

MR PRESIDENT: 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

Condolences

MR PRESIDENT: Honourable Members Good morning to everyone. Are there any Condolences this morning?

MR CHRISTIAN: Mr President, it is with regret that this House records the death of Charles Ronald Buffett, who died in the Norfolk Island Hospital in the early hours of Friday, 11th June. Ronny Dickie as he was affectionately known to all, was born on 27th September 1917, the youngest son of Gladys and Dickie Buffett. Ronnie was a quiet, gentle man with a sparkling sense of humour who lived and worked on Norfolk for the greater part of his life, leaving only for a few months to have medical attention in Sydney some 30 years ago. During World War 11 Ron served in the Norfolk Island Militia but did not see overseas active service. After the war he had his own carting business on the island and then became a member of the Administration Works Department. Ron was very mechanically minded and an inveterate collector and repairer of clocks and radios. He did a radio repair course by correspondence. Ron married Adele McCoy some 13 years ago and for the last few years they lived in a cottage in Taylors Road. Ronnie is survived by Del and a brother who lives in New South Wales. To Del and all other members of the family, this House extends its sincere sympathies.

Mr President, this House also records with regret the death of James Daniel Jacobsen who died on Thursday morning, 10th June, following a heart attack. Jim, with his wife Zeta and two of their daughters, Anne and Marlene, had made a special trip to be on Norfolk for the Bounty celebrations in which they enjoyed participating. Jim was born on Pitcairn Island on 4th September 1929, the youngest son of Inez (nee Warren) and Neil Jacobsen. James became an expert carver and fisherman who moved to New Zealand in 1958, finally settling in Wellington. He married Zeta, a daughter of Oliver Clark and Jessie Young, also of Pitcairn. He worked as a carpenter in Wellington until his retirement and he and his family were anticipating a return visit to Pitcairn for Christmas - the first time in 35 years. To Zeta, their four daughters, Anne, Marlene, Tracey and Linda, to their son, Dean and other family members and friends this House extends its sincere sympathies.

MR PRESIDENT: Thank you Mr Christian. 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.

MR PRESIDENT: Mr Brian Bates is absent Honourable Members and leave is sought. Is leave granted. Leave is granted. Thank you.

Presentation of Petitions

We move to Petitions. Are there any Petitions?

Giving of Notices

Notices? Are there any Notices?

Questions without Notice

Are there any Questions without notice?

MR ROBINSON: Thank you Mr President. I have one or two this morning. My first question is addressed to Mr Ernie Christian. Mr Christian what can you do about that horrible collection of signs half way down New Farm Road?

MR CHRISTIAN: Mr President, action has been taken to stop the signs and bring the number of signs back to the allowable two on that portion. We have had a little bit of trouble with misunderstanding by

one of the owners but that has been cleared up and the proliferation won't happen any more.

MR ROBINSON: Another one for Mr Christian. Is the Minister aware of discussion initiated by Mr Semple with Minister Kelly and Mr Warren Snowden, during their recent visit to Norfolk Island about high temperature incinerator for instillation at Norfolk Island? Did Mr Semple disclose his pecuniary interest and the fact that he has no executive authority in that or any other area?

MR CHRISTIAN: Mr President, Yes I do know about these discussions. Mr Semple asked me earlier if I minded him giving, taking part in such discussions. I didn't have any problem with it and gave him official blessing. If he likes to be put that way. I am also fairly sure that Mr Semple did disclose the fact that he was the garbage operator.

MR ROBINSON: Thank you, also Mr Christian. Could the Minister inform us, as to what is happening with the Crown Lands Review.

MR CHRISTIAN: Mr President. Just to refresh people's mind on the Crown Lands reviews, I'll read a communication which I've had very, very recently from the Community Services Manager. The Norfolk Island Government last dealt with this matter, at a special meeting of MLA's on 28 September 1992, and a copy of those minutes were given to the Administrator's office with the consent of the Minister for Immigration and Lands in October 1992. It went on from there, at the end of January 1993 Jack Nicholson of DASET requested officer level discussions, to iron out technical and administrative matters. That he believed needed further explanation, and suggested that they take place to coincide with a visit that was to take place at the end of January 1993. These discussions took place in the Administrator's office over a two day period in January of 1993. At the conclusion of the meetings with Jack Nicholson it was agreed that Jack would go back to Canberra, and prepare a full draft submission paper incorporating these views and DASET views with the hope that it would be the basis of the final agreed document to be eventually approved by the Australian and Norfolk Island Governments. In April 1993, Mary O'Brian from DASET, telephoned to clarify a number of matters, and at that time advised the Department was hopeful of completing a submission prior to the end of April 1993. Miss O'Brian advised that she will send a copy of the paper to peruse and make comment on it if thought necessary. At this stage Mr President, we have had nothing back from DASET on this and we are making present inquiries to see where it has got too. But it is fully within DASET ball court not ours.

MR ROBINSON: Thank you Mr Christian. A further one to Mr Christian. Is the Minister aware that during the recent high seas, the sea water came through the cut in the sand dune at Emily Bay?

MR CHRISTIAN: Mr President, I am aware of that and accompanied by Mr Brown, the Administrator and the KAVHA Manager, we went down and had a look at these. The sea had come over on a couple of occasions but virtually, in fact not virtually, but there was no damage done at all. It was just a slight wash that had come in to the area.

MR ROBINSON: Thank you. And further to Mr Christian. Would the Minister advise whether a TEP holder is obliged to be a member of the Southern Cross Health Fund or is membership of another suitable fund sufficient?

MR CHRISTIAN: Mr President, under our new Healthcare Regulations he is to be the holder of a suitable insurance cover, health cover.

MR ROBINSON: Suitable being the operative word.

MR CHRISTIAN: Suitable being the operative word.

MR ROBINSON: Thank you Mr President. I have some questions to ask of Mr Bennett. Mr Bennett, the Electricity Undertaking is a profitable one for the Government of Norfolk Island and the best deterrent for wasteful consumer use of power is it's price. To steep to encourage over use. Given that in '88/89, 6,419,237 kilowatts was generated with a maximum demand of 1450 kilowatts in 1991/92 6,335,800

kilowatts were generated with no maximum stated in the Annual Report. As well as the fact that we now have its greater generating capacity could the Minister please explain why he doesn't want to sell at least as much electricity as wasn't generated in 88/89. Two, what percentage of power generated was wasted by being put to earth, when it could have been sold. Three, why the maximum demand figure was omitted from the 91/92 Report.

MR BENNETT: Thank you Mr President. Obviously I don't carry that weight of figures around in my head. Its an interesting question and I think it deserves a serious response, and I'll take in on notice and get the answers for him in a couple of weeks. I do recollect that I received a minute months, and months ago, about the power discrepancy between the, well not the discrepancy but the full off in the kilowatt hours generated. I understand that there was an explanation for it. I incorporate that in my answer at the next sitting.

MR ROBINSON: Thank you Mr Bennett. I missed the questions on notice time. I have a question for Mr King. Given that it is some several months since this House requested you to find a source of sand for the Island's needs. Could you please tell us if anything you have done about it?

MR KING: Mr President. I've done very little about it actually. I appreciate that there is a meeting scheduled to, a meeting of the KAVHA Board, scheduled to take place within a few days. I am hopeful, upon the return of Technical Services man, I think today, of putting together a paper to go back to the KAVHA Board at its next meeting. But at this point in time, I have to be quite frank and say that I don't have any immediate answers.

MR ROBINSON: Thank you Mr President. In that case we will try one of Mr Brown. Mr Brown is it a fact that consideration is being given to the introduction of school fees for all years at Norfolk Island Central School, in order to fund teachers salaries. Is it a fact that those salaries are significantly higher than salaries for comparable positions in the Administration. And what will be done to localise those salaries instead of introducing school fees.

MR BROWN: Thank you Mr President. Mr President, firstly I should say that Mr Bennett will be tabling a budget later in the meeting. But there has been no discussion as part of the preparation of that budget about introducing school fees this year. One must always preserve the ability to consider such a thing in future years however. The present legislation provides for school fees to be levied for children, in respect of children over the age of 15 years. But in respect of children below 15 years of age there is no legislative ability at present to levy school fees. In the event that we did wish to consider the introduction of school fees for children below the age of 15 years, there would be a change required to our legislation. Mr Robinson asked the question between relativities between teachers salaries and other salaries within the Administration, Members will be aware that a relativity survey has been carried out in respect of all of the positions in the Administration. And while that study was being carried out I did have discussions with Mr Cramm from Ernst & Young, who was conducting the study. In the course of those discussions, we spoke of the relativity between teachers salaries and other Administration positions. And Mr Cramm made it very clear to me that the salaries paid to our teachers in relativity terms, are well out of line with those paid within the rest of the Administration. Salaries form the major cost within our education area. They represent something in excess of 75% of the cost of education, and obviously we cannot ignore and expense as large as that, when we go through our budget process each year. At present we have an arrangement with the NSW Department of Education and under that arrangement they provide teachers to us. Those teachers are paid in accordance with the NSW award at present. Whether they are mainland teachers in Norfolk Island for a few years, or local teachers living here permanently. The budget process this year has not been easy. And we could be certain that next years process will be harder still. Mr Bennett has asked that each Executive look carefully at all areas within his area of Executive responsibility, to attempt to reduce expenses. And one of the areas I have looked at, is the question of localisation of school teachers salaries. This is not a new question. It's been around for many years, if we went back to 1983, when the University of Newcastle did an economic study in relation to the Island. One of the very firm comments they made

was that we needed to look at the question of localising teachers salaries. I have opened discussions with NSW Teachers Federation in relation to that question. The discussions have not progressed far at this stage, but I will keep Members advised as they do progress further. I hope that that answers all of the aspects of Mr Robinson's question.

MR SANDERS: Thank you Mr President. I have a couple here for Mr Brown also. The first one is, is it a fact that you have made provisions for those that have difficulty in paying the Healthcare Levy to pay on a monthly basis. And are you able to now advise this House and the public how such a person would proceed with such an application. And is there a time limit, in which payment must be made?

MR BROWN: Mr President, there is no automatic mechanism for the Healthcare Levy to be paid in monthly instalments. The Healthcare Levy Notice is issued on 1 June and 1 December each year. And they should be paid within 30 days of their issue. But the Administration, I think it would be fair to say, in all financial areas is approachable in the event that a person or a family are having difficulty in making full payment of an account by the due date. In the case of the Healthcare Levy, if a family genuinely needs to pay the levy over time, or an individual person wishes to do so, they should contact the Accounts Branch within the 30 days during which the account is due. So they should contact the Accounts Branch before the end of June, and the Accounts Branch has been asked to be reasonably cooperative in the event such applications are made. Mr Sanders question is timely though Mr President, because I should remind anyone who may wish to seek that assistance, that the assistance should be sought before the end of June. Please don't leave it for a couple of months and have nasty letters sent from the Administration before you make that application. Prompt application will make things simpler and more convenient for everyone. Thank you.

MR SANDERS: Thank you Mr President. Another one for Mr Brown. I asked you at the last meeting of this House, if it is a fact that Members of the Public Service Association are now able to dictate which Bosses they are prepared to work for and has this practice been allowed to extend elsewhere. The question is are you yet able to advise if this practice is to continue?

MR BROWN: Mr President. This question I think arose as a result of a letter which I received from the Public Service Association in relation to the location of staffing at the Works Depot. Certainly it is not appropriate that the Public Service Association advise the Chief Administrative Officer or the Government whether it is prepared to work with, or for particular individuals. There is a fairly basic confusion there Mr President. One is either a wage payer, or one is a wage receiver. And when one is a wage receiver, one does as one is told. When one is a wage payer, one is quite entitled to specify the terms under which staff are to work. I have taken the matter up with the CAO we have not yet finished discussing it, and when we have finished that discussion I will certainly advise Mr Sanders of the outcome. But in having said what I said, I suppose that it is fair to put a rider on that in the event that the Public Service Association or any other person or group of people have something that they want to say, there certainly free to say it.

MR SANDERS: Thank you Mr President. I have this one for Mr Ernie Christian and its in relation to Lighterage. The question is, is it a fact that Public Servants who work the Lighterage Service on leave without pay, still accumulate holiday pay, sick pay and provident fund entitlements, while they work the ship and yet those who are not public servants do not receive such benefits. Will you advise this House what you intend to do about this blatant discrimination against part of the work force?

MR CHRISTIAN: Mr President, Administration workers do receive all the benefits mentioned by Mr Sanders. This is a carry over from the virtual start of the Lighterage operations, when the only people available to work the ships at that time were Administration workers. Nothing has ever been done since to change that position. The only thing that has altered has been the actual wage rate. Yes, it's something I will look at Mr President, in the light of Mr Sanders question, to see about getting something sorted out.

MR SANDERS: A supplementary question if I may. And the question is, will Mr Christian assure this House that he will either give those that aren't public servants all these entitlements with their salary, or to discontinue those entitlements that have been carried on to stop this terrible discrimination.

MR CHRISTIAN: Mr President, I assure this House that I will take note of the questions, and have something done about them.

MR SEMPLE: Thank you Mr President. My first question to Mr Brown. Can the Minister inform this House of his progress in developing a Code of Practice under the Employment Act for the Occupation and Health Safety of Workers.

MR BROWN: Mr President. It may be best if I were to prepare a detailed statement in relation to that question. It does refer to some outstanding matters. I'll attempt to have that ready for our next meeting.

MR SEMPLE: Mr President. Another one for Mr Brown. Can the Minister inform this House of the steps he has taken to properly review the prescribed minimum wage under the Employment Act?

MR BROWN: Mr President, a fairly detailed memo is actually being typed at the moment, to all Members, in relation to a number of aspects of the Employment Act. Members will recall that I sought comment from the public in about August last year in relation to the minimum wages, and in relation to any difficulties either on the side of the employer or employee, which might be being experienced in relation to the Act. One difficulty you will recall is that the Act seems to provide for 5 days of sick pay to be available immediately upon commencement of employment. And some employers had complained that employees on their first day had gone off sick, and had been paid 5 days sick pay and then on return to work 5 or 6 days later had resigned. Obviously that's something that needs to be fixed. There are a number of other matters that were drawn to my attention. For example, the position in Norfolk Island is, in respect of public holidays other than ANZAC day

MR KING: Mr President. I raise a point of order. My point of order relates to the operation of standing order 105. Were Mr Brown must confine his answers to matters relevant to the question. The question was in relation to the progress and the proper development or review of a minimum wage.

MR BROWN: Mr President. I quiet happy to restrict me response. I thought that Members might be pleased to receive a detailed response as to what I've been doing in recent times in the employment area. But if Members don't want to here of that, at this stage then that's fine by me. Insofar as the minimum wage is concerned, Mr President, I sought public comment. No public comment was received and no amendment was made to the minimum wage. An amendment is presently being contemplated in the areas of a Youth Wage, because it has been said to me that a number of employers would employ more young people if a youth wage were available rather than the present system. And in addition to that, amendment is presently being considered in the area of apprenticeship wages were it is suggested that apprenticeships are being discouraged by our present wage structure.

MR SEMPLE: Mr President, another one for Mr Brown. Can the Minister responsible for the Hospital, inform the House whether the criticisms raised in a letter to the Editor of the Norfolk Islander in this weeks paper, concerning professional deficiencies amongst local nursing staff are in fact justified?

MR BROWN: Mr President, I received a letter from a Sister who had just resigned from the Hospital, during the course of the last week or so. I thought that the letter was written to me in an endeavour to be constructive, I subsequently found that at the same time, that at the same time that it had been sent to me, it was sent to every other Assembly Member, and when I picked up the paper on Saturday, I found that it had been sent there. I don't know where else the letter has been sent Mr President. But I did make inquiries at the Hospital in relation to the allegations which were made in that letter. They were basically allegations that the staff at the Hospital do not keep themselves up to

date. The lady who wrote the letter commenced employment at the Hospital in March of this year, where now in June, so she was employed there for a matter of just a few months Mr President. The Hospital does indeed have a system of recurrent training and this is done in a number of ways. Visiting Specialist frequently provide lectures to the staff. The last of those lectures had occurred in February which was the month before this lady started and I understand that the next of the lectures are due quite shortly. About \$8,000 has been provided in the budget for the current financial year for training, that is the year just ending. Only a small part of that is unfortunately been used. That has been a system of voluntary training. Where now looking at the question and we we're looking at the question before receipt of this letter of making such on going training compulsory. And in relation to making such on going training compulsory, two sets of discussions have been held. One has been to obtain access to video libraries on the mainland which are used on the mainland for continuing education. Continuing education is the subject that applies not only in the nursing area but most of the professions. And most of the professions have libraries of this nature as well as, the ability to attend lectures, short courses and exchange experience. I understand that the video system will be working within the quite near future, the only remaining difficulty of which I'm aware is that the video's are only able to be obtained for a week, and there is a risk of one week being lost in transit to and from Norfolk Island. And so arrangements are being made for them to be accessed for longer than the one week period. The second means that has been explored, is to make arrangements for our local sisters to go to the mainland and work in other hospitals for 2, 3 or 4 weeks. And it is my understanding that those arrangements are almost finalised, but the question that we will have to address is whether we are going to make that compulsory. My present feeling is it should be compulsory, rather than optional as has been the case until now.

MR SEMPLE: Thank you Mr President. Another one for Mr Brown. Has in fact the new 4 wheel drive ambulance for the hospital arrived on the Island.

MR BROWN: Mr President, I don't know. As far as I'm aware it has not yet arrived but it may have arrived on the last ship.

MR SEMPLE: Thank you. Mr President, one final question to Mr Brown. At this time has extensions of tenure been granted to certain teachers at the Norfolk Island Central School.

MR BROWN: Mr President, at about this time of year it is normal for the Headmaster to consult with the Executive Member with responsibility for Education. As to the possibility of some teachers having their tenure extended in to a 3rd perhaps even a 4th year. I certainly have had some discussions with the Headmaster and he will be making certain recommendations to me in relation to some teachers being extended into a 3rd year and in relation to the possibility of some teachers being extended into a 4th year. I do not yet have those recommendations. It is not entirely a matter for the Headmaster and myself. What would happen next is that I would consider the recommendations. Probably discuss them with some of my colleagues and I would then write to the Department of Education in NSW seeking their views. Its only in the event that the Headmaster, the Executive Member and the NSW Department all agree, that such an extension can occur.

MR SEMPLE: I have a question here for Mr King. Can the Minister for Tourism inform this House, whether it is his intention to invite Mr Brown to rejoin the Government Tourist Bureau for the 1993/94 year and if not, why not.

MR KING: Read my lips. Mr President, No its not my intention to invite Mr Brown to rejoin the Tourist Bureau. There are a number of reasons, many of them minor, many of them relating to personalities I guess, and different political pursuits. So I guess the two major reasons for my not inviting Mr Brown to return to the Bureau would be I guess that fact that he is also a fellow Executive Member of Government and I don't think that it is appropriate that a fellow Executive be part of another Executives Bureau, Board or Committee. But most importantly I guess, that there is a community understanding that Mr Brown has a interest in the operation of some 27% of the registered tourist beds in the Island. And also an interest in the operation of one

of the major wholesalers for Norfolk Island business out of Australia. So I ..

MR ROBINSON: Point of Order, Mr President. Mr King raised it before 105 clearly states that he's to answer the question rather than throw in all his added bits and pieces

MR PRESIDENT: There is no Point of Order, Mr Robinson. The question did ask as to whether or no and obviously in that process explanations would not

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

MR PRESIDENT: Question time has expired, Honourable Members. Do you wish to extend.

MR SANDERS: I move that question time be extended by a further 15 minutes.

MR PRESIDENT: Thank you. Is that approved. Thank you that is approved. Mr Semple is continuing, and then Mr Sanders.

MR SEMPLE: Thank you, Mr President. One final question for Mr King. Have any further steps been taken to increase the registration fees for tourist buses.

MR KING: No. Not at this point in time, Mr President. No.

MR SEMPLE: Thank you Mr President. My last question this one to Mr Bennett. Several rumours are circulating in the community about a near mishap at the Airport involving two Ansett aircraft. An F28 and a 737 on the 16 June. Can the Minister responsible inform this House of the circumstances surrounding this incident.

MR BENNETT: Thank you Mr President. Yes, there are certainly rumours flying around in typical or not un-typical of the grape vine, that works it way around Norfolk Island. The story becomes convoluted and taken out of context, and distorted and every other thing. I have a report from the Airport Manager about the events of that evening and I think that because the issue is running around the grape vine, I need and will put it into its context. It might take me a minute or two but its important that I do so. Mr President, we are talking about events that occurred on Saturday evening early, when the Island normally expects an arrival from Brisbane and an arrival from Sydney not to far apart. In this case the Brisbane flight was a F28 and the Sydney flight was a Boeing 737. The conditions on that night as Members will recall were quite windy but not unusually awkward. The F28 arrived and is normally the practice once its in the MTAF range it calls the local Unicom people and announces its arrival. And on occasions the pilot will ask what the weather conditions are prevailing at that time. That information is provided to them by the Met Office. And that's precisely what occurred. The Ansett F28 did ask about the weather, was told that it was northerly, gusting to 20 knots, so the pilot proceeded to acknowledge that and proceeded to land on runway 29 that's the approach across Kingston and heading towards the Chapel. The pilot was aware of the possibility of down drafts occurring on that approach and certainly acknowledged them. He landed, an over top at the same time was the 737 also from Ansett, and as is typical when airlines or aeroplanes are in the MTAF area they talk amongst themselves, but the arrangement here, the 737 Captain wanted to get some more information from his colleague from an F28 on the ground and there was an exchange of information and advise. Suffice to say that the F28 advised the 737 that it was proceeding to the threshold on the one end of that runway which is down near the Chapel, and that he would be turning and backtracking and then leaving the runway. And that duly occurred, and the 737 Skipper was advised when the F28 had left the runway. The Boeing 737 Skipper was concerned about the down draft on the 29 approach, and reported that he would tear around and do a 10 mile turn and attempt to land on the 1/1 runway that is over the Chapel. So that duly occurred he got around there and made an approach across the runway just to see whether he could get underneath the cloud, and it was at that point that the F28 was just leaving the runway. And I think that's what disturbed people when they saw a 737 coming out of the clouds on the line of the runway from the other end, and F28 on it just about to leave. But the 737 pilot was simply doing a (recce) of running across it and in fact

announced what he was doing, and proceeded to turn and tear out 10 miles on a right face again. Mr President, at all times the Fire Service Personnel were out at the, on the line of sight vision and were available for information. That wasn't required by the pilot. He advised that he was going to overshoot the runway and clime back to the cloud base and turn right. He did so. He asked for an latest wind speed, he was told it had increased to 30 knots, gusting up to 30 knots. And at that point without attempting to make another approach, or an attempt to land he advised that he would be returning to Brisbane. Mr President at no stage were there any breaches of air safety or anything the pilots were in control of the situation. They knew what they were doing. MTAF procedures were followed correctly. It just appeared to people on the ground that it was something that might have occurred, but there was certainly absolutely no basis or foundation Thank you.

MR SANDERS: Mr President, I wasn't aware when I asked for an extension of time, that Mr Bennett was going to take quite so long. I, in actual fact, have two questions for Mr Bennett, and four for Mr King. Could I ask that time be extended until they complete

MR PRESIDENT: Lets just see how we go, Mr Sanders. May be you can achieve it within that time

MR SANDERS: The first question is to Mr Bennett. Could the Minister advise whether an Executive Member who travels to Australia or New Zealand partly on personal business and partly on Assembly business, receives payment from the Public Purse of his airfares and travelling expenses and whether he is exempted from payment of Norfolk Island Departure Tax?

MR BENNETT: Well I guess the short answer to that is, well its up to the individual at the time. I would think that an individual who applies for travel allowances could justify that he is travelling on Government business and applies for travel allowance to do just that. I'm not sure whether your question is about my recent travel, if it is I'll be happy to answer it?

MR SANDERS: No, Mr President, it was referring to any person travelling

MR BENNETT: Well it just so happens, that I was one of the few that have travelled in this Assembly, and I travelled recently, and it was thought that some of the purpose of my travel was personal. It certainly wasn't. I travelled to Canberra on business and had five meetings on the day and on the following morning, launched a hot air balloon which was promoting Norfolk Island. I considered at the time that, that was also in the, as part of my role as an Executive, but in any case that launch was at 7 o'clock in the morning and the first aircraft out of Canberra wasn't till 9 o'clock, so it really didn't make any difference

MR SANDERS: Point of Order. Mr President, while perhaps it may not really be, I wasn't directing this with any action that Mr Bennett had personally taken. It was intended to be as an overall

MR BENNETT: Okay. A more general answer. The question of T.A. is, it's up to the individual to make the application and justify his needs for travel allowance. I guess its a mute as to whether the, if the principle purpose of his leaving Norfolk Island was Assembly business, then it would be arguable that he would be entitled to his departure tax not to be paid. But if the principle purpose of his leaving Norfolk Island was personal business, and that he was tacking something on to do in the Government area then I would argue that the departure tax ought to be paid. But that's only my opinion. I'm not sure whether the law actually specifies that

MR SANDERS: Thank you, Mr President. I have no difficulty with the reply. This isn't only my question I get ask the same thing as I recently travelled also. The second question is, actually to resolve that problem. Could the Minister provide details of airfares, travelling allowances and other travel related expenses which have been paid during the life of the present Legislative Assembly, to or for all Members of this House?

MR BENNETT: Thank you Mr President. I'd be happy to do that. It was going to be part of my end of the year summary anyway, but I will do it and make sure that you get that, before having to wait for the end of year summary. I'll try and provide that for you for the next meeting

MR SANDERS: Thank you, Mr President. As I said before, Mr Bennett wasn't the only one being criticised, so was I.

MR PRESIDENT: Any further questions.

MR SANDERS: I have a few questions for Mr King. The first question is. Will the Minister be making a statement about or tabling a copy of his directions about payment to Mr Andrew Wise by the Administration of monies which the Norfolk Island Government Tourist Bureau had refused to pay.

MR KING: Mr President, that anticipates debate on a motion which stands on the notice paper. I wonder whether it's appropriate, or conforming to Standing Orders, that that question ought to be raised at this point in time.

MR PRESIDENT: I don't see that at this time its contrary to Sanding Orders, Mr King. It would be your decision whether you wish to response to it at this moment.

MR SANDERS: ... there was a question as to whether the papers were, the direction was going to be tabled.

MR KING: Your talking of a direction that I am purported to have given in respect of payment of money to Andrew Wise & Associates.

MR SANDERS: Yes.

MR KING: There is no such direction, Mr President.

MR SANDERS: Supplementary question Mr President. The question is. How would the Accounts Department pay something that they were not authorised to pay.

MR KING: I think Mr Sanders has a difficulty in manner in which he puts his questions together Mr President. He's referring to an authorisation be me of an account payable to Andrew Wise and Associates, rather than a direction. And I have no intention nor is there any statutory requirement of my to table such authorisation in this House.

MR SANDERS: Second question is, is it a fact that you recently signed a letter to exempt Mr and Mrs Andrew Wise from the requirement to pay Norfolk Island Departure Tax and that you stated in that letter that their had been in Norfolk Island on Government business. Could you tell this House whether both of those persons were in fact on Government business and the nature of that business. And could you also tell this House whether you have been looking after any of your other friends in the same way.

MR KING: I shall not call a point of order. I delight somewhat in Mr Sanders questions Mr President. But I do bring to your attention the provisions of standing order 104. Indeed I did sign a departure exemption form for Mr and Mrs Wise, on the basis that their were in terms of Section 3 of the Departure Act 1980, exempt from payment of that tax. The nature of the business was pursuing publicity consultancy. Work for the Norfolk Island Government Tourist Bureau, here in Norfolk Island.

MR SANDERS: Any further questions would probably be inferred that I was debating it Mr President. So I'll refer to that at a later date. When the matter is discussed. Now I have a further question to Mr King. Will you be tabling the report of the Chairman of the Norfolk Island Government Tourist Bureau for the year ending 1992 which forms part of the Audit Report you are bound by law to table and as yet have not done so.

MR KING: Well I raise a point of order there, this hypothesis on Mr Sanders part standing order 104. Mr President. He's

giving an opinion on the law, and he's assuming that I have a requirement under the law.

MR SANDERS: Mr President, I have a supplementary question. Is Mr King of the opinion

MR KING: I'd like your ruling on that point of order Mr President.

MR PRESIDENT: Yes, I'm just looking at that. Just pause one moment Mr Sanders. Your referring me to standing order 104.

MR KING: 104 Part 4.

MR PRESIDENT: Part 4 or 5

MR KING: 4 and 5.

MR PRESIDENT: 4 and 5 What part of 4

MR KING: Questions shall not contain hypothetical matter, or inferences. 104 part 4.

MR PRESIDENT: Yes, I've not interpreted that Mr Sanders is talking about hypothetical matters, he is talking about a substantive matter. Then may be some difference of view as to some of the components therein, I wouldn't rule that out of order at this moment it would be open for you to make mention of your view on the matter. You referred me to part 5 of 104 are you

MR KING: No. 104 part 4 I won't pursue 104 part 5. Mr President. I'm happy to answer the question as I've answered on a previous occasion. There is no statutory requirement for me to table the Chairman's report as part of the audit papers for the Norfolk Island Government Tourist Bureau under that particular statute. And I do not intend to table that.

MR SANDERS: Supplementary question Mr President. And the question is, is there not a need to table these documents which form of the Auditors Reports. The Audit report Mr President means nothing as a document of one piece of paper by itself without relating to the papers that have been audited.

MR KING: I wonder whether I might put my stubbornness aside Mr President. And say this, whilst the advise given to me, advise which I accept it is not necessary for me in terms of the statute to table the Chairman's report. I have in fact in recent times given Mr Sanders a copy of that report. If I have it here I'm quite happy to table it, but I maintain my view that it is not required. Somewhere or other I have got to get away from this constant nagging of Mr Sanders month after month on this particular question.

MR SANDERS: I appreciate that.

MR KING: No I don't have it here. But I will tabled it on the next occasion, Mr President. Two weeks time.

MR PRESIDENT: Are there any further question without notice.

MR SANDERS: Yes I have another one Mr President.

MR PRESIDENT: A final one?

MR SANDERS: Yes Mr President. And it refers to, and its also to Mr King, but it refers to complaints about noise etc. And the question is, do you intend to delegate your authority under Section 78 of the Environment Act to the Police so as to avoid further inconvenience to the public and if not why not.

MR KING: Mr President, again Mr Sanders has got the bull by the tail. It is not my authority to delegate it's Mr Christian's statute. When I say Mr Christian's statute, it is a statute for which he has executive authority.

MR SANDERS: I have a point of order, Mr President

MR PRESIDENT: Yes, Mr Sanders.

MR SANDERS: Mr President, if I was to catch a bull I certainly wouldn't be using his tail.

MR PRESIDENT: Yes, thank you. Time for questions has expired Honourable Members.

Questions on Notice

MR PRESIDENT: We now move on to answers that may be on notice. I just see if it is the desire of Executive Members to respond to those. There are two questions that are on notice. Question 11 and question 13 in respect of question 11 is there a desire to respond to that this morning.

MR BROWN: Mr President, unfortunately I do not yet have a response available for that question. I do expect to be able to respond in detail at our next meeting. But I am able to respond to Mr Semple's question.

MR PRESIDENT: That's question 13. Thank you, Mr Brown.

MR BROWN: Mr President, Mr Semple has asked, will the Minister with responsibility for the Public Service advise this House whether there are any public servants moonlighting outside of their normal public service hours of duty. And if so what effect if any is this having on tradesmen who rely on their trade for a living especially in this difficult economic times. Firstly Mr President should I say, I am quite sympathetic to the problem that Mr Semple has raised. I am aware that a number of members of the public service do take second jobs in order to supplement their incomes. However, I'm not able to say who those people are, or what sort of work they are engaged in. Mr Semple will be aware that it is not an offence under the Public Service Ordinance for a public servant to engage in work outside of his normal duties. Provided that he has the approval of the Chief Administrative Officer. Likewise the Public Service Ordinance provides a mechanism to enable public servants to be involved in business enterprises. As long as that involvement does not create a conflict of interest. In the latter case the Public Service Board has certain statutory powers. Mr Semple's question calls for a degree of speculation as to the effect which the engagement by public servants in outside work, would have on tradesmen who rely on their trade for a living. I'm not able nor am I willing to speculate in that way, although it would be clear that if for example, a carpenter with the Administration was to carry out after hours work normally undertaken by jobbing carpenters, then the work available to those latter carpenters would be correspondingly less. The same principle would apply across all occupations. What is not clear however, is whether the participation by Administration moonlighters, to use Mr Semple's term, is demand led, if it is in respect of any of the occupations involved, then perhaps no real case can be made for a blanket restriction on that participation. Mr President, I will ask that the circumstances which has prompted this question be monitored. And I will ask the Chief Administrative Officer to review the approvals which have been given for work outside of normal duties. Which will be done in conjunction with any policy initiatives of a government in that area.

Papers

MR PRESIDENT: We move to papers Honourable Members. Presentation of Papers. Are there any papers to present this morning? Mr Bennett.

MR BENNETT: Thank you Mr President I present the monthly financial indicators for the month of May which also incorporates the 11 months of the financial year and move that that paper be noted.

MR PRESIDENT: The question is that the paper be noted.

MR BENNETT: Mr President, it is tracking the same as it has for the past three months. That is the percentages of revenue and expenditure have been the same for the last two or three months roughly

around 96% of revenue received at the end of eleven months and correspondingly about 94% of expenditure has been expended. The position as Members will note, on that piece of paper shows a cash income surplus of \$178,000 but what it does not show is the level of the liabilities that are noted on the computer print out that accompanies this. The outstanding liabilities as at 31 May total \$165,000 so really there is about \$13,000 surplus in real terms as at that point. That's provided of course that all of those liabilities provided for, in fact materialise, or materialise to that value. Mr President traditionally June is a very good month for revenue, but being the last month of the financial year it is correspondingly, the one where expenditure also goes through the roof. Not so much as a rush to spend the money, but a time when at the end of the financial year certain funds are suspended, where commitments have been made to complete a project or to acquire some goods or services, and the money not paid. It's not usual for example, to have expenditure levels which average about \$550,000 per month reach as high as \$900,000 for June. It is also not unusual in June to find revenue exceeds \$600,000 for the month. On balance Mr President, the financial year ending 30 June next will finish with a deficit. But I must say that on the evidence I've got so far that, but for the over run in the hospital, which has been regretted, the financial year would have had a surplus. Now that's just the reality of it, it occurred last year as well and I think there is perhaps a lesson in it for all of us about, budgeting in difficult areas such as, health. Mr President, that's about all I can say on that, as I said the position doesn't overly concern me I have already spoken to the Finance Branch about any late blow out in expenditure and I understand from the CAO that all Branch Heads are watching expenditure requests very closely. The aim is to contain whether possible, any expenditure for non essential items, in the last few days of June. I won't have the answer to the end of the years position at our next meeting, even though it does fall on the 30 June, its sometime after that, that the balancing is done, but I might have a fair idea of how we are, and will report again to Members, at that time. Thank you.

MR PRESIDENT: Further debate. The question is that the paper be noted.

QUESTION PUT
AGREED

The Ayes have it. Thank you. Are there any further papers? Mr Brown.

MR BROWN: Mr President, I would like to table the financial statements for the year ended 30 June 1992 for the Norfolk Island Museum Trust.

MR PRESIDENT: Further papers. Mr King.

MR KING: Mr President, I table as I do each month the monthly tourist figures for May 1993, and move that the paper be noted.

MR PRESIDENT: The question is that the paper be noted. Mr King.

MR KING: Mr President, again its my unfortunate duty to present some analysis of these figures. It does concern me since I have had responsibility for matters of tourism for several months now. Yet month after month, regretfully I'm here in the House making comparisons to similar periods of the previous year, which reflect continuing downward trends. Analysis of these figures reveals that in terms of tourist activity, we have a downwards trends right throughout the paper; from Sydney -8.1%; from Brisbane -16%; from Lord Howe -24.5%; from Auckland -5.1%. The New Zealand total -22.8%; Australian total -12.5%. The total overall reduction of 15% on tourist activity for May 1992. Mr President, they are alarming figures, the situation does demand new thinking, clear thinking, innovation, initiative. We are set over the next month or so, to install a new Board at the Norfolk Island Government Tourist Bureau, I'm hopeful that there will be some continuity of membership of that Board. Although at this point in time I have had little response from existing members as to whether, most existing members, as to whether they would be participating in this coming year. Nevertheless they have a huge task ahead of them, but I don't think it ought to fall squarely on their shoulders entirely. We need a greater level of expertise in the area of marketing, which we have not had in

recent times. Whilst I believe that the Island still has a great deal of promise as a viable and continuing tourist destination, in the region. We cant simply sit back and allow things to continue the way they are doing now. During the period of July there will be a submission coming back to the membership of this Assembly for a fairly open and frank discussion on how tourist promotional funds might be expended in the coming financial year. And I will be asking Members then to turn their minds innovatively and with some initiative towards future tourism for Norfolk Island. That's all I wish to say Mr President. Thank you

MR PRESIDENT: Further debate. Question is that that paper be noted.

QUESTION PUT
AGREED

The Ayes have it. Are there any further papers this morning? If Members would feel any more comfortable with their coats off, please feel free to do that. No further papers.

Statements

MR PRESIDENT: Any statements to be made this morning? Mr Ernie Christian.

MR CHRISTIAN: Mr President, as Minister responsible for Shipping and Lighterage, I wish to inform the House of the visit from 7th to 10th June of members of the Royal Australian Navy Hydrographic Service.

The Government has for some time been concerned about the lack of accurate and up to date marine charts of the waters around Norfolk Island.

Indeed the current chart was prepared from a survey by Captain H.M. Denham in 1855 and is the oldest marine chart in use in the Pacific region.

As Minister responsible for Shipping and the Lighterage Service, I wish to inform the House of the visit from 7th to 10th June of members of the Royal Australian Navy Hydrographic Service.

Captain Bob Willis led the team and we had very fruitful discussions with him over the planned visit of the Naval Survey Ship HMAS FLINDERS in October.

During their visit, the hydrographers visited the three potential sites for a harbour at Cascade Bay, Ball Bay and Kingston. They were greatly assisted by Mr Don Taylor and Mr Duncan Evans who provided local knowledge and expertise on surveying and the history of shipping navigational problems.

It is of course very early days in the development of a harbour but I am convinced the days of vessels suitable for a lighter-serviced run to Norfolk are numbered and the Assembly will have to make a decision in the near future.

This preliminary visit will make the surveys by HMAS FLINDERS much more effective and should lead to new and more accurate charts of parts of our coastline. Thank you.

MR PRESIDENT: Thank you. Further statements to be made this morning. No further statements?

Message from the Office of the Administrator

MR PRESIDENT: Honourable Members I have a message from the Office of the Administrator. Message No. 56. On 24th May 1993 pursuant to Subsection 21(2) of the Norfolk Island Act 1979. I declared my assent to the Healthcare Amendment No. 2 Act 1993, which is Act No. 9 of 1993 and the Healthcare Levy Amendment Act 1993 which was Act No. 10 of 1993. Dated this 24th May 1993. Alan Kerr, Administrator.

NOTICES

NO 1 - CANCELLATION OF CERTAIN RIGHTS OF RESIDENCY

MR SANDERS: Thank you Mr President. Mr President I move that this House requests the Minister for Immigration and Lands to take action to -

(a) cancel Enter and Remain Permits and General

entry Permits held by persons who no longer reside in Norfolk Island: and
(b) cancel Residency Rights held by persons who were not born or deemed to be born in Norfolk Island and who have not resided in Norfolk Island during the last five years. In the event that such persons do not return to reside permanently in Norfolk Island by 31 December 1993.

Mr President, Section 22 of the Immigration Act, clearly states that enter and remain permits that have not got the approval of the Executive Member are automatically cancelled. So Section (a) of motion while perhaps it may be irrelevant it may cover some persons who have not made that formal application. Mr President, there has been much talk in the community concerning the level of population that is required to sustain and fund the services that the public of Norfolk Island have been come accustomed to and expect. With the recession biting as deep as it has, and our population dwindling. I believe that we need to take a close look at our Immigration Policy. I would oppose an unrestricted policy of entry into Norfolk Island but I do have concerns that those who have been granted and I emphasise the word granted Mr President. That's meaning persons not born here. Who have immigration status on Norfolk Island who are not ordinarily resident of Norfolk Island should either take up that residency or make room for someone who does want to live here. There is a large amount of people who have sought and gained residency for taxation purposes, and once this has been achieved they then return to the mainland. These people are of little advantage to Norfolk Island or any other place for that matter. And would be better replaced by those who have a real desire to live here. I support the motion Mr President.

MR PRESIDENT: Thank you Mr Sanders. Any debate Honourable Members. Mr King.

MR KING: Mr President, I was left a little confused about this motion and Mr Sanders intentions with respect to it, I spoke with him briefly this morning. My confusion arises from a number of areas, largely the operation of the Act or the provisions of the Act as it now stands. And the apparent desire embodied in this motion for Mr Sanders intervene or interfere with the operation of an Act of Parliament by motion in the House. And that concerned me a little bit, I understand from his debate what he's motivations are now. But let me just look at Section 22 and I hear the words of Mr Sanders has said about the operation of Section 22. It is an area, or provision in the Act which allows for automatic cancellation of a General Entry Permit where the holder of the permit has been absent from the Island for a period of 6 months. But it also includes a provision which gives the Executive Member some discretion in allowing a longer period of absence. And if Mr Sanders has some uncertainty about how Mr Christian might administer that particular discretion, then perhaps he ought to be asking him that. In respect of the desire to cancel residency rights of those people who are living away from the Island, well that's dealt with under Section 35 of the Immigration Act. As I understand it that Section like the section contained in the earlier Immigration Statute, the Immigration Ordinance 1968 has never been used and its probably not being used because it is very cumbersome. It requires for example the Executive Member before cancelling a residency status to be in touch with that particular person. To serve a notice on that person stating his intention to cancel residency status, and allowing that person 30 days to respond before taking such action. The difficulty with doing that of course is that a great many of these people are simply not able to be found. And in any event if they were to be found they need only respond that they intend to resume residency and the Executive Member is then more than likely prevented from cancelling that residency status. Section 35 refers to a period of 3 years absence rather than 5 years, as embodied in Mr Sanders motion, the statute allows that action to be taken after 3 years. And it doesn't only exclude from the operation of that section people who were born here or who are deemed to be born here. It excludes a whole host of other people, by the operation of the transitional provisions. The cancellation or the provision to cancel residency rights refers broadly to those who no longer live here and who have acquired residency status, through a passage of time, in other words, through the old enter and remain process or through the GEP process, and it doesn't specifically preclude simply people who were born or deemed to be born in Norfolk Island. So I'm left with a little uncertainty about what Mr Sanders intends to do. If he is concerned about the manner in which Mr Christian might administer these sections then perhaps his motion ought to be calling on the Executive Member to perhaps table his policies for the

administration of those particular sections. I'll leave my debate at that for the moment perhaps Mr Sanders may care to give some consideration to what I've just said Mr President.

MR ROBINSON: Thank you Mr President. I see and understand what Mr King is saying here. Section 35 of the Act is indeed rather difficult to get around. But Mr Sander's motion he's moving that this House requests the Minister for Immigration and Lands to take action to do these things. Now if part of taking action means to change the Act or section 35 and perhaps 22 of that Act, then perhaps then that's what the motion says.

MR CHRISTIAN: Mr President, yes a totally agree with what the speakers before me have said. The way the Immigration is run now is strictly to the wording of the Act. And the greatest difficulty in taking away residency from these people is the way that the Act is worded. And there is nothing I can do about that unless this House wishes to change the Act. That could be done if that is the wish of the House, but under the present terms of the Act, I am taking the steps that Mr Sanders asked to be taken, in the only way they can be taken.

MR BROWN: Mr President. Mr Sanders has identified some problems. And the particular problem that is identified is that it is very difficult under our present legislation to do anything about bring to an end the residency rights of someone who has left Norfolk Island. From what's been said by a number of Members its clear that we need to amend that legislation. For example, we do not within the present legislation seemed to have a provision to simply place advertisements in mainland newspapers in the event that we no longer know the address of a particular person. But it is very common, in a wide range of areas to see advertisements placed in newspapers, such as the Australian and the Sydney Morning Herald, as an alternative to requiring direct communication by mail with the people to whom the notices are addressed. Norfolk Island is in a difficult position when it comes to making plans for the future Mr President. That difficulty comes about because we really don't know how many people there are at the moment who are entitled to just jump on a plane or a boat and come back to Norfolk Island. Within the Administration we simply do not have a record of all of the people who fit that description. And if we do not have a record of them, it's simply impossible to write. Clearly in my view an amendment to the legislation is necessary and that amendment does need to provide for notice to be given without reference to the names of the individual people by widely published notices in newspapers. If we don't face up to this difficulty, we are leaving open the possibility that dozen's of people may spend their working life's in Australia or New Zealand or elsewhere, contributing taxes in those other countries, reach retirement age and then decide to come home to Norfolk Island. And having made no contribution through the bulk of their lives immediately become a drain on our health system, and depending on the type of social welfare benefit given them, very quickly become a drain on our social welfare system. At the moment one needs to be here for 10 years before obtaining a age persons benefit but one need only turn up and front straight down to Ernie's office to be able to apply for a special benefit, and Ernie can't prevent someone making such an application. I've been interested to hear what's been said by other Members, Mr President, I do think that it demonstrates a need to some amendment to our legislation I don't know whether Mr Sanders proposes to seek to amend his motion, to first of all call on Ernie to provide us with details of his present policies, or whether he wishes to do something else, but it is interesting.

MR SANDERS: Mr President. There is proposed amendment to actually, Mr King has assisted me with, that this House request the Minister to table in the House his policy for the administration of section 22 and 35 of the Immigration Act. Well I'm more than happy to move that amendment if this is what the Members would like. The purpose of the motion was to actually get Mr Christian the responsible Minister to start taking some action immediately. I think by looking at the whole heap of policies and then deciding whether they are good ones or bad ones, isn't really going to hasten the procedure. So while I'm hoping to move the amendment I would like some indication from the Members whether they even want me to.

MR CHRISTIAN: Mr President, might I say at this stage that basically my policies are in accordance with what Mr Sanders is saying. I

don't have a problem with that. We do in the Immigration Section at this stage, keep right up to date as far as we can do with cancelling permits, such as have been spoken about. But that's as far as we can go because of the Act, we can't do anything further than that.

MR KING: Just a brief comment Mr President. I won't support this motion as it stands now. But whilst I understand Mr Sanders's concerns I believe that it is impossible because of the statute the provisions in the statute, to give effect to the motion. For the Executive Member to give effect to the motion, and for that reason I can't support it. We can't by a motion in the House direct the Minister to do something contrary to what is provided for in the legislation. So I wouldn't be supporting an amendment such as the amendment Mr Sanders is proposing.

MR SANDERS: Mr President, The wording of my motion is that this House request the Minister for Immigration and Lands to take action to, I would have assumed that those words in themselves would have been good enough for him to seek some legal advice on, if it has approval, of this House by the way, to if necessary, even amend the Immigration Act. I haven't got any difficulty with the proposed amendment either, other than that's more time wasted. If there is going to be some means of cancelling immigration status of those people that weren't born here, but have achieved that status, and they don't want to live here because there's some perk at a later date. Then as Mr King has said we need to amend the legislation. I wasn't suggesting that some motion over ride it.

MR BROWN: Mr President. Mr Sanders has raised an interesting and important problem. Mr King and Mr Christian have talked of other problems. I don't think that Mr Sanders is asking Mr Christian to breach the existing legislation, I think what he is really after is for Mr Christian to bring forward such changes to the legislation as would be needed in order to met the aims that are set out in Mr Sanders motion. But perhaps, rather than talk further about this today, we would be better off to adjourn it today, we've got another meeting in two weeks time. And during that period, Mr Christian could have a close look at the whole question and he could perhaps come back to us with a statement of his intentions at the next meeting, which might over come the need to proceed at all with the motion. I would like to suggest if Members have nothing further to say that the motion be adjourned until our next meeting.

MR PRESIDENT: If you put that forthwith I would need to put it to the House, but if your giving me an indication of your intention I'll interpret it that way. Mr Christian.

MR CHRISTIAN: Mr President. I just wanted to bring before this House the fact that later I will be seeking leave to not be at the next sitting of the House. I'm prepared in that time though to go ahead and bring something forward which one of the other Members can present without any problem, but if given leave I will not be at the next sitting of the House.

MR SANDERS: Is there a thought Mr President, that this amendment should be moved and held over or get thrown out, I've had enough wiggles of heads to say no.

MR BROWN: Mr President, I'd like to move the adjournment.

MR PRESIDENT: The question is that this matter be adjourned and made an Order of the day for a subsequent day of sittings.

QUESTION PUT
AGREED

The ayes have it. That matter is adjourned Honourable Members.

NO. 2 - THE IMMIGRATION ACT OF 1980 VARIATION OF GENERAL ENTRY PERMIT QUOTA A MOTION FROM MR BROWN

MR BROWN: Mr President I move that for the purposes of Subsection 21(1) of the Immigration Act 1980, this House resolve that the declaration made by the Minister for Immigration and Lands under paragraph 21(1)(b) of the Act, on the 28 January 1993, that no general

entry permits be granted during the period 9 February 1993 to 8 February 1994, be varied to permit the granting of 26 general entry permits during this period

MR PRESIDENT: Mr Brown

MR BROWN: Mr President at our meeting on 23 September last year, the House agreed to endorse a new formula for calculating the quota by excluding for quota calculation purposes, those Section 18 permit holders who enter the Island as the Spouse, de facto or de jure of a resident, and the House at that time requested the executive member to bring forward to the next sitting of the House, a quota proposal calculated in accordance with the new formula, Mr President, at the time members spoke of whether that new method of calculation, which many of us regarded as a correction of the calculation method to bring it in line with what should have been the case all along, whether it should apply as from the commencement of the present zero mainlander population growth policy in April 1987 or whether it should apply only from September 1992. I was strongly of the view at that time and I believe that the majority of members supported me, although certainly not all that the motion that was passed in September 1992 clarified what had intended along to be the policy, and certainly it was my view and I believe that the majority of members supported me, that we needed to bring forward a motion to set a new quota number based on that policy being used for the whole of the period from April 87 to date. Up until today we have not brought a motion to the House to set a new quota under that policy and there have been sound reasons for that Mr President, and it is because of those sound reasons that I'm moving this motion today rather than Ernie, because this comes within Ernie's executive area. Ernie has been waiting for certain information to be prepared and provided to him and due to various staffing changes within the Immigration area, this has not been possible to date, but we are Mr President, in very difficult economic times Australia and New Zealand are in deep recession's and we cannot expect that we will be unaffected by those. Our tourist bed nights are dropping, partly no doubt due to those very recessions of which I spoke and no doubt, partly due to the fact that the majority of our visitors are of an older age group and a large number of them depend to a significant extent, for their disposable dollar on their interest bearing deposits proceeds, of which have dropped by two-thirds in recent times. Mr President, the economy in Norfolk Island has felt the same chill winds, that have been felt in the economies in the countries that surround us, we have tried to cope with some of the problems, for example in the immigration area, by more strictly requiring employers to employ local people where there is a suitable local person able and willing to fill a job, rather than to bring in temporary entry permit holders and that is a sound policy, Mr President, but we are now noticing that as a result, the number of TEP's is reducing very significantly and we're starting to realise that everyone who puts his head on a pillow in Norfolk Island spends a bit of money in Norfolk Island and if you take out a significant number of the TEP's from the population your taking out a noticeable part of the spending on the Island and so even, the reduction in TEP numbers is having an adverse effect on the economy, we have seen several large business's placed in receivership, we are aware that many other business and individuals are being pressured by their bankers and we're aware that many business and individuals, whether being pressured by their bank or not are finding times tough, we have a responsibility in my view Mr President to do what we can to improve the economic situation on the Island and we also have a responsibility to act, so as to give effect to the various provisions in our immigration legislation. One of those provisions requires us to set a quota formula, sorry, to set a quota number, Mr President, in Norfolk Island a census is conducted at reasonably regular intervals. That census can tell us that in 1986, there were in excess of 530 TEP's on the Island. It can tell us the drop, that occurred between then and 1991. As at census date in August 1991 TEP numbers have dropped to 424. A number was provided to me by Mr Christian in May this year, which indicated that the number of TEP's had drop to 358 and I understand, that there has been a further noticeable decline since then. Mr President the same census reports, give us a break down of age groups within the population and they show us that between 1986 and 1991 there was something like, a 42% increase in those members of our population who are aged more than 65 years, and that clearly is an age group which in respect of which, we have responsibilities. Mr President we have responsibilities in the area of social welfare, we have responsibilities in the area of health, and

meeting those responsibilities cost money, but the difficulty is if we have a declining population and at the same time, an increase in our over 65 age group, the increase in the over 65 age group to some extent hides, the true decline in the population because we have less and less people needing to provide more and more I don't say to you that setting a quota today of 26 people is going to solve all of the economic problems on the Island but what I do say is that if 26 was the correct number as at a few months ago when Mr Christian had the number prepared for me then we should set a quota of 26 in being seen to do that we may give just a little bit of confidence to people within our business community we may give just a little bit of confidence to the banks we may create the ability for a few extra dollars to be spent within the community and we may just save a few jobs its my understanding Mr President there are 40 persons on the quota list at this stage I don't know their names but I understand that of that 40, 21 are in fact living on Norfolk Island at the moment and the reality is that the bulk of that 21 would very hard to shift so we're sitting here at the moment until today not wanting to make a quota determination but at the same time not quite game to say well there are 21 of you that shouldn't be here unless we give you GEP's you'd better all leave frankly if we tried to do that there's some doubt as to whether we would get away with it 19 of the 40 are living away from Island some of those 19 Mr President will have changed their mind at this stage I don't know how many but some of them clearly as a result of the time they have waited will no longer be wishing to move permanently to Norfolk Island Mr President the number 26 which is being used in my motion is a number which was provided to me by Mr Christian several months ago and it was a number the staff within our immigration area had calculated as being the correct number which would result by the application of the policy which was endorsed on the 23 September 1992 back as far as the commencement of the zero mainlander population growth policy I hope that members will see their way clear to support my motion today there are a number of things that my motion does not do and I think that it is important to be aware of it the first thing is it doesn't just open the stable doors in the way the doors were opened on a number of earlier occasions we do have a significant bank up of people waiting on the list but we are not I am not suggesting that we say O.K. let's let everybody in and then close the door again I'm saying lets make a decision in accordance with our policy I am not saying economic times are tough lets cure them by letting people into Norfolk Island I'm saying I think that if we were to make a decision today in accordance with our present policy the economy would benefit as a result but I am not saying let's change the policy because of the harsh economic times Mr President I think I have said enough I hope that members will support the motion

MR PRESIDENT: Thank you Mr Robinson

MR ROBINSON: Thank you Mr President, very short in regard to the current economic situation when all is said and done today as per usual more has been said than done this motion of Mr Brown's is a move in the right direction and I support it

MR PRESIDENT: Thank you Mr Sanders

MR SANDERS: Mr President thank you, this nil quota has come about by for a better word to surplus of persons that have been allowed to enter because of the compensating departure the new quota calculations that Mr Brown said was in September of last year was on the basis that spouses be referred to as islanders which wasn't the way that it was done in the first place however that motion was passed in this House and I think it was 7:2 Mr King and I being the two Mr President I don't recall at any time that it was considered that the quota system be worked out on the retrospective basis I hope that's right because I certainly don't support any retrospective form of counting I hear what Mr Brown is saying and I understand why he is saying it and I would feel a lot better about the motion if my motion to cancel some of the existing ones had passed and I wouldn't be prepared I don't think I would be prepared to support at any time the retrospective legislation and as it stands I couldn't support it even though if my motion passed and there was a number of residency cancelled and that there was room to allow a number of persons to come in which obviously would resolve or assist in resolving our existing financial problems then I would support it but I do believe that my motion has to be dealt with first before this one can be finalised

MR PRESIDENT: Mr King

MR KING: Thank you Mr President, I'm a little miffed by the motion quite frankly Mr Sanders has referred to the earlier discussions around September October of last year when indeed the House did agree I think it was 7:2 on a new formula for the calculation of the quota we did that for a number of reasons because I saw it as being an exercise in arriving at a new equation or a new formula designed solely to achieve higher numbers than those numbers which would have been achieved by the formula applying at the time for what reasons I'm not to sure we have had a number of policies relating to immigration, population growth over the years the most notable of course was the policy which had as its origins the 86 or 87 select committee report into tourism and that has become known as the zero population policy rather a misnomer because the policy actually provided for or sought an increase in numbers of those of special relationship with Norfolk Island or residents islanders is sought to maintain simply maintain the level of the mainlander population in the Island come 1992 we didn't like that because it wasn't achieving the right numbers so without any plan any long term or even medium term objectives in mind.

We came to this House and spoke about lets change the basis of the calculation and this House agreed on that. That didn't achieve the number that was sought by some members, it achieved a nil number so what did we do then, we went away and started talking about retrospective calculation. Lets go back a little bit in to the dark ages to a point in time when we can apply this new formula and achieve the number we're looking for and that's what this motion is all about. Mr Brown mentioned that he felt the majority of people supported the retrospective application of the new formula. Now I don't believe that to be the case at all. There was very little discussion on that particular point in this House and it certainly was not the intention of the House to apply it retrospectively. I can understand the objectives that Mr Brown has spoken to in his debate Mr President. I agree that we are in a very difficult economic situation but I don't believe that pulling a figure of 26 out of the air and it is out of the air, it is not based on a formula agreed by this House, of pulling a figure of 26 out of the air is going to do things like restore some confidence to the business community. We know that that's not going to happen because the majority of those who would be accommodated by this particular number are those that are already here in the system and you would be simply providing them with a piece of paper which changes their status from one thing to another. That's not going to have any great input to the community. The economic circumstances that we are in. Mr Brown says that its going to restore a little confidence to the banks. Well I'm left scratching my head about that too for simply the same reasons. There maybe one or two at the numbers 24, 25, 23 perhaps who might come in who might perhaps be available to buy a particular business which is floundering, particular business which gives some concern to the banks and those concerns may be eased in some minor respect. Mr Brown seems to think that this magic number of 26 is going to create a greater or wider ability to spend money in the community. That maybe true and I say that maybe true because if you have people jump from a insecure tenure of a temporary entry permit to a more secure tenure of a GEP or general entry permit then its true that those people are probably going to make plans to either buy a block of land or perhaps build a house, things that they wouldn't do when they are on the insecure tenure of a TEP, but try and convince me or try and illustrate to me if you can, if anyone can to what extent that would happen. Its not a matter of not being game to make a quota. Mr Christian set a quota in accordance with the formula decided by this House and that quota was nil to me Mr President its simply seems to be a rehash of the older times despite what Mr Brown says. It seems to me to be a matter of an exercise in simply opening the door to ease the pressure and in closing it off again an exercise which is not going to result in any great changes to our economic circumstances. Perhaps there are other motivations in arriving at this particular number I wouldn't admit to being suspicious of Mr Brown but I wonder how widely circulated those on the quota list are and what positions they occupy. I'll withdraw that Mr President

MR PRESIDENT: It's appropriate that that be withdrawn Mr King and that is withdrawn

MR KING: Mr Brown's closing remarks were that we ought to make this adjustment in accordance with present policy. I repeat, that it is not present policy to retrospectively apply this quota formula. Thank

you Mr President

MR PRESIDENT: Thank you. Mr Christian first call earlier, then Mr Brown

MR CHRISTIAN: Mr President I agree with a lot that Mr Brown has said. My only doubts are that the introducing of people that are not already on the Island will unfortunately though cause further unemployment on the Island and that's my biggest worry. I do think and I agree with him that we need to build up the permanent population here. His remarks about the older people which were allowed to settle here quite a few years ago again limiting the base of people that pay in to the necessary duties or taxes if you like which are required on the Island to cover hospital costs, running costs I agree with what he says but I say my biggest problem is that we will be introducing on to the Island at this stage people who will be looking for jobs and it could cause more unemployment. What I would like to see is out of that 26 number which Mr Brown is quite right in saying I supplied that the 21 people on the Island who are here and have been here for in a lot of cases for quite some number of years on TEP's, people who were bought in for special reasons, reasons where the employer on the Island here was very sick and couldn't operate the business so these people were allowed to stay to keep that business going, those 21 people are the ones I would like to see covered and be given GEP's at this stage but maybe we could handle 26 but to my way of thinking we would need to do it in such a way that the 21 people that are already remaining here are the ones that are covered basically under this motion

MR PRESIDENT: Thank you, Mr Brown

MR BROWN: Mr President Mr King wanted to just add something

MR KING: Thank you Mr President I neglected to make one particular point. I would find it or Members would find it much easier to convince me of setting a quota number if for example we had taken the time to address policy and address the implications for the economy of our immigration policies and decided perhaps that we need an increase in tourist numbers in pursuit of that objective and struck a number in accordance with that policy. I'd of found it easier to convince me to strike a quota number of 50 in the present economic circumstances or maybe 100 but I will not be party to sticking a formula which will give credence to a retrospective calculation and therefore the establishment of a formula based on retrospectively

MR BROWN: Thank you Mr President. Mr President I think Mike just a moment ago mentioned changing policy in order to accommodate a GEP quota number. The motion I have brought forward today is a motion which I say is totally in accordance with the existing policy. I intend to bring forward shortly a further motion in fact that further motion will relate to the re-examination of our thinking about population. It will take us back to the Butland Report which members will be aware was prepared back in 1974. If any member doesn't have a copy of the Butland Report I will be quite happy to prepare one for you because if Members were to sit down today, 20 years later, and read the Butland Report they would see yet another example of having been told years ago of the difficulties we were facing. Having said yes, Mr Butland, what you said is a good idea and adopted it, parts of it and having then forgotten about it, Butland basically said that we should not allow large population growth but that some population growth was essential and had we stuck to the suggestions that were made by Professor Butland at that stage we'd have a population today of something in excess of 2,500 far less problems than were facing at the moment but I do propose to bring forward a motion which will call for the examination of our population policy and for a new policy to be set. In the meanwhile, it will call for growth in our permanent population of 50 in the next year. This is growth outside of the present formula, growth of 50 in the next year and 50 in the following year and it will call for 20 out of the 50 in the first year and for 20 out of the 50 in the second year to be unashamedly sought as wealthy retirees. Now I'm proposing to bring that forward, quite soon Mr President but what I'm doing today is bringing forward a motion in accordance with existing policy. Members will probably recall that there have been considerable difficulties with our existing immigration policies caused by the Racial Discrimination Act and one of

the reasons it was necessary to clarify the policy back in September last year was in order to ensure that the policy was not conflicting with the Racial Discrimination Act. If we chose to leave the policy as some thought it previously was there was a significant risk that we were in conflict with the Racial Discrimination Act and that our policy was simply invalid. Mike suggested that the amendments back in September of last year were designed to achieve higher numbers. They weren't designed to achieve that at all. They were designed to ensure that our policies were legal. Mike suggested that when a policy was set in accordance with, sorry when a quota number was set in accordance with that policy, that the quota number was nil. Well in fact that is incorrect Mr President. The most recent setting of a quota occurred on 27 January this year. Members will recall that it was the 23 September meeting when we considered the motion about excluding for quota calculation purposes those section 18 permit holders who had entered the Island as the spouses of residents and that called upon the executive member to bring forward in fact to the next sitting of the House a quota proposal calculated in accordance with the new formula. As I said earlier it had taken some time for that to be done. On the 27 January Ernie brought forward a motion calling for a quota of nil. Now he did that because the law requires a quota to be set by February and I raised the question at the time and Ernie confirmed that the zero setting is to comply with the statutory requirement and I intend to continue later on with the further discussions. This declaration has to be made by the 8 of next month. Now what Ernie said there at our 27 January meeting was not that under the corrected formula would be nil. It was that he had to set a quota by the 8 of February and he would continue his work that he was requested to do by the House on 23 September. So its not a case of saying hell that didn't work, we ended up with quota of nil, its a case of saying for heavens sake lets get on with the job and lets stop just sitting here being seen to do nothing. Mr President, Ernie mentioned a concern about unemployment being caused if a quota of 26 was set. That disturbs me because I may have missed something. We know that 21 of the 40 people are already on the Island and we also realise that there's buckleys chance of shifting the bulk of them if we decided to have zero quota in to the future so we're only talking of those who are included in the 19 people living away from Norfolk Island but subsisting on a quota list. Now its my understanding that one can only be on that quota list if one has been through the immigration process and its my understanding that the process doesn't allow you to come here to simply be unemployed. My understanding that anyone on that list would be coming here either to acquire a viable business and even the question of viability of the business would have been examined or in some situations people may be coming here to take up secure employment not if its the case that that secure employment is not longer available to some of those people then there eligibility to be on the list needs to be re-examined. I've asked the question on earlier occasions Mr President outside of the House and I've been told the list is in fact frequently reviewed and that if someone is no longer planning to buy the business that his application was approved for he's removed from the list. Similarly if the job that he was coming to take is no longer there he is removed from the list now. If what Ernie is saying is that there are people on that list who are coming to take jobs which should be filled by local people then I question the means by which they got on the list in the first place and I certainly agree that it is not appropriate for people in that category to be obtaining a general entry permit but I am assuming in putting this motion before the House that matters such as that are carefully vetted before a permit is actually issued and again I commend the motion to the House Mr President

MR CHRISTIAN: Mr President the statement that Mr Brown just made is correct that people are offered the chance to pick up their GEP here but they must have employment so he answered the fear that I had and wrong thinking but he is right in this statement that he's made people coming here to pick up a GEP must have employment

MR PRESIDENT: Any further statements Mr Bennett

MR BENNETT: Thank you Mr President, I don't have a lot to contribute I guess I'm a little concerned about the way this House appears to deal with immigration matters. It appears that it's an open season on immigration and just anyone can pick up and run with a motion or an amendment Bill. I think it must be terribly confusing to people out in the community to know there is an executive member but others run with it. Now I can understand the need for example the led last

year Mr Sander's, Bill to change the Immigration Act and I can understand here what John says about this particular one and not wanting to vacillate because if I was pushed to vote on it today I would vote but I would be voting against it not because I think it's a bad idea I just think we have to put an end to this business of running here running there. Members will be aware we had an Immigration Act past recently and it was an apparent flaw in it or to some people it had an apparent flaw in it but it was passed and it was assented to but not commenced so we got a piece sitting over there that somebody, I expect it would be Ernie Christian, has to deal with and bring back some changes to it or get the thing started or one of the two. So we tend to do things then leave them lying in a heap and then a couple of months later come along and attack it from a different angle. Now I know that the quota and the CDD which was the amending Act aren't quite the same but if Member's minds go back to September/October last year there were brought together in the discussion because there were concerns about if you shut down CDD's would the quota be reviewed if you shut down the quota would the CDD's be left there. Now we've got the situation where a piece of legislation effective of abolishing of this is sitting over at the or sitting in our offices somewhere but hasn't commenced. No attempt to make any changes to it. A couple of motions on here to try and I guess keep immigration moving to address the issues that people raise in the community but I think we are band-aiding it all the way around. Its time we sat down, got the immigration people to write us some policy options that we can sit in there for two or three days or two weeks if necessary and discuss it and get some strategies and objectives that we can aim for. I think we really are running the danger of allowing these band-aids to split because we, they appear on the paper, we debate them and pass them and often they turn out to be not the, not to have the desired result. I'm not, as I said, going to vacillate on it, if I'm pushed I will vote on it today. I prefer not to. I think that the motion in one way pre-empts a the study that Ernie Christian was to have been doing in the area of quota I think its up to the executives. We meet each week or supposed to meet each week, to hustle him along. It hasn't been an item on the agenda for the executives for a long time. Maybe we've got to stick it on every week and push it along. Maybe we've got to get the immigration people over here to push us along as well. I think we're doing a great disservice where we are responding too quickly to the demands out in the community without really thinking the thing through in its global context. As I said Mr President if it goes to a vote today I will vote on it I prefer not to as I've said I think we've got to once and for all come to grips with it in its global sense

MR KING: Thank you Mr President I agree with Mr Brown on the point that he raised concerning getting on with the job. Indeed, that's precisely what I want to do in respect of immigration is get on with the job but the means of getting on with the job is somewhat different to that which Mr Brown has chosen, it's appropriate that policy be reviewed from time to time in the light of the circumstances surrounding us. I myself did a paper in recent times which I believe had some circulation but no comment or no discussion. That paper was partly designed to throw a few thoughts in to the arena for consideration with a view to establishing some objectivity in immigration. That hasn't come up for any further discussion. It's easy I guess in hindsight. Everything's clear in hindsight. Mr President. One can always go back and find a report which made a recommendation which we did not pursue or which the Assembly or the Government of the day did not pursue, where if it were pursued at the particular time, things may be different now. I mean, I agree in going back and having a look at Butland but look at all the other reports that have been done as well. I mean Butland was preceded of course by Harrison & Grierson in its planning reports. Butland following on from that. This Assembly's own Select Committee had regard to Butland and to Harrison & Grierson and previous reports and arrived at certain policies. Now to me it seems somewhat extraordinary now that we go back to Butland because it contains some recommendation that we like now. I mean one can go back to a whole host of reports that sit gathering dust on our shelves. I can take you back to the Economic Feasibility Study and show you 40 odd recommendations which had we adopted then, either in part or in whole, we might not have been in the particular economic situation that we're in now. I agree let's go back and have a look at it all. Let's go back re-establish our objectives develop policies designed to achieve those objectives, not band-aid bits and pieces like we're attempting to do now. It is not as Mr Brown suggests a motion in accordance with existing policy. I reject that

entirely, this House did not agree with retrospective calculation

MR CHRISTIAN: Mr President I don't think that immigration is wandering around in circles and I don't think its departing from what was laid down by this House in earlier times. What was asked was that I come up with the new system to operate in immigration areas. I'm endeavouring to do this and as Mr Bennett is well aware when he said there was no discussions about this there was a discussion amongst executive members and it all hinged on having a population report done and Mr Bennett was going to further this; it still hasn't happened so that's where that bit lays. I will comply with what this House requested in the earlier years when I can get the necessary information to bring forward and the population report is one of those parts. The Butland report is a very interesting report and as Mike says we did adopt it but we didn't adopt the whole lot of it, we adopted bits and pieces out of it and that's been our problem with a lot of other reports that have been done on this Island, we only adopt bits and pieces of them and let the rest wander around and fall in a hole. I've spare copies of that Report if anybody wants them and it's very very interesting in what he has said is exactly what is happening now with the Island and I think and I agree with John we could do worse than to go back and do what the Butland report suggested that we do

MR BROWN: Mr President, Geoff suggested that my motion was an example of responding too quickly. Perhaps I misunderstood what Geoff had said and I wasn't intending to be critical of him in that but I did want to point out to the House that it was in September last year that we endorsed the formula upon which my motion is based and it was at that time we requested the executive member to bring forward to the next sitting of the House a quota proposal calculated in accordance with it. Now I understand the difficulties that Ernie has had and I understand that it simply has not been possible for him to do that yet but I remind members, that when we did set the zero quota in January Ernie did say "the zero setting is to comply with the statutory requirement and I intend to continue later on with the further discussions. This declaration has to be made by the 8 of next month". What I'm doing is trying to make life a little bit easier for Ernie because we don't know how much longer it will be before he is in possession of the information which he would need in order to bring forward the motion that was sought on 23 September. He and I had a discussion before I put this motion on the notice paper and we agreed that it was not appropriate for Ernie to put such a motion on at this stage because he still did not have enough information and so I put it on. Mike suggested that it is band-aid bits and pieces. I say to you it is not band-aid bits and pieces. It is a motion totally in accordance with the decision of the House on 23 September last year. Mike says it is not a motion in accordance with existing policy. Well I dispute that. I say it is totally in accordance with the motion of 23 September last year and I also say that it is totally in accordance with statements made by our Immigration section to the Legal Regimes Inquiry. From recollection, but to a recent inquiry when in fact it was said that we did not breach the Racial Discrimination Act and that the method of calculation was basically in accordance with the motion that was passed on 23 September. When one went through what had happened in the immigration area over recent years it became obvious that that had not always been the case but one can only assume that it was as a result of errors rather than as a result of deliberate decisions. All that I am attempting to do is to have the House agree upon a motion which I say is totally in accordance with the existing policy. I say it is not a motion which seeks to change or bend the policy so as to allow people into the Island in order to solve an economic problem but I do say that failing to make this decision will worsen an existing economic problem Mr President. It is only two weeks until our next meeting. It may be appropriate that I move that the motion be adjourned until that stage so that members do have the time to look a little more closely at the whole thing and perhaps in that time now that there is permanent staff in the Immigration Section enough information will be provided to Ernie for him to give a more detailed confirmation of what I've said to the House today and I move that adjournment

MR PRESIDENT: The question is that the motion before us be adjourned and made an order of the day for a subsequent day of sitting.

QUESTION PUT

The ayes have it. Thank you.

NOTICE NO. 3 APPOINTMENT OF A SELECT COMMITTEE

MR SANDERS: Mr President I move that -
(1) a Select Committee comprising David Ernest Buffett, William Winton Sanders and Cedric Newton Ion-Robinson be appointed to consider and report back to the House at its earliest convenience on the following matters:

(a) whether or not the Minister for Tourism and Works misled the House at its sitting on 19 May 1993 in his response to questions without notice asked by Mr Sanders to the Minister in respect of the recent resignation of the Chairman of the Norfolk Island Government Tourist Bureau (the "Bureau").

(b) whether or not the Minister for Tourism and Works breached the Public Moneys Ordinance 1979, or any other legislation applicable to Norfolk Island, as a result of an instruction given by him in May this year to the Finance Manager of the Norfolk Island Administration in which the Minister directed that the Finance Manager pay an account received from Andrew Wise & Associates for services rendered to the Bureau, being an account which the Bureau was not prepared to pay unless the Minister had issued a formal direction to the Bureau to do so under the Norfolk Island Government Tourist Bureau Act.

(2) The committee be empowered to send for relevant persons, papers and records to assist them in their enquiries.

Mr President, this motion has come about by Mr King's continued refusal to be open about his actions as the Minister and especially in relation to his handling of the Tourist Bureau. He has openly supported slanderous attacks on the Bureau Manager by Mr Andrew Wise, who was employed to promote Norfolk Island

MR PRESIDENT: Order Mr Sanders it's inappropriate for you to use that language about slanderous arrangements in respect of the Minister

MR SANDERS: My apologies Mr President

MR PRESIDENT: Yes thank you

MR SANDERS: Mr King has avoided and finally misled this House in his reply to my questions in this House at it's last meeting these questions were in relation to the resignation of the previous Chairman of the Norfolk Island Government Tourist Bureau and in my opinion the blatant intimidation that surround it the second part of this motion

MR PRESIDENT: Order Mr Sanders you are not saying that the Minister was involved in intimidation

MR KING: He wouldn't say that Mr President

MR SANDERS: No it must have slipped out Mr President

MR PRESIDENT: As long as that is not being said, thank you Mr Sanders

MR SANDERS: The second part of this motion stems from as I understand it the slanderous attack by Messrs Wise on the Bureau Manager and his refusal to at least apologise. I also understand that his performance with regard to his duties left much to be desired. That reference is in reference to Mr Wise not my friend Mr King. Mr Wise's refusal to comply with the Bureau's directions and his failure to do his duties led to the Bureau's wish to dispense with his services Mr King then issued the Bureau with a direction that they were not to advertise for expressions of interest for Mr Wise's position. Mr Wise and his wife soon after came to Norfolk Island for a holiday. He at no time contacted or went near the Norfolk Island Government Tourist Bureau. On Mr Wise's departure Mr King signed a letter of exemption from the departure tax by stating that Mr Wise and wife

MR KING: I raise a point of order if I may I refer you to point of order No. 58. Mr Sander's is alluding to matters of previous

debate

MR PRESIDENT: There is no point of order in this case Mr King. It also mentions unless such allusions be relevant to the matter under discussion I do not see that it is totally irrelevant to the matter that is in front of us at this moment Mr Sanders

MR SANDERS: I'll repeat part of it Mr President. On Mr Wise's departure Mr King signed a letter of exemption from the departure tax stating that Mr Wise and wife were on Norfolk Island on Government business. That being the case it was reasonable to assume that the Assembly was paying Mr Wise's salary especially as he was not working for the Norfolk Island Government Tourist Bureau. Mr King then requested the Bureau to pay Mr Wise \$3,000 for a months salary as Mr Wise had not worked for the Bureau. They refused to pay out of Bureau funds unless directed by the Ministers direction Mr King to do so. Mr King did not give that to the Bureau. He in turn directed the Finance Manager to pay Mr Wise the \$3,000. Mr President, these acts of Mr King are in my opinion a breach of the Public Money's Ordinance 1979. At the very least the committee should be formed to look into these matters and I support the motion

MR PRESIDENT: Thank you Mr Sanders. Any debate Honourable Members. No debate.

MR BROWN: Mr President the motion is in a number of parts. It asks, it seeks the appointment of a committee to look at two quite important questions. One of them is whether a Minister misled the House and it maybe that what ever occurred was not done deliberately but it is my belief that the responses that were given to Mr Sander's questions were not as frank as they could have been and in my mind a question is raised that ought to be examined as to the question of payment. That's referred to in section (b) of that motion. There certainly are some questions that need to be tidied up, questions that need to be asked and tidying up done. Frankly I am not sure that a Minister with responsibility for tourism has an ability to direct payment by the Administration of money's from the tourist vote, tourism vote it maybe that that ability is there I'm just not sure certainly the Minister has the ability to direct the Bureau to make such payment but there is a question in my mind as to whether he has the ability to provide any authority to the Finance Branch other than the authority for the Finance Branch to make payment to the Bureau of Bureau subsidy monies. Questions have been raised, the appointment of this committee would clear them up, I support its appointment for that reason.

MR KING: Thank you Mr President, it is a particularly ho hum matter, the substance of Mr Sanders motion but I respect and accept that at the same time that its a very serious matter to call on the House to form a Select Committee so I wont do as I first anticipated that I might do and simply shrug this matter off as a waste of the House's time but respond in some detail as to the circumstances surrounding these two matters into which Mr Sanders wishes to inquire. The first matter in which he seeks to inquire is the recent resignation as he has pointed out of the former Chairman of the Tourist Bureau or rather whether I misled the House when I answered a simple no to Mr Sander's question which was this. The question is, this is Mr Sanders on the 19 May, "did you contact the receivers Ernst & Young in Brisbane and inform them that if the former Chairman did not resign by a certain date that there would be repercussions for the Resorts Group and for himself". My answer to that was, "No," despite the fact that Mr Sanders made no reference to the Chairman of what body I knew he was talking about the Chairman of the Tourist Bureau. Let me explain Mr President why my answer was correct. Some several months prior to the subject resignation I had occasion to talk in the Island here with Mr Neil Somerson of Ernst & Young Brisbane who we all know by now is the appointed Receiver Manager for the Resorts Group of Hotels, the same group for which the former Chairman of the Bureau Mr Steve Horton is General Manager. That conversation as I recall touched on the Resorts Groups' role in tourism here in Norfolk Island and the tourism development and promotion but more to the point in question the conversation touched on areas of potential conflict arising out of his General Manager Mr Horton being the Chairman of my Tourist Bureau. In recognising and accepting those possible conflict areas Mr Somerson asked then whether I wanted him to obtain Mr Horton's resignation. I declined that offer Mr President, and I was left with Mr Somerson's assurance that

the offer will remain open. I guess as I've said on a number of occasions before Mr President some things are clearer in hindsight and I had some subsequent regrets that I didn't accept that offer on that occasion. Conflict was always inevitable. When things did inevitably come to a head I did indeed phone Mr Somerson, I explained to him the circumstances which led me to the opinion that I should dismiss Mr Horton as Chairman of the Bureau in deference to the role the Resort Groups plays in tourism in Norfolk Island. I asked Mr Somerson to consider what the implications would be for the Resorts Group if I were to dismiss Mr Horton. Mr Somerson responded by guaranteeing to me that Mr Horton's resignation would be received by me within a certain time. So Members will see Mr President, that my approach to Mr Somerson on that particular occasion was not to be threatening but was in fact a response to an earlier offer made by him to act as he ultimately did. If in fact Mr President my actions were seen by some as bullying and intimidating I guess that's because those people weren't aware of the full facts. I don't suggest that I'm a bully Mr President but if by some chance I've developed those characteristics it's because I've at least over the past year had some lessons from some masters of the game. Is that a point of order Mr Robinson

MR ROBINSON: Yes

MR KING: Am I allowed the Chair to adjudicate on that

MR PRESIDENT: I don't see a point of order

MR BROWN: Mr President I certainly would ask Mr King clarify that he's not referring to any member of this House in the statement that he just made

MR PRESIDENT: Thank you

MR KING: Mr President, I am in fact referring to two members of this House but I'm not naming them

MR BROWN: Mr President, in that event I ask the statement be withdrawn

MR PRESIDENT: Yes, it would be inappropriate to make those comments in respect of any member

MR KING: I shall withdraw Mr President, if Mr Sanders wants to extract certain information from one he's firstly got to confine himself to the facts and secondly he's got to frame his questions carefully without provocation, without antagonism

MR SANDERS: I think there's a point of order there Mr President,

MR KING: Your a bit slow

MR SANDERS: I think, I can't actually find it here but I think Mr King is inferring that I should get down on my knees and beg. Perhaps you could draw my attention to what page I would find that Mr President

MR PRESIDENT: I certainly didn't interpret that Mr Sanders and even if I did I'm not too sure that is framed within standing orders

MR SANDERS: As you wish Mr President

MR KING: What then Mr President if I said he ought to, when framing his question use the Queens English. No point of order? Unless he does those things Mr President he can expect me to continue responding in a curt, un-informative but truthful manner. The second matter in which Mr Sanders seeks an inquiry is where I have breached any law by my authorisation of the account to which he referred, that is the account to Andrew Wise & Associates for services rendered to the Tourist Bureau. Plainly that's not so Mr President. This House appropriates funds for expenditure in the budget process and by the Supply Bill, provided these funds are spent for the purposes decided by this House an expenditure can be authorised by an executive member. I recall Mr Brown giving me advice to that effect only a couple of days before I took this

action. What I as an executive member with responsibility for tourism do not have access to are funds which have been drawn from the appropriation account and paid to the Tourist Bureau for its use. On this particular occasion I used funds which had been appropriated by this House for tourism promotion and which funds remained available to me for expenditure. This method of authorisation and payment of accounts is not new Mr President. Every tourist minister before me including Mr Sanders has authorised expenditure in this fashion. It may not have been for accounts payable to Andrew Wise & Associates but nevertheless access has been made to those funds but perhaps it's not so much the method of authorisation that Mr Sanders is on about but more as I've said the nature of the account. The account was of course the normal monthly account for Andrew Wise & Associates. The authenticity of the account is not in dispute services were provided and payment was due. Mr Sander's information was gained I expect from sneaking around the Tourist Bureau

MR SANDERS: Mr President,

MR PRESIDENT: Order, Yes sneaking around is not an appropriate thing to say in respect of other Members Mr King

MR KING: Mr Sanders information gained no doubt from Mr Brown as a member of my Bureau

MR SANDERS: Mr King withdraw that statement Mr President

MR PRESIDENT: Yes in respect of the unsatisfactory words I would ask that they be withdrawn Mr King

MR SANDERS: I am not like Mr King sneaking

MR PRESIDENT: Order Mr Sanders

MR KING: Withdrawn Mr President

MR PRESIDENT: Yes thank you

MR KING: Mr Sander's information is that the Bureau itself was not prepared to pay the account without a formal direction from me. Essentially that's true Mr President. However the major difficulty arose from the fact that the Chairperson and one other member of the Board both of whom were among a Board delegation which I'd spoken to earlier on the matter were off the Island. It was not necessary for me to await their return Mr President, as I had undertaken as Minister for Tourism to have the account paid and I properly had funds available at my disposal to do so Mr President. A few minor closing words. I'm not phased in the slightest by Mr Sander's continued bitter attempts to discredit me. What I find particularly irksome is that whilst there is so much to be done, so many problems and issues surrounding us that require the attention of this House and its members that Mr Sanders persists in wasting this House's time and my time in pursuing poorly thought out and petty issues

MR SANDERS: Point of Order Mr President there's an imputation there that I'm wasting the House's time. Mr President I don't consider the protection of public moneys a waste of this House's time. I'm aware Mr President that Mr King and others don't mind not being accountable for public funds but I believe they should be

MR PRESIDENT: Mr King

MR BENNETT: that on all members and I think that's totally inappropriate.

MR PRESIDENT: First of all Mr King in respect of your earlier inference I would ask that you withdraw that please

MR KING: Withdrawn Mr President

MR PRESIDENT: Mr Sanders in respect of your inference in respect of any Member of the House in respect of their conduct of public money wise I would ask that you withdraw that

MR SANDERS: Even if its true Mr President,

MR PRESIDENT: Order Mr Sanders that's not the question that is being put

MR SANDERS: Perhaps I should just apologise for using the words Mr President

MR PRESIDENT: Yes thank you very much Mr King

MR KING: Mr President I sought advice as I mentioned earlier on the method and means available to me to pay this particular account. I sought advice before I paid the account and I have since in the light of Mr Sanders motion clarified that advice that I had earlier received by requesting a legal opinion. Let me quote just partially from it rather than the entire document "for the sake of completeness, I'm quoting Mr President, for the sake of completeness however I've considered the above mentioned amount that is the account for the \$3,000 and associated documentation in conjunction with the Appropriation Act and the Public Moneys Ordinance and it is my opinion that the payment was not made contrary to either enactment". That's signed by the Crown Solicitor Mr President. I don't believe that I have any case to answer to here and obviously I'm not going to support the formation of a Select Committee to inquire into my own conduct. I don't have any skeletons in my closet Mr President. If there were one or two bones then I would readily agree to the formation of a Select Committee but my cupboard is clean

MR PRESIDENT: Further debate, Mr Brown

MR BROWN: Mr President, Mr King has given us a relatively detailed and interesting statement as to his version of what has occurred. It is clear from that that he has used words which could have at one extreme been misinterpreted by the House, at the other end words which could have misled the House and to such extent as those words may have misled the House I wonder if he is apologising to the House today

MR PRESIDENT: Further debate, Mr Brown

MR BROWN: I take it that there is no apology and I therefore will support the motion

MR PRESIDENT: Further debate,

MR BENNETT: ... I just couldn't understand what that was about, can you ...

MR BROWN: Mr President on the face of what Mike has said to us today he did in fact have discussion with Mr Somerson and as a result of that discussion the recently resigned Chairman of the Bureau resigned. Now when a question was asked of him in relation to the discussion with Mr Somerson I interpreted what Mike said as denying that such a discussion had taken place. The fact is today that we've been told a discussion did take place and it's my initial view that the response that Mike gave to the question on the earlier occasion did in fact mislead the House. Now I accept that may have been unintentional. I accept that Mike might have just been cranky with Mr Sanders and not wanted to answer the question but the way I understood his answer at the time and the way I have understood what he said today I accept that it was quite probably unintentionally but it seems to me that the House was misled. Now if the House is misled the Westminster tradition would require that Mike resign. Now I haven't heard him even go so far as to apologise and I wonder if we are going to at least hear an apology today and an explanation that in the event that the House was misled it certainly was unintentional.

MR PRESIDENT: Further debate Mr King

MR KING: Mr President let me assure the House that if there was any misleading there it certainly wasn't my intention. I wouldn't want to do that but what I do take offence at is, Mr Sanders doesn't bother me, but it wastes so much time Mr Sanders continued haranguing of meMr Sanders has got to couch his questions in clear terms if he wants informative answers from me. The correct answer was what I gave but it certainly wasn't my intention to deceive. I guess

there was an intention which passed through my mind very briefly to avoid any embarrassment to Mr Horton or to Mr Somerson but I've been unable to save that particular feature by the fact of Mr Sanders bringing out this particular motion. I, its not the first occasion on which people either by short sharp answers intentionally or unintentionally mislead the House, let me quote one particular example. Mr President the question that I put to you Mr Sanders from Mr Semple. "Is it true that Mr Robinson Mr Brown and yourself have interests in an airline". the answer is "No". Now we know that that's not entirely true though its not the first time that these things happen Mr President it happens from time to time I will not intentionally mislead this House but I will not provide frank and complete and fully informative answers to questions which are in my view provocative antagonistic and not couched in proper terms

MR PRESIDENT: Any further debate Honourable Members

MR SANDERS: I didn't call a point of order on Mr King's presentation of that question but he will recall at the following meeting that I corrected bearing in mind that I wasn't at liberty ...

MR PRESIDENT: Is this relevant to this particular subject.

MR SANDERS: It's relevant to a piece of paper that Mr King just raised in this House about 30 seconds ago and its very brief Mr President

MR PRESIDENT: Yes, thank you

MR SANDERS: There's, only insomuch as Mr King referred to my question that was asked by Mr Semple about shares in an airline and I did reply "No" you will recall at the following meeting that I asked if I could make a statement and the statement was that I shouldn't be answering on behalf of others because I didn't know, but that the reply for myself was no

MR PRESIDENT: Further debate on this. There being no further debate Honourable Members I put the question, the question is that the motion be agreed to, those of that opinion, say "Aye"

MR SANDERS: Mr President, just before you do that was there an apology from Mr King?

MR PRESIDENT: Everything that people have wanted to say I have assumed has been said, people have been given the call in this matter quite freely and no one has indicated that they wish to speak further, I'm now asking members to vote on the matter.

MR BROWN: Mr President I would like to move an adjournment I move that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

MR PRESIDENT: The question is that debate be adjourned and this matter be made an order of the day for a subsequent day of sitting those of that opinion say "Aye" to the contrary "No" would the Clerk please call the House

Mr Brown,	AYE
Mr Buffett	NO
Mr Semple	NO
Mr Bennett	NO
Mr Robinson	AYE
Mr Christian	NO
Mr King	NO
Mr Sanders	AYE

MR PRESIDENT: The result of voting Honourable Members, the Ayes three the Noes five the Noes have it, I therefore continue with putting this motion to the House Honourable Members the question is that the motion be agreed to. Those of that opinion say Aye to the contrary No would the Clerk please call the House

MR SANDERS: We could probably save the Clerk's time Mr President I am assuming that it's 5:3

MR KING: I ask for the House to be called Mr President

If the Clerk could please call the House

Mr Brown	AYE
Mr Buffett	NO
Mr Semple	NO
Mr Bennett	NO
Mr Robinson	AYE
Mr Christian	NO
Mr King	NO
Mr Sanders	AYE

MR PRESIDENT: The result of the voting Honourable Members the Ayes three the Noes 5 the Noes have it. Thank you. The next item is the Appropriation Bill 1993/94 which will be notice No. 4 I'm assuming that that will take some, quite some presentation, and if Mr Bennett's matters are to be brought on.

SUSPENSION

The hour is a quarter to one, I would suggest that we break for lunch at this time, and return, I see one Member nodding to me in the negative but nevertheless, I'll continue. I'm about to proposed to you that we spend for lunch until say two o'clock, but lets see what the view of members are. It will be the budget presentation Honourable Members and therefore it would take sometime. We'll this time suspend Honourable Members and we'll resume again at two o'clock this afternoon.

RESUMPTION

Message from the Office of the Administrator

MR PRESIDENT: We are at Notice No. 4 and as a prelude to that I have a message from His Honour the Administrator. Message No 57. Appropriation Bill 1993/94 in accordance with the requirements of Section 25 of the Norfolk Island 1979 I recommend to the Legislative Assembly the enactment of a proposed law entitled An Act to Authorise Expenditure from the Public Account for the Service of the year ending on 30 June 1994. Dated this 16th day of June 1993. Alan Kerr Administrator.

NO 4 - APPROPRIATION BILL 1993/94

MR BENNETT: Mr President, I present the Appropriation Bill 1993/94. It is a Bill for an Act to authorise expenditure from the Public Account, for the service of the year ending on 30 June 1994. Attached to this Bill, as tabled, is a Schedule detailing the level of expenditure proposed in the various divisions and subdivisions. In addition, I table a copy of the Revenue and Expenditure Estimate - the 4th and final draft - and a copy of the Business Enterprises Budget Proposals - the 3rd and final draft. Mr President, turning to the Appropriation Bill and the attached schedule, this House is advised that the Budget has been balanced. That is to say, that Expenditure of \$7.468 million is proposed, and to be funded by Revenue Estimates of \$7.469 million. Any pleasure which might be derived from having balanced the Budget, is quickly dissipated by the fact that some \$2.4 million of Expenditure Bids had to be culled out to do so.

- It meant that some interesting, and important initiatives particularly in the Works area, had to be set aside for another year.

- It meant that most vehicles on the replacement programme would be expected to run a further year.

- It meant that no provision for any wage and salary increase in the Public Service could be contemplated.

- It meant that cuts to overtime, travel and training had to occur, but in the latter case, not to the detriment of an efficient Service.

- It necessitated calls upon the Chief Administrative Officer and the Management Coordination Group, to

continuously monitor and scrutinise all sections of the Administration with a particular focus upon nonproductive service provisions, outmoded practises, labour intensive and non cost effective operations - in other words, with an objective of producing a leaner, more productive and more centrally focused outcome.

- It has also meant that the Business Enterprises of the Administration had to be called upon to operate a little leaner, and in some cases to operate more commercially in order to maximise returns.

Mr President, the underpinning objective of the Budget process, in most instances in the last few decades, is to "live within the island's means" - ie. to not spend more than the level of revenue expected. It follows therefore, that if expenditure greater than revenue is contemplated, revenue raising initiatives/measures must be introduced into the process.

In the 1993/94 Budget process, a preliminary view was expressed (and I must add not agreed by all Members) that no significant revenue raising should occur, in light of the financial difficulties being felt by many.

This philosophic approach to Revenue raising of course, excluded the earlier decision taken in the Healthcare funding area, where certain "duties" were proposed to be increased to meet the \$250,000 subsidy to Healthcare, and it also excluded any revenue which might arise from Australia Post, AOTC and some of the other significant initiatives under negotiation. Mr President, as a result of the aforementioned, and given the huge deficit remaining after the first cut by the Management Group, it was determined (once again with dissenting voices) that the best approach to the 1993/94 Estimates consideration, was to instruct that no Budget vote be provided with levels of funding above the initial 1992/93 levels, save for those areas where such action would clearly affect the delivery of essential services. The object of this somewhat controversial, or at least unorthodox approach was to promote a situation where the bidding for additional expenditure was related to inclusion, rather than the usual debate of defending an exclusion from the list. It further provided a clearer focus on the levels of expenditure in the current, 1992/93 financial year, and induced a much wider debate on the performances of the various sections of Administration. In doing so, it became possible to make some reassessments, and identified some savings, prior to dealing with new expenditure bids. Members became more aware of actual needs as opposed to perceived wants, and that I think is very important. Mr President, this process was a rather prolonged affair, but I believe it achieved the principal objective of bringing down a balanced budget, which reflects adequate funding for the delivery of essential services, and provides sufficient funding of a capital nature to ensure the "works-type" areas are fully occupied and operational. It also provides the same record-level funding for Tourism, and, has honoured present and imminent financial commitments made with the Commonwealth. Mr President, some of the key areas of expenditure are these :

1. The cost of Administration salaries and wages, and of Administrative Services has largely been contained - levels are about the same as in the 1992/93 service year.
2. Expenditure on Health is \$595,000 including a subsidy of \$489,000 to the hospital and Healthcare.
3. Education - a record level of expenditure of \$1.327 million.
4. Welfare Services - \$510,000 down 10% from 1992/93.
5. Police - a massive 90% increase in the cost of policing as a result of the Norfolk Island Government being required to accept more responsibility for cost.
6. Tourism - \$470,000, again equalling the record amount spent on promotion, marketing etc. as in 1992/93.
7. Roads - An increase of almost \$200,000 to be spent in the Roads vote taking the total expenditure for this year to \$725,000.
8. General Works - Again, increased expenditure

provided taking the total to \$850,000.

Some of the major highlights in the Capital Expenditure area which in itself totals \$732,000 were, as I mentioned earlier an additional \$200,000 to Roads; provision of \$50,000 as the first part of our cost of the construction of the Police Station; provision of \$65,000 to refurbish the old but original School building; toilet facilities at Bumboras and an interesting but nonetheless important undergrounding of high and low voltage cables from the Power House to somewhere adjacent to the Liquor Bond. That in itself will allow for some major tidying up of the area, and being rid of power poles, will allow Mr King and perhaps the Roads gang to look at reconstruction of the road from the Airport through to almost the Post Office area to improve the image. Mr President, turning to Revenue.

Revenue forecasts for the 1993/94 financial year show a modest increase of \$290,000 over the level of the 1992/93 Budget Estimate, as revised. Of this \$290,000, \$250,000 is expected to be received in additional Customs Duty on two categories of imports only - tobacco and alcohol. (The detail will be made available when the Customs Amendment Bill is introduced following the completion of debate on this Appropriation Bill). As advised earlier, the \$250,000 raised from this additional Customs Duty will be applied as the subsidy to the Healthcare Fund. Mr President a number of the Revenue categories and their capacity or probability of sustaining the 1992/93 levels of receipts, were reviewed downwards, and this shortfall was made up largely by an increase of \$309,000 in the dividend to be paid by Telecom, to the Revenue Fund. This became, in part, possible as a result of additional Revenue expected of about \$100,000 per annum. Members will be aware that Norfolk Telecom had not been receiving any Revenue from the 3 leased Dedicated circuits in and out of Norfolk Island, but some months of negotiations has seen a dramatic turnaround. Other initiatives in the Telecom arena have yet to be quantified in terms of expected revenue but they are : telephone cards; mobile trunk radio telephone and matters such as an improved arrangement for Norfolk Island when the Operating Agreement with AOTC is negotiated later this year. Mr President, there are additional, exciting prospects coming up in the Postal and Collectors markets which are expected to produce a healthy boost to Revenue, and hopefully flowing to the Revenue Fund later this year. No allowances have been made in this Budget, however.

In conclusion, let me reiterate, that the 1993/94 Budget is presented in a balanced form. The result is fairly tight, but not overly ambitious. We remain however, somewhat exposed to any large, unexpected requirement which may arise during the year. Once current Revenue initiatives under negotiation conclude and produce fruit, this pressure will in some ways dissipate. Executive Members and Branch Heads through the Chief Administrative Officer have been asked to both monitor expenditure, and to continuously seek or question methods, and sources of supply etc., Co-operation to date has been rewarding. Mr President, Members of this House had a much greater and longer involvement, in the Committee sense, with this Budget. The Committee of the whole sat for almost a week wrestling with it. This commitment is acknowledged. The Finance Branch also had their work cut out as the 4th Draft would suggest. Mr President, I commend the Bill.

MR PRESIDENT: Debate Honourable Members. The question before us is that the Bill be agreed to in principle. Debate. Mr Brown.

MR BROWN: Mr President, this budget is intended at this stage to be a balance budget. It could have been balanced in a number of other ways. But its been balanced on this occasion by reducing the spending to match the expected revenue, save for the one increase that Geoff mention in the area of customs duties which is to be applied to the Healthcare Scheme, and there will be discussion about that later. I'm not sure that we have necessarily made the right decision however, some people looking on would say to us that yet again, we have failed to face up to some of the critical questions that face us. Some of those questions are how will we in the future pay for the maintenance of our infrastructure. Have we set aside enough money in this years budget for maintenance of buildings and equipment that we already own, and will we be setting aside enough in future budgets. In this budget significant monies have in fact been set aside for the maintenance of buildings, bids that have not quite made it year after year, in the past, have in fact been funded this year. For example, something in excess of \$60,000 is

budgeted for upgrading work on the buildings at the school, in fact \$69,300. That compares with an allocation for the same thing last year of only \$15,000. And there are other instances through the budget Mr President. Geoff has said that we are budgeting to spend this year a record amount on roads. That certainly is true, perhaps we should be spending more, certainly one of the question that has been asked of us in recent weeks following the visit of various people from Canberra, has been how are you going to fund roads, how are you going to fund a new hospital, how are you going to fund a harbour. In the roads area there was an option and there still is indeed an option to perhaps increase the fuel levy and devote the whole of the proceeds of that increase to additional spending on roads. And that's something that can be considered between now and our next meeting in two weeks time. Mike King has done much work in preparing a roads programme. And if he had sufficient funds to be able to pursue that programme, over a certain number of years he would be able to ensure that all of the roads on the Island were of a satisfactory standard and were maintained at that standard. I'm not sure whether people want roads to be of a good standard or not. I'm sure that they don't really want to pay for it. But on the other hand perhaps they are already paying dearly for the roads not being of a high standard. I wonder just how much money does leave the Island each year in the form of buying new tyres, buying new suspensions and buying new vehicles cause the old one just couldn't see the distance with the rough roads. But within the funds we have available if we are to maintain a balanced budget this year without any further increases in taxes and charges, there is not an ability to do more, than is already planned. Perhaps it is time to look at how we do some of that work, some would take a view that we like so many authorities in other places should be looking at contracting out much of our road work rather than continuing to try to do it in house. One of the benefits of contracting out that people espouse, is that it reduces the amount of plant and equipment with the Administration would need to own. In the course of this budget there were again bids for very significant amounts of new machinery, which certainly would not be necessary if road work were contracted out. But we will need over the course of a very short time Mr President, to come up with a very firm and detailed policy as to just what it is we are going to do with our roads and how we are going to fund it, and how we are going to do the work. In the case of the hospital we hope that the present buildings, will be able to continue in use for something in the 7 to 10 year range, during the last fortnight we've had a specialist hospital architect come to the Island to look at the present buildings, and to give assistance in preparing a concept for a new hospital. Some of our Canberra visitors when here a week ago, inspected the hospital, and in general it was their feeling that we were extremely optimistic if we thought we'd be able to keep the present hospital running for another 7 to 10 years. And they are in fact asking the question, how are we going to fund a new hospital, because obviously be it 2 years or 10 years time there is a need. Well in the budget which is before us today we are in fact making a start on the new hospital not by voting funds to it at this stage Mr President, it will be done as a result of the proposed increases in customs charges. Those increases are intended firstly to fund the Healthcare Scheme and to such extent that savings can be achieved in the Healthcare Scheme that reduces the need for additional funding then those additional funds are intended to be voted on a subsequent occasion to the special fund which is to be established for the construction of the new hospital. I would like to have seen us voting a quite significant amount of money in the budget which is before us at the moment towards the new hospital, but if we are to have a balanced budget and if we are to avoid any further increases in charges apart from the customs charges to which I referred, at this stage it is simply not possible to make a specific vote, but to such extent as savings are achieved in the healthcare area, those funds are intended to be made available to the new hospital building fund, and I hope that when we get to the half year mark and review the budget this year, Mr President, to such extent that there are savings available or such extent that revenue has increased I hope that the House will see fit to make a reasonably significant contribution to the rebuilding fund at that stage. But at least a start is being made and we are recognising the problem exists. The question is being asked, how we are going to fund a new harbour, well at this stage Mr King is still doing a lot of work, to ascertain whether the harbour concept it's self is viable. And it certainly is premature to be looking at the funding question until such time as we have determined firstly whether a harbour is viable, and secondly what type of harbour is viable. It's not the most wonderful budget that you could have Mr President, as Geoff said there

are a number of things that are deserving of funds that we have not been able to fund, but it is a budget that is balanced and it is a budget which relies on only one increase in taxation and that is the proposed increase in the customs area. Thank you.

MR PRESIDENT: Further debate, Honourable Members. Mr Bennett

MR BENNETT: Mr President. My few words on the budget. I omitted to indicate where the revenue was coming from. I mentioned that we had 7.69 million dollars worth of revenue but I didn't say where in fact it was going to come from and I should at this stage just indicate that in the three categories that we have revenue from, taxes which include customs duty, FIL, vehicle registration, licences, departure fees, fuel levy and a host of smaller ones the revenue is expected to be 4.656 million dollars. Revenue from charges, these are things like conveyancing fees, rents from Administration properties, tanalith plant charges, school fees etc., they total \$561,000 and revenue from earnings which apart from interest on investments that we gain each year contains the dividend and management fees from the business undertakings, that category from revenue of earnings totals \$2.252 million and totalling 7.469 million dollars worth of revenue.

1993/94 BUDGET

GOVERNMENT BUSINESS ENTERPRISES

Mr President, I also didn't mention at all the Government Business Enterprises and as I've tabled that document I should say a couple of things about them. First of all there are 8 of these Business Enterprises, all are trading profitably, all except the Airport, Water Assurance Scheme and the Workers Comp Scheme are expected to improve the level of revenue over expenditure compared to the 92/93 revised position. In the case of the Airport the Water Assurance Scheme and the Workers Compensation Fund the results are expected to be about the same as the current financial year.

- All Government Departments are expected to have improved nett financial positions (ie. money in the bank) over the previous year.

- As a result of the better performance expected all round, an additional \$200,000 by way of increased dividends or management fees can safely be expected, without adding any burden.

- A Summary of Income and Expenditure for the 1993/94 year has been circulated (attached) and I quote from this document. Thank you.

MR PRESIDENT: Thank you. Debate Mr King

MR KING: Mr President, just a few words of a philosophical nature. I intend to reserve my specific comments for the second reading. I commend Mr Bennett for the work he has done on this budget. It is not an enviable task. He knew what he was letting himself in for at the beginning of this Assembly when he nominated for the office of Finance Minister. Nevertheless he's applied himself to a task and he's applied himself very assiduously. I was one of the opponents to Mr Bennett's no new taxes philosophy or no significant new areas of revenue raising philosophy cause I have for sometime been very seriously concerned that the tax burden in Norfolk Island was not fairly and equitably spread throughout the community. For example, it is no laughing matter, absolutely no laughing matter, that we have no progressive taxes in our tax basket, none whatsoever, most of our taxes are in fact regressive in nature and we have only a few that are neutral taxes. I suggest Mr President that that is a totally unrealistic situation in the Western World and particularly in a community where there are aspirations of acquiring additional powers and responsibilities and therefore the added expense of administering those additional powers and responsibilities. I'm aware from my reading Mr President, that most tax commentators will however, say that tax reform must be preceded by expenditure reform and I agree with that and I in fact agree with the approach, the unorthodox approach, that Mr Bennett has taken in the manner in which he has approached the budget process i.e. to call on budget bids to be tolled back to their level of 92/93 expenditure year. Frankly I think that, that probably didn't go far enough. I think that

it really ought to have been somewhere in the area of zero based budget. Lets go right back to tors and realistically look at the areas of expenditure because there are many areas of expenditure which can be looked at with a view to reductions, below the levels of the 92/93 year. So I guess that whilst I agree that Mr Bennett's approach and philosophies reasonably acceptable in our current financial circumstances, I guess I can only hope that is in fact a prelude to taxation reform. I certainly will take every opportunity to continue to push towards that whether, it is a good budget or not. I guess I can only defer to the present financial circumstances and say "Yes it's a good budget, Geoff's done reasonably well in balancing it". But I've got to ask myself, why he balanced it, and the only reason I can come up with why he's balanced it, is because he was limited in the money he had to spend, he had to cut it back and that of course goes back to our revenue base Mr President and whether it's satisfactory to meet our continuing developing aims in the community. I'm not sure that it is. I'm not sure there are not those in the community who are able to pay in accordance with the principle of benefit taxation. For example, you pay according to the benefit you receive from the expenditures met by those taxes. The working man is going to support by paying out a little bit more out of his beer and cigarette money for the benefits that he receives. Potentially greater benefits he receives from healthcare other than those that don't drink or smoke and I believe that benefit principle ought to be applied more fully across the Island in terms of those who operate commercially in an environment which is funding entirely from the public purse. Having said all that Mr President, I think I will now wait until the next reading of the Bill in a fortnight's time to add some further specific comments.

MR PRESIDENT: Thank you, further debate, Mr Brown

MR BROWN: Mr President, Mike just said something about those who operate in an environment which is entirely funded by the public purse. That interested me. I wonder if he could expand on that.

MR KING: I don't think I will, it was probably a bad choice of words they're not entirely funded of but funded to a large part from the public purse.

MR BROWN: Mr President, Mike made reference a few moments ago to our revenue base and certainly our revenue base is of critical importance. Back in the early 70's concern was given to the revenue base and the Council at the time decided to introduce two new taxes in order to increase the amount of funds available. One of those taxes was an Absentee Landowners Levy another one was a Departure Tax at the Airport. Both of them were aimed at people away from Norfolk Island. I've little doubt that people at that time had a view similar to Mike's but it was important to get revenue but it should be someone else that pays and how better to make someone else pay than tax people that don't live here and tax tourists.

MR KING: Point of Order. I didn't say that at all. If Mr Brown wants to refer to my debate he wants to be a little bit more precise in how he does that.

MR PRESIDENT: There is no point of order that you raised Mr King but I will give you an opportunity of course to enter the debate to make your point known

MR KING: Thank you

MR BROWN: Yes Mr President, I wasn't suggesting Mike had used the precise words "someone else should pay". What Mike said was there were no progressive taxes. He said most taxes are regressive and few a neutral. That's another way of saying Mr President someone else should pay. That's another way of saying, there's a few people on the Island, and it's getting to be very few, that people say have got a few bob lets find a way of plucking the feathers off them. Now there are two problems with that. Quite a few of the ones that had a quid haven't got it any longer Mr President and of those that are left by the time we've taken all their feathers they'll have no feathers left. Now they won't wait here till every feather is gone. They'll depart well before that occurs. If they take a view we are saying well those blokes can pay were not prepared to do our share but even if you managed to pluck every

feather from them they're not being replaced. There is not a never ending supply of rich people under our present system Mr President and really we need to face the fact that in this world we have to pay our own bills. I don't think we should continue to bleat that there are no progressive taxes. The simple reality is that wealthy people in Norfolk Island do contribute more to the pool of taxes than those that are less fortunate. Like it or not they do, but let me turn back to the revenue base. To a very significant extent our revenue base depends on all of us that live here kicking the tin with a share. We certainly are running into difficult times at the moment Mr President. I mentioned earlier today that the number of people living in Norfolk Island aged 65 years or more had increased by something like 42% between the 1986 census and that which was carried out in 1991. As I understand it the number has increased a little further since that time and during the same time. By the time you include residents GEP's and TEP's the number who actually kick the tin is reduced. We have a motion that was adjourned this morning which sought to set a new quota. One of the things that that motion would do if, I'm not seeking to reopen that debate Mr President, but there is an important point I want to make. If Members concluded that that motion was in accordance with present policy and if Members decided that the new quota should be set at some number then that would mean that there would be additional people here who would join in kicking the tin towards the total bill and I think that it is very important that we just not sit here refusing to make decisions about things such as immigration and population but that we actually make the decisions that need to be made because it is only if we can maximise the number of people that kick the tin that we will reduce the average amount that has to be paid by each of us. There are only two options. One is we have a shrinking society with an increasing cost with an ever increasing burden falling on each of us. Will we increase the number of people that are kicking the tin but I do get very disappointed when I continue to hear what seems to be a cry to tax the richer people so that the little fella can pay nothing because in this world if we don't all contribute Mr President it's simply not going to work

MR PRESIDENT: Further debate,

MR BENNETT: I note a number of comments or points made by each of the speakers and I've proposed to respond to those in the second reading of the Appropriation Bill. If there is no further debate then I would move that debate be adjourned and the resumption of debate made an order of the day for the next sitting

MR PRESIDENT: Thank you, 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. It is so adjourned.

NO. 5 CUSTOMS AMENDMENT BILL 1993

Mr Bennett, leave is granted in respect of the Customs Amendment Bill 1993 for that to be brought forward

MR BENNETT: Mr President, in accordance with Standing Order 178 I present the Customs Amendment Bill 1993 and move that the Bill be agreed to in principle

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

MR BENNETT: Mr President, just before I make any comment about it I should perhaps declare a pecuniary interest in it to the extent that a pecuniary interest is or can be seen to be derived out of this charge. I declare that I am an importer and distributor of cigarettes and I don't know quite whether there is pecuniary interest or not but I've done it just in case I get shot in the back at another time. Mr President, the purpose of this Bill is to amend the Customs Ordinance 1913 by altering the rates of duty on goods for home consumption, namely cigarettes and tobacco other than cigars and liquor. There is no commencement clause as the proposed Bill will come into

operation on the publication by the Administrator of the notice of its making in accordance with Section 30 of the Norfolk Island Act 1979. Mr President this is the taxing measure that was first described when we talked about healthcare and the need to fund the healthcare arena with \$250,000. It was mentioned earlier today in the budget debate the debate, on the Appropriation Bill, as it's largely in the Healthcare arena I will leave the debate now and listen to Mr Brown's comments on it

MR PRESIDENT: Thank you Mr Brown

MR BROWN: Thank you Mr President Members will be aware throughout the world healthcare and medical treatment costs have been increasing significantly. Norfolk Island has not been immune from this escalation of costs and the government has found that the Hospital Enterprise and the healthcare system are placing a steadily increasing demand on the public purse. The Government has determined as a matter of policy that the Customs Ordinance 1913 should be amended to increase the Customs Duty on liquor and cigarettes and tobacco. The revenue which will be gained from this increase will be completely allocated to subsidise Norfolk Island Healthcare. The Government makes no apology for directly targeting tobacco and alcohol because it is the voluntary use and misuse and over consumption of both that places a significant burden on any public health system. The Government feels that price changes can also have a particular impact on young people considering on taking up smoking and it would be neglecting its public health duty if it did not do something to discourage the habit. Accordingly the Bill which Mr Bennett is proposed to the Assembly today increases the levy on alcohol from 15% to 18.5% and on cigarettes and tobacco from 60% to 180%. The average cost of a carton of beer stubbies will rise from \$25 to \$25.50, the average cost of a popular brand of 25 cigarettes will rise from \$1.50 to \$2.10. In other parts of Australia Governments have steadily increased taxes on cigarettes but the increased revenue has usually gone into consolidated revenue. That is not the approach of the Norfolk Island Government. The Government makes a commitment that 100% of the revenue raised by these increases in customs duty will be allocated to subsidise the costs of Healthcare and any revenue will be highly allocated to a special account for the rebuilding of the Norfolk Island Hospital. The Government does not seek to impose this increase purely as a general revenue measure but has deliberately determined that these funds should support the medical system of Norfolk Island. While the increases are significant cigarettes and especially alcohol will remain very competitive for the Australian and New Zealand visitors and a packet of cigarettes will remain about half the price it is in Australia. I believe our health system should always be properly supported by the Assembly and I am convinced that it is appropriate to apply these increases for that specific purpose and Mr President I commend the Bill

MR PRESIDENT: Debate, Honourable Members no further debate, Mr Bennett

MR BENNETT: There being no further debate I move that so much of Standing Orders be set aside as would prevent this Bill being dealt with through all stages at this sitting

MR PRESIDENT: Are there 6 Members who would agree to that proposal could you indicate by just raising your hand so I can see that is agreed. Thank you. Mr Bennett.

MR BENNETT: Mr President, I move that the Bill be agreed to

MR PRESIDENT: I assume you want to put aside the detail stage today. Is that agreed by all Members. I will put the question. First of all that the Bill be agreed in principle.

QUESTION PUT
AGREED

The ayes have it. Now I ask whether you wish to dispense with the detail stage. Ayes have it. That being the case we will come to the finality of the matter. Is there any further debate before Mr Bennett's final motion. That the Bill be agreed to. Any final debate. No. Then thank you Mr Bennett

MR BENNETT: Mr President, I move that the Bill be agreed to

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

QUESTION PUT
AGREED

The ayes have it. Thank you, the Bill is agreed to. We have completed notices for today Honourable Members and just to put it in context the taxing measure Bill has been finalised the Appropriation Bill it is planned would be a subject for discussion and hopefully finalisation when we meet in a fortnight's time which will come further in the paper but I just put it in context whilst we're leaving that matter. Now we move to Orders of the day.

ORDERS OF THE DAY

NO 1 PHILLIP ISLAND FORMALISATION OF ARRANGEMENTS AND PLANS FOR ITS FUTURE MANAGEMENT.

MR PRESIDENT: We are resuming debate on the question that that motion be agreed, to and Mr King you have resumption of debate

MR KING: Mr President I foreshadowed an amendment on this matter how shall I deal with that. Shall I move the amendment now perhaps

MR PRESIDENT: You may

MR KING: I will do that Mr President I would move the deletion of all words after that first occurring and the substitution of words so that the motion reads in its amended form that this House requests the responsible executive member to prepare for consideration by this House a Memorandum of Understanding between the Norfolk Island Government and Australian National Parks and Wildlife Service the provisions of which will include (a) the acceptance by each party of the obligations and objectives of the other party in respect of the future management of Phillip Island and (b) the roles to be played by each party in pursuing those obligations and objectives

MR PRESIDENT: Thank you Mr King,

MR KING: Mr President, since I introduced the earlier motion in May I have received a number of representations from people in the community both orally and in writing who are concerned about the approach set out in my earlier motion, the one I am now seeking to amend. I've received written communications from the Society of Pitcairn Descendants and a letter signed by some 84 residents of the Island and although that last mentioned letter is not in the form of a petition Mr President. I would nevertheless like to table that Mr President I believe that some of the concerns expressed to me are not valid concerns. For example. Some words are being used in these letters suggesting that my earlier proposals amount to handing over control of Phillip Island to the Australian National Parks and Wildlife Service or making Phillip Island part of an Australian National Park. Now I'm sorry for going back over old ground Mr President but by necessity I need to repeat some of the points that I made during the May debate or at least summarise them to some degree. My earlier proposal included making Phillip Island part of the Norfolk Island National Park not an Australian National Park that is the Island would be proclaimed under our own legislation and Norfolk Island National Park and Norfolk Island Botanical Garden Act. It would be managed under Regulations attached to our own legislation and under a Plan of Management prepared in consultation with our community. The proposal to proclaim Phillip Island at the same time under the Commonwealth Act would insure continued Parks and Wildlife Service involvement and importantly continued funding. It's important to understand these points Mr President and just to emphasise them I would like to quote and bear in mind Proclamation under our own legislation, Proclamation under Commonwealth legislation, management under our own Regulation and management under a Plan of Management agreed in consultation with the community. Mr President I quote Section 3 of the National Park and Norfolk Island Botanic Garden Regulations 1988 under which my earlier proposal for joint management of Phillip Island which would apply to my earlier proposal for joint management of Phillip Island. It states, that subject to the Act and these Regulations the executive member an officer, a forester and a approved person and other

persons shall exercise or perform a duty power function or authority imposed or conferred on the person by the Act or these Regulations in accordance with a Management Plan and not otherwise. Therefore Mr President control over the prescriptions in any proposed Plan of Management for Phillip Island or an enlarged Norfolk Island National Park is in the hands of members of the Norfolk Island Legislative Assembly. Nevertheless Mr President, whilst I don't necessarily agree with the validity of some of the concerns I don't wish to ignore those community expressions. The amendment which I propose today will enable a number of things to happen perhaps in a more acceptable order. A Memorandum of Understanding or agreement if you like will not in its self change anything. The status of Phillip Island will for the time being remain unchanged. The Agreement will allow both the Norfolk Island Government and the Parks and Wildlife Service to document their obligations and objectives and provide some impetus towards meeting those obligations and objectives. Mr President I will not be allowing this particular issue to die. My basic objective is to ensure that Phillip Island is managed properly and conserved for future generations. If the community takes the time to fully understand the issues surrounding Phillip Island and is willing to put aside perhaps some of the emotions, and suspicions that has crept in, then I'm sure that that basic objective can be achieved. This motion will allow for example, the development of a Plan of Management before Proclamation under any legislation, be it ours or legislation of the Commonwealth and I think that will meet largely the concerns expressed immediately. I'm not sure that the concerns that have been expressed over recent times will not emerge again in the coming months. In fact I'm quite sure that they will but in giving my undertaking not to let this matter die I'm hopping to meet those concerns as they or if they arise again in the near future but perhaps this plan is more acceptable to members in the community to allow a bit more time to perhaps educate the community on the issues of Phillip Island. Thank you. I commend my amendment.

MR PRESIDENT: Mr Robinson, then Mr Christian

MR ROBINSON: Thank you Mr President, I don't think that anyone especially during these hard economic times can deny the help that is it ANC (sounds more like a political party in South Africa but never mind) ANCHOR or the former Parks and Wildlife have been to the economy. By this, I'm talking about their spending funds in the community particularly during these times. The only concern that I have is that Mr King wants to take out the words full consultation with the community". Now doesn't reek of Government of, by and for the people that I think most of us here would like to see. Perhaps Mr King could clear up how the full consultation will be left then by his amendment

MR KING: I'm not contemplating in the slightest Mr President of avoiding the necessity of a full consultation with the community Members will understand that my amended motion means that the next step would be a return to this House with a proposed Memorandum of Understanding for agreement. Until that happens, there wont be any community consultation because it won't be necessary at that particular point in time. This is really a direction motion, an indication by me that I'm not allowed not going to let the matter simply die so by indeed Mr President the community consultation phase will clearly take place it will take place a little later than it might have under my earlier motion

MR PRESIDENT: Thank you Mr Christian

MR CHRISTIAN: Mr President I'm still not in favour of the motion or the amendment for the same reasons that it still leaves basic control within National Parks area. This was evidenced in the last week with things which happened within our own National Parks. At present where the Forester, in agreeance with the Management Plan, was operating, there, and what he considered was considered to be the correct way of doing things then was rudely interrupted by the National Parks people and told to stop and virtually ordered away from the area so this was done because of Commonwealth legislation taking precedence over ours and this is virtually going to be the same case with what Mr King is advising now

MR SANDERS: Mr President could I ask Mr Christian to elaborate on what was that problem

MR CHRISTIAN: Our Forester was carrying out work within the

National Park or the forestry area of the National Park which he is quite entitled to do. Its in agreeance with the Memorandum of Understanding when he was stopped from doing so by the National Parks and Wildlife people and order away from the area

MR SANDERS: Can I ask Mr President, what work he was doing that National Parks wanted to stop him

MR CHRISTIAN: He was clearing and preparing the area for forestry

MR PRESIDENT: Further debate, Mr Bennett then Mr King

MR BENNETT: Mr President, just a question was the problem resolved it seemed to me to be simply a matter of getting two heads together and sorting it out. I don't think that it came to me as being as a result of Commonwealth legislation overpowering ours, I think it was an interpretation by one or the other was the matter resolved satisfactorily

MR CHRISTIAN: A meeting is still to be held and will be held fairly shortly but basically its still Commonwealth legislation overpowering ours

MR KING: Mr President I'm not quite sure that that's particularly so the Conservator in that particular instance I don't want to dwell to much on this particular incident because I'm not sure that its particularly relevant but took the view as Superintendent that the work that was being done was not in keeping with the jointly agreed Plan of Management in respect of the area the jointly agreed Plan of Management. I understand that some discussions took place between the Conservator and the Forester subsequent to that where certain things were agreed and I further understood that there was to be a meeting involving myself and Mr Christian and others to discuss the matter I certainly didn't believe that it has the substance necessary to make mention of it in this House. Mr Christian is concerned that because of those events that similar things might occur in Phillip Island. He said that my particular motion in its amended form still leaves control by the Australian Parks and Wildlife Service. Well I went to particular pains last month to say, to illustrate to this House, that no one has any control over Phillip Island or what's happening on Phillip Island at the moment neither the Commonwealth Government neither our Forester neither this Government or this Assembly. No one knows what's being done over there. No one knows what needs to be done to ensure that its future or proper management in future conservation what I'm talking about here is a call on me by this House to bring back a Memorandum of Understanding an agreement which will set out what we see as being necessary to do out on Phillip Island not in detail but whether we have any commitment to a Plan of Management, a proper Plan of Management for Phillip Island and acceptance of us of the obligations under international and national charter of the Commonwealth. From that point in time if those objectives and obligations can be accepted in the form of a Memorandum of Understanding agreed by this House then a number of things may happen. Importantly one thing may happen which may satisfy Mr Christian's concern and I don't know what will happen during the two or three stages which will follow. This one thing that may happen Mr President is that if we are able to demonstrate to the Commonwealth that we are able to provide the resources and expertise to ensure that their obligations are met and if we are able to satisfy them that our obligations aspirations and objectives are realistic and honourable in respect of Phillip Island, there is absolutely no reason whatsoever that they would prevent or inhibit us from pursuing a proper Plan of Management ourselves and solely by ourselves. Currently I have considerable difficulties that we can do that in the foreseeable future but we will address that issue as we come to it. This is a direction motion Mr President, something which as I said before as an expression by me that I will not allow the matter to die on the vine

MR SANDERS: Thank you Mr President, my understanding is that Phillip Island is a Reserve anyhow and if that be the case then the Department could in effect do anything they wished with it. Now, I'm inclined to support Mr King's motion on the basis that if there is a Memorandum of Understanding between all parties it is probably the first time in history we actually will have some say so on that basis I propose to support it

MR PRESIDENT: Mr Brown

MR BROWN: Mr President, I was actually comfortable with the original motion because I felt that the original motion gave us far more say than we have at the moment and after all the existing draft Plan of Management for Phillip Island which was prepared at the request of the Legislative Assembly in about 1986 and the revised draft plan which was subsequently prepared were prepared at the request of the Assembly and with very significant community consultation. Ernie has mentioned a problem which occurred in the course of the last week or so. My understanding is that that is a problem which is being resolved and that it is a problem that arose more by lack of communication than from anything else. It's my understanding that there is and will be no real difficulty between the parties with the ongoing Forestry programme provided that the Parks and Wildlife people know what it is we are proposing to do and have a bit of an idea when we are proposing to do it. The last thing they would want to find is that they had their long lost owl sitting in a box and that we decided to chop a tree down right beside it. Now that's taking communication to an extreme I acknowledge but I think that there is room for us look at what problems can occur for each side and work out how best to fix them. I'm sure they can be fixed. Nevertheless Mike has now suggested an amendment to his motion an amendment under which we would be calling on him to prepare and bring to us for consideration a Memorandum of Understanding and I don't think that any of us could have any objection to that. It's not calling on us to agree to execute the MOU it is simply saying would you like me to bring an MOU to the House for you to have a look at. That's in effect what it is saying and I say yes, do it as soon as you can

MR PRESIDENT: Further debate, there being no further debate I put the question which is the amendment to the motion be agreed to.

QUESTION PUT
AGREED

The ayes have it. Thank you. Therefore we have a motion with an amendment any debate in respect of it. No debate. Then I put the motion as amended. The question is that the motion as amended be agreed to.

QUESTION PUT
AGREED

You wish the House to be called Mr Christian. Mr Christian's opposition is recorded in respect of that motion. Thank you. The motion is agreed to as amended.

NO. 3 HEALTHCARE CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL AMENDMENTS BILL 1993

MR PRESIDENT: We're resuming debate on the question that the Bill be agreed to in principle and Mr Brown you have the call

MR BROWN: Thank you Mr President. Mr President this Bill was introduced at our last meeting and it introduced proposed amendments of a technical nature. I don't propose to deal further with those today Mr President but I do wish at an appropriate time to move an amendment so as to correct a difficulty which has occurred since our last meeting but I will wait for an appropriate time for that

MR PRESIDENT: We're now addressing that the Bill be agreed to in principle. Any further debate. Then I put that question. The question is that the Bill be agreed to in principle. Mr King has he escaped forever. There is a procedure that you will understand Members that I might go through when a Member is not in the House and that I would give him an opportunity to come back into the House but I think it's superfluous to go for that today. We're all re-assembled. The question is that the Bill be agreed to in principle.

QUESTION PUT
AGREED

The ayes have it. Thank you. The Bill is agreed to in principle. We are now addressing the details stage. We won't dispense with that because I

understand that you have just said Mr Brown you have some proposals to make.

MR BROWN: Mr President, I seek to move some amendments to the Bill of which notice has been given to Members and perhaps I could explain to the Members the reason that the need has arisen for this further amendment. Mr President we recently made an amendment to the Healthcare Act which was aimed at introducing a 5 year exclusion clause for pre-existing medical conditions and I sought to do that by amending the existing provisions in the Healthcare Act. Mr President I overlooked the fact that we had repealed the Section which I sought to amend and I apologise to the House for that but it is now necessary for me to seek to re-introduce into the legislation the 5 year pre-existing condition requirement and that is the purpose of the amendments of which I have given notice Mr President and I would ask the House's assistance in agreeing to deal with all of those amendments together

MR PRESIDENT: The proposal is that I seek your views Honourable Members in respect of the totality of those amendments just described by Mr Brown. Are you comfortable with that. Yes Okay. Then thank you. Is there any debate in respect of those amendments. No debate. Are those amendments in their totality agreed. They are agreed. Thank you. We're still at the detail stage. I therefore ask you Honourable Members whether the balance of that piece of legislation is agreed. The balance of that legislation is agreed. Thank you.

MR BROWN: Mr President, I move that the Bill as amended be agreed to

MR PRESIDENT: Thank you. The question is that the Bill as amended be agreed

QUESTION PUT
AGREED

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

NO 4 - PUBLIC SERVICE AMENDMENT NO. 2 BILL 1993

MR BROWN: Thank you Mr President. Honourable Members will recall, that the purpose of this Bill, was firstly to expand the number of people who are able to vote for Officer's Representative on the Public Service Board, so as to include people that we refer to as Section 20 appointees. That is so that employees and officers, can all vote for the Officers' Representative and the only requirement there is, that those officers or employees have been appointed, or employed for not less than 3 months preceding the election of the member of the Board. And secondly, the Bill proposes to repeal and replace Section 20, so that we get away from the situation where the Board makes Section 19 appointments and CAO makes Section 20 appointments. And we have all appointments bar, for very short term appointments, being made by the Board. And then there are transitional provisions to cover the situation of the existing Section 20 appointments. Mr President, I think I mentioned on the last occasion, that these amendments were introduced at the request of the Public Service Board, and I seek the House's support for them.

MR PRESIDENT: Thank you, Further debate. Yes, Mr King.

MR KING: I wonder, if Mr Brown would just refresh my memory, as to whether the consultation phase has included the Public Service Association?

MR BROWN: Mr President, I do not recall at this stage, whether I spoke specifically with the Public Service Association, but if you will excuse me for just a moment

MR KING: I hadn't really anticipated that you had. I think that the Public Service Board is in the habit of consulting, when they consider these matters. I just thought you may be able to confirm whether that happened

MR BROWN: Mr President, I'm looking at my file. I certainly cannot see that I have consulted specifically with the PSA. My recollection, is that I have spoken with the Officers' Representative and

that he had confirmed to me, that not only was it a request of the Board, but that he supported it. But I can see nothing in my file to indicate that I or the Board, specifically consulted with the PSA

MR PRESIDENT: Thank you, Mr King

MR KING: Mr President, these issues, are issues which have been addressed from time to time by representative organisations, and as I understand it, they are non contentious items, and items with which at least, the majority of Public Servants hold no issue. I intend to support the Bill.

MR PRESIDENT: Any further debate? There being no further debate. I put the question that the Bill be agreed to in principle.

QUESTION PUT

AGREED

The ayes have it. Thank you. Is it desired to dispense with the details stage? If we're dispensing with the details stage I seek a final motion. The question now is that the Bill be agreed to any final debate

QUESTION PUT

AGREED

The ayes have it that Bill is agreed to. Thank you. Fixing of the next sitting day, Mr Bennett

MR BENNETT: Mr President. I move that the House at its rising adjourn until Wednesday, 30 June at 10am

MR PRESIDENT: Thank you. You will note Honourable members, that's a fortnight's time. In keeping with our budgetary processes. Any debate or comment Mr Christian

MR CHRISTIAN: Mr President. I would like to seek leave to be absent for the next meeting

MR PRESIDENT: Is leave granted. Leave is granted. Thank you, I will put the question that the next sitting day be agreed.

QUESTION PUT

AGREED

The ayes have it, thank you. Adjournment Mr Brown

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

MR PRESIDENT: The question is that the House do now adjourn. Any adjournment debate? No debate, Mr Sanders

MR SANDERS: Thank you Mr President. We have heard today, that I am the reason for so much waste of time, of this Assembly, by asking questions. We have heard, that unless I use correct English, answers to questions by me, will either not be answered or will be answered with abruptness or vagueness. I am pleased, even though I am the reason, to know why this Assembly has achieved virtually nothing during its existence. I am pleased, to finally find out why my questions are evaded, my lack of education, There are a number of persons in and out of this Assembly, that are of the belief, that education automatically gives common sense. There are those that believe, that election to this Assembly, automatically makes them clever. I now know why so many of the members of this Assembly are so successful and clever. What I can't understand is, if they are so clever, why aren't they rich? Mr President, this is to advise this House, that it is my intention to continue asking questions and I intend to do my best to make the executives accountable for public moneys. Thank you Mr President

MR PRESIDENT: Thank you Mr Sanders, any further adjournment, addresses Mr King?

MR KING: I couldn't allow the opportunity to pass. Mr President, once again Mr Sander's has approached this matter in, without properly informing himself, in fact his recall is that bad. That he misquotes me only an hour after I have said these words

MR SANDERS: Point of view Mr President, Point of order. I haven't quoted anybody

MR PRESIDENT: Yes, there is no point of order

MR KING: Mr President, it has been stated in Mr Sanders adjournment debate, that I will continue either not to answer his questions

MR SANDERS: Point of order Mr President, I did not say such a thing

MR PRESIDENT: Yes order gentlemen. Mr Sanders they are not points of order. I understand that you have another view about the matter and I will give you the call so that you will have an opportunity to make your views known

MR SANDERS: Mr President, I'm a little bit concerned that I may have to move another motion that Mr King is misleading the House

MR KING: Mr President. Just a few brief words to say, that if there is a suggestion contained in Mr Sanders words, that I will not answer his questions or that if I do, that I will be both abrupt and vague or evasive. Those are not adjectives that I referred to in my earlier debate, during this meeting. What I did say and I need to recall Mr Sanders mind to it, was that unless he ceases to be provocative and antagonistic and to frame his questions in proper Queens English, then I would continue to be less than informative and curt in my responses. I do not intend to evade his questions. I do not intend to fail to answer them, abruptness, vagueness those are matters of perception

MR ROBINSON: Thank you Mr President. If we look at the accomplishments of this sixth Legislative Assembly, we find that apart from the Expenditure Bill, the Tourist Bureau numbers and a few other minor bits and pieces, the only legislation of note has been done by the Minister of Health. Part of the reason for this, is the fact that even when the House politely asks the Minister responsible, to find sand for Norfolk's use, some three months go by and nothing is done. When the Minister responsible, was going to get the University of Newcastle to investigate the effects of greater population growth on Norfolk nothing was done. When the Minister responsible, for Immigration was given the go-ahead, to formulate an overall plan for immigration for various reasons, nothing was done. All too often we talk of long term plans, as I've said before today, when all is said and done, more is said than done. This may seem like a strange way to offer an invitation, but an invitation it is, I invite this House, to, was going to say pull finger, but I guess, that perhaps that isn't really appropriate, however, but I'll use it just the same, pull finger

MR KING: Mr President, I'm quite overwhelmed actually that these words are coming out. I can understand it, given the nature of luncheon meetings that take place around here. I can understand these words coming together in this manner or at the conclusion of this particular meeting. I'm overwhelmed when we have comments coming from two particular people about the performance or the achievements of this particular Assembly. When the contribution of some members around this place can be measured only by their questions relating to the wearing of earrings at school or school uniforms. You've got to appreciate I think, or members have to appreciate Mr President, some of the difficulties that we're having in conducting the business of this House and the business of executive government. The concerns that I've developed over the period of the past year centre precisely around the inability to do very little, or to achieve very little, and I've searched my mind and been very observant as to why this takes place and there's a certain question, about lack of appropriate resources, but also the question about the intrusion on matters of parliament or matters of government of the personal affairs and the like, of some members of this House. I've been overwhelmed by the tactics employed by Ministers, of old Ministers of some experience, Members of some experience. During the course of the last twelve months which have not only impeded my progress, but have impeded progress of self-government in Norfolk Island. I think if the concerns expressed by the likes of Mr Sanders and Mr Robinson are really genuine concerns or there just stirring, muckraking then, may be we ought

to go back to the poles and let the community decide for themselves

MR BENNETT: Mr President, some of the events of today's sitting has highlighted what has become a lingering legacy of this sixth Legislative Assembly. That is, it's inability to put issues behind it and focus on the real needs of the community we are here to serve. I'm somewhat surprised by some of the comments by Mr Robinson, but I think, noting that his contribution to this parliament, then perhaps I ought not to be surprised, but its as plain as tomorrow is the following day, that the personalities here have been allowed to dominate in this place at the expense of its role as a legislator and decision maker about community issues. I think it is unlikely that any resolve will be reached and its perhaps, for this reason I believe the community should once again be asked to select a group to work for their good for this Island, and rid forthwith the underlying torrent of self interested motives and perhaps self aggrandisement which I believe to be the seat of the current problem

MR BROWN: Mr President I draw your attention to standing order 62

MR PRESIDENT: Yes?

MR BROWN: Mr President, I suggest with respect that the debate of the Minister for Finance, at this stage is casting imputations of improper motives and personal reflections of an unsatisfactory nature on members of the House

MR PRESIDENT: Mr Bennett, if your debate has ventured into that area, I would ask that you cease from doing so and withdraw any that you may have made

MR BENNETT: Is that the words, self interested motives and self aggrandisement, those ones?

MR PRESIDENT: Yes indeed they can be imputations

MR BENNETT: I'll withdraw those

MR PRESIDENT: Imputations against members

MR BENNETT: I'll withdraw those Mr Chairman, but just in conclusion, I was surprised not to hear Mr Robinson say that perhaps it was, that if the performance of this assembly is such that it might be a question of leadership, I think the poles might produce and allow for leadership and coordination to be re-introduced. Both of these have appeared to be sadly lacking, Mr Robinson didn't refer to it, but I guess that's understandable. I think this place needs coordination and it needs leadership

MR PRESIDENT: Further debate? Mr Sanders

MR SANDERS: Mr President, the other night, or about a week or so back on the television in reply to a question. There was a young girl. She said that Joe Blow was so far up himself he was nearly inside out, and I immediately thought of Mike King, I move that this House do now adjourn

MR PRESIDENT: I would regret that we need to resort to that language, that being the case Honourable members

MR SANDERS: Mr President, it was on the ABC

ADJOURNMENT

MR PRESIDENT: Order I'm not to sure that's a commendation Mr Sanders, Honourable Members I think we're about to adjourn, I put the question that we adjourn.

QUESTION PUT
AGREED

The ayes have it, therefore we stand adjourned Honourable Members, until a fortnights time Wednesday, 30 June at 10 o'clock in the morning

