher total payment between his public service salary and his Assembly pay than he receives now as a public servant and I thought that I should make it clear that the bill is not intended to reduce the pay packet of a person who is both a public servant and a Member of the Assembly. Mr President there has been argument for the last thirteen years about the validity of the present Section 16 but even if the present Section is valid it only enables a public servant who is a Member of the Assembly to attend the formal meetings of the Assembly such as our meeting here today and it does not enable time to be taken to attend other meetings of members or to attend to other Legislative Assembly duties and so in this respect I put it to Members that the Bill that I've tabled today improves the position compared to the present. The possible problem with Section 16 in its present form was first raised only about one month after the swearing in of the first Legislative Assembly in 1979 and it has been raised in a number of legal opinions over the years since that time. I put it to members that it is time that we pulled the problem out of the too hard basket and resolved it. The resolution which is being suggested is a resolution which does not cause loss or hardship to any person but it does overcome the problem, certainly that's the intention of the bill.

Thank you

MR SANDERS: Thank you Mr President I have very little to say other than I support the Bill as present by Mr Brown and it appears to me that it is a method of resolving a problem that's been around for a long time

MR KING: Mr President, thank you. As Mr Sanders has said, the problem has been around for a long time and it has caused a lot of concern and frustration and a lot of time, cost a lot of time to some Members of the Assembly both present and past. It's a very real problem which as Mr Brown has suggested has been the subject of much legal opinion over the years to the effect in essence there's certain public servants who as members of the Legislative Assembly had vacated their offices and I don't have any difficulty with what Mr Brown is endeavouring to achieve with this particular bill. It appears to be an acceptable and worthwhile solution. I wonder however, whether Mr Brown can confirm to the House that he has taken advice in the development of this Bill from the relevant sections of the Administration for example, the Chief Administrative Officer and the Legal Section and whether there has been any consultation with the Public Service Board thank you

MR BROWN: Mr President I certainly have taken a large amount of advice but I'm not able to recall precisely at the moment who I've taken that from in every case. I must say though that I have not sought the advice of the Public Service Board at this stage. I do propose to refer the bill to them because it will sit on the table now for a month. It is one of a number of matters which I will be discussing with the Public Service Board over the course of the next month or so. I will be happy to speak during the course of the month that the bill lies on the table with anyone be they from the public service or elsewhere who would like to speak with me in relation to it but it is something as I said as to which I've taken a significant amount of advice from a number of people

MR BATES: Yes Mr President. I don't have a lot of difficulty with the Bill. I do perceive some administrative difficulties in the area of the provident account if I understand the Bill as put forward by Mr Brown. Maybe there's an issue that he may care to look into before the next meeting but apart from that I don't have a great

deal of difficulty with the Bill as it stands

MR PRESIDENT: Thank you further participation?

MR BROWN: I move to adjourn Mr President

MR PRESIDENT: Thank you Mr Brown. The question is that the debate be adjourned and resumption of debate be made an Order of the Day for a next Sitting

QUESTION PUT
AGREED

The ayes have it thank you. Notice No 3

NO 3 - NORFOLK ISLAND ACT 1979 - PROPOSAL TO PRECLUDE PUBLIC SERVANTS FROM BEING ELECTED PRESIDENT OR DEPUTY PRESIDENT

MR BROWN: Mr President firstly might I say that this motion is not as dreadful and pointed as it would first seem to be when one listens to the short title of it. Mr President I move that this House requests the executive member with responsibility for public service matters to seek the approval of the Minister for the Arts and Territories to amendments of the Norfolk Island Act 1979, in order to place the President and Deputy President of the Legislative Assembly on the same footing as executive members by providing that a person who is a public servant, as defined by subsection 13(4) of the Act, shall not be elected to be President or Deputy President. Mr President the Norfolk Island Act at present provides that if a person who is a member of the Public Service is elected as a Member of the Legislative Assembly in the event that he chooses to accept executive office he must resign from the public service. I think most of us recognise that our system is different to that which applies virtually in every other place in that in other places it simply is not normally possible to be both a public servant and a member of the Parliament which governs that particular public service. It is the case in Australia that if a person is a member of the Commonwealth public service he is under certain conditions able to stand for election to local government in Australia, but that's a different situation, that's being a member of one public service but standing for election to a totally different legislative body. In the Norfolk Island environment it is presently possible for a public servant to maintain his position in the public service whilst holding the position as a member of the Legislative Assembly. Members will be aware that I in fact do not support that proposition but I'm not seeking to change that today. The purpose of the motion which I've brought before the House today is simply to place the positions of President and Deputy President in the same category as executive members so that if a person who is a member of the public service wishes to be President or Deputy President in the future I should add Mr President then he would, if this motion were passed and acted on, need to resign from the public service in order to do so. This motion does not have any impact on a person presently filling the role of President. It talks only of being elected to the office, not of holding the office. A person presently holding the office would simply continue to hold the office but at such time in the future as there was a fresh election for the position of President, if this motion was passed and acted on, it would be necessary for a person who is a member of the public service to be willing to resign from the public service in order to take the appointment. One could reasonably expect that a person contemplating resigning from the public service in order to be appointed as President would probably be quite keen to also be appointed as an executive member at the same time and discussions have been taking place for some time as to the question of appropriate remuneration of both executives and members of this House. I think it would be fair to say that many of the present members of the House are of a view that if a person is going to be working in a role which involves a commitment of close to or more than the number of hours that are worked in a normal job then some form of remuneration higher than the present remuneration would be necessary and I can quite understand that the present low remuneration would be a deterrent for a person in the public service who is contemplating resigning in order to take up an executive position or if this motion is passed the position of President or Deputy President. I'm not proposing to ask the House today Mr President to vote on this motion. I think that it is a significant motion and it's one which deserves the ability for public comment in just the same way that a bill is given that

ability and there may well be people in the public who have views one way or the other about it, I would certainly be interested to hear those views and I'm sure other members would but if we are to continue with the practise of allowing a member of our public service to be at the same time a member of the Legislative Assembly then I think it is essential Mr President that this change be made and ask Members to support it in due course

MR BATES: Thank you Mr President. I had intended to say alot more on this matter than what I am going to now that Mr Brown has indicated that he is going to seek an adjournment of it. I think I'll reserve alot of the matters that I wish to raise until we come back to it but I would like to just point out at this point in time that the election of a President to this House remains the prerogative of the Members of this House and if Members don't want to elect somebody to President because he is a public servant they have that democratic right not to support him. I think it would be shame if we took that democratic right away from future Assembly's just to satisfy something that we may not be quite happy about ourselves. We may not be members of a future Assembly and I don't think we should try through legislation to tie their hands when they may with good cause need to elect a public servant as their President but I'll have more to say at the next meeting and I look forward to public comment in the meantime Mr President

MR KING: Mr President to my way of thinking it isn't appropriate that the President of this House also be a public servant. I personally haven't given a great deal of thought to the position of Vice President but I expect a similar difficulty. In the case of the President also holding a senior position within the public servant, the Chief Executive of the public service is placed in a awkward and probably untenable situation of being both master and servant to the same person. Similar difficulties or perhaps potential difficulties exist in the relationship of that same person with Assembly colleagues and fellow public servants and those difficulties I suppose are not insurmountable. Life still goes on - the job still gets done but in my view the situation is better avoided in the interests of the government however, I think that the problem is a little deeper than is suggested by the motion and I feel personally very strongly that the President of the Assembly should also hold executive office and in holding executive office would then be a clearly identifiable head of Government. The democratic processes partially referred to there by Mr Bates simply can't be ignored. If there is a clear message from the electorate that a particular candidate who happens to be a public servant should play a leading role in Government then there should be no obstacles to prevent that role being followed and currently there is as suggested by Mr Brown, there is an obstacle or a deterrent in the form of inadequate remuneration. It simply isn't sufficient to attract a person away from the public service into a leading role in Government and that problem is exacerbated to a very great extent by the fact that unlike earlier years in the life of the Legislative Assembly a public servant could return to his job in the public service if he vacated or lost executive office that facility no longer exists so it is a very big decision that needs to be taken. If we want to respect the wishes of the electorate then we must remove the obstacles that are reasonably in our power to remove I therefore believe at this point in time Mr Acting Deputy President that the motion is a little premature. I believe that the Assembly should firstly establish realistic and adequate levels of remuneration for members of government thereby removing maybe only partially the obstacle to a public servant participating fully as an elected representative. At this point in time I would be prepared, happy to listen to the rest of the debate and I may be able to be persuaded differently during the course of the next month having regard to public comment and I welcome the opportunity to talk further with members of the public on the particular motion thank you

MR BENNETT: Thank you Mr Deputy President. I was pleased to hear Mr Brown say that he would be adjourning this motion til the next meeting. I think it is a matter that has the need to have some community input in. It's a very sensitive issue but I think all members were aware that the issue was around anyway. I draw members attention to the various campaign statements made in the press and indeed at Rawson Hall where this question was one that was raised and answered on a number of occasions so it's not as if the matter was coming to us for the first time. It has been a difficult one to find a reasonable solution to and I

think that this is about the best that we can come up with. Mr King referred to perhaps the untenable situation that arises with the Chief Administrative Officer and an officer who happens to be in this position and I remind members that I think successive CAO's have reported in fact in writing, certain difficulties and so it's not as if it's an issue that's perceived by the politicians alone. Mr King referred to the obstacles and in fact one of the obstacles that's in my portfolio to do something about is the question, also a vexed question of the remuneration of members and I would hope that by the end of this week to have a draft for members to have a look at and I would hope that then we would deal with it expeditiously one way or the other rather than have the whole question of remuneration whether it be considered adequate or inadequate by different members but at least have it resolved. In that matter, the matter of remuneration obviously the question of the remuneration of the President and Deputy President will be dealt with and it may well turn out to be a satisfactory arrangement in terms of a prospective public servant being able to make a decision about whether he is happy to accept the remuneration and leave the public service to serve the community from this place. I think Mr Brown referred to the keywords, or I think they are the keywords to it, that it is not as it seems on the notice paper to be an attempt to remove Mr Buffett from his job, it simply says that the words "shall not be elected" meaning that at the next occasion when we have to elect a President or on the next occasion when the House goes to the public for re-election or to a general election that's the point which the force of the motion and the subsequent change to the Norfolk Island Act if agreed by the Commonwealth takes effect. I don't have any more to say about it today but I would be interested in listening to others debate it and also I would be vitally interested in what the community's reaction to it will be

MR SEMPLE: Thank you Mr Deputy Chairman. Much of what I have to say has already been covered, but nevertheless, Norfolk Island is unique in many ways and I here specifically refer to the size of the resident population and more particularly to those people who can vote as compared to the size and the system of government that we have. Here on the Island we have a public sector of almost 200 people, a very large group of individuals when this is compared to the total number of workers. Currently, as has been said, a public servant must resign his position if he is to seek executive position in the Assembly. I accept this, on the basis that I believe no person especially those in the upper echelons of Administration can do justice to both positions. Despite a person's good intentions there are simply not enough hours in the day to fulfil expectations in both spheres. Because of the current salary structure for MLA's many very competent public sector employees are prevented from standing for the Assembly simply for financial reasons. They can't afford to resign their jobs to take on an executive's role. The situation however where a non executive President and vice President are in the Assembly is different and that the public servants elected to these positions can acceptably perform both duties. To look at it from another angle, to preclude public servants from positions of President and Vice President would be to further lessen the real contribution displayed by public servants in representing their fellow workers in the Assembly. I'll go one step further, to lessen public service representation in the Assembly is allowing a greater chance for private sector employees and more likely employers to gain dominance in an Assembly. This might not necessarily be a bad thing but there are some people here in the private sector who regard Norfolk Island as a temporary and I have temporary in inverted commas, as a temporary home and will only be here for as long as the Island is good to them. By and large to the public sector workers Norfolk Island is their home whether they be of Pitcairn descent or not, they'll stay here regardless. Because this is their permanent home they must be adequately represented in the Assembly and any moves to preclude public servants from the President and Vice President positions will in effect lessen the say that the permanents, that is, the permanent residents, have in the government of this Island. At present I can't support any moves to preclude public servants from being elected to President or Vice President, thank you Mr Deputy Chairman

MR SANDERS: Thank you Mr Chairman. I totally support the motion as presented by Mr Brown. I also agree with the comments by Mr King and I also agree with the comments by Mr Bennett and I don't propose to waste everybody's time by waffling through the whole blasted lot again. My total comment is that I support the comments from those three

persons

MR BUFFETT: Thank you Mr Acting Deputy President. This is a sensitive issue, obviously, as has been mentioned by people who have spoken previously. The real substance of this motion is really whether you want to make legislation to exclude participation in part of the parliamentary process in Norfolk Island of a group of long term resident of Norfolk Island. Now when this process towards internal self government commenced which was in 1979 this was the subject of much discussion then, as indeed it is becoming the subject of discussion again here today and has been on a number of occasions in between times. But at the end of the day in 1979 when this process commenced part of the original plan which was provided by the architect of the self governmental process, was that this group of long term residents, that is, public servants, wouldn't be excluded. They formed a significant part of the Norfolk Island community, they were in the main long term residents and indeed self government was for, not just for public service, but were for all long term residents. Long term residents in the total sphere of Norfolk Island and it shouldn't exclude long term residents who would be in the service and so it was determined that they could participate. There was executive exclusion but that exclusion had a path for participation if desired, in other words, withdrawing from the service and later returning to it by arrangements and that process of course was implemented. Now its fair to say that it had its opponents, I think mostly, but not exclusively, from a political platform and in considering this motion I think it also tests for us as members who need to consider it, whether we really do recognise that Norfolk Island is different. In this instance, as has already been said here this afternoon, the processes that we have here don't fit neatly into the political and governmental textbook theories and really this process asks you to exercise your minds whether you want to preserve the unique factors of this place including one which is that everyone is encouraged to put their shoulder to the wheel in the community interest instead of building legislative barriers to prevent participation and that's the proposal here, to build a legislative barrier. Now this sort of participation I do know is inhibited in other places. Again, it doesn't fit neatly into the textbooks of Australia, New Zealand and indeed elsewhere but this difference was recognised at the outset. It's not new to us. It was recognised at the outset and as we have fought to have recognised other differences that occur, differences which we value in this place, differences because they serve the need of this community, as we have fought for other recognition I think it behoves us to preserve the difference that we are talking about here in respect of public servants vis a vis the Assembly. With the peculiarities of this place, and I say peculiarities nicely you will understand, should you need to measure text book application elsewhere against practical application here, then I really need to encourage you towards practical application of what is suited best to Norfolk Island. You know this is not an anonymous place. If in fact actions vis a vis public service vis a vis the Assembly membership are seen to be misuse of positions, then of course the electorate can clearly use its remedy at the ballot box and as I say, this is not an anonymous place. Some people may like it to be on occasion but the fact of life is that it is not so. In practice just dwelling upon that point Mr Acting Deputy President the electorate has made its views known by returning a steady number of public servants to this forum here and I think it's fair to say that they've made a contribution in all facets of the parliamentary and governmental process and I've got to say that that's been expected of them by the community and I would say that the goods have been delivered. You might think that this is a bit of toing and froing just about the President and Deputy Presidential participation but I think it's more than that. It's part of a wider agenda which I'm sure not all of you recognise. This action is not necessarily deliberately but it obviously is part of a cumulative process, the thin end of the wedge

MR BROWN: Point of Order Mr Deputy President. If it's being suggested that my motives are in some way questionable or improper in relation to this motion then I would ask that that statement be withdrawn

MR BUFFETT: No, that's not the intention at all and I will explain what I'm coming to Mr Acting Deputy President

MR BROWN: I've raised a Point of Order Mr Acting Deputy President

MR DEPUTY PRESIDENT: Thank you, I think we'll let Mr Buffett carry on for a little longer and see if indeed he is making an imputation

MR BUFFETT: Yes thank you Mr Acting Deputy President. It is not intended to be making an imputation at all, what I am trying to point out is, and I will do that, is that there is a gradual process and that gradual process not necessarily intentionally but does gradually reduce the participation of this group of long term residents and these long term residents in this occasion are of course the public servants in the Island and this reduced participation needs to be considered in this context. Let me try and demonstrate to you what this process might be. It is clear that there have been utterances in this House and indeed Mr Brown mentioned that a little earlier but he would prefer that there be no participation, I clearly understand that he has said he's not pursuing that at this moment but there is a clear expression of preference there, in other words, it is asking public servants to choose between service in the public service or service within the Assembly should they be elected. My view of course is that they can make a useful contribution by combining both. In fact in this small place its a requirement and I think an expectation that people are not single effort community members, they need to make multiple efforts and this is the way that it can be done. The next point about this process, there was legislation in 1979 which enabled participation from this long term group in Norfolk Island. It was the subject of a repealing bill in this House but that particular repealing bill was disallowed by the Commonwealth, you may recall this process when I mention it to you, but after the public service powers were transferred from the Commonwealth to the Norfolk Island Government this amendment was again proposed and became law and it continues to be to this day. Now we have a move to exclude this group of long term residents from the post of President and Deputy President and you must ask yourself, well if you have these sort of utterances, if you've had these two steps to date, what comes next. It it going to move on to total exclusion of this group of long term residents in Norfolk Island and I've got to ask you to ask yourself as to whether the thin end of the wedge is a admissible process in your books. It is really a great pity in this small place to see both informal and formal promotion of divisions and exclusions when in fact we really should be doing all in our power to encourage cohesive effort. At the end of the day I think Mr Acting Deputy President we've got to ask ourselves, does the proposal serve the interest of the Norfolk Island community. Indeed I think it can be said, it would serve some political ends, that's normal in the political process. It might satisfy the views of some anti public service lobby, but if at the same stroke it gives you diminution of a participation of a sizeable group of long term residents from the Parliamentary process which was really set up for long term residents then I don't think that you can with the wildest imagination see this as being in the community interests. I mentioned the uniqueness of the place, different solutions do need to apply in that situation. You see this group may be public servants but they are also as I've endeavoured to emphasise long term residents, people who have a stake in the place, people who on analysis have with their friends stuck to the place through thick and thin and you really know that such a group of people shouldn't suffer the sort of exclusions that I consider that that proposal in front of us is endeavouring to achieve. Now I too would be interested to have the views of the public because it's been mentioned that this might sit on the table for a while but I hope that member's who need to consider this in great detail will not have escape from their mind the fact that people who have long term tenure here, people who are part of the group that self government was designed for, should not really be excluded in that sort of number from the process and that's my key argument to you today

MR BENNETT: Mr President I just wanted to make some comment about some of the points that Mr Buffett made. He talked about this being part of a wider agenda and I thought at that time he was having a shot at one of the members but he clarified it later on, I should say that even though this motion appears in Mr Brown's name it was as a result of some discussion with executives who tried to deal with the problem in its totality. I mean it is a sensitive and a very difficult question and I think we found, I hope, a way through it but to my way of thinking it is not possible to continue to think that this is part of a wider agenda. Just earlier in the meeting we dealt with a Public Service Amendment Bill which I thought enhanced the opportunities for public

servants, not the opposite. It allowed the vexed question of whether they are entitled to be paid while they are here to disappear and it allowed them to take leave without pay to attend all the things that they feel they ought to attend and maybe haven't attended because of this problem of the remuneration question. It allows them as a result of taking leave without pay to enjoy the MLA's salary and I think it was considered that the net effect would be a plus for public servants rather than a minus and I think Mr Buffett's comments also doesn't give adequate consideration to the remuneration question, that is the remuneration of MLA's question. Now I know it's been around for a little while and I did say earlier that I had hoped to get a draft of that sooner than later but I think that is not going to be the key to it but it may well provide an answer to this feeling of being excluded because it clearly, if it should turn out that the remuneration for these officers and executives is the equivalent of something that is being enjoyed by senior public servants then the choice becomes a little easier. I grant you the choice right now is not an easy choice. For senior public servants to become an executive after resigning from the public service would enjoy a salary rate a fraction of what they would have been enjoying had they stayed in the service. Now that's being addressed. I don't know how it's going to turn out and it might well be appropriate that that question is resolved first because if it is it will then take away the concern that Mr Buffett and obviously others have that we are moving to total exclusion by what we are doing today. That's all I have

MR BROWN: Mr Deputy President, firstly I apologise, I referred to you earlier as Mr Acting Deputy President, I should have called you Mr Deputy President. We have heard two sides of this argument today and the argument's gone a little further than just the question of whether one should be at the same time a public servant and the President or Deputy President to encompass to some extent the question of whether one should be a public servant and a member of the Assembly at all and in that regard the President made mention of the voters. Now members might recall that I in fact had the highest vote at the last election and that I made it very clear prior to the election that a major project that I intended to undertake if elected was to bring to an end the practice of people being both a public servant and a member of the Assembly and I got the highest vote so I could say I think that I have a mandate in that regard. That's not the purpose of the present motion. The present motion is to resolve a different problem but it is the fact that the role of the public servant is to be non political and loyal to the government of the day. In return for that the public servant has a significant degree of security of tenure. I acknowledge it's not as significant on the mainland as it used to be but it is nevertheless very significant. Public servants get well paid. A senior public servant in Norfolk Island these days is receiving in excess of \$30,000 per year. A member of the Legislative Assembly is receiving roughly a quarter of that, less than a quarter of that. Let's not get too carried away with arguments of creating divisions and with urging people to be cohesive. Let's recognise that there are very definite problems and that it's time the problems were faced rather than simply run away with them because someone says be cohesive, don't be divisive. I was for a period earlier this year the President, for a short period. One thing that I had in mind to do whilst I was President was to seek a change in the title. The title is not President of Norfolk Island, it is President of the Legislative Assembly of Norfolk Island and the role of President is really the role of Speaker. The usual situation in a place which has both a Lower House and an Upper House is for a person to be appointed as Speaker of the Lower House and for a person to be appointed as President of the Upper House and that's so that the distinction is easily understood. In a unicameral situation, that is, in a situation where there is only the Lower House the title is Speaker. That's the title in Canberra, the title in Queensland, the title in the Northern Territory. When I said Canberra I meant the Australia Capital Territories Legislative Assembly, and I think that perhaps it is time that the Assembly looked at this and decided whether it did want to continue causing confusion with the title President or whether it was time to rectify that confusion by changing the title to the correct title of Speaker. I doubt that there would be anywhere near the emotion in today's argument if that title were corrected. I think it's been suggested to us today that this system has existed since 1979 and that it hasn't had any problems and that it really is not necessary to be looking at changing it. The reality is that in earlier years in Norfolk Island it was not possible to be a Member of the

Public Service and a member of the Advisory Council. That was changed quite late in the days of the Advisory Councils and when the first Legislative Assembly was elected it was possible just as it is theoretically possible now to be both a member of the Legislative Assembly and a public servant and section 16 of the Public Service Ordinance was intended to allow leave with pay so that a public servant could attend to his Legislative Assembly duties. The reality as I mentioned earlier today is that he was only able to attend the formal meetings of the Assembly and was not able to attend at all to the various other duties that a member of the Assembly has. But I also mentioned earlier today that within one month of the election of the first Assembly questions were raised as to the validity of section 16 of the Public Service Ordinance and that in fact raised the question of whether ever since the first public service payday after the election of the first Legislative Assembly anyone who was a member of the public service at the same time as being a member of the Assembly vacated his seat the first time he got a public service pay packet and that's been the case in every Legislative Assembly since. In every one. Now it really isn't possible to say that there's not a problem there. It's not possible to ignore the report that Richard Stevens delivered to the Legislative Assembly just prior to his departure. I think it was in January of 1989. It was a very critical report and the Legislative Assembly of the day was sufficiently concerned to appoint a Select Committee to look into that report. And you all remember what that Select Committee did. It was so scared of it all that it met once to appoint a Chairman and then didn't do another thing and like all Select Committee's it died upon the ending of the last Assembly. Now that report was a very concerning report and apart from appointing a Select Committee no Legislative Assembly has been game to look at it because each time they look at it they come up with arguments of being divisive and not being cohesive. It's a chorus that we hear time and time again when things get a little bit difficult. We've been asked whether we really want to be part of a diminution in the level of participation in Government by Members of the Public Service. You would be just as entitled to ask whether it is time that we made a correction to a significant flaw which has existed in the system of Government in Norfolk Island since the commencement of self government in 1979. Really it is not possible to be a senior public servant, to be a member of the Assembly and to be the President or Deputy President of the Assembly whilst at the same time being non political and loyal to the government of the day. It simply is not possible. We've heard that Norfolk Island is different and that continues to be given as a reason for suggesting that things shouldn't change. Indeed Norfolk Island is different in many many respects and many of those differences need to be preserved, but there are other differences which do not need to be preserved. For example, if people sat outside the Commonwealth Bank smoking marijuana from 9.00 to 5.00 would you suggest that that is a difference because it's not allowed in other places but should be allowed to continue in Norfolk Island. If people were making and selling dirty movies would you suggest that's a difference that should be allowed to continue in Norfolk Island. I suggest to you that there are many problems in Norfolk Island which need to be resolved and from which we should not run away and say no, we are not going to be divisive, we are going to be cohesive, we are going to ignore the problem and those that are concerned about it rather than the problem can just go away. Mr Deputy President this is not an easy issue. The problem has been allowed to sit there for far too long and as a result there will be people who resent seeing it correct but that is not a sufficient reason to ignore it. As I said, I propose at an appropriate time to move adjournment of the debate and there's nothing further that I wish to add for now

MR DEPUTY PRESIDENT: Any further debate Gentlemen? Therefore I seek a motion

MR BROWN: I move that the..

MR BUFFETT: I just want to make a couple of comments Mr Deputy President. My apologies, I used the incorrect term earlier also. There were just a couple of points that were made by earlier speakers and I just wanted to put them in context as I see them. Mr Bennett for example mentioned that the piece of legislation earlier produced, the notice before we were discussing this particular matter, he thought that that assisted the process that we need to be upon in providing some more satisfactory pay arrangements. I agree with him in that particular point. I think that that is a worthwhile step but in saying that that's

a worthwhile step and thinking that step is respectable I don't think it gives license to exclude a significant part of long term residents from part of the Parliamentary or Governmental process. Just because you take a respectable and satisfactory step doesn't mean that you then have licence to move in another area which might have the effect which I'm endeavouring to point out to members which is that you would exclude or have a diminution of participation by a significant group of long term residents in the Island. I do think that the remuneration question once addressed in its total form, may assist some of the decision taking but I've also got to say that the matter of remuneration in itself has always been a difficult and touchy and controversial issue and I'm not too sure that pursuing one controversial issue is in fact going to provide the solution for another controversial issue and so I think we should not be deluded that this will provide a major part of the answer process. If it does, I would be pleased but I am not too confident that in fact it will totally do that. I am concerned that when there is encouragement for the putting aside of divisions and the requests for cohesion that in fact they might be poohooed and thought not to be the way to try and encourage not only members of this House but indeed the wider community in Norfolk Island. You know, it has been mentioned that there are some differences in Norfolk Island in the marijuana example and dirty movies example was mentioned. Well in fact I think those things need to have the same sort of test applied to them as I endeavoured to apply to the earlier question as to whether they were in the best interests of Norfolk Island and if in fact it turned out not to be then of course it's not something that should be promoted or preserved in Norfolk Island, but if in fact as I mentioned earlier, that I am encouraging people not to put out of the consideration a large group of Norfolk Island long term residents then I think that's something that the community needs to take account of. It's not just matching one thing that is convenient to be said with things that are very meaningful in the debate. That's probably enough for me to Mr Deputy President

MR BROWN: If there is no further debate I would like to move the adjournment Mr Deputy President

MR DEPUTY PRESIDENT: The question is that the debate be adjourned and made an Order of the Day for the next Sitting

QUESTION PUT
AGREED

The ayes have it thank you the matter is adjourned until the next sitting thank you. We move on now to item 4 on the Notice Paper, Mr Bennett you have the call

NO 4 - WATER ASSURANCE CHARGES AMENDMENT BILL 1992

MR BENNETT: Thank you Mr Deputy President. I present the Water Assurance Charges Amendment Bill 1992 and move that the Bill be agreed to in principle. Mr President the Bill has been circulated to Members but there is no summary for me to either table or circulate. It's a fairly simple bill and I will talk my way through it. Its original purpose was to formalise or to address the need to formalise charges levied to accommodation proprietors and accommodation houses and that was to address a decision that was taken in the life of the last Assembly and to amend the schedule to that particular act, but having the need to do that I've taken the opportunity to provide an opportunity to consider persons or providing concessions to persons in receipt of pensions also. I think that category of persons was overlooked when the original Water Assurance Charges Act was brought down and I can well appreciate that it might have been omitted at that time, as they were rather heady days when the water assurance scheme was under construction particularly and the aftermath of it when suddenly people had to reach for their chequebooks and pay and the government had the need to recover sufficient money to maintain and operate the water assurance scheme. I refer to an earlier decision in the life of the last Assembly and in fact it was in June that the Assembly of the time was of the opinion that a reduction in fee units from 16.5 to 13.2 in item 8 of the schedule and a reduction from 17.5 fee units to 14. in item 9 of that schedule was necessary to encourage some of the tourist establishments to connect. Now at the time they considered it was necessary to review that levy reduction and indeed that review took place in December of 1991 and at that time they took advise and the advise showed that the undertaking,

that is the water assurance scheme undertaking operating costs were a lot less than anticipated and that the undertaking was operating at a profit and it was felt that the reduction in fee units, as I mentioned earlier would be appropriate to the viability of the scheme. The bill is a short bill. It provides two new sections and the first new section is section 7(a) and this has the short title of concessionary charges for certain beneficiaries and it provides that the executive member may by instrument provide or declare a person or class of persons to be an eligible person or an eligible class and that the annual charge that would otherwise be payable under section 7 by those persons would be waived or reduced by an amount or percentage specified in that declaration but to qualify that, subsection 2 of that says that the executive member must not make a declaration under that subsection unless the person or class of person included in the class of person is a person who is in receipt of a benefit either within the meaning of the Social Services Act 1980 of Norfolk Island or under the Social Security Act 1947 of the Commonwealth and the Veterans Entitlement Act 1986 so what that's saying is that it provides if it is passed the opportunity for the executive member by written instrument to declare a reduction in the charges or waive or whatever is necessary but provided only that that person was a person in receipt of a benefit and the rest of the section goes on to qualify that a little bit more and section 10(a) is another new section and this is the regulation making provision that is necessary as a result of the earlier part and that simply says the Administrator may make regulations prescribing matters required or permitted by this Act to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to this Act, and of course the original purpose for changing the bill is in the last part of the bill the amendment to the schedule by omitting from item 8 the numbers 16.5 in the fee unit column and substituting 13.2 and in b. by omitting from item 9 of that schedule 17.5 appearing in the fee units column and substituting 14.

MR KING: Thank you Mr Deputy President. I'm not sure that I'm entirely comfortable with this. It's a bill that's only been floating around like a lot of other bills, and its coming before us today for only a number of days, four or five days. I'm not quite clear on a couple of points and Mr Bennett may be able to ease my mind, fundamentally it appears to me that this bill is saying that, No 1, it is seeking to regularise or formalise concessionary charges that were made contrary to the existing law and No 2, that whilst there is a principle act which establishes a Water Assurance Scheme and a charging regime and a system whereby the legislature has agreed that certain people should be charged for a certain service that this amendment act is going to override that intention and give the executive member the discretion to decide whether one or another particular segment of the community is going to be either waived or reduced in terms of the charges. I'm not sure I like that particular feature. I'm not quite sure that this bill has been given sufficient exposure in recent times but I would like to ask a question in addition to the two that I've essentially just put to Mr Bennett, whether the Minister can assure the House that the full processes of consultation have taken place in the development of this bill

MR DEPUTY PRESIDENT: Thank you Mr King. It is going to sit on the table for a month isn't it

MR BENNETT: Yes, Mr Deputy President. In fact there's no real urgency with it, it was just one of those things that occurred and like a lot of the other bills, arrived last week, was on the priority list and popped out, there's no urgency whether its dealt with at the next meeting or the meeting after that doesn't present me a problem and in answer to the question about consultation, yes there has been quite some consultation on it, I have part of the file here with me now, I first followed up a request from yourself Mr King and sought advise on why or the extent that the reductions were and then in the change around water assurance came into my area and I followed it up and got the background to it. There were a number of memorandums going backwards and forwards from the CAO's office to the Health Building section and to the STG. As I say, it's not a complicated bill and there's no rush so let's steady ourselves and give it the consideration that Mr King thinks it might need

MR KING: Could I just ask one more similar question, is the answer to my question as to whether this bill seeks to regularise concessionary charges which were made contrary to the existing act, yes?

MR BENNETT: I guess the short answer is yes to that

MR DEPUTY PRESIDENT: Any further debate? Mr Bennett perhaps you might like to move to adjournment

MR BENNETT: Mr Deputy President I move that the debate be adjourned and the resumption of debate made an Order of the Day for the next Sitting

MR DEPUTY PRESIDENT: Thank you Mr Bennett. The question is that the debate be adjourned and made an Order of the Day for the next Sitting

QUESTION PUT
AGREED

The ayes have it thank you. We move on now to No 5 on the Notice Paper

NO 5 - NORFOLK ISLAND HOSPITAL AMENDMENT NO 2 BILL 1992

MR BROWN: Thank you Mr Deputy President. I present the Norfolk Island Hospital Amendment No 2 Bill 1992 and I move that the Bill be agreed to in principle. Mr Deputy President this is part of a package of three bills and it may be simplest for members if I address the three bills in what I say now. The first is that which has just been tabled, the second will be a bill to amend the Healthcare Act, which will be the Healthcare Amendment Bill 1992, that second bill has only been distributed to members during the course of this meeting. Unfortunately there's been a very heavy programme in the drafting area which has prevented that being finalised until today, and the third bill in fact will not be available until some time later today or tomorrow and so the third bill will not be able to be tabled today but I will address the three of them because that way it's easier to understand. This is part of a package which aims to implement the core recommendations of the Salmond Report and the recommendations of the Consultant Risk Manager in his paper of the 13th July 1992 in relation to restructuring of the healthcare fund and I might add that it is not inconsistent with the Ernst and Young Report which I've tabled this morning. The package also aims to meet certain of the concerns expressed by the community in the recently conducted health survey as members will recall I tabled the results of one survey in relation to the healthcare fund this morning and I will be tabling hopefully at our next meeting the results of the survey in relation to the hospital. The Salmond Report was discussed by Members of the Assembly at meetings on the 13th July, 27th July and 21st September. The McQuire paper was discussed at MLA'S meetings on the 27th June and 21st September and both papers and related matters were discussed at meetings attended by the executive member, the Acting CAO, the Crown Solicitor, the Employment Act Liaison Officer, the Healthcare Co-ordinator, the Consultant Risk Manager, the Hospital Secretary/Manager and the Secretary to Government on the 18th September and the 13th October. The preliminary results of the health surveys were available at the meeting on the 13th October. The first of the Bills is the Norfolk Island Hospital Amendment No 2 Bill 1992. It's a fairly thick bill and I think Members will find it interesting. It aims to significantly simplify and modernise the structure and workings of the health service. It has several features. Firstly to continue the hospital as a statutory authority, to appoint a director to manage the hospital, to abolish the Hospital Board and create a Health Advisory Council and the principle is that the Hospital is to move towards providing services at their true economic costs with subsidy's to be provided at arms length by the Healthcare Fund, the Social Services vote and other similar statutory schemes but to get away with the myriad of subsidy's which really can be found under many logs and cupboards under the present arrangements. It aims to define the role of the hospital and it aims to provide for the provision of strategic plans. Finally it aims to introduce accrual accounting to the hospital in accordance with recognised accounting standards. I think members will find it interesting. The comments will now be sought from the Hospital Board and from the Auditor and from various other people that are interested in the hospital and how it works. Members will recall that back in July I tabled a paper in relation to public sector reform and one of the suggestions in that paper was that a health arm be created and if it is eventually decided to proceed with that public sector reform package or with some variation of it then the work that is proposed here in relation to the hospital is

intended to be consistent with that package. I've had a number of comments in relation to the public sector reform package, in fact I have only had one unfavourable comment, all of the rest have been quite favourable and the person who made the unfavourable comment said if at the end of the day once you've taken consideration of all of the things that I have said the Legislative Assembly nevertheless decides that the reform package ought to be pursued then why don't you try in on just in one area first, see whether it works the way you expect it to work, iron out the problems in that one area and then if it is worthwhile you can proceed to move towards the other areas at that stage and this bill would enable that to be done if it was decided to be done. Shortly I'll be presenting the Healthcare Amendment Bill 1992 and its important to understand its features when considering the Hospital Amendment Bill. The central features of the Healthcare Amendment Bill are firstly the revision of the healthcare scheme claims procedure so that in ordinary circumstances claims are made on the same basis as if the fund were a private insurer, that is, the costs are first paid to the hospital by the patient and then claimed back from the fund. There's proposed to be an ability to depart from that arrangement in cases of hardship or in relation to social welfare beneficiaries or in relation to major overseas treatment and in a number of other cases where it is necessary to have a provision to depart from the standard arrangements and in those cases a direct charging authority would be issued by the healthcare fund to the service provider. One revision of the extent of cover that is proposed is to significantly reduce the contribution made by the healthcare fund towards airfares. Of the five healthcare appeals which I have on my desk, if not everyone, then it is all but one of them, that involves airfares and in looking at the complaints from people about not receiving a healthcare referral to go away and receive either consultation or treatment on the mainland it is my view that if the airfare provision is amended as is being suggested in this bill then the overwhelming majority of those arguments will in fact evaporate because the cost to the healthcare fund of someone going away to consult with a specialist will not be anywhere near as large, the likelihood of a person reaching the \$2000 threshold will not be as high and there will be a higher ability while maintaining financial responsibility to provide people with a healthcare referral. It is intended that the legislation will enable if the House decides to do so, to introduce a second insurance scheme which is called for the sake of a name, Healthcare Private, that would be an optional scheme which would provide benefits not covered by the ordinary scheme and the ordinary scheme would probably come to be known as healthcare standard. The reality is that if healthcare private were introduced it would quite probably replace the Southern Cross scheme. The bill provides for the separation of the Administration of the scheme from the Hospital, the survey results have shown us that there is both confusion and concern at both elements being run from the hospital and the reports that we have from our consultants have strongly indicated that we need in order to obtain efficiency to separate the administration of the two, and finally the bill aims to provide a way to encourage football players and others who voluntarily indulge in high risk sports or in other high risk areas of enterprise to obtain and maintain private cover. It may not be necessary to do anything in that regard but I suggest to members that it is important that there be an ability to require a person such as a footballer to have private cover in order to ensure that the fund is not unnecessarily at risk as a result of people voluntarily undertaking hazardous occupations or tasks. The third part of the package which I regret I'm not able to table today but which will be circulated to members and tabled on the next occasion is the Healthcare Consequential Amendments and Transitional Provisions Bill 1992 and that's a technical bill which provides for commencement phasing and for consequential terminological amendments to other enactments. That is the package Mr Deputy President. I don't expect that members will have had the time to read through the Norfolk Island Hospital Amendment No 2 Bill prior to the meeting today and I'm well aware that with the Healthcare Amendment having only been circulated today members will have had no chance to consider it. I propose at an appropriate time to move an adjournment until our next meeting but if members find that at that stage they still do not have enough information or have not had the time to consult with enough people well I would certainly have no objection to it being stood over until our December at that stage, if that was necessary, although I do say to members that if at all possible I would like to implement these changes as from the 1st January. If that can't be done well so be it but if the changes can be implemented from then it will be possibly be the simplest date to do it from

MR BATES: Yes Mr Deputy President, somebody asked me the other day if I was always against John Brown in the Legislative Assembly. So I guess it will come as a surprise....in his efforts so far with the hospital and healthcare matters. I have every confidence in our hospital and their ability to run a good healthcare scheme. I have been concerned that our existing legislation needs updating to allow both the hospital and the healthcare scheme to operate within their legislative boundaries. I should say the hospital is a community asset which must community support by that I mean that it must be supported by all and not just those who are unfortunate enough to require its services. We are lucky if we don't need the service of the hospital but it is there every day every year waiting and ready just in case. It has a hard core set of costs even if no-one and that's unlikely needs it. If there is any country in the world that can make a healthcare scheme work we must be it. Apart from the need for overseas treatments we have the rest of healthcare completely under our control and are not subject to professional exploitation. I am not sure if the proposed package of legislation has everything right. The drafting has been carried out with a great deal of haste. I'm sure from the draftsman's point of view it is sound and professionally prepared but until those who have to make it work in the parameters of the legislation have had a chance to consider it and have their views considered I would not like to see it proceed. I am sure the minister and indeed he has said so this morning, wants to get it right also, and I'm confident that he'll be working to do that. I do not think the three weeks between now and our next meeting is long enough to fully obtain public and staff comment and if more time is expected to get it right I am sure the Minister will be quick to recognise that and act accordingly. As I said before I support the Minister's desire to progress this matter and offer him any assistance I can. There is a traditional aspect of the Ladies Auxiliary, and other community bodies assisting the hospital. There is currently a group working towards funding a new hospital. There is the usual Melbourne Cup Hospital Sweep and many other community efforts all of which have played an important role in hospital affairs. I am sure the Minister will be careful to listen to their views and encourage their continued support. There is a problem with almost all new legislation that is introduced into this house and that is the cost of implementation and the cost of continuation etc. I wonder for instance what role this Director has to play. Are we going to be faced with high costs of recruitment? Do you have to supply him with a motor vehicle? Will we have to supply him with a house? I've had discussions with the Minister for Finance on administrative costs of other bills, namely the Employment Bill and I think the cost of implementing this scheme is something that I hope both the Minister for Finance and also the Minister for Health will be looking at over the next few weeks

MR KING: Thank you Mr Deputy President. I like the direction in which Mr Brown is heading in this particular bill. I like the objectives of the bill. I like the concepts and features contained within the bill and I've formed that opinion only by reading the summary page or listening to Mr Brown's debate just then. I haven't had an opportunity to read it. It's part of a comprehensive and complex package which I personally would have hoped to have receive greater exposure. I take Mr Bates' point regarding the other implications and I believe that there was an occasion on which all those things were adequately addressed and presented to members before a bill reached the House. That procedure seems to have gone by the way regretfully but nevertheless I repeat that I do like the direction in which it is heading. I hope that my reading of the bill will satisfy me that it will achieve Mr Brown's objectives but I wonder could I ask the Minister whether he can assure the House that the processes of consultation and development followed by him in this case have been adequate to safeguard the House against defective and deficient legislation for example, were the drafting instructions to Parliamentary Council issued by the Administration's Legal Section, thereby indicating that the basic exercise of legal examination had been completed

MR BROWN: Mr Deputy President at one stage of the consultation process I certainly did speak with the Crown Solicitor. I did not speak with him in relation to the instructions which I gave for drafting. I am quite satisfied with the instructions that I gave from a drafting point of view nevertheless. I have heard what Brian said, heard what Mike said. I don't intend to try to push this through without

everyone who has something to say being given the opportunity to say it and certainly I take a lot of note of a few of the things Brian said, for example, the Ladies Auxiliary and others who have helped the hospital for many years and it is certainly not intended that the role that such persons have played in the past ceased to be played in the future nor is it intended to slight them in any way by presenting this package. Although I would like to fairly quickly complete the package because I think it's important from the point of view of the efficient running of the Hospital and of the Healthcare Fund I certainly don't want to rush it through and if it ends up taking three months to pass through the House well so be it. I think that it is far more important that we ensure that we have it right then to achieve speed for speed's sake. It might help if I say something of my philosophy in presenting a bill. I don't always seek a wide spread of views from the public service or the community before bringing a bill before the House. It's my view that the bill provided an executive feels he has enough support to put the draftsman to the trouble of drafting it, it's my view that the bill should be circulated to the members of the Legislative Assembly and it should be tabled in the House. Our normal procedure is then that it sit on the table for at least one month and it's during that time that I believe anyone who has something constructive to say ought to be asked to say it.

So I certainly am not attempting to avoid the consultation process in any way but perhaps I do it a little differently to Mike and I suppose we do a number of things a little differently

MR DEPUTY PRESIDENT: Any further debate? Then Mr Brown could I...

MR BROWN: Mr Deputy President could I move the adjournment

MR DEPUTY PRESIDENT: Thank you Mr Brown. The question is that the debate be adjourned and the resumption of debate be made an Order of the Day for the next Sitting

QUESTION PUT
AGREED

Thank you. We move on to the second part of Mr Brown's Healthcare package, item No 6

NO 6 - HEALTHCARE AMENDMENT BILL 1992

MR BROWN: Mr Deputy President, I present the Healthcare Amendment Bill 1992 and I move that the Bill be agreed to in principle. Mr Deputy President I don't propose to add much to what I've already said in relation to this Bill save to apologise to Members for the fact that it has only become available today. I believe that the changes which are proposed are consistent with the recommendations of the Consultant Risk Manager and are consistent with the recommendations contained in the Ernst and Young Report which I tabled today and for that matter I think they are consistent with any of the words contained in the Salmond Report in relation to Healthcare. Healthcare has been something with the survey report indicates has been of some concern within the community, particularly the question of whether we really can fund the monster that we have created. The reality is that we have taken insurance or re-insurance in order to cover a large part of our risk. Up until the end of September that insurance was in the form of a policy whereby excluding Social Welfare payments once the cost to the Healthcare Fund reached \$350,000 from there up to a total of \$1m, that is, for the next \$650,000 we had insurance cover. It appears at the moment as if the cost of healthcare for the year up to the end of September may have exceeded that \$350,000 figure and we are currently looking at whether we are able to sustain a claim under the policy. There are various problems with lodging such a claim, in particular because some changes were made to the scheme after the re-insurance policy was taken out but if we have a reasonable probability of such a claim being successful it certainly will be pursued. For the current years insurance the policies have been changed slightly and members will have read a press release which I issued to the local newspaper, the last weekend's paper in relation to that and it aims at covering the risks perhaps a little bit better. It covers all the cost for any one family above \$35,000 in the year. Under the previous policy if one family ran up a bill of \$275,000 on its own we still wouldn't be able to claim on the reinsurance until the total got past the \$350,000 mark but now if a person needed a kidney transplant for example it's intended that that would be covered by the fund and if it

cost more than \$35,000 we would be able to go to the re-insurer and say well one of our members has needed some expensive treatment here is our claim. The extent of the cover has also been significantly increased, in fact, up to a level of \$2m and so although it is more expensive this year in terms of premium our re-insurance is far wider than it was last year and so I say to you that for this year the Healthcare scheme cannot cause us any more trouble than we've already budgeted for but the caution that I leave with you is that we are relying on re-insurance in order to be able to say that we can afford the scheme and if we had a few years of very high claims it may well be that we would be facing a very high premium for that re-insurance and we cannot assure people that that won't occur. We can say that to the best of our knowledge and based on historical information that we have, and based on actuarial assessment of that information the scheme works and is affordable and we can say that we definitely intend to reinsure each year so that the Island is not at unlimited risk, but there is the risk that the premium will get dearer and if that occurs then we will have to consider that in the light of what the contributions to the Fund are to be and perhaps where the excess is to lie. The Hospital in Norfolk Island, as Brian has said, has really run pretty well for a place the size of Norfolk Island but the time has come where the expense at the Hospital, just like the expense at the school has grown significantly and at the same time people are expecting the Hospital to provide many more services than it provided in earlier years. I have been looking, together with the Hospital Board, at the question of just how long the present Hospital will last and clearly there is a stage at which it will need to be rebuilt. If that were to be a likelihood in the next five years it would need to be included in the five year planning that the Finance Minister is doing at the moment. The indications that I have so far are that the present Hospital can last in excess of five years and probably ten years with an amount of work done to it and we are presently waiting to have an assessment provided to us of just what that work will be but all of these things will need to be considered to in deciding just how affordable the Healthcare scheme is in future years. One thing I did omit to mention in response to some comments of Brian's earlier was the question of staffing under this package. It is anticipated that if the package is supported there would for a period be one additional staff member at the Hospital but the total staff requirements between the Hospital and the Healthcare Fund would not otherwise increase. The additional person at the Hospital would in the medium term be the Director. The present Secretary/Manager is undertaking a course of tertiary education in relation to Hospital Administration and I am sure we would all hope that upon completing that course she would step into the Director role and in the meanwhile it would be my intention to seek agreement to engaging a person who has worked in the area for a lengthy period of time to fill the role of Director and to help guide the present Secretary/Manager towards the day when she can simply step into his shoes. To that end I have been looking at the possibility of engaging a recently retired Hospital Administrator from Australia or New Zealand to come over and give a few months of assistance. That assistance would not only involve giving assistance at the Hospital to get it working in the way that we would like but it would also involve assistance in further developing the concept that's contained in this package in designing the role of the Director and in recruiting that Director and I believe that if we can obtain the assistance of such a person it will greatly simplify the phasing in of the changes which are proposed in this legislation. I don't propose to add anything else today thanks Mr Deputy President

MR DEPUTY PRESIDENT: Thank you Mr Brown. Any debate Gentlemen?

MR BROWN: Mr Deputy President can I move the adjournment?

MR DEPUTY PRESIDENT: Thank you Mr Brown. The question is that the debate be adjourned and the resumption of debate be made an Order of the Day for the next Sitting

QUESTION PUT
AGREED

Thank you the ayes have.

**NO 7 - HEALTHCARE (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS)
BILL 1992**

MR DEPUTY PRESIDENT: Notice No 7 on the Paper as you will already be aware Gentlemen has been withdrawn, so we move to Item No 8

NO 8 - IMMIGRATION AMENDMENT BILL 1992

Mr Sanders has the carriage of this Bill

MR SANDERS: Thank you Mr Chairman. I present the Immigration Amendment Bill 1992 and move that the Bill be agreed to in principle. Mr Chairman the summary of this is only one page so if you have no objection I'll read the one page. This Bill seeks to amend the Immigration Act in order to repeal the provisions established in the Compensating Departure Scheme. Clauses 6 to 9 seek to repeal the principle sections dealing with the Compensating Departure Scheme, that is, Section 21(b), Procedure for seeking approval to make a Compensating Departure Declaration, Section 21(c), Procedure for making a Compensating Departure Declaration and Section 21(d), Effect of Compensating Departure Declaration and 21(e), Residency rights of minors. Clauses 4,5,10,11 and 12 seeks to repeal minor and consequential provisions relating to the Compensating Departure Scheme respectively the definition provision, the cross reference to provisions dealing with prohibited immigrants and other cross reference. Clause 13 is the savings provision, it is intended to have the following effect, applications made under the Compensating Departure Scheme but not disposed of before commencement of the legislation will not be able to be further progressed however, where a Compensating Departure Declaration has already been made before commencement the old provisions will continue to apply to both the incoming and outgoing parties. As well, a person who has already made a Compensating Departure Declaration will continue to be unable to obtain a temporary or general entry permit for three years after making the Declaration. The provisions making such persons prohibited immigrants will continue to be in force in respect of them. The foregoing provisions will also continue to apply to spouses and minor children of such persons. It is specified in the Declaration. The provision entitling minor children specified in the Declaration to resume residency on reaching 18 years will remain in force in respect of that. Mr President I table that summary. Mr President the Compensating Departure Scheme has been abused ever since its introduction in the life of the last Assembly. It was intended to assist those in need who had a substantial asset who were unable to realise that asset on Norfolk Island. It was never intended for a person to sell his immigration. It was never intended to be the vehicle for a person who had the substantial asset to use some other person who either didn't live on Norfolk Island or was leaving anyway to sell their residency so that the person who had the substantial asset could remain. Immigration was never intended to be the means whereby a land agent or an accountant had to receive a commission. It was seen by the public that the previous Executive Member either didn't understand or didn't want to understand the Compensating Departure Scheme which was regretted at the last election when I received a substantial amount of the vote with the expectation that I would sort out this problem. The motion of the previous Assembly was unanimous in its direction to the Executives of the day, tighten up on immigration. The Immigration Review Committee along with the Immigration Committee recommended to the Assembly that the Compensating Departure Scheme be abolished but to tighten up in the meantime. Six members of this Assembly decided that I was an unsuitable executive and that the previous executive replace me. Since then controls appear to be almost abandoned. In my opinion if there is always going to be the possibility of the law being abused then the law should be abandoned and I commend the Bill

MR KING: Thank you. Mr President this is a wonderful thing that Mr Sanders has done. Very wonderful. It's one of the best things, probably the best thing that Bill has done this year and I don't mean that in a derogatory sense. It demonstrates that Mr Sanders even as a backbencher Mr President is going to back a worthwhile and positive contribution. It marks the beginning of the death throes of the CDD scheme or the one in one out scheme. It's unfortunate however Mr President that the scheme can't be dealt a swift death blow but it seems rather just that its demise will be slow and agonisingly painful. We need to move or Mr Christian needs to move now very swiftly on matters of community consultation and with discussions with the Commonwealth. It's not going to be an easy path to follow. The Commonwealth have indicated their position on the matter. I hope that they had full regard to the debate on the previous occasion, or on the occasion of the last Sitting

of this House and that they take into account many or all of the comments that were made on that occasion and thank you, I congratulate Bill for bringing this forward

MR BROWN: Mr President I think it's a shame that we've got this Bill before us because I very strongly supported the introduction of the compensating departure scheme. I believed at the time that the scheme did provide something for people in hardship and that the ability that was provided by the scheme was a worthwhile ability in Norfolk Island's point of view and I think that's still the case but the problem is that it has been abused. It's been badly abused. It is hard to think of a single occasion on which it was used where it has served the purpose for which it was introduced. It has led to people placing advertisements on the mainland to sell businesses or property on the Island, some of which have been cheeky enough to say the price without immigration is X and with immigration it's a further \$60,000 or however many dollars. It was never intended that immigration be able to be sold in that fashion. The fact is that we have seen that from its very introduction its been abused. We have seen one executive member attempt to tighten it up but he ceased to be an executive member and someone else replaced him who had a different view and it is quite easy in looking at the way the scheme has been administered by those two executives, it is quite easy to see that if it is administered by a person with alot of compassion and alot of feeling for his fellow man who doesn't really want to say no to people things happen under the scheme that weren't really intended. I don't think that we can successfully legislate to control the mind of a present or a future executive and unless we were able to cause every executive to administer the scheme in the way that Mr Sanders administered the scheme then I think that we have to simply face facts and do away with the scheme. It does sadden me, I thought it was a good scheme but at the moment its my intention to support its abolition

MR PRESIDENT: Thank you. Further participation?

MR SANDERS: Mr President could I take this opportunity to move the adjournment Mr President

MR PRESIDENT: Thank you. The question now before us Honourable Members is that the debate be adjourned and resumption of debate made an Order of the Day for the next Sitting

QUESTION PUT
AGREED

The ayes have it thank you

NO 9 - TELECOMMUNICATIONS BILL 1992

MR BENNETT: Thank you Mr President I present the Telecommunications Bill 1992 and move that the Bill be agreed to in principle.

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

MR BENNETT: Thank you Mr President. Members will be aware that on Friday I circulated the draft Bill and yesterday put in the box the final Bill and this final Bill arose after the final round of consultations on Tuesday which in effect added three new sections, 31(a), 31(b) and 50(a) and that would have been in the boxes yesterday and also I had circulated to Members a paper entitled Proposed New Telecommunications Legislation, in fact Members will recall that was tabled at our meeting on the 26th of August last and that will serve as a summary. Members will recall that in August when I laid that Paper on the table that I talked about the reasons for this proposed Telecommunications Legislation and I'll repeat just a couple of those points again, with the result of a few things, that in 1989 a new power was provided to Schedule 2 of the Norfolk Island Act and later on as a result of representations made to the Commonwealth the Federal Telecommunications Act 1991 was made not to extend to Norfolk Island and this factor provided for greater flexibility then was previously the case and has provided the springboard for the Government to draft appropriate legislation to cover some of the issues which I outlined in August and others and Members will recall that up until now we've been dealing with

the Post and Telegraph Act and the Post and Telegraph Rates Act 1902 and these Acts whilst they remained in force in Norfolk Island were repealed in 1975 and so we've really been operating under legislation that hasn't been in force for 17 years. It had some implications of course that under the old power of telephone services this power didn't cover some of the new forms of communication such as fax machines and the like and more particularly in the Telephone Rental Charges and Fees Regulations there have been a number of problems with the Regulations. Firstly a number of the charges currently being levied were not prescribed in the legislation and the scope of these of course increased when the new exchange became operational and we had new facilities to offer the customers and secondly the need to pulse on IDD charging provisions became obsolete when the new exchange became operational and thirdly the making of regulations was a relatively inflexible way of determining charges. Mr President an outline of the proposed legislation in six parts, seven, eight parts. The Telecommunications Bill will give the Government a monopoly on telecommunications except with respect to private network services, that is, installations on the consumer side of the PABX. The Government will be entitled to determine charges for the use of all forms of public telecommunications as well as for the provision of plant and equipment and the provision of special services and these were outlined in August and also for maintenance. The charges will be fixed by the Telecommunications notices made by the executive member rather than by Regulation however these notices just like Regulations will be disallowable instruments. The Bill will still allow that private network equipment will be able to be purchased by consumers from any source but there will be a requirement that this equipment meet the AUSTEL standards for connection to the public telecommunications network. The legislation also deals with privacy issues and also the question of interceptions. Now these have hitherto not been covered by our archaic legislation. The legislation will deal with the access to private property for the purposes of installing and maintaining communications equipment and or the preventing of interference with such equipment and the net result of this Bill once it is passed it will mean that the old Post and Telegraph Ordinance will be repealed and as I said at that time the postal side of that ordinance will be looked at if and when we commence the Postal Services Act. Mr President I just walked quickly through the Act, I wanted to draw Members attention particularly to the three new sections that were in there and to one or two matters. Now this Bill is not proposed to highlight it today of course, it can lay on the table for as long as Members require it to do. The first section is preliminary and deals with the aims of the Acts and the definitions etc. Part II is an important provision which reserves the right of the Administration to certain things that I talked about in the monopoly provisions and that is, public pay phones, the supply of public mobiles, telecommunication services, the supply of PABX's, facilities ancillary to reserve line links and of course reserve line links. Part III of the Bill is a section that deals with the powers of entering land and there was an earlier concern about these provisions which I think are much the same as those appearing in the Electricity Bill but are more rigorous if you look at the requirements of Administration under Section 23 to do as little damage as practicable on repair and all the rest of it. Part IV is the section that deals with the tariffs and importantly section 28 was put in, Members may have something to say about this, but this section 28 specifically says that the executive member in spite of section 27 which is the one that gives him the ability to raise tariffs for particular services, in spite of that the executive member does not have the power to specify a tariff that includes a charge for basic carriage service that commences and terminates within Norfolk Island and that means that the executive member doesn't have the authority to levy a charge for local calls. If that is desired by the Assembly it needs to be dealt with by this House. The two new sections in there, one is identification of consumer and this will be outlined in the definitions so I won't labour the point, it just is distinguishing between a user of the telephone and the consumer being the person who is actually signing the instrument or application for the service and 31(b) is a new one and this is subtitled "Information about surcharges to be provided". There was a question raised about the ability of some services that are provided to larger establishments who on charge to their customers charges for calls, accommodation industry is the example I'm using. At the moment there is no control on how much they charge or how much the on cost they can put on and it was simply a question of deciding whether we should be interfering in what is something in private enterprise and putting a ceiling on charges that may be levied to the customer of an accommodation

house for telephone calls made by that customer and instead I changed the option of ensuring that the consumer, that is, the accommodation house must take steps to adequately ensure that persons permitted to have access to the service, that is the people occupying the bedrooms are clearly informed before using the service of the amount or the basis of the calculation of charges to be paid to the consumer in respect of the excess. Now this may be controversial and Mr Sanders might see that as a big brother thing except that I think we've all had experiences being away and you get your hotel bill on the day you check out and freak out at the high cost of telephone calls. You're never quite sure of just how much or what the basis for the charges are and I think at the moment the charges are levied to the people who use the rooms, and my understanding is that it's 100% of the amount of calls that are paid to our OTC is added onto the customers bill. Now I think what this section is saying is, if that's what you are going to charge we require you to ensure that the customer's know that that's what it is. Section 35 deals with the nature of permits and this is, as I referred to earlier, AUSTEL permits, that's the regulatory arm of the OTC. Part VI is the section that deals with offenses and importantly it introduces a new provision for Norfolk Island and that's the prohibition on interception devices. Now I can say at this point that interception devices means physical or what it doesn't mean is a microphone device. If there are any reports about microphone devices being used to overhear conversations that go then that will require a separate piece of legislation and not the Telecommunications Bill or an amendment to that. There is a section that deals with warrants and one of the new sections 50(a) I think it was simply omitted and that was the section that says having got the warrant what do you do with the warrant and of course the last section is the miscellaneous section that deals with the commencement, noting of the Act is to bind the Crown, deals with the Regulations, Consequential Amendments and the Transitional Provisions. Mr President, it's an important Bill for Norfolk Island, it is fairly large, its very technical but it now would be my intention after any debate to adjourn it and make it an Order of the Day for the next Sitting and in the meantime any difficulties that people might have with it, when an opportunity arose then...

MR PRESIDENT: Further debate. No further debate at this time

MR BENNETT: I move that debate be adjourned Mr President

MR PRESIDENT: The question is that the debate be adjourned and made an Order of the Day for the next Sitting

QUESTION PUT
AGREED

The ayes have it thank you.

ORDERS OF THE DAY

NO 1 - NORFOLK ISLAND HOSPITAL AMENDMENT BILL 1992

MR PRESIDENT: We are now on to Orders of the Day Honourable Members. 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 and Mr Brown you have the call

MR BROWN: Mr President Members will recall that this was a simple Bill the impact of which was to cause a person who is a Member of the Legislative Assembly and who is appointed as a Member of the Hospital Board to cease to be a Member of the Board automatically at such time as he ceases to be a Member of the Assembly. It is intended to save the necessity which otherwise exists for that person to physically resign and for the resignation to be accepted and then for a new appointment to be made. It's a fairly simple provision and I don't propose to add anything to what I said on the last occasion

MR PRESIDENT: Okay. Further debate in respect of this piece of legislation. No? Then the question before the House is that the Bill be agreed to in principle. Then I put that question

QUESTION PUT
AGREED

The ayes have it

MR BROWN: Mr President I move that the Bill be agreed

MR PRESIDENT: The question is that the Bill be agreed

MR ROBINSON: Are we not supposed to turn over the hour glass Mr President

MR PRESIDENT: If I thought it was contentious I would have dealt course. I don't think we are at that stage. The final question is as moved by Mr Brown that the Bill be agreed to

QUESTION PUT
AGREED

The ayes have it thank you

FIXING OF NEXT SITTING DAY

MR KING: Mr President, I move that the House at its rising adjourn until Thursday 12 November 1992 at 10 am

MR PRESIDENT: Thank you Mr King. Honourable Members you will understand that the normal Sitting day is the 11th which is Armistice Day and we have moved this onto the next day subject to your agreement of course. Any discussion on that? I put that question which is that we adjourn until Thursday 12 November 1992 at 10 am

QUESTION PUT
AGREED

The ayes have it thank you. We move to Adjournment

ADJOURNMENT

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

MR PRESIDENT: The question is that the House do now adjourn. Any further participation in the adjournment debate?

MR BROWN: Mr President we've just fixed the date for our next Sitting and we deliberately fixed it on a Thursday because Wednesday the 11th November is Armastice Day and this year that will be an extremely significant day in Norfolk Island because we will have visiting with us the five surviving Victoria Cross winners from Australia and New Zealand and it will be a very important occasion for Norfolk Island and for all of those who have served in times of war. I hope that as many Norfolk Island people as possible will attend the service at 11 am on the 11th November and I hope that as many people in Norfolk Island as possible will go out of their way to make welcome those Victoria Cross winners. Sir Roden Cutler the former Governor of New South Wales will be with us, Keith Payne who most people in Norfolk Island by now know, together with his wife, Mr and Mrs Ted Kenna, Mr and Mrs Upham and Mr and Mrs Hinton. Mr Upham of course is a remarkably well known gentleman in that he won the VC on two occasions and all of those people will be here and I'm looking forward to their coming and I hope that everyone will participate on the occasion

MR KING: Thank you Mr President. Several pieces of legislation were introduced today with apparent haste. Its readily apparent to Members that most of these Bills were only circulated in the last couple of days and in fact some of the Bills were still being written at the time we sat in this House at 10 am. One even failed to make its starting point. There is some indication in all this that the proper processes of consultation and professional oversight are not being followed and in my view Mr President hasty legislation is invariably defective legislation. I accept that this House is the proper forum for final debate on a Bill but that doesn't prevent procedures being followed to ensure that the Bill is not fundamentally flawed. We ought to ensure that the Bill satisfies the policy objectives before the Bill is present to this House. I accept also that in cases we have dealt with today the Bills remain on the table until the second reading and that that presents a wider opportunity for consultation. However, there's a very clear distinction to me Mr President between public consultation and seeking professional guidance from those who we employ to guide and advise us. Firstly, what do we pay those professionals for if we do not use them for the purposes for which we employ them. Secondly, where does it leave us if after presenting the Bill to the House we are advised that the Bill is defective or it is demonstrated that the Bill does not meet the desired objectives. We are left with a need for detailed amendments Mr President and prolonged formal consideration which could have been avoided but beyond all that Mr President, the hasty presentation of a Bill places the proponent in the advantageous situation of securing a place on the Notice Paper and remaining there until a Bill is finalised. That in itself creates undesirable pressure to finalise a Bill. Inclusion on the Notice Paper becomes political ammunition. How would it be

Mr President if all executives presented themselves to the Parliamentary Draftsman and issued drafting instructions. Our lawbook I suggest would end up looking similar to the Rules of the Yogi Bear Club. I take Mr Brown's point that he does things different to me. I think most people are agreed on that. He and others may be more informed than myself in issuing drafting instructions and perhaps I am being far too cautious in suggesting that there are proper well established process which should be followed, but let me give the House an example Mr President. Back in, as I recall, 82/83 a Bill was presented to this House with the objective of obviating the necessity for certain people to actually apply to be declared a resident. That Bill was presented to this House or to the First Assembly I think it was with that view in mind and indeed it did achieve that objective, but because the proper processes of consultation in a developmental stage were not followed it not only achieved that objective and obviated the necessity for all those people, the development people to be declared resident, it also in a conservative estimate automatically made some 700 people residents of the Island because of a simple oversight because the particular Bill was fundamentally flawed. I do not intend Mr President to fall into that trap and I would caution other executive members against following those particular courses

MR BROWN: Mr President I take it that Mike has been criticising me for not more widely using the services of the Crown Solicitor and in order to respond to that I would move under Standing Orders 72a that the broadcast be suspended and that strangers be excluded

MR PRESIDENT: Thank you Mr Brown. The question before us is that Standing Order 72a be implemented Honourable Members and I put that question

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QUESTION PUT

AGREED

The ayes have it

MR KING: Mr President I wonder if I may say one particular point which may cause some adjustment to Mr Brown's thinking that ...

CLOSED SESSION

MR BROWN: I have even during the course of this meeting received a communication from the Acting Chief Administrative Officer in relation to the question of the duties of the Crown Solicitor. Members will be aware that there appears to have been a very significant clash between the Secretary to Government the Chief Administrative Officer and the Crown Solicitor. I have formed a view that the Chief Administrative Officer and the Crown Solicitor have put themselves into an irreparable position of conflict with the Secretary to Government. The Crown Solicitor has not been as co-operative as I would have hoped in relation to the question of the movement of the Secretary to Government from the Administration buildings to our compound here. Argument went on until quite recent days about what books were to be moved and argument appears to still be going on as to just what are

MR PRESIDENT: Order. This is still being broadcast. Please continue

MR BROWN: Mr President there has been argument about the reporting responsibilities of the Crown Solicitor and that's been the subject of another memo to me this morning but the difficulty that exists is one where some

would say you should not seek another view other than the view of the Crown Solicitor and yet the Crown Solicitor if his own preferred course were adopted would have no-one with any legal qualification to whom he was subject to review. In other places there is a provision for review. In other places a Crown Law Office always has more than one person and when an advise is provided and if there is any doubt about it there is a very simple procedure to seek to have it reviewed by a Senior Officer and it is so reviewed. Here we don't presently have that provision and I don't think it's appropriate that a person be criticised for not accepting without question the advise of the Crown Solicitor where there is simply no provision for his advise to be reviewed within the system, and I think that we need to overcome that.

By the same token I don't think it's appropriate to say well some people disagree with him therefore the guys got to go but I do want Members to understand that I have a very significant problem with the present Crown Solicitor. I attempting to overcome that in a sensible fashion by ensuring that there is a sensible reporting and review process available

MR KING: Mr President I really think that most of that was unnecessary in that a) as I said before, I wasn't focusing on Mr Brown, nor was I criticising him. I guess in a broad sense I was but I was also criticising and cautioning every other Executive Member in the Government but secondly, nor was I focusing directly on the Crown Solicitor's office. I was referring largely to the entire public service as being people who are there to advise us, to guide us and perhaps to caution us in certain areas. The example that I alluded to earlier on was not an example which arose from the use of the Crown Solicitor on that particular occasion, not as I recall in any event but I really feel that I need to make that point. I may well have some difficulties

with the present Crown Solicitor as well, and in fact I do, I've had some difficulties with alot of the advise that I've sought from various sections within the Public Service but I do at least seek that advise so I really want to make those two points. I really wasn't focusing on Mr Brown. If he has difficulties with the Crown Solicitor then I can perhaps understand that but I was talking more in the wider sense and the need to follow those established procedures seeking the full input from the Public Service

MR SANDERS: I never cease to be amazed that in actual fact we have a lawyer on the Assembly who is treated as if he's a damn fool when it comes to matters of law. I would have thought that if any lawyer wasn't happy with another lawyer's opinion that he would probably be more in a position to do something about it or know something about it then any of the others of us. I'm fascinated that there seems to be criticism of Mr Brown. In fact I hear what Mike says with regards to the Public Service, but when somebody really knows what he's doing in a job you don't always go around and ask the other person who doesn't know, whether he's happy with it

MR BENNETT: I just advantage of the closed session to raise another comment about another senior officer in the Administration to which there is some degree of conflict and that is the Chief Administrative Officer and the question that is yet unresolved and that is the question about how we deal with his application for renewal of the term and it was as I mentioned to you John this morning, a matter raised at MLA's and it was intended that when we leave here that we would deal with it at an appropriate time to come to grips with that. I understand he's due back presently and I guess it behoves us to deal with it one way or the other

MR PRESIDENT: Any further participation in the adjournment debate

MR BATES: Yes Mr President, I didn't really want to get drawn into this but I think I have to say something in defence of people who may come under criticism in some of these matters and I think perhaps I can relate that to a time when I was a senior public servant and we had a Minister of Finance, I said to him, now if I don't tell you what I think about a matter and you make a mistake, I'm letting you down. If I tell you what I think about a matter and you choose not to take that advise into consideration then you are making the decision with the full benefit of that advise and my conscience is clear. Now I think any public servant needs to stand up and say he thinks something is wrong. He's not saying you've got to do it this way because I say so, he's just saying well look I think you maybe making a mistake. Go away and think about it. Think about it, make your decision, ignore that advise, but don't be too critical when somebody tries to give some advise which they probably mean in the long run to be helpful. I make that comment through my own experience and I hope it is helpful to some of the Members as it may deal with some public servants in not doing the right job or in disagreeing with what is put forward

MR BROWN: Mr President in the case of policy advise I agree entirely with Brian, that is the role of a public servant. Give your advise. People accept it or they don't but once you are instructed what to do you go ahead and do it despite the fact that you've said that you think they're wrong. I agree with Brian entirely. My difficulty is that there is a very general view that once one has sought legal advise one should act in accordance with it and I

wanted to bring to your attention that I have a difficulty with the quality of the legal advise which we are getting from that area. It's a different question to Brian's one. If it were a question of the Crown Solicitor providing policy advise I would totally agree with what Brian's saying but when you are told this is the law and you have some grounds to have significant doubt as to whether that is the law you run the risk of getting yourself into a hellova lot of trouble because come the day something is challenged you don't have any real protection just because the Crown Solicitor told you it was okay

MR PRESIDENT: Is there any evidence of that?

MR BROWN: In my view, yes. I could probably pull out three or four examples in recent times but the bit that is strangest about some of them is that once you eventually get to the stage of having him reconsider his advise in the light of matters you may put to him frequently I find that he says he can't understand why I ever questioned it because what he said all along was what he says on the end day but there are a number of examples that I could pull out

MR KING: I think what I might do now is when we receive advise from the Legal Section is take it along to Mr Brown to have a look

MR BROWN: I'm not saying that you should do that. What I am saying is that I don't think it is a sound situation to have one lawyer giving advise where people feel they must simply accept it because it has come from the Crown Solicitor. I think we do need an acceptable review process. We don't have it at the moment but I think we do need to have a process where if somebody doesn't like the advise they've got, be they saying that because they've got a legal

qualification or they've had some other lawyer say something to them, we should have a way that they can seek a review of that advise without being criticised

MR BENNETT: The point that Mike raised is valid from the point of view that you can quickly with your training look at something and say hmmm that doesn't feel right but for us we really don't have another avenue to go. I mean, it really is not proper for us to take the Crown Solicitor's advise and walk down to see the Secretary to Government

MR SANDERS: He wouldn't give it to you

MR BENNETT: And so, we are pretty well reliant on what the Crown Solicitor says and I mean it's awesome to contemplate that if there are flaws in it that we will be party to enacting legislation or regulations or whatever that might well be unlawful and that's a very thought provoking thing

MR PRESIDENT: Perhaps I shouldn't be saying this from here but nevertheless we're in closed session so it may be allowed. I am concerned that what we have put in front of us may be measured as against your view John as against the Crown Solicitor's view and maybe Don comes in somewhere else, I don't know. But if in fact that is happening then in lieu of causing argument about the particular issues and running around saying I think he's no good, maybe the emphasis should be upon placing in some process, this review arrangement

MR BROWN: Precisely

MR PRESIDENT: ... that all parties might then feel more comfortable that what has come out of the process is an

acceptable product because without a doubt this sort of toing and froing between one lawyer - you know better than any of us that you can get as many lawyers views as the lawyers you ask

MR BROWN: Oh, and more

MR PRESIDENT: ... and more, and so I've got to say that, to point out that just because John says it or just because somebody else says it you can ask somebody else and you will get another view too and it doesn't prove conclusively one way or the other as to where we are at and if there is such a question mark the best thing is to arrange by some methodology a review process if in fact we can look to guidance in other places where it happens maybe that is a better answer because I don't think that to continue prodding and poking at each other is going to solve this difficulty

MR KING: ... acceptable product Mr President and we don't want to end up either with legal sycophants do we?

MR BROWN: Well that's right too

MR PRESIDENT: Yes, I wasn't aiming at that because Brian covered that point, I thought very adequately when he said they should give the best advice that is known and available to them. That doesn't mean that you give advise that you know somebody wants to hear, that's really the point that you're getting at isn't it and I'm not aiming at that. I am aiming at a product that within reason is above the sort of toing and froing that is now being entered into

MR BENNETT: It would be difficult to imagine a practical solution to that review process. I mean, to put

another Attorney General on the top

MR PRESIDENT: Well at least we can look and see how it might be handled in other places. I'm not saying that is going to be the answer for us

MR BROWN: There might not be a simple solution

MR PRESIDENT: It may not be the answer for us because we've been talking about that sort of point on earlier occasions that there are differences in this place but I'm not too sure that there has been an exploration yet

MR ROBINSON: I move that the question be put

MR PRESIDENT: Well really the question before us is that of adjournment and I'm assuming now Honourable Members that we've exhausted the adjournment debate, am I right there? Okay

ADJOURNMENT

MR PRESIDENT: I put the question which is that the House do now adjourn

QUESTION PUT
AGREED

The ayes have it, so therefore Honourable Members this House stands adjourned until Thursday, Thursday the 12th November at 10 o'clock in the morning

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