

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 CHRISTIAN: It is with regret that this House records the death of Fredrick Adolph Quintal, known affectionately to all as Freddie, on Thursday 5 November at Concord Hospital. One of the family of Pa Les and Aunt Jinny Quintal, Freddie was born and did all his schooling on Norfolk. He worked here as a butcher and in 1941 joined the Australian Army. He served with the 2.33 Infantry Battalion and saw action in New Guinea and Borneo. After discharge he returned to Sydney and became a taxi driver, finally settling in Kangaroo Valley. Freddie was a keen sportsman, loved tennis and took up bowling in the latter years, visiting Norfolk several times for the Bounty Tournament. To Freddie's family, Eileen, Ernie, Joy and Delores and their families and to his relatives and friends this House extends its deepest sympathy.

It is with regret that this House records the death of Cheryl Lee Buffett last Sunday. Cheryl was born in Canada the youngest child of Norris Buffett and his wife Joanne. The family came home to Norfolk when Cheryl was about two years of age but they returned to Canada some three years later. Cheryl completed her education in Canada then returned to Norfolk Island where her brother Darren was already living permanently. Cheryl made a great many friends here and was well liked by all who knew her. With her friendly and happy disposition Cheryl was known for her charming smile. In January of this year Cheryl celebrated her 21st birthday and in June she and her friend Tim Pearson went back to Canada. Cheryl intended to complete a short art course which she saw as helping her in making and selling souvenirs when she returned to Norfolk in early January 1993. This was not to be. Cheryl was tragically drowned whilst scuba diving in Vancouver. To her father Norrie, to her mother Joanne, to her brothers Darren and Scott and to her family and friends in both Canada and Norfolk Island this House extends its deepest sympathy.

MR PRESIDENT: Mr Christian thank you. 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. Members please feel free to remove your coats it is getting a bit heated this morning and you maybe more comfortable in that attire

Welcome

This morning Honourable Members we have in the public gallery the year 9 History class accompanied by Mr Smart so I do so welcome to you this morning and I hope there are some interesting things for you to observe this morning Good morning to you all

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 SANDERS: Thank you Mr President, I have a number of questions I direct to Mr Bennett Minister for Finance and Airports. The first question is have you yet verified that the New Zealand registered aircraft that you authorised joy flights for was legally entitled to do so?

MR BENNETT: Mr President, after Mr Sanders questions at the last meeting I did seek advice from the Crown Solicitor and as at last evening I had a response on most of it, the key question that was asked was whether I had breached the law and I am advised that that was not so, as to the other parts of the questions I had hoped to have all the answers today but I just haven't it was quite late last evening

MR SANDERS: Thank you its a further question along the same lines also to Mr Bennett have you yet advised Ansett and Air New Zealand of your double standards with regard to landing charges at the airport

MR BENNETT: Mr President, there isn't any double standards, that's the first part, I will go on to say that the landing charges as they exist in a schedule consist of four parts and amongst those four parts is the first landing and the last take-off and the schedule rate for that has been consistently charged to all aircraft, the intervening movements of the aircraft have been subject to quite a lot of discussion and there will be a new schedule to the Act which will incorporate into the those changes or additions to the schedule and at the time I took the decision I levied the charge that was required to be levied on his first landing and levied the charge that I was required to on his last take-off

MR SANDERS: Is it a fact that in between landings which I understand there was a few, is it a fact that those landing charges were halved?

MR BENNETT: That's correct, Mr Chairman, I might add that I thought that these questions had probably for Mr Brown for I understand that Mr Brown did all the inquiries with the Airport Manager I would have thought that Mr Brown could have got the answers to those quite easily by walking 30 feet across the track to my office

MR SANDERS: There is a point of order here

MR PRESIDENT: Yes, point of order Mr Sanders

MR SANDERS: It was me that asked the question not Mr Brown

MR BENNETT: I understand where the questions came from

MR SANDERS: This further one is for Mr Bennett, Mr President, and the question is it a fact that you are the person who exempts certain persons for social service reasons and if so what steps do you take to ensure the exemptions are justified bearing in mind that public support for the unaccountability of public funds

MR BENNETT: Mr President, the two that come most readily to mind are the exemptions under the financial institutions Levy Act and also the hardship provisions of the absentee of the landowners levy and in both of those I take advice from the public service as I'm correctly obliged to do I consider that advice I don't always follow it, but in the main I consider very carefully what they say to me, and I make a judgement on that

MR SANDERS: A supplementary question if I may? Do you check on any of that advice ?

MR BENNETT: Yes, Mr Chairman, I just said that I consider the advice, I don't always follow it, what I'm inferring by that is that if I reach a different conclusion to them after considering it

MR SANDERS: Perhaps I could discuss that one with Mr Bennett at another time

MR ROBINSON: Thank you just while were on the airport another one to Mr Bennett, can anything be done to reorganise the flights on Saturday afternoons at the airport to avoid the chaos that occurs when the plans seem to arrive at once?

MR BENNETT: I'm not quite sure how to respond to that, I guess I'll have a look at it. Whilst it's a fact that we own the airport, and we are perhaps able to say things to an airline I'm not certain that we can go so far as to dictate their schedules, I found in the past in an earlier time when I had some responsibility that the airlines were generally co-operative, it's in their own interest as well not to get a hold up as they arrive, banked on another one, I'll take the matter up with the Airport Manager,

MR ROBINSON: My question is addressed to Mr Brown, the Minister for Health and Education. What was the outcome and what conclusions did you arrive at following the issuing of summonses to the hospital debtors?

MR BROWN: Mr President, immediately prior to the summonses being issued, the hospitals debtors ledger which is its list of people that owe it money, that ledger is prepared at the conclusion of each month. Immediately prior to the issue of the summonses the ledger was just under eight pages long. Round about seven and three quarter pages, and as at today it is around five pages so there has been a significant improvement in terms of actual dollars, I don't have the figures in front of me but my recollection is that the ledger is some \$50,000 lower than it was prior to the summonses being issued.

MR SEMPLE: Thank you Mr President, question here for Mr Brown, over the past few weeks has there been any significant change in the number of people placing their names on the unemployment register? And has this register assisted many people under or unemployed in obtaining work?

MR BROWN: Mr President, I am not aware of the number of names that have been placed on the list over the last few weeks, but I can say that the register has been successful in attempting people to find work. One success of note is a person who had been unemployed for a very long period and who with the assistance of the register and the officer within the Administration who maintains it has now found permanent work. And assistance is being provided by the NSW Department of Employment to further refine both the register its self and what we do to help people find work in times like the present. But in doing that we are trying to ensure that the register is something that is only of significance in hard economic times when there are people who are unemployed, we're not wanting to create a monster that just continues forever, because in good times we hope the register wont be needed.

MR BATES: Mr President, my first question is to Mr Bennett, Minister for Finance. On an earlier occasion I asked you about the engagement of lobbyist in Canberra and their costs this is mostly in relation to activities of the previous Assembly could the Minister inform this House if this Assembly has continued the practise, and if so how much has been spent, what was the purpose, who authorised it, what was the results, why haven't all members been involved?

MR BENNETT: Mr President, its a fact that the Government in the past has retained the services of Carney & Associates and lobbyist and consultants from Canberra, in the past and my recollection was that that was in relation to the legal regime squabble in the aftermath of that, which included the Commonwealth Amendment to the Judicial and the Electoral Act. This Government has no permanent retainer basis with the consultant. If we require advice we get that advice on a fee for service basis, a little earlier in the last few months, it was a fact that Carney & Associates were retained to do a particular job and that was to assist the passage through the Senate of that Judicial and Electoral Bill, and members will recall that their involvement was possibly part of its successful conclusion. I'm advised that the cost of that was in the order of \$2000 and also advised that was on the authority of John, I think he might have been acting as President at that time. In the normal course its a matter that the executives would first of all deal with in any case if there was a need to retain a lobbyist for one thing or another, but I repeat that there is at this time no permanent retainer arrangement with them.

MR BATES: Mr President, I have a question for Mr Christian the Minister for Immigration. Recently many residents received in their

mail notification of a mainland pest control organisation was coming to the Island to carry out pest control activities, bearing in mind that there are two local businesses engaged in pest control, what has the Minister done to protect their interests?

MR CHRISTIAN: Mr President, the Immigration Officer contacted the advertiser and his agent, and has made them very aware of the immigration regulations, and the fact that there is now two local operators in this field. The local operators have also been spoken to, to gauge their feelings on the advertisement. And that's about where it lies but the advertiser has been made aware in no uncertain terms of the changed circumstances to when he was here the previous time.

MR BATES: I have a further question to Mr Christian, part of the criteria surrounding the proposed Guava industry on Norfolk Island, is the need to have Norfolk Island declared fruit fly free, since this is a lengthy process, what is being done by the Government to assist what could become a valuable industry for the Island?

MR CHRISTIAN: Mr President, there was a little bit of unsurety, as to the way we would have to go about this, recently fresh advice has been received in the last few days as to the method required to setting out the fly traps and to obtain a clearance rating. This advice effectively cuts by half the cost previously given, and is a lot more manageable. In the next few days I will be putting the paper to the Minister for Finance to obtain the necessary funds to carrying on with the study.

MR BATES: I have a final question for Mr King, Minister for Tourism. Are magazine articles by journalists that are Australian representatives in the tourist industry edited by the Chairman of the Tourist Bureau? And if so why?

MR KING: Mr President, I don't believe that that is the case. But think that perhaps if Mr Brown is Mr Bates referring to the activities or the articles produced by our consultants the Chairman of the Tourist Bureau takes the view that there over riding considerations that promotions of the destination rather than a product and I think that perhaps in recent times there may have been some directions or guidance given to our consultant in that regard to avoid to much reference to individual products rather than the destination. I'm not quite sure that's that entirely appropriate, given that if journalist are provided we a great degree of assistance, accommodation and the like in Norfolk Island free of charge and the result of that, is an article which lifts the profile of Norfolk Island then I personally don't see a great difficulty with a small mention being made of a particular accommodation complex. If that doesn't answer Mr Bates's question entirely satisfactory I'll consider it further

MR BATES: Just a subsequent question, I'm wondering if the Minister would just satisfy himself or make sure that this is not happening to the detriment to the other people in the tourist industry

MR KING: I will do that Mr President

MR SANDERS: Perhaps Mr Brown who is a member of the Tourist Bureau maybe prepared to enlighten the House in this by answering the question seeing that he was probably at the meeting

MR PRESIDENT: Members are at liberty to direct a question to Mr Brown if they would wish

MR ROBINSON: Thank you, my question is to Mr Ernie Christian, and its a fairly simple straight forward one. How is the lighterage review progressing and have you had any response or input form the public?

MR CHRISTIAN: Mr President, its at the stage now where the public input section has closed, and the CAO is making a summary of everything that has been received. There has been a big number of statements received from outside

MR SANDERS: Thank you Mr President, I direct this question to Mr Ernie Christian, and the question is. As we employed a person some

six months ago, to do the codes for the Environmental Act. A job that we were led to believe was going to take six weeks, could Mr Christian inform this House what stage we are at?

MR CHRISTIAN: Mr President, Bill is quite right in what he says about the codes and the person we employed. He completed in a fashion he thought the codes a few weeks back these were submitted for inspection ready for drafting and weren't quite suitable in that form he has since re-done them and they are now with our drafting person

MR SANDERS: Thank you Mr President, I direct this question to Mr Bennett, and the question is are you able to provide a list of travel expenditure of the members of the sixth Assembly? And are you able to confirm that they received their salary from the public purse whilst travelling

MR BENNETT: As to the last part of the question I cant confirm I need to check that as to whether they were still enjoying their public service salary while they were travelling I don't know just earlier this week I did ask the Finance Manager for advice on travel costs paid to members of the Legislative Assembly, and I'm happy to say that out of the travel and subsistence vote of the Legislative Assembly to date there has been \$600 paid which would appear to be TA for two days on to separate occasions on Assembly business. Mr President I'll just go on to say that members will be aware I've got my hands pretty tight on the purse strings, having said that I'm aware that there will be a need for some of the members of the Assembly to travel to do somethings in either Canberra or Sydney whether it be in relative to recruitment or whatever. So whilst it is fair to say that I have taken a fairly firm line on it I've also taken a fairly firm line on travel arrangements within the Public Service. Whilst that might not be totally my responsibility I think the message is clear that travel cost is not as easy, or getting travel costs is not as easy as it once was

MR SANDERS: Further question to Mr Bennett, The question is that will you confirm that the President of this House while doing Assembly business receives approximately double the salary of an executive even though he has no executive responsibility

MR BENNETT: I'm not quite sure I caught the question could you just run it through again Bill

MR SANDERS: Would you confirm that the President of this House while doing Assembly business receives approximately double the salary of an executive even though he has no executive responsibility?

MR BENNETT: That comes as a surprise to me Mr President, I don't know the answer to that but I'll be happy to look at it

MR SANDERS: Thank you.

MR PRESIDENT: Maybe I should confirm to members including Mr Sanders that I do not receive an Legislative Assembly salary for the duties that I undertake

MR SANDERS: Mr President, if I may I didn't suggest that you did. The suggest was that you receive a public service salary which is twice the value of an executive salary whilst you are here in this House

MR PRESIDENT: There maybe occasions in which I as a public servant need to seek leave or some compensating arrangements to attend to business in this House, and yes I do seek leave from my public service situation to undertake those arrangements. Including in the life of Assembly the duties you have just referred to

MR SANDERS: Yes, Mr President, and with that leave enjoy a salary which is twice the level of the executives of this Assembly

MR PRESIDENT: Well I'm assuming that when people undertake leave they can go to the beach or do another job or have a reasonable attitude as to how they might spend that leave

MR BENNETT: Mr President, I now understand the thrust of the question, and I think that what you have said my stead is perhaps right

and the current arrangement and the Public Service Ordinance or what ever it is, as a member of the Public Service is on leave with pay while he attends the meetings of this House so if he was getting \$100,000, \$200,000 whatever, wouldn't change he would still be getting whatever that salary was

MR SANDERS: I feel that Mr King has been left out. The question is to Mr King. At the October meeting of this House you spoke of the need for members to go through a consultative process before taking action. And the question is when was the consultative meeting with the existing members before the appointment of the two additional members

MR KING: That didn't happen Mr President. Quite frankly I see it being a purely political choice, my choice alone who or how many I appoint to the Tourist Bureau I don't feel any need at all to consult with the existing Bureau members whether they might get on with some persons whom I wish to appoint. Absolutely none

MR SANDERS: Supplementary question, are you of the opinion that these people should not be working together

MR KING: Which people

MR SANDERS: Members of the Tourist Bureau

MR KING: No I take your question in its literal context. No. I have no such opinion. If you are getting to something else you might like to be a little clearer

MR SANDERS: No. That probably answers the question very well thank you

Questions Without Notice

Are there any Questions without notice?

MR PRESIDENT: That matter is concluded then Honourable Members we will move on to the next

Questions on Notice

MR PRESIDENT: Are there any answers to Questions on Notice? There is a Question on Notice. Are ministers in a position to respond to any of those this morning? Question 3 The Minister for Immigration and Lands is that ready to proceed? Mr Christian

MR CHRISTIAN: Mr President, the question on notice from Mr Sanders, is how many compensating departures have you approved in the life of this Assembly? And would you advise this House what procedures have you followed to verify trading statements and to value substantial assets on Norfolk Island and in particular how were these figures arrived at? And have both departing persons agreed to depart in all instances. Or have you created the situation where by in view of the fact that you have not got the authority to divide a marriage one spouse can return to the Island bringing back with them the spouse that signed the compensating departure declaration. Mr President, during the life of the present Assembly six applications for approval to make a compensating departure declaration have been lodged. I have approved four of those applications, the remaining two are still being considered. In three of the four approved applications the relevance substantial assessment involved with real estate. An assessment of the probable market values of those properties where made after having regard to -

1. Market appraisal provided by three local real estate agencies; and
2. And comparisons with sales of similar properties which were not made as part of a CDD application. In one of the four approved applications the substantial assets involved was a business, in assessing the probable market value of that asset regardless had to - 1. Audit a trading account and profit and loss statement relating to the period during which the business was owned by the applicant.
2. Details provided by the previous owner regarding average monthly

takings and net annual profit.

3. An inventory of fixtures, fittings and equipment included with in the business.

4. Information provided by three local real estate agents.

It should go without saying that when considering any application I've close regard to any comments and recommendations made by the Immigration Committee. As I understand part B of the question, Mr Sanders is asking whether in each of the four approved applications the spouse of the applicant has also subsequently signed the Compensating Departure Declaration. The short answer to this question is "No". As Mr Sanders should be aware it is not possible under current legislation to lawfully compel both spouses to sign a Compensation Departure Declaration. I might add that this feature of the legislation arises primarily due to comments made by the Attorney General's Department in April 1989, on the original Bill which sought to introduce the CDD Scheme. The final part of Mr Sanders question is a bit confusing. Mr Sanders asks and I quote "Well have you created a situation whereby in view of the fact that you have not got the authority to divide a marriage. One spouse can return to the Island bringing back with them the spouse that signed the Compensating Departure Declaration". The answer to this question is contained in the Immigration Act, under section 21C any adult person who has signed or has specified in a Compensating Departure Declaration may withdraw from the declaration within seven days of the making of the declaration. If such a person does not withdraw from the declaration under section 21D of the Act, no permit other than a visitors permit can be granted to that person for three years from the date of the declaration. This applies to who ever one is married to. While I might accept Mr Sanders comment that I cannot divide a marriage it should be recognised that I have no power under the CDD Scheme to unit a marriage where the parties themselves have chosen to be divided.

MR SANDERS: Are you suggesting ... The question is are suggesting that a couple wish to leave the Island sincerely, but one of them doesn't have to sign. And secondly, if the person who doesn't sign then returns to the Island because they have residential status, that their spouse cannot return?

MR CHRISTIAN: Mr President, as I understand it if the both persons are recorded in the CDD application, as being owners of the property, even though the application is made by one person, and the other one does not lodge an objection within the required time, then they are also included within that

MR SANDERS: The question is, Mr President, that a person who has not signed a Compensating Departure the spouse may have but if the other party has not signed then that person can return to the Island any time he or she wishes. And the question is how do you propose to stop the spouse from coming back? My understanding of the Immigration Act Mr President, is that it would be automatic entry.

MR CHRISTIAN: As I understand it Mr President, I think I have already answered that in the statement I've made.

MR SANDERS: I let it go for the moment Mr President.

MR PRESIDENT: Question of Notice No 4 -

MR CHRISTIAN: Mr President,

MR PRESIDENT: This is a question to the Minister with responsibility for Tourism, Mr King are you happy to proceed or not

MR KING: Thank you Mr President. Mr President I've been asked by Mr Bates whether I would provide the House with details on expenditure incurred on overseas trips by each current member of the Tourist Bureau and include details of the purpose of each trip or places visited. Mr President, in the period referred to by Mr Bates in his question there have been three overseas trips taken by the Bureau staff. The first being in July a trip taken through Auckland and Sydney for the duration of three days. The purpose of that trip was largely to negotiate with Qantas, Air New Zealand and Ansett for funding for a joint

promotional programme. Which in fact was ultimately successful. Secondly, to discuss with the main distributors or main distributor of the circulation industry of the distribution of the Norfolk Island brochure. The total costs in round dollars was \$440 and there was no airfare costs. The second trip taken in September was through Sydney, Brisbane, Sydney return to Norfolk and the duration of five days, and that again was for a dual purpose. Firstly to formulate the 92-93 advertising programme with advertising consultants Little & Associates, and attendance at the Australian Standing Committee on Tourism. Total costs incurred were \$1,393 airfare component being \$576 after taking into account industry discounts and FOC's. The third trip in October was Auckland, through Sydney return. Duration again of five days and that was a multi purpose travel principally to present the Bureau's advertising programme to the airlines, for approval in terms of the joint funding arrangement. And also to present the advertising programme to Wholesalers in both countries. Whilst in Sydney a strategic marketing meeting of the Australian Standing Committee on Tourism was attended. The total cost although not final yet will be in the order of \$1,298 \$1,300 in round figures. With a airfares component of \$648 again after taking prudent account of industry discounts. On each occasion Mr President, the Chairman of the Bureau travel. No other member has travelled on Bureau business during this time. I should mention that the total costs, incurred during that period are in the order of \$2,500 and I would refer although I make no further comment on the matter, that the total of the expenditure in the corresponding period in 1991 was in the order of \$18,400 and Mr President in the nature of the more comprehensive answer to Mr Bates' question I would table a written report, thank you very much

MR BATES: Thank you. One question to Mr King. Does the Minister agree that there is a potential for conflict with a paid servant in the largest hotel group on the Island travelling on Government funds, promoting activities to the direct financial interest of his employers?

MR KING: Mr President I would suggest that there is potential for conflict arising from anyone in the community who participates in the Tourist Bureau area. We all benefit from tourism in the Island. Some have a potentially greater benefit which may arise from those things but I feel that I'm constantly alert to identify any conflict of interest which may arise or direct conflict of interest that may arise

MR SANDERS: Thank you Mr President. Just a supplementary question and the question is will you confirm that the Chairman of the Tourist Bureau is an unpaid person where the expenses of the last Tourist Bureau for the same period, \$18,000 the executive officer was receiving a salary of approximately \$30,000 per year

MR KING: Well I'll confirm part of that Mr President. The question infers that all those expenses, \$18,400 were incurred by the paid executive officer and that certainly wasn't the case. A proportion of that \$18,400 was incurred by unpaid members of the Bureau

MR SANDERS: But you will confirm that the Chairman of the Tourist Bureau now is unpaid

MR KING: Yes I confirm that Mr President

MR SANDERS: And would you also confirm that the procedures for drawback or payments are done in the authorised manner that the Bureau considers those before payment is made

MR KING: I confirm that as well Mr President. They are squeaky clean

MR ROBINSON: Yes thank you. A supplementary to Mr King. Did you bother to check how many other trips the members of the Board took on business of the Board or Bureau and didn't put any claims for expenses for or were you not aware that this was happening

MR KING: Well I'm told Mr President that no other member of the Bureau travelled on Bureau business during that time. I am aware that other members of the Bureau, at least one, and I'm not referring to the Honourable Mr Brown over there who has been away on his business at

his own expense and during those trips I'm sure Mr Brown has done some Bureau work

MR ROBINSON: Thank you. I wasn't referring to Mr Brown actually I was referring to the Chairman of the Bureau

MR KING: Yes indeed. Well Mr Horton has in fact done that as well. He's been away on his own business and also enjoined the Bureau business at no expense

MR SANDERS: Mr President if I may can I direct this question to Mr Brown as a Member of the Tourist Bureau

MR PRESIDENT: No. I'm sorry to be abrupt but really the question is one on Notice that has been directed to Mr King and if there are any supplementary questions ...

MR SANDERS: It's a supplementary for the same thing

MR PRESIDENT: Yes. If it is to Mr King I would be happy that that be done. If in fact you want to direct a question to Mr Brown there are other occasions where that can be done

MR KING: You might care to ask me Bill. I might even know the answer

MR SANDERS: Well no. It's a follow up. Does Mr Brown know of any times that Bureau members have travelled and not charged

MR KING: I don't think anyone is taking a precise account of it but I think we are all aware that there have been trips which have been to the benefit of the Bureau at no expense to the Bureau

MR PRESIDENT: Thank you. Question No 5 on Notice, the Bureau.

MR CHRISTIAN: Mr President Mr Sanders requested, will the Minister provide details to this House as follows: the number of persons in each of the following categories in receipt of social service benefits as at the 30 June 1990, 30 June 1991, 30 June 1992 and 31 October 1992 and these were broken down into age benefits, invalid benefits, special benefits and other benefits. If I could take that part of it first rather than confusing. In the aged benefits Mr President in the year ending 30/6/90 there were 31; year ending 91 is 33, 92 is 32 and year ending 30/10 there is 34. Invalid benefits 90 is 7, year ending 91 is 10, 30/6/92 is 12 and 30/10/92 is 10. Special benefits 30/6/90 is nil, 30/6/91 is 3, 30/6/92 is 4 and 30/10/92 is 4. Other benefits nil in 30/6/91, supporting child in 30/6/91, 30/6/92 to supporting child year ending 30/10/92 1 supporting child giving totals Mr President of total recipients of the year ending 90 of 38, the year ending 91 of 46, the year ending 30/6/92 48, the year ending 30/10/92 48. Mr President the question went on to ask with respect to those persons in receipt of any of the above benefits as at 31/10/92 the number of (a) residents who have ordinarily resident in Norfolk Island for more than ten years immediately before that date and (b) who have been ordinarily resident in Norfolk Island for less than ten years immediately before that date. The total number of recipients who have ordinarily resident for more than ten years immediately before the 31 October 1992 is 46 of the 48 recipients. The total number of recipients who have ordinarily resident for less than ten years immediately before the 31 October 1992 is 2. The question then went on to ask how many holders of general entry permits who have entered the Island as a result of (a) the Compensating Departure Scheme and (b) the special relationship clause and (c) persons in other categories if any. Mr President the total number of recipients who are holders of GEP's and a result of CDD or special relationship are none. Thank you Mr President

MR ROBINSON: Supplementary if I may to Mr Christian. How many members of this House are now on the social welfare board and if we are short by one which we should be in theory do you propose to make the numbers up

MR CHRISTIAN: Mr President we are at this stage short of one as Mr Robinson says. It was my intention to consult with Mr Robinson and other members of the Board to see if it was their wish to make it up with

one more person from the House

MR BROWN: Mr President I wonder if I could just check some of those numbers. Perhaps I've written them down incorrectly but for 1991 I've written down 33 aged, 10 invalid, 3 special benefits and 1 other

MR CHRISTIAN: That's correct yes

MR BROWN: And did that total 46

MR CHRISTIAN: Yes

MR BROWN: I haven't got a calculator with me

MR CHRISTIAN: Sorry, sorry Mr President. Yes, I pick up what Mr Brown... I've already had a little problem with this. That should total 47

MR BROWN: And would the correct totals for 92 be 50 and for October 92 be 49

MR CHRISTIAN: That's correct yes. If you include those supplementary ones. Yes. Sorry about that

MR SANDERS: There is one further bit. There is 46 persons who have been ordinarily resident for more than ten years and 2 that have been less, that adds up to 48, where does the other one go. The totals of the..

MR BROWN: Probably the same problem. Probably the other hasn't been included in it

MR SANDERS: Any further questions would have to be of a person nature and I don't think it's appropriate that they be

MR PRESIDENT: That has concluded Questions that we have on Notice Honourable Members, for this morning.

PAPERS

Papers. Have we any Papers to present?

MR BENNETT: Thank you Mr President. I table the audited Financial Statements for the year ended 30 June 1992 and move that the Paper be noted

MR PRESIDENT: The question is that the Paper be noted

MR BENNETT: Mr President I'm required to table audited Statements and my understanding of that is that I should have in my hand an Audit Certificate. The lines of communication let me down and I do not have the certificate today however, I have a fax from the Auditor and I've had a number of phone calls from him to say, providing a clearance on the audit and he's happy for the accounts to be laid before the House as audited and I intend to table that piece of paper with it. I'm expecting the Certificate to arrive on Monday and naturally that will form part of the papers that will be brought into the House but I wanted to get the Statements into the House today so I sought this odd way around it by getting it done. Now Members may be asking the obvious question, where are their copies, and I can tell you that their copies are currently at the printers and I'm expecting those very shortly and they will be circulated to you. Members will recall that I spoke at some length about the draft financial statements a couple of meetings ago and so I don't intend to go to great detail about them at this meeting. Suffice to say and just drawing out some of the key points from them the Revenue Fund had a total revenue for the period to 30 June 1992 of \$7.423 million, which was a rise of about a million dollars over the previous year. The additional revenue came from a number of areas, fuel levy, fees, registrations, conveyancing, dental fees, tanalith plant, sale of forest produce and from the lotteries area. I won't be giving a breakdown on that. Total expenditure for the period was \$7.635m and that represented an increase in expenditure of \$1.41m over the previous year. The net effect of course was that the excess

expenditure over revenue, in other words the deficit for the year was \$211,680 and of course the deficit was made up from reserves. The balance remaining in the appropriation account as at 30 June 1992 was \$642,104 down from \$890,000 odd in 1991. Mr President that deals with the Revenue Fund. Also with the Financial Statements of course the accounts for the Undertakings and the Health Sector Financial Statements.

In respect of the Undertakings or the Government Business Enterprises I'm happy to report that all of the Undertakings produced a profit and all except the Liquor Undertaking and Postal Services improved their position over the previous year. Just for your interest some of the notable performers in the Government Business Enterprises were the liquor supply returned a net profit of \$634,000, the electricity service \$150,000, Telecom just under a million dollars, the airport \$481,000 which produced a total profit from the Undertakings of \$2.435m. Members when they get the accounts will see that of that profit of \$2.435m, \$1.67m was paid into the Revenue Fund and the Undertakings retained \$757,000 of that profit. Now that retained net profit quantum is down from the previous years and it would be my intention to work hard on improving that level of retention of profits in some of the Undertakings.

Those about which we have studies on future reticulation in Electricity for example and other things. Some of the other accounts which are not business enterprises which are covered in the accounts are the Workers Compensation Scheme that had a small loss of \$7,149 and you will be aware that that was its first year of performance. The Kingston and Arthurs Vale Historic Area Fund had a small over expenditure for the period of \$11,000 odd and the one that's significant in the accounts is the result of the health sector accounts. The Health Sector recorded a deficit of \$537,161. Of that \$283,000 odd was operating loss at the Hospital and the balance of \$253,000 odd was the Healthcare excess. Mr President as I mentioned I had quite a lot to say about it at the meeting when I referred to the draft of those accounts and I don't intend to go on any further unless any Member has any question they would like to ask me about

MR BATES: Mr President would it be appropriate to move that the Paper be noted. What I have in mind...

MR PRESIDENT: We already have that motion before us Mr Bates so we are in fact debating that motion

MR BATES: Mr President most of the Members around the table hasn't had a chance to study the statements and at the appropriate time I am wondering if it would be possible to adjourn the debate to the next meeting to give Members who may wish to commence on the Statement the opportunity to do so if that is possible

MR PRESIDENT: That is possible and if you wish to do it now you are at liberty to do it now, if you wish for the opportunity. The question is that this matter be adjourned until a subsequent time

QUESTION PUT
AGREED

Thank you, that matter is adjourned. Are there any further Papers to present. Mr Bennett did you have anything further at this time?

MR BENNETT: Yes Mr President I table the Financial Indicators for the months of October which includes also the period of the first four months of this financial year and move that that Paper be noted

MR PRESIDENT: The question is that the Paper be noted

MR BENNETT: Mr President the early staggers that we had with the finances in the first couple of months have smoothed themselves out somewhat. Whilst this is not a comfortable position it is indeed more comfortable than it was when compared to the previous two months sets of financial indicators. The revenue is rolling in at a more even rate and the comparisons with the percentage of the total budget are starting to be a little bit more realistic. I should say that this will be the last time that they'll appear in that particular form. I have, as you will recall, asked the Finance Manager to separate some of the items particularly in the expenditure area and from the next months indicators onwards you will find that health education and welfare expenditure will be separated out so we will be able to get a bead on the expenditure in

those three areas. They are fairly large areas of expenditure and I think that it's important for members to understand in amongst that accumulated item here just which one is knocking the purse around the hardest for want of a better term and as we go on, as other areas of expenditure or indeed revenue are identified I will split them out so that Members will have a little better understanding of what is happening, thank you Mr President

MR PRESIDENT: The question is that the Paper be noted

QUESTION PUT
AGREED

The ayes have it thank you. Mr Bennett any further Papers? No. Mr Brown

MR BROWN: Mr President in accordance with paragraph 41(2)(a) of the Interpretation Ordinance 1979 I lay before the Legislative Assembly the Employment Amendment Regulations 1992 and I move that they be noted

MR PRESIDENT: The question is that the Paper be noted

MR BROWN: Mr President, in accordance with section 41 of the Interpretation Ordinance 1979, I lay before the House the Employment Amendment Regulations 1992. Section 107 of the Employment Act 1988 provides that, when laying before the Assembly regulations made with respect to the minimum wage, the executive member must make a statement to the Assembly on the extent of the executive member's compliance with the public consultation procedure set out in subsection 107(4) of that Act. Accordingly, I now make the statement required of me by the Act. In accordance with advice received from the public service, the Employment Amendment Regulations 1992, which set the minimum wage, were made by the Deputy Administrator in advance of the commencement of the consultation procedure. However, that consultation procedure has now been instituted, as members will have seen from the most recent issue of the Norfolk Island Government Gazette. It is my intention to consider the representations that are made as a result of the publication of that notice in the gazette, and, if necessary, to bring forward at a later time any proposals to revise the minimum wage. In doing so, I have asked that particular attention be paid to the issue of youth rates. As I have said, Mr President, I have made this statement in accordance with section 107 of the Employment Act 1988

MR KING: Mr President I table the figures for the Tourist arrivals of October

MR PRESIDENT: Mr King before we get to that I wonder if we could dispose of the matter which is before us, which is that this Paper be noted

MR KING: I beg your pardon

MR PRESIDENT: Is there nothing further to be said in respect of that? No. Then I put the question which is that the Regulations be noted as presented by Mr Brown

QUESTION PUT
AGREED

The ayes have it thank you. Anything further Mr Brown?

MR BROWN: Mr President I wish to table a copy of Determination No 1 of 1992 and of the reasons for decision being a Determination of the Public Sector Remuneration Tribunal in relation to application No 1 of 1992. This is the Tribunal's Determination in relation to an application by the Norfolk Island Public Service Association and the Norfolk Island Public Hospital Staff Association for adjustment to salaries. Thank you

MR KING: Mr President I table the tourist arrival figures for October 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 just a few words. The statistics available on the report indicate very worthwhile and attractive growth rate in October, or over October 91 and in fact I think its fairly safe to say that it's probably the best October for a number of years although I can't be more precise on that. It indicates an overall increase of 18% in October 1991 represented largely by an almost 20% increase out of Australia. At the same time however I've got to report that by comparison again with October 1990/91 the average length of stay is down but the overall result of the number of tourist nights or bed nights or bed days as it were has only increased in that period by 6%. Nevertheless the figures are very worthwhile and very attractive and I am sure attributable to efforts put in place some many months ago to lift the profile of the Island through the mainland print media. I don't take any credit for that Mr President but I'm nevertheless happy to see this increased growth

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

QUESTION PUT
AGREED

The ayes have it thank you. Any further Papers Mr King?

MR KING: Yes, Mr President. In accordance with Paragraph 41(2)(a) of the Interpretation Ordinance 1979 I lay before the Legislative Assembly the Road Traffic General Amendment Regulations 1992 and the Road Traffic Crash Helmet Amendment Regulations 1992 and I would move that those Papers be noted

MR PRESIDENT: Thank you. The question is that the Papers on those Regulations be noted

MR KING: Mr President just a few brief comments. These Regulations conclude the exercise in reviewing the fees for offences under the Road Traffic Act, an exercise which was commenced by the Fifth Legislative Assembly and the incompleteness of which was brought to my attention by Mr Sanders at the last Sitting of the House, thank you Mr President

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

QUESTION PUT
AGREED

The ayes have it. Further papers?

Statements

MR PRESIDENT: We move then to Statements. Are there any Statements? If I may commence by saying that I have pursuant to Standing Order 9 nominated Mr Ernie Christian to act as Deputy President of this House when such needs might arise. Further Statements?

MR CHRISTIAN: Mr President I would like to make a brief Statement on at the recent CPA Conference that I attended in the Bahamas was a very very worthwhile conference. Norfolk was very well received, particularly amongst the small nations. Discussion papers have been passed to the Clerk of the Assembly if any Members wish to see them. There was alot of discussion by small nations outside of the conference hours. These covered subjects like forestry, immigration, employment, revenue raising and progression of self government, particularly from one of the other countries. On this point in forestry matters we were able to contribute quite a bit and our Forester is preparing a paper which I will send to St Helena and the Jersey Islands. The draft constitution was voted against unanimously and goes back to the Working Committee for alternation and resubmission. The Norfolk pin and travel brochures were in great demand, particularly from those who will be attending the meeting here in 1994, thank you Mr President

MR PRESIDENT: Any further Statements this morning?

MR BROWN: Mr President I wish to make a brief Statement about the bathing shed at the centre of Emily Bay. Members of the Assembly and Members of the public will probably be aware that the condition of that bathing shed over recent times has not been good and it had been hoped that it could be repaired sufficiently to serve its purpose over the Christmas period with a view to a decision being made as to its long term future early next year. I'm sad to say that over recent weeks that bathing shed has been so badly vandalised that it is now necessary for it to be demolished. I would just like to say that vandalism of that nature has no place in Norfolk Island and whoever is responsible for it ought to hang his head in shame

MR CHRISTIAN: Mr President I wish to make a brief Statement regarding the general entry permit quota calculations under the Immigration Act 1980. At the September Assembly Meeting the House by resolution endorsed "a new formula for calculating the quota by excluding for quota calculation purposes those section 18 permit holders who enter the Island as the spouse, defacto or dejure 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". During my recent absence from Norfolk Island officers of the Administration requested clarification as to the details of the implementation of the amended quota calculation method. Since my return to the Island I have had useful and wide ranging discussion with officers of the Administration. As a result of those discussions I have issued instructions that the calculation method is to be applied such that "all persons who had been or would have been granted a right of long term entry into Norfolk Island solely by virtue of their marital status be excluded from future calculations of changes in the settler component of the permanent population of Norfolk". I advise the House however that this formula does not have the result that there should not be a positive quota determination. I regret that during the October meeting concerns might have been expressed as to the objectivity of Administration Officers involved in the calculation process. In this regard there are two points that should be brought to the attention of the House. Firstly the method employed was effectively biased in favour of a positive quota determination, secondly and more importantly the calculations disclosed that for the June September 1992 period the net result of the operation of the CDD scheme during this period was that the number of incoming persons exceeded departing persons by 14. This difference is unprecedented and dramatically effected what otherwise would have been a positive quota determination. Thank you Mr President

MR KING: I move that that Statement be noted

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

MR KING: Mr President I hear what Mr Christian is saying and I don't want to dwell in any great detail on my claim that objectivity is still missing. We still don't know where we are heading with this quota calculation method. I hear that Mr Christian has now made a further adjustment to the method in which future intakes will be calculated. I don't accept that that's the right way to go. I make one further comment to, that if there's something that I said in my debate in October which reflected adversely on the objectivity of officers concerned in calculating the quota method that was certainly unintentional. My focus on objectivity is really a call on this House to know where the blazes you are all going, where we're heading with this matter of quota situation. What Mr Christian has just said does not ease me one little bit. I would have a preference in fact to move the adjournment of this particular debate so that I can consider the additional step that Mr Christian has now included in the quota formula and perhaps discuss it at further length on the occasion of the next meeting

MR PRESIDENT: I see Mr Sanders is seeking the call. Did you want to move that forthwith or did you want to allow opportunity

MR KING: I would allow opportunity

MR SANDERS: I share Mr King's concern. I believe that the new quota system has in actual fact taken the lid completely off Norfolk

Island. There is no means of calculating as it is proposed and I believe that within a few years Norfolk will have lost its identity completely. I support the adjournment and I would like to also have a look at it

MR PRESIDENT: Any further participation Honourable Members? Then Mr King you might like to move the adjournment

MR KING: Thank you Mr President, I so move the adjournment

MR PRESIDENT: Thank you. The question before us is that this motion be adjourned to be considered on another day. I put the question

QUESTION PUT
AGREED

The ayes have it thank you that matter is adjourned. Are there any further Statements?

MR KING: Mr President from Wednesday 25 November veteran athletes from the Oceania Region and from the United Kingdom will begin to gather on Norfolk Island to participate in the Mazda 6th Oceania Veteran Games which are to be held from 30 November through to the 6 December inclusive. The Games will be officially opened, as will the reconstructed School Oval, on Sunday 29 November and I would urge all members of the Norfolk Island community and of course all Members of this House to go along and to welcome the athletes as they march on to our new oval to the accompaniment of the Band of the Royal Military College. As at today there are 444 athletes entered and ten countries will be represented and those countries are New Zealand which hosted the last Oceania Games in 1990, Australia (including a competitor from Lord Howe Island, New Caledonia, Fiji, Papua New Guinea, Western Samoa, Northern Marianas, Tonga, and the United Kingdom from where there are two or three I think, small number of guest competitors and Norfolk Island who has I think some fifteen competitors. Mr Present the fact that Norfolk Island is hosting these games is not attributable to the efforts of the Norfolk Island Government but to a group of enterprising and dedicated individuals who have devoted a great deal of their time and efforts over the past four years. Nevertheless Mr President the Norfolk Island Government recognises and values this enterprise and effort. The Games are of great economic value to Norfolk Island in times which have been economically difficult. Norfolk Island has the honour of being the first small country in the Oceania region to host the Oceania Veteran Games and our community can be proud of this achievement. The idea of hosting the games began as a vision in 1988, and I would like to make mention at this point of our wellknown local veteran athlete Mr Ian Anderson who has been a prime mover in putting the games together. Doubts were expressed at that time that such a small community could in fact host the games and at the time we didn't even have an athletic track of international standard. However Norfolk persevered in its endeavours, officials visited the Island, gave us a bit of a check over and a local organising Committee formed in March 1991 and the Oceania Games were secured for Norfolk Island and that was a great achievement. Over the past eighteen months or so an 8 lane by 400m grass track of international standard has been constructed up at the school and the final painting of the lanes will take place this weekend. There are a great many people who have contributed their time and machinery - too great Mr President to mention individually but on behalf of the Norfolk Island Government and my colleagues in this House I would want to say thank you to all those people who have participated in making the event possible for Norfolk Island at this time when our tourist numbers would normally be somewhat low. But before concluding I would just like to mentioned some of the generous donations received from overseas interests. The Mazda Motor Corporation, the official games sponsor has donated some \$20,000 towards the cost of the Games. The Sun Alliance Insurance Group have donated \$5,000. Air New Zealand as the official airlines for athletes arriving through New Zealand and Ansett Express have provided a generous number of free of charge seats on their aircraft for officials. The Commonwealth Government of Australia has donated \$5,000 towards the cost of the track and field equipment which the RAAF have ferried over for us free of charge. The Australian Olympic Committee has donated the starting blocks. The Chamber of Commerce has assisted with the purchase of the new hurdles. Rotary and Lions have transformed an old building into a modern athletic control centre and a secure storage area for the

equipment and these achievements Mr President go on and on but in my capacity as Minister responsible for Sport and Recreation I would like to say a sincere thank you to all those sponsors. On behalf of the Assembly I wish all the athletes and especially our local athletes the very best of luck in your endeavours and for all those who have been participating in the organisation of this and the sweaty labours a rewarding and successful Oceania Games. Thank you

MR PRESIDENT: Any further participation Honourable Members?

MR KING: Well I have another one Mr President. Hopefully not as long as that one. Mr President I would like to make a Statement on Harbour Facilities to bring the House formally up to date and to inform the community as to where we're at on this particular question, the question of harbour facilities and Members will recall that in previous statements that I've made to the House I advised that I was very keen to pursue the question of improved cargo handling facilities for the Island and I set as my basic objective during the term of my office the gathering of all data necessary for making decisions on the question. I also mentioned to the House, and I believe that all Members accept the proposition that the Service Report was not a document, nor was it intended to be a document, which would lead to significant decisions on improved cargo facilities however the Service Report and the subsequent Report by Quarry Specialist Andrew Lyall have provided the basis on which further investigations could proceed. As a consequence of matters contained in those reports, I initiated inquiries to determine what other aspects require investigation so that the design of alternative cargo handling facilities can proceed or more precisely so that we can get to that stage where the various alternative cargo handling facilities can be examined and those enquiries led me to accept that further or more detailed investigation is required so that an accurate assessment can be made of the Island's needs and how those needs might best be met and the costs associated with meeting those needs. In order to progress the matter to that stage there needs to be a further two phases of investigation. The first phase of course, establishing the basis or extent of the phase II of those investigations. Mr President I now formally announce to the House that I have in recent days commissioned Blain Johnson PPK, Consulting Engineers of Brisbane to undertake the phase I preliminary investigations at a cost of \$40,000, an amount which was appropriated in the 1992/93 supply. Investigation is likely to take some eight weeks after which time Blain Johnson will deliver to the Norfolk Island Government a report which will identify a short list of feasible sites for cargo handling facilities having respect for all constraints; will identify an additional wave climate investigation required in respect of feasible sites; an appraisal of the types of ships, cargo volumes, including possible export undertakings and future requirements of a port; provision of preliminary shape and location of the harbour at one or more feasible sites; identification of environmental constraints or concerns of all of the sites identified including considerations of sources and availability and suitability of construction materials and finally a more precise quantification of phase 2 detailing the cost of further investigations including the finalisation of the design and preparation of contract documents for an improved cargo handling facility. Altogether those investigations are likely to take up to about 18 months Mr President. Blain Johnson has assembled a study team of seven specialised personnel to undertake the investigation and the documents available to me suggest a very very extensive relevant experience in these matters, investigation, design and project management of a similar type of projects. Mr President in closing my Statement, I would just like to touch briefly on community perceptions about this matter. As far as I can ascertain the major reason for reviving this issue in recent times was a perceived need to upgrade our sea cargo handling facilities. Talk in the community now appears to focus on a sheltered harbour for the Island. That of course remains an option but we need to keep an open mind. It may well be that once investigations are complete the Assembly concludes that a breakwater or a sheltered harbour are not yet necessary, that a far less expensive project involving perhaps the extension or upgrading of existing facilities will meet our needs for the next 40 or 50 years. The question of need of course will be a matter for wide community debate as of course will be the question of costs and I look forward to receiving the Blain Johnson Report and sharing it with my colleagues in the community, thank you

MR PRESIDENT: Any further Statements?

MR SANDERS: I was just going to comment that he's crossed out weather

Message No 51 from the Office of the Administrator

MR PRESIDENT: That concludes Statements Honourable Members. I have received the following Message from the Office of the Administrator and it is Message No 51 which says "On the 3rd November 1992 pursuant to subsection 21(2) of the Norfolk Island Act 1979 I declared my assent to the Road Traffic Amendment No 2 Act 1992 which is Act No 10 of 1992 and the Norfolk Island Hospital Amendment Act 1992 which is Act No 11 of 1992, dated this 3rd day of November 1992, Jon Stanhope, Deputy Administrator".

Reports from Select and Standing Committees

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

NOTICES

NO 1 - REMUNERATION OF MEMBERS AND EXECUTIVE MEMBERS - SUBMISSION TO THE PUBLIC SECTOR REMUNERATION TRIBUNAL

In respect of Notice No 1, I understand Mr Bennett that you would seek to have that discharged and you might quickly want to say something about that

MR BENNETT: Thank you Mr President. Yes I informed Members earlier this week that I had decided not to proceed with this motion today for obvious reasons. I consider it inappropriate in terms of timing as a result of certain events that happened late last week in the Public Service Remuneration Tribunal. Mr President that does not suggest that I am shirking from my responsibilities. This matter does rest in my portfolio. I undertook to do something about it and get a submission ready for the Tribunal - I will proceed at some further stage and will make more lengthy comments during the adjournment debate thank you

MR PRESIDENT: Thank you. It is agreed that that be withdrawn and discharged from the Paper, is that agreed? Agreed

NO 2 - HEALTHCARE (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 1992

MR BROWN: Mr President I present the Healthcare (Consequential Amendments and Transitional Provisions) Bill 1992 and I move that the Bill be agreed to in principle

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

MR BROWN: Mr President at the last meeting of this House when introducing other Legislation comprising the Healthcare package I laid on the table of the House a summary of the key points of the Legislation. In that summary it was stated that the present bill which was not of course before the House at that meeting was a technical bill providing for commencement phasing and consequential and terminological amendments of other enactments. To expand a little on that by way of introduction the present bill amends the Healthcare Levy Act, Public Sector Remuneration Tribunal Act, Contagious Diseases Ordinance and Tuberculosis Ordinance. These amendments are consequential on the other two measures in the legislative package and insert into those Acts and Ordinances references to expressions used in the rest of the legislative package. The Bill also makes transitional provision with respect to the commencement of the amendments to the Hospital Act and amendments to the Healthcare Act made by the other two measures in the package. These provisions relate to the continuation of employment of staff of the Hospital Board, the assets and liabilities of the Hospital Board, the initial determination of charges of health services and the recovery of amounts outstanding. Broadly speaking the transitional provisions have the effect of placing the proposed Norfolk Island Hospital enterprise in the same position as was the Norfolk Island Hospital Board. I think it is fair to say that the Bill raises no policy implications and I commend

the Bill to Members. Mr President I don't propose to ask that this Bill be dealt with on an urgent basis. I propose at an appropriate time to move that it be adjourned until our next meeting and I perhaps should indicate at this stage that the other two Bills which comprise the package are still being considered by the Hospital Board, I've received some advise from the Board in relation to them but that advise is not yet at a final stage and so I will be moving an adjournment of the total package until our next meeting

MR PRESIDENT: Thank you Mr Brown. Any further participation at this stage? No

MR BROWN: I move the adjournment Mr President

MR PRESIDENT: Thank you Mr Brown. The question 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

NO 3 - NORFOLK ISLAND GOVERNMENT TOURIST BUREAU AMENDMENT BILL 1992

MR KING: Mr President I present the Norfolk Island Government Tourist Bureau Amendment Bill 1992 and move that the Bill be agreed to in principle

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

MR KING: Thank you. I table a very brief summary. Mr President it is my somewhat unfortunate and embarrassing duty to, in my first legislative effort, to present to this House a piece of bandaid legislation. It becomes necessary because of my inability under the present legislation to effectively appoint any further persons to the Bureau until the 1st July 1993 and the House is aware from my previous stated intentions to appoint a further two persons not only to satisfy the concerns of some members of this House but to satisfy my desire for wider community involvement. The House will also be aware of my expressed intention to review more fully the Norfolk Island Government Tourist Bureau Act, particularly in the light of recent audit comments and criticisms. That review however will not be complete for at least two months so I pressed ahead with steps necessary to enable me to widen community participation in the Tourist Bureau. In technical terms Mr President, the Bureau now consists of four persons. Although I can increase that number by Regulations I am unable to fill any vacancy other than a casual vacancy until July 1993. I can't understand what the intention of the legislature was at the particular time but I see a certain incompatibility between being able to increase the numbers of the one hand and on the other hand not being able to fill those numbers and I seek to remove that incompatibility Mr President and I commend the Bill to the House

MR BATES: Yes Mr President, for quite some time I've been unhappy with the Bureau and that the Members can be appointed by the Minister without reference to this House. I have spoken with the Minister on occasions and he understands my concerns. I had proposed to amend this Bill to make certain that appointments to the Bureau do come through the House and be approved by the House. In view of Mr King's foreshadowing that he's going to review the total piece of legislation I may not take that step at this stage but I would want to at least endeavour to have some mechanism before the next Bureau is appointed which is July next year in which appointments to the Bureau must come before the House. I find it very difficult. There are two members on the Bureau of which I totally disapprove them being there together. I think people know my concerns about it. They probably know who I'm talking about and I find it difficult that I have no say in that. If I had a say in the make up of the Bureau and lost in the House well that's fine, but having no say at all and being unhappy about the make up of the Bureau I find very difficult to tolerate

MR BROWN: Mr President I think it's a shame that Brian has

been waging his vendetta against the Tourist Bureau and certain of its Members. He's been busily waging a vendetta in particular against one man that he's never had the decency to even go and meet. He knows nothing of the man's history, he knows nothing of the man's abilities, he gives no credit whatsoever to the many many hours that are put into the Bureau's activities for absolutely no financial reward. I think it's time that Brian used a little of the time that he wastes in this House to go up to the South Pacific and to meet Mr Horton and to say hello, I'm Brian Bates, tell me about yourself

MR PRESIDENT: Point of Order Mr Brown. You will know that Section 72a of Standing Orders list that where we have statutory appointments that it is inappropriate to be identifying people without a proper procedure being followed

MR BROWN: Yes, I wasn't proposing to add anything to what I had said

MR SANDERS: Thank you Mr President. I totally agree with the comments made by Mr Brown but I don't believe Mr Bate's attitude will ever change because he has the tall poppy syndrome

MR BATES: I object to being told by other Members of the House what I should do in carrying out my duties in this Assembly and if Mr Horton wants to speak to me he's quite welcome to do so but I will carry out my duties in the way I see fit without Mr Brown or Mr Sanders suggesting I should do otherwise

MR KING: Mr President I hadn't anticipated this friendly banter among Members. It's a fairly routine matter which I thought would be dealt with rather mechanically. If it's appropriate now I would move that debate be adjourned and resumption of debate made an Order of the Day for the next Sitting

MR PRESIDENT: That is the motion that is before us Honourable Members and I put it to you

QUESTION PUT
AGREED

The ayes have it thank you

NO 4 - IMMIGRATION AMENDMENT NO 2 BILL 1992

MR CHRISTIAN: Mr President I present the Immigration Amendment No 2 Bill 1992 and move that the Bill be agreed to in principle

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

MR CHRISTIAN: Mr President at the meeting of this House on the 23rd September 1992 I moved that the House request the executive member to incorporate into the revised immigration policy guide the recommendations set out at paragraphs 1 and 2 on page 4, and paragraphs 3 and 4 on page 5 of the final report of the Immigration Review Group concerning the administration of the compensating departure scheme. The effect of that motion, if it had been passed in its original form, would have been to keep the CDD scheme indefinitely in force, but subject to the amendments suggested by the Immigration Review Group. The Review Group suggested those amendments as an interim measure, pending abolition of the CDD Scheme. My motion would have adopted the changes as a permanent measure, and my original motion would not have resulted in abolition of the CDD Scheme. However, Mr President, on Mr King's initiative, the motion was amended. The effect of the amendments, which of course were passed, was to request that the executive member to incorporate into the policy guide as an interim measure the changes recommended by the review Group. However, the executive member was also requested to bring forward to the House at its next sitting legislation to repeal the Scheme. I now consider that it was premature for Mr King's amendment to have been supported. I understand that no advice was sought from the Public Service on the desirability, or otherwise, of Mr King's amendment. During my absence from the Island, a private member, Mr Sanders, tackled the abolition issue by bringing forward a bill to repeal the CDD Scheme forthwith. I now bring forward the other element

of the resolution that was passed - that is, the question of amendments to the CDD Scheme. If members want to stick by the resolution passed in September, it will be possible to do so by supporting my Bill on an interim basis, and by also supporting Mr Sanders' Bill as the final solution. However, my Bill is also capable of being supported in preference to Mr Sanders' Bill. The effect of that would be to revise the CDD Scheme, but to continue it in force indefinitely. I frankly confess that I supported Mr King's amendments. However, having had an opportunity to take advice from the Public Service on the thrust of what Mr King was proposing, I believe that I was too hasty in supporting that amendment. I lay on the table of the House a paper, which formed the drafting instructions for the present Bill and which conveniently Summarises the provisions of the bill, and which comments upon the intended effect of those changes. As the paper says, a number of the criticisms that have been made of the scheme do not bear close examination. However, when the CDD Scheme was first introduced by Mr Sanders, he made it clear that the operation of the scheme should be kept under review, and any necessary changes made in the light of experience.

In that light, there are a number of amendments which I think are desirable and which should be introduced. These are set out on pages 2 and 5 of the paper, and have been incorporated into the present Bill. The changes are as follows: The most important change is the introduction of a definition of the term "market value". It is proposed by the Bill that the term be defined by reference to accepted definitions of the term in the legal and valuation professions. Further, the Bill is framed so that only freehold property is capable of constituting a "substantial asset". The original lack of definition of those terms was intended to provide a measure of flexibility to the executive member in dealing with applications under the Act. The terms were deliberately left undefined for that purpose. However, in the light of experience I believe that the terms should now be defined in the way I have explained.

The next set of changes relates to the adequacy of the process of testing the local market. First, the Bill would in all cases require valuations, not by valuers selected by the parties, but by a valuer selected by the executive member. I have it in mind, if the Bill is passed, to appoint the Australian Valuation Office for that purpose. The cost of valuations would however continue to be met by applicants under the scheme. Secondly, a valuation will in all cases be mandatory. And in order to ensure that the local market is properly tested, two Gazettal procedures are proposed. On procedure would be at the beginning of the application process, after a valuation had been obtained. The fact that a person had applied for approval to make a compensating departure declaration would be Gazetted, including details of the valuation provided. The purpose of this proposal is to ensure that the fact of a property being placed on the market and the valuer's valuation both receive publicity. The Bill then goes on to require a six month period, within which efforts must be made to locally advertise the property for sale at no more than the market value as determined by the valuer. At the end of that six month period, the applicant would be required to formally notify the executive member of any offers received, together with any reasons for non-acceptance of those offers. That then brings an applicant to the second Gazettal procedure, which arises when the executive member forms the preliminary view that the application ought to be granted. At that stage, the executive member must gazette a notice stating that he is proposing to approve the application, and the notice would also contain details of the valuation, the actual proposed consideration for the transaction, and requesting public comment within a period. The aim of this Gazettal process is to ensure that reasonable local offers have not been rejected. It would be open, for example, to a local persons who had sought to purchase the property at the price determined by the valuer, to comment to the executive member that the person's offer had been rejected. Taken together these notification and Gazettal processes are intended to have the effect, first, of ensuring that the price paid for a property under the CDD Scheme is not artificially inflated because of the immigration benefits of the purchase. Another effect, of course, is to seek to ensure that housing remains at an affordable level for local persons. A number of more minor amendments have also been made, consistently with the paper I have tabled. First, the possibility that a person could re-enter the Island under the "special relationship" provision, after the end of the three-year exclusion period, has been removed by the Bill. The bill provides that a person specified in a compensating departure declaration may never again be granted a GEP on a special relationship basis. To anticipate any possible objections, I add that this would apply irrespective of who

one was married to. I also mention in this connection that the present law prohibits re-entry on any basis at all (other than a visitors permit) for the first three years after making a declaration. For this reason, the potential for abuse of the section 19 procedure has not in fact arisen. There have been no cases of persons re-entering the Island under the special relationship provision when previously they had left the Island as a CDD declarant, or as the spouse of such a declarant. At any rate, Mr President, this particular amendment will avoid even the possibility of such problems occurring in future. Another amendment is one which requires that a person applying for approval to make a compensating departure declaration be presently living in Norfolk Island.

Overall, Mr President, I believe that these changes should be introduced and that they should be introduced on a permanent basis. We can then assess over time how the changes have worked out, and, if necessary, we can make further adjustments in future. To scrap the Scheme altogether Mr President is, I believe, throwing the baby out with the bathwater. I also thin that the present uncertainty with respect to immigration matters is impacting on the economy of the Island. If I was a person proposing to inject new capital and new enthusiasm into the island's commercial sector, and I wanted to come and live here in order to do that, I would be very very careful about making such an investment decision in the present state of uncertainty over immigration policy. For that reason I believed that these changes should be given an opportunity to work, and that the Legislative Assembly should be wary of the possibly drastic consequences for the economy of the abolition of the CDD Scheme. I commend the Bill

MR BROWN: Mr President, at an earlier meeting we had voted in favour of the resolution calling on the Minister to bring forward a Bill which would have the effect of abolishing the compensating departure scheme. I think at the time I said that I supported that motion but that I would not necessarily be supporting the abolition of the Scheme and I've given alot of thought to the question of whether the Scheme itself should or should not be abolished and I'm having great difficulty coming to a conclusion Mr President. I argued strongly for the original introduction of the Scheme because I felt that it was important that those in the business sector who wanted to sell and move be able to. There's nothing worse for any community then an unhappy commercial sector which feels trapped in the community and feels that it is unable to dispose of businesses and move on. The Compensating Departure Scheme has not worked the way that I expected that it would work. For example Ernie mentioned earlier in the meeting that over a particular period as a result of the compensating departure scheme 14 more people had come to the Island then had left. Certainly it does seem to be the case that the Scheme has been working in a way that one person leaving is allowing a number of people to arrive. I certainly didn't intend when I voted in favour of the compensating departure scheme that there be an imbalance in numbers coming and going because any imbalance in those numbers certainly does then have an effect on the quota calculation and I certainly wasn't voting in favour of the compensating departure scheme in the believe that its introduction would cause nil quotas to be fixed time and time again. When I voted in favour of the compensating departure scheme I was not voting in favour of the various abuses which had been mentioned before and which Ernie in some cases has sought to overcome in the Bill which he has put before us today. The immigration question is a very difficult question. Poor immigration planning can reflect in alot of places. It can be reflected in the cost of education at our school. It can be reflected in the cost of our social services. It can be reflected in the cost of our hospital and I think that we need to ensure that on the one hand we maintain as vibrant a commercial sector as we possibly can but on the other hand we've got to ensure that we're not just making life easy for the commercial sector at the cost of the government purse in later years. In the early 1980's we were still maintaining a policy under which we did not encourage temporary entry permit holders who had children of school age if the arrival of those children would cause difficulties with the numbers in our classes. Several Federal Ministers took a view that we were not entitled to give consideration to a matter such as that an over-ruled our decisions on appeal. And frankly I think that the loss of those appeals has been the cause of many of the problems at our school since. Our school this year has 325 students from recollection. If the school had 300 students there would be an absolutely massive difference in the number of staff that would be required at the school under the staffing formula that we use and I venture to say that there would be 25 less children there today if we had

been able to continue to give thought to the impact of an immigration decision on our school. Ernie earlier in today's meeting gave us some details of the numbers of people who are receiving social welfare benefits on the Island. He gave us those details for the years ended 1990, 1991 and 1992 and also he gave us the position as at the end of October 1992. Let's just go back to those numbers for a moment. At the 30th June 1990, that's only two and one third years ago, there were 38 persons receiving benefits. As at the end of October this year, there were 49. Now when you say it quickly that doesn't sound like a large increase but look at it in percentage terms its an increase of 11 above what was a number of 38 and although I don't have my famous calculator with me, that works out at roughly a 28% increase in the number of persons receiving social welfare and some of those persons have come here as a result of immigration decisions over recent years. It might be decisions two years ago, it might be decisions ten years ago but recent years. Any immigration decision that causes us in five or ten years time to have an extra few people on the social welfare roll is a decision that we probably should have given a bit more thought to at the time. The point that I'm coming to is I don't think that it is appropriate for us to make final decisions today about any of these immigration matters. I think that Ernie does need as a matter of policy to totally tighten up on the compensating departure scheme so that it does not receive the sort of criticism that its receiving at the moment, but I think that then, between now and our next meeting, we should be sitting down and trying to work out a total answer to the immigration question. It won't Mr President be an answer that solves every problem. I don't think we are going to find an answer such as that but I think that we need to give far deeper thought to the overall question then we will be able to give today

MR SANDERS: Thank you Mr President. I've heard Ernie's presentation of the proposed amendments to the compensating departure scheme. I would like to say at the outset before I say anything further that it doesn't really matter what amendments we make if the executive member isn't prepared to carry them out. The logical thing to do if he's not prepared to carry it out is to get rid of the Scheme. While on this I would like to also, I think all Members have received a letter from the chamber of Commerce. Perhaps I could make a few comments on that as I'm going through. On the first page of the letter the Chamber of Commerce refers to being discriminatory in offending against a property or business owners right to deal with his or her assets in an open market. I personally find that a little bit insulting because there has never ever been any attempt to prevent a person from selling his property on the open market but I would like to say that there has definately been alot of intention to prevent that person from selling his residency. Most of these people that came in, they acquired their residency and now they think it has a value and to increase the value of their asset. An asset on Norfolk Island is a Norfolk Island asset, not valued in Australia or New Zealand or London or USA it's what that asset is worth here. The way that this has been present in inflating the cost of a property is in effect stopping any of our children from every being able to buy this house because they then have to pay whatever is the inflated value plus the figure which we've heard has been \$50,000 or \$60,000 for immigration status of which they already have. They say that it is lacking in forward thinking or planning. The proposal of the Chamber of Commerce in actual fact proceeds, as the Compensating Departure Scheme has actually done, to literally take the lid off Norfolk. The calculation method for the quota has already been said today, well, I believe that it has literally taken the lid of Norfolk Island and the quota system really might as well get thrown out and let anybody come in because if it has been said that all those persons who are living here are Islanders then there is really nothing to compare it with so if you are saying, as the original numbers came from the census I think it was in 1986 and it was only intended to be used for definition of persons to allow the numbers to remain stable by doing what they have done, what this House has done, in actual fact has made that where there is no number and its anybody who gets on the quota or applies in the front door method is going to be automatically in and while ever this compensating departure exists and it gets abused as thoroughly as it has then the system will never work. The letter of the Chamber of Commerce wants the mover of that motion to be specific and I'm quite happy to be specific. They wanted to know just what percentage in terms is the abuse occurring. For those Members of the Chamber of Commerce I would like to say 100% and that way there's no confusion. They refer on the second page that this Assembly is admitting defeat. This Assembly isn't

admitting defeat. They're just admitting that they made a mistake. There was a motion of this House fairly recently to tighten up on the procedures. Since then the executive member has practically made it open slather. It is obvious that it doesn't work. It is obvious that the persons that are controlling it aren't doing what was intended by this House and as far as I'm concerned I think it's a very offensive bit of legislation and I certainly don't support it

MR KING: Thank you Mr President. I've got to confess to being confused. I think the issue has become confused now. We have a Bill which has a month's head start on Mr Christian's Bill, the Bill that is now before the House. I've made my position very clear in relation to the CDD scheme and I don't fall back from that position Mr President. I maintain that position very very strongly. What we are likely to end up with here now are two pieces of legislation, perhaps not running parallel through the course of legislative consideration but maybe one touch ahead of the other depending on what happens today. The end result being that immigration is a schedule 3 matter, is that the successful bill, the winner of the two or both will be placed a before the Australian Authorities for consideration and assent by the Government General. I suggest that that is a situation that we ought to avoid. If we are serious as I think the majority of us are, in our earlier presentations in respect to this CDD scheme then we should not be giving the Commonwealth Authorities a choice of two because they have made their attitude adequately clear in respect of this CDD scheme. They have said to us earlier that you people wanted it, now you've got it and it's going to be hard for you to convince us now to abolish it. It would appear to me that they were going to go for the softer of the two options and accept Mr Christian's Bill that is now before us. It is clear to me Mr President, of what the intentions of the Review Group were. It was very clear. I think that the words were, the Group's recommendations are that the Scheme should be abolished. It is clear to me what the expressions of the statutory body of the Immigration Committee were. The Scheme should be abolished. I wasn't under any impression arising from earlier debate in this House other than the fact that we would press ahead with legislation to abolish the scheme and in the meanwhile if we are able to implement some administrative policy in respect of the operation of the scheme as it stands now before it can be finally abolished then that course would be followed as well concurrent with the legislation to abolish it, not to have two pieces of legislation wandering along side by side down a muddy road. That's the situation as I see it. I see the proposal that's put before me. I have made an attempt to read the papers and divorce myself, to keep an open mind about it but I have great difficulty in accepting that this proposal that's now before us will remedy the problems that we have recounted time and time again in this House. I myself gave quite a lengthy presentation I think in September in respect to what I saw as being specific instances of abuse. Now I rather thought that I made myself fairly clear. Perhaps what I should have done Mr President is used names instead of giving the people letters of A, B, C and D. It obviously wasn't very clear to the Chamber of Commerce, my presentation on that occasion. It was adequately clear to a great many others in the community since the nicknames that some people have acquired in the community are now B, C, A, F, G and the like so I don't intend to go on any further about specific instances of abuse. I will say however that there's been another special one which has arisen after my earlier presentation. One which I hadn't really contemplated. It has much of the elements of the earlier abuses but this one resulted in a triangular arrangement Mr President which resulted in, very clear terms once one does his mathematics, and I didn't have to use Mr Brown's calculator to determine that the cost of residency on this particular occasion was \$40,000. The Chamber of Commerce in their letter see the proposed move Mr Sanders has pointed out, as being discriminatory and offensive and we ought to have an open market in which we can dispose of our assets. I don't feel Mr President that it's really an open market that's really being provided by the CDD Scheme. It's in fact a world wide market. It's very clear to me what the attitude of my constituents is and that attitude is this Mr President. They are happy to live here in Norfolk Island to acquire their assets in terms of homes perhaps a small business, a motor car and if the time comes when they have to dispose of those assets, they don't want the Government to open up the market to allow someone to come into the Island to purchase those assets, they're quite happy to sell those assets if the need arises. Mind you, most of my constituents regard Norfolk Island as being their permanent place of abode, not I might add, like the great many, the majority who

have used this CDD Scheme to abuse it. They're fly by nighters Mr President. I'm not here to say names, to talk of instances but when you have a look at the people who have utilised the scheme in disposing of their assets you'll find that they are people who have come into the Island and spent only a short period of time here. They're not Island people. They're not people who are committed to the Scheme. They are people who have come in here, who have conned the Government somewhere along the line into introducing this offensive bloody scheme which allows them to just bowl in whenever they want

MR PRESIDENT: Order. Order Mr King. Language can be used in a proper context please

MR KING: They have somewhere along the line Mr President conned the Government into providing them with a system which opens up the market for them to dispose of their assets. They come here to this Island, a great many of them, they know that with this scheme their investment in the community is safe because they can use this scheme to recover their investment and the capital of course. The capital appreciation on whatever the worth residency has become in the meantime. Where else Mr President, where else in the world does a Government provide a wider market than exists in their country for the disposal of assets to a certain few. I would suggest there is no other place Mr President. Mr President the Chamber also saw the proposed move of abolishing the scheme as lacking forward thinking or planning. Why don't we just pause briefly to look ahead if we retain the scheme as to what's going to happen if we do retain the scheme. Mr Brown alluded to a particular point that Ernie made earlier on saying that the scheme in its application in recent times have resulted in a surplus of 14 over those who had departed under the scheme. The end result of that is the poor people waiting on the queue have absolutely no opportunity to progress further up the line. What we have is a situation where that type of thing recurs time and time again and we have an immigration system which is being determined solely by a CDD scheme. Solely by a CDD scheme creating a market as I said before for people to dispose of their assets and come and go as they please excluding the local people from those who genuinely wish to invest in business, who invest in a house property by virtue of the fact that the scheme continues to press up the prices. Why the blazes is someone going to sell a house property at \$80,000 to a local person who may be able to acquire a mortgage or reasonable deposit towards that purchase when he can sell it to Joe Blow who comes into the Island and wants to pay \$140,000 for it. The Chamber asked in their letter or suggested in their letter that the term abuse is of course a relative term and what do you measure it against. Mr President I measure it against community perception. I don't walk around with my head - I can't say that -

MR BROWN: in the sand

MR KING: in the sand. I listen to people Mr President. It's true that I listen probably more to people that I'm closely associated with. Those up the RYS having a drink, sporting matters, but I believe that they are representative of the true people of Norfolk Island. They don't want this scheme. But I'm confused as to where we go to from here. I'm just going to wait a little bit now and see what everyone else has got to say about the matter. I think when the time comes I'll give Bill's a bit of a push down the track to make sure it stays one month ahead at least of this bill that Ernie's put forward thank you

MR BATES: Yes Mr President. This has certainly become a confusing issue. I think it's always been confusing but the two bills before the House make it all the more confusing. A little while ago a previous Assembly to this one was finding out all the reasons as to why it should introduce this scheme. Now alot of us are looking at why we should do away with it. Now the people who have been mostly involved with immigration have been the Committee, previous Ministers, lots of people in this House and the Review Group and almost always when you read something they all say do away with it, we don't want it. And I respect those views and I'm very tempted to go along with them and support it. But then I consider, well there was a reason for bringing it in, perhaps we should try harder to make it work, perhaps it would be a shame if it just went out the door without giving it a chance. I'm still undecided like Mr King but I do agree with alot of the things that Mr Brown said

earlier. That might come as a surprise to him but like Mr King I think I'll sit back and see how things go. My inclination is to perhaps try to have both matters considered at the next meeting which is what Mr Brown suggested he might try to do so it can be fully aired and more consideration can be given to both the issues and that we come up with one clear path instead of two. I'll leave it at that for now Mr President but I would certainly support an adjournment of the Bill that's coming before us later on, which is Mr Sanders bill, to allow that to happen

MR BROWN: Mr President Mike King said that people don't like the compensating departure scheme and in general he's right. When you talk to almost anyone who is not involved in business on the Island they don't like that scheme. They see it as a scheme by which people are obtaining unfair precedence. They see it as unsatisfactory that a person is able to come into Norfolk Island by virtue of the CDD scheme rather than by virtue of moving up the quota list and they see it as offensive that a person is able to cash in on his residential entitlement. Now I can understand those feelings and when you see the way that the scheme has worked it doesn't take much for your own feelings to change in sympathy but I think that we do need to have a business community as well and I think that we do need to give some thought to what the consequences would be if we did away with the scheme altogether. Business migration is not a new concept. Australia ran a business migration programme until very recently. I understand that there have been changes in it in recent times but it was called a business migration programme and a similar programme exists in many countries of the world and in particular exists in many of the other Pacific Islands. As I understand it there are facilities available to people who are wanting to acquire a business in Vanuatu. Similar facilities are available to people in the Cooks. Facilities are available quite widely as I said throughout the Pacific and throughout the world and I think it is valid for us to take account of that and to recognise that other places have come to the conclusion that they need to treat the business community a little bit differently in order to ensure that they do have viable economies. There has been discussion of the value of businesses and the sale price of businesses under the Compensating Departure Scheme and people who have advertised businesses for sale at one price for the real business and another price if you want immigration as well have done nothing to help the perception. Quite clearly those people have been attempting to exploit the scheme. The Chamber of Commerce or at least many of its Members were very critical of Bill Sanders when Bill was endeavouring to require people seeking to use the Compensating Departure Scheme to provide proper valuations of their businesses. He had some people who said why should we have to go to the expense of obtaining a valuation. He had some people who said why should we have to sell our business at a local value when we can obtain a premium somewhere else. He had people who said look here is the financial performance of our business but we can't give you an auditor's certificate because the auditor won't sign it. He had people who said look these are the books that we keep but really the business is alot better than the books say and we'd like you to just believe us when we say that. Those people did nothing to make life simple for themselves. They did plenty to try to unseat Bill Sanders. And they probably rejoiced, there was probably champagne in the streets on the evening of the 16th July this year but it didn't solve the problems. There still is a problem of what's the proper value of a property. Now what some of those people didn't seem to understand is, under the Compensating Departure Scheme they were stuck with a local value. If they could find a purchaser who is going to pay them twice the local value they could deal with him under the quota system but they couldn't deal with him under the Compensating Departure Scheme. I would be interested to hear from Ernie a little bit more about the preliminary calculation of the next quota number. Ernie mentioned earlier that there had been over a particular period, I don't think he mentioned what the period was, but he said that there had been fourteen more people arrive than had left as a result of the Compensating Departure Scheme and that therefore the next quota would be likely to be nil. But I wonder Ernie if you could just tell us over what period you went back in order to reach that conclusion, was it going back three or four months or did it perhaps go right back to the commencement of the present system of quota calculation

MR CHRISTIAN: It was going back to the last quota determination and coming forward from there and working under that system

or the new intended system it would have shown us a greater number than what it finished up at. Until you take in the CDD calculations and it definitely then brought in 14 more people than we had, about five months.

In alluding to this as well I must say that on earlier calculations the CDD scheme had the opposite effect and in fact we were allowed to make a bigger quota because of the departures because of the CDD scheme

MR BROWN: Mr President when we discussed this question, I think, two meetings ago, I had expected that the next quota calculation would in fact take account of the whole of the period back to when the present quota calculation method commenced going back quite a few years and I was fairly certain as a result of enquiries which I had made that a calculation on that basis would lead to a reasonable quota number and I had thought that that would provide an adequate replacement on its own for the compensating departure scheme. If there is movement on the quota list then the problem which the CDD scheme tries to address is no longer a problem. I certainly would prefer us to be going back to the commencement of the quota calculations rather than to be just looking at the last five months but even if we do look just at the last five months Ernie seems to be saying to us, if the Compensating Departure Scheme had not existed during that five months there would be a quota number but because of the scheme's existence during that period no quota would be likely to be set on this occasion. One of the things that we do need to have an answer to is how does a person sell his business if we do away with the CDD scheme and on the basis of what Ernie has said it may be that the answer is you simply use the normal quota system and because of the changes that have been made there will be movement on the quota list. Is that accurate?

MR CHRISTIAN: That is accurate, what Mr Brown is saying. I need to do some more study on it. I'm sorry I got interrupted with my trip away in the whole thing and I haven't had time since I got back to really pick it up but I think what Mr Brown is saying is fairly accurate. Mr President this is part of the reason for bringing forward my Bill today. The other part of the reason is that I'm acting in accordance with the wishes of this House at an earlier meeting where there were two things I had to do. One was to bring forward a scheme to tighten the CDD scheme and the other one was to bring forward a Bill in turn to abolish the CDD scheme. Unfortunately my colleague Mr Sanders jumped the gun a little bit and put the second one in before I could get to the first one and I think that's what's causing a little bit of the confusion. I think at the same time Mr President that the people I've spoken to outside do have difficulties with the scheme as it is and I'm talking about people that are not in the commercial sector but outside of that but they do agree that there needs to be some sort of scheme arranged for the disposal and the changing of hands of the commercial properties. I think from the complaints that I have had from them that this introduction of the Bill that I'm bringing forward now would help to solve those problems that they have. I would like to state also that the application of the scheme has been handled in strict regard to what is legally allowed and that again is part of the reason that the bringing forward of this motion would help us a lot by legally being able to tighten it which we can't do now Mr President

MR SANDERS: Thank you Mr President I'll be very brief. I only just wish to mention that there is really no need for a Compensating Departure Scheme now or at any time because there is flexibility in the immigration system as it stood and it has been used. I would rather not name people but I could rattle three off right now that have been accommodated because of need without using the Compensating Departure Scheme at all

MR ROBINSON: Mr President the original intent of the CDD scheme was I believe for cases of hardship and as we've just heard Mr Sanders, both Mr King and Mr Sanders have assured us that in a case of genuine hardship the Minister already has the power to help out. What it seems to be boiling down to is the fact that if we hang onto the CDD scheme we may as well throw out the quota and I for one wouldn't like to see that happen

MR KING: Thank you Mr President. I go along with something Mr Brown said when he made reference to the Australian Business Migration programme. That particular programme, or those types of immigration programmes in the Australian system may well be a little too

sophisticated for Norfolk Island but we can I am sure develop a scheme along those lines where weighted consideration can be given to matters which Government accord higher priority by way of policy and that depends on various social issues which may arise from time to time. It may be perceived by the legislature that we ought to be giving at any one point in time a greater preference for young virile couples who have various work skills for example and we by policy adjust our system to allocate them the higher priority. Perhaps a point system of evaluation. That particular proposal as I recall has been around for many years. It wasn't given a great deal of thought because I think it was seen as being too sophisticated for Norfolk Island but I think a scheme like that can be developed. The way we are going now we're losing it. We are losing it entirely. We're losing it in the different elements that we are introducing to the quota calculation formula, we're losing it in relation to the CDD scheme. Mr Christian tells us that in a period of five months it has resulted in a surplus of fourteen arrivals over departures, projected out that would work out to somewhere around about 30/32 a year. That's not pursuing any degree of objectivity and immigration planning Mr President. Nor is the introduction of different elements into the quota system or quota calculation equation so as simply to arrive at larger numbers. I said before that we appear to be in a system where our whole immigration system is being determined solely by the CDD scheme. I would very much appreciate if any of these matters or policy objectives contained in Ernie's bill can be introduced administratively whilst Mr Sanders Bill is pursuing the normal course, that would be great, as an administrative matter not as a further legislative step. It simply confuses the entire issue. Of course we need a scheme for the disposal of businesses, or not a scheme, we need to have some flexibility, some flexibility Mr President within our system to deal with true cases of hardship and it does exist and it has been used and I think that's sufficient to my way of thinking. It's true Mr Christian says in response to criticisms that the whole thing has not been administered properly that people are only getting what they are entitled to under the law, well that's quite right but that doesn't say that every law is perfect. It can't be suggested that because someone is following the letter of the law that the outcome is desirable. I don't believe it to be desirable. I think I'll let it go at that for the moment thank you Mr President

MR BENNETT: Thank you Mr President. Immigration is like trying to hit a moving target. Not only does the target travel at various speeds, it changes in shape from day to day and I think until we can grab hold of that target we are really running around like a ship without a rudder. It's fairly clear from the level of representations made to all Members I think over recent weeks, we've probably had more representation about immigration than any other single topic so it's a very large issue and there are quite diverse viewpoints from various sectors in the community and it is fair to say, like Mr Brown, I have trouble with the question of CDD with the point of view of deciding which of the majority of people whether they favour the abolishment or not and there appears to me to be about an equal number. That I think was what the Immigration Review Board came across but to their credit they decided to bite the bullet and say on balance it ought to go and that's where I sat at the meeting where a package of motions about immigration came forward to vote. The package that I refer to was the fact that the CDD would be abolished, that there would be some easing in the quota arrangement. Now I thought that on balance that was probably as an interim measure until some more work could be done on it, not a bad way to travel. We've heard today from Mr Christian that that in fact didn't happen, that the quota after abolishing the CDD scheme would still arrive at a nil quota and in fact went on to say that there was a plus 14 factor as a result of the CDD scheme so I guess we've got to wait until there's been sufficient, or at least there's 14 departures so we get that down to zero before we even get into a positive quota number. I think everyone's concerned about the effects of shutting the gate tightly. The stagnation effect is something that the Island has experienced in the past and it's something that clearly for those of you who remember, created consequences which I thought at the time were poorly dealt with. The system of just opening the gate and letting the backlog of people that are queued up behind in and then shutting the gate promising to review the system again but never quite getting around to examining it. In reading up on immigration over the last few weeks there's some interesting things that I've come across, things that I had forgotten. I'd forgotten for example that amongst the many reports that the Island

had commissioned to look at population over the years, the Westerman, Butland, Coldham for three, that the Butland report recommendations were adopted by a previous Assembly and appeared, and I have no evidence to say to the contrary, appeared to be working quite well but along came the Select Committee on Population and all of that changed. Now I've had something to say about that Select Committee on Population and the findings and admitted that I was part of it that said yes, we ought to adopt it holus bolus but at that time I for one and I know many others had probably not really examine the situation that had occurred at the time which gave rise to the need to study the population effects. What I'm leading up to say is that in 1982-83 we had had the worst tourist intake for a number of years, it had dropped well away when the airport was upgraded and the years 84, 85 and 86 it almost doubled the tourist intake and I think that when the survey went around to the people to ask what level of the population they might like the Island to have in the next ten years there was confusion between the bodies running around the streets as to whether they were actually residents or visitors and its quite obvious that a great deal of the extra cars that we saw and the people on the beach and the footsteps in the park were in fact not those of residents because the residential statistics don't support that but they were of visitors and what I'm saying is that we had a system in in earlier Assembly's that appeared to be working and we turned right and went in a different direction and we found that some of those changes have simply not worked. We've had pressures building up to stop something and start another system, introduce the CDD found that that's having problems. I think we ought to be going back a step first before we take the forward step. And I say that for another very reason and I'm concerned about the demographics of the Island and the long term effect of an unbalanced population on things like social welfare and demands on the hospital and the like but with the CDD scheme it really is biased towards the wealthy and usually the aged and as the CDD scheme is progressed it has caused the quota number to be zero or very few people to come in under the quota. Those people who are waiting in the queue might be the young people who don't have the assets to buy big businesses and big houses, and if you think back about the population of Norfolk Island there were alot of very young people who came in here, either mechanics or carpenters or whatever and have made very solid contributions to the community and many many of them are still here. Now we by continuing with the CDD scheme and allowing a nil quota to go up and continue on, are discriminating against that group of people to the detriment of the demographic consequences which are run on welfare and the hospital so we've got to look at it from another viewpoint as well. You know it's all very well to listen to the sections of the community who are arguing for their own particular interest, the business community have got a very strong point of view, but there are other groups who have got equally strong opinions about how immigration should be going. At an earlier meeting one of the speakers, and it might have been Mike, talked about immigration and the problems as he saw it without having objectives, and that has stuck in my mind week after week. Objectives, objectives, we appear not to have any objectives and maybe this is where we've got to head. Now we don't want to necessarily just commission another report because that might find the hidden answers to the problems but bear in mind that the Butland and Coldham and those Reports are now ten and fifteen years old and alot of the information that was the foundation for the report is probably old hat. For my own part I'm concerned about getting some data that is current to todays circumstances to measure the effects of change over the recent five or six year period and I have independently commenced a process to see whether the Department of Industrial Economics at the University of Newcastle might be interested in studying the impact or the financial impact on the population following the zero population policies of the Fourth Assembly. You may recall at the last meeting that I did mention that there are plenty in the community who are hurting because of having to pay more and more out of their pockets to keep up the increase in expenditure, the increasing expenditure having been borne by a constant number of people. Now those people ought to be making a choice based on knowledge, on facts. You can vote to keep the gates closed but the impact of that will be that each year your contribution to the Island coffers might increase by ten percent or so so let people see the information. Let's have an open debate about facts and not just illusions, as many of our fears are illusory, many are real of course, but many are illusory. Now I'm not certain that that's going to provide the answer but I do know that that particular university has got a great deal of data in its computers because they did carry out an economic feasibility study of the Island in

1983 and save for a couple of sections which were wide of the mark they put together a fairly balanced report and it was trying to project the financial viability of the Island through periods of five, ten and twenty year patches and that had a bit to say about the effect of stagnation and it just occurs to me that before we come to nail down this target and arrive at objectives we need to have facts. At the moment we don't have facts, we all have different views in our minds, many in the community have got differing views and out of that confused lot of information and representation to each member we are being asked to make some fairly tough decisions. Now I'm not avoiding the decision taking but I think the points have been made well by others that we could well say yes to this piece of legislation and no to that and in two months time we're sitting around here again trying to unravel what went wrong then so we are grappling in the dark, we're trying to catch the moving target I think we have to find the target, nail it down and get somebody to assist us with modern up to date current data and then to let the community have some input. I mean, how many in the community, back in 1986 when they were asked the question "In my opinion ten years from now would it be best for Norfolk Island to have..." and there were various categories of the number of people they felt were desired, but did anybody who completed that questionnaire differentiate between the resident and the visitor at that time. I referred to the huge growth in the number of visitors and perhaps the perception was all these people that are running around are residents and those of us who live here are conscious about overcrowding and we don't want to see the Island ever overcrowded but I think that we've got to examine it with a very open mind and with all the facts and not just looking at it in some illusory fashion. I hadn't intended to raise the question of the approach to the University of Newcastle with Members until such time as they had decided whether they wanted to be part of it or not but now that I've mentioned it to you I will hurry it up and see whether in fact they are. But that may not be the best course to travel. As a result of that Members may have another view that we should be going to somebody else to try and find out some information like going back to Coldham, resurrecting Butland or dragging Westerman back or some other approach but whatever happens and so long as we try to patch up or bandaid the problems that appear out of immigration we're going to be sitting here finding new bandaids for new solutions as we go along

MR SANDERS: Thank you Mr President. Mr Bennett has made reference to zero growth and stagnation of the past and all of these things. I would like to correct that. There's never been stagnation of the past or zero growth. There was for quota purposes referred to the mainland section of the community and that was the only thing that was every controlled but it was intended to. That was why the quota system, or why the process of arriving at a quota of how it was handled. The changing of the quota calculation or the method of calculation which was discussed in this House recently will in my opinion in actual fact open the place up far far more then ever the Compensating Departure would except that it actually makes the front door entry workable. So it needs to throw out the Compensating Departure Scheme to then bring in a workable system of then arriving at the quota and I think everybody should be happy

MR BENNETT: Mr President could I just respond to something that Bill said. I wasn't suggesting that there had been, or I think he might have misinterpreted what I said about stagnation. What I was trying to say is that stagnation is not the answer and I think most people around here don't want it to stagnate. There were periods of perceived stagnation a while ago and that's I think in the days where there was a freeze on enter and remain permits and going back in time so it's not when you're talking about the current situation and yes I am aware of that zero growth being applicable to the mainland segment of the population but the point I was trying to make was that last months meeting we had a choice of shutting CDD down and having the quota system altered which many of us thought would allow still the trickle through but we've been told today that that in fact is not so so what my concern is, and where the word stagnation comes into the debate today, is that by shutting the CDD down and finding that the quota system will produce zero we in fact will stagnate. I understand from what you say Mr Sanders that the present legislation will allow some flexibility by the executive member using his discretion and allowing the hardship cases to be let through without changing anything but in effect whilst stagnation might be too strong a word in fact it will grind things to a halt everywhere

MR SANDERS: Thank you Mr President. I disagree that things will stagnate. I believe that because of the difference in the quota calculation in actual fact you open the tap

MR BENNETT: Well that's what we're hoping for or I think what most Members were hoping for but the shock today was that we've found that the first count after believing that the CDD scheme would be abolished when the motion comes before us today was in fact that the quota appeared to be coming in at nil or would be nil for a little while

MR SANDERS: That's because of the CDD

MR BENNETT: Well if somebody could do some calculations Mr President and let Members know, extrapolate it out perhaps or let's see how we came to have a plus 14 in the population growth as a result of CDD and as Mr Brown asked earlier, what period was that over, take it back a little bit and then take it forward and let's see whether in fact what you are saying Mr Sanders will work out. I mean in theory it should but in practise today it hasn't and I'm concerned about that fact

MR BROWN: Mr President when we voted a few meetings ago to correct the way in which we were calculating the quota number I really voted with the intention that that correction go right back to the commencement of this method of quota calculation. I believed then and I believe now that despite the imbalance of 14 that has occurred within the last five months there would still be a significant number of positions created on the queue if we went back to that earlier time. Now Bill Sanders has said a couple of times today that we are taking the lid off immigration as a result of this change and most of us have probably not quite understood what he is getting at. I think I understand it because I have spoken to him quite a few times about it and I think that he's talking about the combined result of the corrected quota calculation and the continuation of the special relationship clauses. Is that right Bill? Yes. The special relationship clause is something that we need to look at as well if we are going to be looking at the question of immigration because what Bill's saying is if we are not going to count the mainlander spouses of section 18 people as mainlanders for quota purposes then although we will be saying that we are holding the mainlander component of the population at its level which existed on the commencement date we will nevertheless be allowing what is an unbridled growth in that part of the mainlander population that would not longer be counted as mainlanders but would be counted as Islanders. And if you examine the real width of the special relationship clause as Bill has explained it to me he may well have a whole heap of relations in Scandinavia that qualify under the special relationship clause and he says if all of those relations of mine over in Scandinavia qualify how many more are there in Australia and New Zealand. I think Geoff Bennett's right when he says it would be a good idea to have a study done to show us what the impact of our immigration policies have been over the last ten years say. It would be very interesting. It may tell us that the policies as they've been implemented on balance have been pretty good, on the other hand it may tell us that there are some areas in which they have not been quite so good and it may point to significant difficulties which could arise in the future. When the Fourth Assembly made its decision about maintaining the mainlander component of the population at its then present level a number of people did warn us that you cannot have a healthy economy if you are not going to allow growth but the reality is that growth can occur in the Islander part of the population but we are saying that we are not going to have growth in the mainlander part of the population. Enough time has passed now for us to be able to have a look at that and see what the consequences have been to date and to project those consequences into the future but if we did go down that course I think we do need to be brave enough to look at the special relationship clause at the same time. Many of our present problems have been caused by our original desire to have the special relationship clause there. Some of the changes that we've made since have been to ensure that there are not legal difficulties with the special relationship clause but in fact it might not be achieving the result that we originally intended it to achieve, thank you

MR CHRISTIAN: Mr President I hear what everybody is saying and I totally agree with statements by Mr Sanders, Mr Bennett and Mr Brown on the whole thing. I think there's a whole lot need to be looked into. It

wasn't my intention to bring this Bill to finality today and I think I need to bring forward to Members of the House before the next Sitting of the House some of the figures that they are asking for so that we can have much more discussion on which way we are to go and what is to happen. To that end Mr President I move that the debate be adjourned and the resumption of debate made an Order of the Day for the next Sitting

MR PRESIDENT: Thank you. I put that question to Honourable Members

QUESTION PUT
AGREED

The ayes have it thank you. We move to Orders of the Day

ORDERS OF THE DAY

NO 1 - IMMIGRATION POLICY - TEMPORARY ENTRY PERMITS

MR PRESIDENT: We are resuming debate on this matter and Mr Brown you have the call

MR BROWN: Thank you Mr President. I think on the last occasion we were debating whether or not the motion is necessary and in particular I think it was suggested to us that the contents of the motion are already included in the Immigration Guideline Booklet. I'm not sure whether Ernie's had a chance to check during the intervening period as to whether that is the case but if it is the case that the contents of this motion are already incorporated in the Immigration Guideline Book I would be interested to hear why it is that we would derive a benefit from passing the motion

MR CHRISTIAN: Mr President Mr Brown is quite correct and what I said before is right, these are already in the Immigration Policy. All of this was brought forward originally to get the House' agreement on what was suggested that there needed to be done, an updating of the book itself. In the light of the present circumstances Mr President and until we get to finality with the total immigration package that we are dealing with, I would like to see this adjourned

MR PRESIDENT: Therefore we have a motion of adjournment in respect of this particular matter Honourable Members

MR SANDERS: Are we going to throw it out Mr President

MR PRESIDENT: The proposal before me at this time is to adjourn it

MR ROBINSON: Well let's not adjourn it and then throw it out

MR PRESIDENT: I put the question of adjournment in the first instance Honourable Members

QUESTION PUT

Would the Clerk please call the House

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

Thank you Mrs Graham. The result of voting Honourable Members, the ayes six the noes three the ayes have it the matter is adjourned.

**PUBLIC SERVICE AMENDMENT BILL 1992
NORFOLK ISLAND ACT 1979 - PROPOSAL TO PRECLUDE PUBLIC SERVANTS FROM BEING ELECTED PRESIDENT OR DEPUTY PRESIDENT**

In respect of the next two matters Mr Brown has indicated to me that he would not want necessarily for them to be called on and he wanted to make a brief explanation as to that situation

MR BROWN: Mr President in relation to both of these matters I have sought comment from various sections of the community. I am meeting with the Public Service Board on the 18th of this month and I certainly intend to discuss both matters with the Board at that stage and I would like to wait until I have had the benefit of their comment before asking the House to proceed further with each of Order of the Day No 2 and No 3

MR PRESIDENT: Thank you Mr Brown. So I won't call those at this moment and proceed to No 4

NO 4 - WATER ASSURANCE CHARGES AMENDMENT BILL 1992

We are resuming debate on this question that the Bill be agreed to in principle and Mr Bennett you have the call

MR BENNETT: Thank you Mr President. At the last Sitting I explained what this Bill is about. There are in effect three changes to it and I'll just briefly run through those again. The principle Act is changed by adding a new section which would provide concessionary charges for certain beneficiaries and the rest of that section goes on to qualify the way in which we would go about arriving at such a declaration that would be made under that section. The next section was the regulatory part that is consequential upon that previous one and if you go back to the other one there was a need for written instruments and this is the regulations in relation to it and the final part was to make the amendment to the Schedule by omitting in Item 8 16.5 fee units and substituting 13.2 and by omitting from Item 9 17.5 fee units and substituting 14 and I explained at that time that that was to regularise something that has been in place since the beginning and its been commented on by the Internal Auditor and others to suggest that there should be a rate of charge that was being levied to accommodation proprietors should be formalised in the Act. Now it's important to note that when that Schedule was put out those fee units mentioned in Items 8 and 9 of 16.5 and 17.5 fee units respectively was a maxima, it was the maximum that could be charged. I think there was some confusion about whether it was something else at that time. I don't have anything further to add Mr President about that but I'll listen to the debate

MR PRESIDENT: Debate in this matter Honourable Members that the Bill be agreed to in principle. Any participation?

MR KING: Mr President this Bill appears to have a retrospective effect if I see it correctly to formalise charges which had previously been levied that were not in accordance with the law as it stands now

MR BENNETT: Well it was in accordance with the law. The law provided a maxima and the Fifth Assembly picked a lesser number than the maxima and commenced hooking up the accommodation proprietors on that basis and agreed to review it after the scheme had been in operation, I think a year, to review it in light of the total operation of it. That review in fact took place in December 1991 and they agreed that that should be the charges for accommodation houses so its not - thought I suppose you could read it as being retrospective in one way but it isn't in another. I mean it's formalising an arrangement that I'm happy with in the Water Assurance Scheme area but it has nothing to do with being against the law or anything previously

MR KING: Well might I ask Mr President why is it then that it attracted audit comment

MR BENNETT: Well if I can find it quickly enough. The Internal Auditor's here, he might be able to change hats and make a comment about that. Bear with me just one moment

MR BROWN: Mr President while Geoff's doing that could I inform Members that I intend to abstain from both the debate and from the voting in this matter

MR PRESIDENT: Thank you

MR BENNETT: I know I have it Mr President because I read it this morning again. The comments of the Internal Auditor is made in his May 1992 report and I quote "an early decision to give temporary 20% reduction in the fees to accommodation houses seems to be continuing on a fairly informal basis. Audit considers that it should be formalised through legislative amendment if it is to continue" and what he was first referring to was the fact that it was definitely a temporary arrangement and it was a temporary arrangement until it came up for review in December of 1991 and considered that the temporary arrangement should now be formalised

MR KING: I understand the need for formalisation

MR PRESIDENT: Any further participation Honourable Members? Then we are at the stage of putting the question to the House that the Bill be agreed to in principle

QUESTION PUT
AGREED

We are now at the detail stage. Do you wish to dispense with that stage? Yes. Thank you. Then I seek a final motion which is that the Bill be agreed to

MR BENNETT: I so move

MR PRESIDENT: Thank you Mr Bennett. Any final discussion. Then I put that final motion that the Bill be agreed to

QUESTION PUT
AGREED

The ayes have it and the Bill is agreed to thank you

NORFOLK ISLAND HOSPITAL AMENDMENT NO 2 BILL 1992
HEALTHCARE AMENDMENT BILL 1992

In respect to Items 5 and 6 Mr Brown equally has mentioned to me that he would not necessarily want those to be called on but would have an opportunity for a brief explanation

MR BROWN: Mr President these two Bills form part of the overall health package. Members will recall that earlier in today's meeting I tabled the Healthcare Consequential Amendments and Transitional Provisions Bill. That Bill has been adjourned until our next meeting. I do wish to consult further with the Hospital Board in relation to the package generally and for that reason I'm not asking that Orders of the Day Nos 5 and 6 be brought on today

MR PRESIDENT: Thank you Mr Brown. We progress to No 7

NO 7 - IMMIGRATION AMENDMENT BILL 1992

We are resuming debate on the question that that Bill be agreed to in principle and Mr Sanders you have the call to resume

MR SANDERS: Mr President I think that we have probably been through it backwards and forwards today

MR PRESIDENT: Well we've been through a lot yes

MR SANDERS: Most everything is a repetition of what's already been said. I think I'll see if any other Members has anything to say

MR PRESIDENT: Is there any further participation Honourable Members?

MR BROWN: Mr President I don't think that a lot of harm would be done by adjourning this matter until our next meeting particularly if Ernie is telling us that the Guidelines that he is now using have been considerably tightened. I think that if we were to deal

with this Bill to conclusion today it really would make fairly meaningless the adjournments that occurred earlier in the Meeting. I would hope that Members would agree to adjourning this matter until our next Meeting also but I don't propose to move that until other people have had an opportunity to speak

MR PRESIDENT: Thank you. Is there any further participation?

MR CHRISTIAN: Mr President, just to say that my feeling is much the same as what John has said. I think this is part of the overall thing which we've been discussing all the way through and I think in light of the other ones this also should be adjourned

MR SANDERS: I would have preferred to see it through to finality but if it is the wish of the Members that it be adjourned then so be it

MR ROBINSON: I move that the debate on this question be adjourned and made an Order of the Day for the next Meeting

MR PRESIDENT: Yes. That is the question before us Honourable Members

QUESTION PUT

MR KING NO

MR SANDERS NO

AGREED

The ayes have it on that basis Honourable Members. That matter is adjourned

NO 8 - TELECOMMUNICATIONS BILL 1992

We are resuming debate on the question that that Bill be agreed to in principle and Mr Bennett you have resumption of the debate

MR BENNETT: Thank you Mr President. Yes I do have that resumption of debate and I also have, embarrassingly to say, that I have found a need late yesterday to do some amendments to it. Now these amendments arose out of some last minute discussion on the detail in respect of two particular areas and as a result of that scrutiny there were two or three other drafting changes that occurred and are necessary to bring in. I say that I'm embarrassed by it because I was one of the critics of late amendments and with a covering note today I have said that I regretted the late advise to Members but in the interests of ensuring that this piece of legislation was sound there was a need for some careful consideration and it went all the way to the wire. I went on to say that whilst I would be pleased to see the Bill passed in all its stages today I would not push the issue in light of this late advise. Mr President I am aware that the amendments don't concur with Standing Orders or the rest of it and that if it is the wish to have it incorporated in the debate then I will seek whatever leave is necessary in a moment to do that. Mr President the aims of the Act are outlined in Section 2 and they really are to specify the services which are to be the reserved function of the Administration. They also specify the exercise of powers in relation to land and property and it makes provision for fixing tariffs and other charges. It ensures the customers equipment is safe to persons and property. It makes provisions for offences relating to telecommunications, to ensure that privacy is maintained in relation to telecommunications and they are fairly important aims and I must say its a fairly important piece of legislation as well and I think that what adds to my embarrassment is that it is a very important piece of legislation and to come at the eleventh hour or in fact minutes before this meeting with some amendments is regrettable. Mr President can I talk to where the amendments might be without having to move in just at the moment, just point the Members to the areas where I'm having some difficulties

MR PRESIDENT: I think that's a practical way to approach it. It may not be in a technical sense totally the way

MR SANDERS: Were there difficulties?

MR BENNETT: There were difficulties and they were fixed up

by this. Mr President the initial changes were to cover the somewhat remote possibility but nevertheless with changing technology perhaps not so remote, the possibility of somebody setting up a satellite dish in their backyard and having a telephone exchange of their own on their own property for which we had no control and it seemed desirable that we should avoid allowing that possibility to occur. It was thought that some of the Federal legislation, I think the Satellite Communications Act or something of that name might have been sufficient to control that but prudent council suggested to me that it would be wise to include it in the Bill and to make it clear that by adding a section to say the provision of central switching for the public network and the provision of links between the network and other networks is the sole purview of the Norfolk Island Administration and just to add to that is just to remove one word in section 5A, the word "primary" where it reads "that the Administration is the primary provider of Norfolk Islands public telecommunications", if you take the word "primary" out it becomes "the provider" and there is no misunderstanding whatsoever. I say that there is a remote chance of somebody setting up a communication satellite of their own but there are some very aggressive telecommunication companies around the world and they might be attracted to the geographic situation of Norfolk Island in time and offer somebody fat little packets to plant a satellite dish in their backyard so that concerned me. It concerned me enough to call the Draftsman to make those changes. One of the other significant changes was to clause 32 where in fact as it was written it didn't cover everything that we set out to cover. It was talking about covering a person who connects knowingly or recklessly connects a facility but we wanted to make sure that it covered the situation that he should know that a permit was required for that connection and we had the odd situation where you could knowingly connect and there would be an offence but not knowing that you needed a permit wasn't an offence and I think that was important. You will recall that in the bill there is the requirement for people to have equipment that is approved by the Australian Telecommunications Authority. The other 1,2,3,4 are simply tidying up terminology or making it more clear, making the definitions clearer. If I get to the stage where I move these amendments I'll then read them into the thing properly and probably explain it a little bit better. I don't want there to be any confusion, I did speak briefly to some members before the meeting to try and as quickly as I could assure them that it wasn't anything, that the changes weren't so dramatic as would ordinarily cause the Bill to hold up but they were prudent changes to make the Bill a better Bill and make the Administration's control of Telecommunications clearer and to deal with one of the penalty provisions so that we made sure we caught everyone that we intended to catch when we drew the Bill up

MR CHRISTIAN: Mr President I don't have any problem with these amendments as proposed. I think they do alter necessarily for the better and I consider this to be a good Bill. I would like to see it go forward with the whole Bill to be progressed

MR BATES: Mr President I'm a little unclear as to whether I actually discussed this with Mr Bennett or whether I intended to but I haven't been able to actually put my finger on anything in the legislation which allow the Administration to discontinue a service through what might be a bad debt or non-payment of an account and I think it would be wise if they had that option for the people who are not paying their accounts that they can legally disconnect on that excuse. Mr Bennett may be able to clarify that for me, he may be able to remember whether I did actually get around to discussing it with him and he may even be able to point me to the part of the legislation where it is already in there

MR BENNETT: Mr President it does talk about disconnection provisions under part 5 but that is related to equipment that is not authorised or is on a permit. There is no provision in the Bill for disconnection on non payment of the Bill. Now I'm not quite certain as to how the situation is arranged right now. I know that you can get a notice in your mailbox saying that if you don't pay the bill in 14 days we'll cut your power off. Whether that in fact has any legislative base now I'm a little bit uncertain of but if there is concern about that then obviously we will have to deal with that need. I would like to hear what others say

MR SANDERS: Mr President I would assume that if you didn't

pay you'de just be disconnected. I can hardly imagine that a non payer would have recourse

MR CHRISTIAN: Mr President my thoughts would be that it's covered under that clause 5 there because if people didn't pay then the telephone wouldn't be classed within the rulings of that and therefore they could be disconnected

MR SANDERS: Even with the telephone disconnected at Telecom

MR PRESIDENT: Any further participation? Then how would you like to proceed with this prospective legislation Honourable Members? Would you like me to put the motion which is that the matter be agreed to in principle? Are we at that stage? I will put that question to you Honourable Members. The question before us is that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it. We now move to the detail stage. Do you wish to progress the detail stage today or do you wish to proceed in another fashion?

MR BENNETT: It's my wish but I would be guided by the Members Mr President, I made it fairly clear that I was not going to push the issue. If Members felt comfortable with it yes, but if they don't well that..

MR BATES: Mr President I have no difficulty with progressing it but I would like the point I raised clarified and if it is a problem then perhaps we could put through another piece of legislation to amend it but I think we should find out now if we can legally do it rather than wait till some time when we do have debts accumulating and find that we've disconnected somebody and are facing law courts and suits and all the rest of it. On that proviso I'll support the Bill

MR PRESIDENT: On that basis Mr Bennett I suggest that you progress with your amendments as a totality and if they are agreed then we can take them as being inserted into the legislation and we'll see how we handle it from there. Would you be comfortable with that approach

MR BENNETT: Yes. Well you don't want me to deal with them as we go, section by section and feed them in as we go

MR PRESIDENT: Well if we do that it's a very much longer process and I suggest that it might be tedious to Members but if that's how you would like to do it by all means

MR BROWN: Mr President if it is of assistance I would be quite happy for all of the amendments to be dealt with in one go

MR PRESIDENT: Would you like to proceed Mr Bennett

MR BENNETT: Am I to move the amendments in totality

MR PRESIDENT: Yes

MR BENNETT: Mr President I move that the amendments to the Telecommunications Bill 1992 as circulated today be incorporated into the Bill

MR PRESIDENT: Thank you. Is there any debate in respect of those amendments which are in respect of certain clauses of the Bill in front of us? No further debate? Then I put the question that those amendments be agreed to certain clauses on the Bill in front of us

QUESTION PUT
AGREED

The ayes have it. Those amendments are made. I will now seek your views as to the balance of the legislation in front of us. Is the balance of the legislation agreed?

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 QUESTION PUT
 AGREED

The balance is agreed. We now have a Bill which is amended by the clauses proposed by Mr Bennett and therefore we come to the final motion which is the Bill as amended be agreed, that is the motion in front of us now Honourable Members. Is there any final debate? I put the motion, the question is that the Bill as amended be agreed

QUESTION PUT
 AGREED

The ayes have it thank you. The Bill as amended is agreed

NO 9 - LEGAL PROFESSION BILL 1992

We are resuming debate on this question that the Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN: Thank you Mr President. Mr President I had proposed today to seek agreement of Members to progress the Bill through the agreement in principle stage and to then move some short amendments. The amendments were circulated to Members yesterday afternoon but Members won't have had time to give them much consideration and I would like to give the matter a little more thought before we finalise it because quite a deal of public comment has been received. Not all of it has at this stage been incorporated in the amendments and I would just like to ensure that I have not missed something of significance and rather than put Members to the trouble of dealing with the "in principle" question and then move the amendments and risk further amending the amendments later it may be simpler if I simply move the adjournment

MR PRESIDENT: Alright. We therefore have a motion of adjournment in respect of this matter Honourable Members

QUESTION PUT
 AGREED

That matter is adjourned thank you

FIXING OF NEXT SITTING DAY

MR BENNETT: Mr President, I move that the House at its rising adjourn until Wednesday 9 December 1992 at 10 am

MR PRESIDENT: Thank you, any Debate? I put that question Honourable Members

QUESTION PUT
 AGREED

The ayes have it thank you. We move to Adjournment

ADJOURNMENT

MR SEMPLE: Mr President I move that this House do now adjourn

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

MR SEMPLE: Thank you Mr President. This will only take a moment or so. Whilst I was recently in Australia I spent some three days in Sydney and Newcastle looking into current garbage disposal methods with a view of gathering information to assist us on Norfolk Island to dispose of our waste in a more environmentally acceptable and efficient manner. Initially I intended to look at incinerators used for town garbage in communities along the coast from Newcastle to the Queensland border. Because of concerns for atmospheric pollution however, Council incinerators no longer exist. Land fills are the order of the day. Garbage disposal is a major problem but the New South Wales Government is making very positive moves in this direction. Sydney alone has to dispose of three million tonnes of garbage annually and at this rate the land fill sites available will be exhausted by the year 2000. The Waste Management Green Paper is a discussion paper compiled by the Honourable

Cris Archer MP, Minister for the Environment and he states in his foreword, New South Wales and the Sydney Community in particular place a number of significant environmental challenges in the 1990's. One of the most important is the challenge of waste management. The average person in this state produces almost one tonne of garbage each year yet there is increasing resistance by communities to the location of expansion of new waste disposal facilities, thus two major problems must be dealt with, waste quantities must fall and decision making about the location of new waste management facilities must take into account community concerns. The aim of the waste management authority is to reduce Sydney's putrefacient garbage by half by the year 2000. I believe that on Norfolk our garbage disposal problem is not as serious as Sydney's. If the government and the community work together we could achieve what Sydney hopes to achieve in seven years, in twelve months. The Waste Management Authority hopes to achieve its goal by recycling and encouraging buyer resistance to purchasing overpackaged products. Whilst there I was taken on a two hour guided tour of the eastern creek landfill site and I was most impressed by what I saw that was being done with regards to recycling. Aluminium cans, glass bottles sorted into brown, green and clear, batteries, sump oil, tyres shredded and sent to Germany for the production of floor tiles, newspapers and cardboard, concrete from demolition sites crushed and used as road base, woodscraps and garden cuttings, chipped and sold as garden mulch and flower bed coverings and ferrous and non ferrous metals sorted and sold as scrap. Basically sorted garbage and refuse can be dumped for free or at least at a moderate price. Household garbage costs a very high cost. All councils provide services whereby collections are provided to the household for separate collections of sorted garbage, that is, a second truck follows up and collects waste sorted by the householder into various categories. Its true that the cost of freighting our waste to Australia for recycling would be prohibitive, still there's no reason why we should not take note of what's being done in Sydney and modify it to suit our own needs and situation. We still need a small efficient incinerator on Norfolk. For the past fourteen years or so successive Governments have sidelined this project on the basis of cost but in the very near future it must be made an issue of higher priority. Rather than lay out though \$80,000-300,000 for a new one, second hand out of commission incinerators are available in New South Wales. By taking into account what is being done in New South Wales regarding reduction and disposal of waste it would be most appropriate if we took note and followed the example being set. Thank you Mr President

MR BENNETT: Thank you Mr President. The first Notice on the Agenda for today was a motion that had and at the time when it came on I didn't go ahead with it and said that I was not going to proceed with it today and I thought that I should just expand a little bit more on the reasons for that. The question of remuneration of Members is a responsibility in my portfolio and its a sensitive and may even be a controversial topic, particularly when you come to examine the question of remuneration, the level and the workload and the like but as I said then, as difficult as it is I'm not going to shirk from the responsibility of dealing with it to the stage where a submission is prepared and placed before the Tribunal and that submission has been prepared and the decision today not to proceed with it was the only course open to me as far as I was concerned. It was inappropriate for reasons I outlined earlier. Mr President the submission is all about outlining what's happened since the first Determination was made in 1979 by the Federal Remuneration Tribunal and its examined the changes that have occurred in time and related that to the current workload, work values and the like. The submission never attempted to quantify it in terms of dollars and cents, it wasn't its responsibility to do that, that's for the Tribunal. The idea of dealing with the submission and putting it in the Tribunal was to allow the Tribunal to draw public comment on it. Now there will be considerable public comment on it. I mean it's a pretty hot issue in some quarters, but for example, the public interest in ensuring that MLAs remuneration is sufficiently adequate so as to not dissuade persons of modest means from standing for public office is something that the public would want to make comment on. There are differing views in the community. The only way to try and draw them into some sort of concluded result is to prepare a submission like this, gather together all the facts as we see them and place the matter before the Tribunal. That's where it is. I just thought I would expand a little bit more on what I said this morning and I'm not certain yet when it will reappear, there will be obviously be a fair amount of

politics in that decision but it is a matter that must be dealt with, it's been in the wind for quite some time, I think it's time it was dealt with. I guess I'm sorry that it's me who's going to have to have the carriage of it and get my backside kicked but I'll do it

MR BROWN: Mr President I just want to say a few words in relation to the same subject Geoff's just been discussing. The draft submission that Geoff has prepared and which he had originally proposed to table here today is a submission asking the Remuneration Tribunal to determine appropriate salaries for Legislative Assembly Members. It's not a submission asking for an increase. The likelihood is that the Tribunal would decide that some degree of increase is appropriate but the submission doesn't ask for that it simply says to the Tribunal here's how it's happened in the past, here's what is done now, would you be so good as to determine an appropriate salary. Now not very many of us are saying that we want that submission to go ahead but at our next meeting I will be asking the House to deal with a motion which if passed would on the next occasion on which President of the Legislative Assembly is elected force a person who is a public servant, if he wished to be elected as President to resign from the Public Service and he would then receive whatever payment is being made at the time for a person who is a Member of the Legislative Assembly and its President. I do believe that it is appropriate in that situation that the salary of a Legislative Assembly Member and the salaries for the President and for the Executives be reasonably appropriate. As it presently stands a person who is a Branch Head in the Public Service would suffer a very significant drop if he were to leave the public service to take an executive position in the Assembly or in the event that my motion is passed at our next meeting, to take up the position of President or Deputy President. I hope that we will not wait very long before we do invite the Tribunal to determine appropriate salaries because it certainly is not appropriate that a person at the moment has to decide on economic grounds whether or not he wishes to leave the public service and to take executive office or in the event that the motion passes the offices of President or Deputy President, thank you

MR PRESIDENT: Any further participation in the adjournment debate? There being no further participation I put the question that we do now adjourn

QUESTION PUT
AGREED

The ayes have it, therefore Honourable Members this House stands adjourned until Wednesday 9 December at 10 o'clock in the morning

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