

Prayer

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

MR PRESIDENT Honourable Members I firstly ask if there are any condolences this morning.

Condolences

MR CHRISTIAN Mr President, Michael Mario Spinocchia passed away on Monday 13th September in the Norfolk Island Hospital. As a past President of Sutherland Rotary Club Michael and his wife Elaine were with a visiting Rotarian Group. Michael and Elaine have two daughters, Debbie and Melissa who were both exchange students on the island, and two sons, Andrew and Richard. To Mrs Spinocchia and family this House extends its sincere sympathies.

MR PRESIDENT Thank you Mr Christian. Honourable Members as a mark of respect I would ask that Members stand for a period in their places, of silence. Thank you Honourable Members.

PETITIONS

NOTICES

QUESTIONS WITHOUT NOTICE

MR SANDERS Thank you Mr President. I have a couple here for Mr King, and the first one is, are you able to advise this House what was the total cost to the public purse for the driveway of Dennis Sterling and if none are the rest of the public on Norfolk Island going to be able to have their drives sealed at little or no expense, and if not, why not.

MR KING Mr President, this is I'm sure a question that Mr Sanders has put to me before, certainly questions in relation to this particular job. It's somewhat remote, it goes back maybe 9, 10 or 11 months. I can't quite be certain Mr President of the actual cost. From memory, and I may stand corrected, I'll certainly come back to the House if I'm incorrect, I can recall the cost of the exercise being some \$3000. I can recall the contribution by Mr Sterling of \$1000. I can recall the reasons why I took that decision was in interests of road safety, given the locality of the particular driveway. In my opinion that was priority works which in the interests of the safety of the road users ought to be proceeded with and I think that's fairly well in line with the manner in which I answered the question on the last occasion.

MR SANDERS Mr King is correct Mr President. He did...

MR PRESIDENT Is that supplementary Mr Sanders.

MR SANDERS Yes. He did answer on ... The question is for the amount of road was three quarters paid by the Administration and a quarter by the public, does the same criteria apply for members of the public who wish to have their driveways that could considered to be dangerous.

MR KING Mr Sanders arithmetic is wrong. The ratio is 2/3rds to 1/3rd. Not 3/4's to 1/4.

MR SANDERS Please forgive me with my maths today. I'm not up to it Mr President. But the same question applies.

MR KING I mentioned the criteria which I applied to that particular exercise Mr President. I'm comfortable in addressing any other proposal of that nature and I would have regard to the same criteria.

MR SANDERS I have another one for Mr King while I'm at it Mr President. What action have you taken to provide sand for the Golf Club bearing in mind the Golf Club is a great attraction for tourists and locals on Norfolk Island and I understand that this is an on-going need

to maintain the Club's high standard.

MR KING The Golf Club, as I understand it Mr President, has an annual requirement for top dressing of most particularly the greens on the Golf Course. I understand that annual requirement is somewhere round about 25 to 30 cubic metres. A request was recently channelled to me through my colleague Mr Brown, a request from the Golf Club for the immediate provision of 30 cubic metres. At this point in time I'm not able to provide 30 cubic metres. What I have been able to provide, or make available for the Golf Club, I'm not sure whether in fact they have collected it yet is some 8 or 9 cubic metres which should see them through for some 3 or 4 months, during which time I'm hopeful of being able to meet their further requirements. I don't see any great difficulties at this point in time.

MR SANDERS I have three questions here for Mr Brown if I may Mr President. The first one is are you able to advise this House if executives of this Government have paid their school fees for years 11 and 12 this year and if not, what action do you propose to take to recover such debts or, are executive members exempt from paying all their accounts to the Administration.

MR BATES Point or order.

MR PRESIDENT Yes, Mr Brown, Mr Bates

MR BATES Point or order. 104(2). I believe that question was asked at the previous meeting.

MR PRESIDENT I do believe it was. Mr Brown if you might ... I'm looking at Standing Order 104(2) which says, "a question fully answered cannot be renewed". It is my understanding that Mr Sanders raised this question at our last sitting.

MR SANDERS Mr President, I've raised it on a number of occasions and the purpose of raising it ...

MR PRESIDENT Yes, if that be the case Mr Sanders, if that be the case, then I rule that the question is out of order. Further questions without notice.

MR SANDERS Mr President ...

MR BROWN Mr President I'm happy to answer the question insofar as it relates to the period from the last meeting until today, if that is of assistance to the House.

MR PRESIDENT I didn't interpret that that was Mr Sanders' question. He indicated to me that he had asked the question on a number of occasions. If that be the case it is within the requirements that I just quoted to you.

MR SANDERS Mr President I'm concerned. I'm asking the last bit of the question ...

MR PRESIDENT Order Mr Sanders. I've given a ruling on that matter. Are there any further questions without notice.

MR SANDERS Yes.

MR PRESIDENT Yes. Mr Sanders.

MR SANDERS There's two more to Mr Brown. Will you confirm that you used the services of private solicitors and will you confirm to this House why you choose to by-pass the legal advice available to you from the Crown Solicitor.

MR BROWN Mr President, indeed it is the case that on a number of occasions I have sought advice, either in addition to, or instead of, advice from the Crown Solicitor and in fact I have issued an instruction that virtually all of the legal work in relation to the Hospital and the Healthcare Scheme should be directed towards a private practitioner rather than the Crown Solicitor's office. I've done that for a number of reasons Mr President. Firstly the Crown Solicitor's

office is apparently very busy because it's taking a very long time for some of the advice to get back to me. Secondly, I have difficulty in accepting some of the advice and on those occasions if I regard the matter as significant enough I've adopted a practise of seeking additional or further advice.

MR SANDERS This is the final one to Mr Brown Mr President. Are you aware of the allegations that local employees have been abusing the provisions of the Employment Act and the trust of their employers by taking 5 days sick leave immediately after commencing employment and then resigning from the employment and if so, what do you propose to do about it.

MR BROWN Mr President I expect that I received the same complaint last night that Mr Sanders is referring to in this question. Members will recall that back in June of this year I circulated a memo in which I indicated that I was considering bringing forward amendments for the consideration of the House to the Employment Act to overcome a number of anomalies and one of them is, in fact, the anomaly to which Mr Sanders has referred. I'm sure that no-one feels it is reasonable for the sort of activity to occur that Mr Sanders has just described and I hope that I will have an amending Bill to cure that and a number of other problems ready for the House at the October meeting Mr President.

MR ROBINSON Thank you Mr President, my questions are directed at Mr King. Mr King, how can we prevent executives from using their positions as executives to extract revenge on their personal enemies.

MR KING Mr President, that's not a question which bears directly on my executive authority. I haven't got the foggiest idea what Mr Robinson is talking about. Perhaps if he can be more explicit.

MR ROBINSON Perhaps I'll put it to you another way at another time.

MR KING Well, why don't you put it to me now in another way.

MR ROBINSON Well I did have a more direct approach but Mr President will not be allowing me to ...

MR PRESIDENT I you are talking about more direct approaches may I remind you about the Standing Orders which are rules for questions, rules, Standing Order 105, and it does talk about inferences ...

MR ROBINSON Personal imputations ...

MR PRESIDENT Personal imputations are others.

MR ROBINSON Exactly.

MR PRESIDENT Are there any further questions.

MR ROBINSON Yes thank you Mr President. Could the Minister, Mr King again, could the Minister advise the terms of recent sacking of the Tourist Bureau's Australian representative and whether those terms were to the satisfaction of that former representative. If they were not to his satisfaction, what has happened about it.

MR KING The terms of the sacking of the former Tourist Bureau Australian ...

MR ROBINSON Representative.

MR KING Representative. Publicity Consultant I expect you're talking about Mr Robinson.

MR ROBINSON That's probably a better way of putting it, yes.

MR KING Terms of the sacking. The Australian Publicity Consultant, the former Australian Publicity Consultant Mr President was not in fact "sacked" in the sense of the word. His contract had in fact expired and the Tourist Bureau took a decision that that contract ought

not be renewed. As to the terms of the so-called sacking, or cessation of the particular contract, if Mr Robinson is making some allusion to a possible settlement or a redundancy package, or something of that nature, then he's totally erroneous in that thinking. There hasn't been any settlement or terms relating to that cessation.

MR ROBINSON Thank you, that's what I was asking.

MR SANDERS A supplementary question please Mr President.

MR PRESIDENT Is there an expectation that there be some.

MR KING Not on my part, not on the Tourist Bureau's part. There may be an expectation on the part of the former Publicity Consultant.

MR SANDERS A further supplementary question Mr President. Has that person made any approach for such a thing.

MR KING I understand that a matter has been put before the Tourist Bureau for a settlement for one or two months final service by that particular person but the Tourist Bureau has taken a decision that there are no outstanding monies to be paid to that particular person.

MR ROBINSON A further one to Mr King. Has the Minister issued any directions under the Act to the new Tourist Bureau and if so will copies be tabled today.

MR KING Presumably Mr Robinson is talking about Section 15 of the Norfolk Island Government Tourist Bureau, that is relating to formal directions to the Tourist Bureau. No, I haven't. In fact I'm quite happy in the manner in which the Tourist Bureau is presently conducting itself and quite frankly I have little need to involve myself on a day-to-day basis such is the level of my confidence in the Bureau.

MR ROBINSON Thank you. Has the Minister made any strong recommendations to the new Tourist Bureau as an alternative to directions and if so will the Minister table today full details of all such strong recommendations.

MR KING Mr Bennett and Mr Robinson are having a little private discussion over there Mr President. If I can be allowed the opportunity to answer his question. It's irrelevant in fact whether or not I am required, or whether I should, table such strong representations to the Tourist Bureau, but let repeat my association with the Norfolk Island Government Tourist Bureau at the moment is such that I need not make any strong representations or argue or seek to persuade them towards my way of thinking, because in fact, their thinking matches mine. I have not made any strong representations one way or the other in recent times.

MR ROBINSON Thank you Mr King. That's good news.

MR KING I'm glad it makes you happy.

MR ROBINSON Another one for Mr King. Does the Norfolk Island Government intend to propose legislation along the lines of that which prohibits tobacco advertising in Australia.

MR KING No, there's no such proposal Mr President. It's interesting that Mr Robinson should raise this particular matter at this point in time. It's a matter which is presently before or listed in fact for the Agenda for the next Executive Government meeting and that is the implications of the Commonwealth Tobacco Advertising Prohibition Act, the implications of that Act for Norfolk Island. How we ought to react as a result of the extension of parts of that Act to Norfolk Island. It will not be my proposal that we introduce any matching legislation here in Norfolk Island. My proposal will be one of taking certain steps which would include the Government making statements about tobacco advertising in Norfolk Island and look for some community feed-back on having taken those steps and consider perhaps what action might be necessary, or might be felt desirable by the community beyond that point.

MR ROBINSON My next couple of questions are to Mr Christian.

Mr Christian, what action has been taken about the Japanese fishing trawler which was recently found in Norfolk waters and what has been the result of that action.

MR CHRISTIAN Mr President strong letters were sent to the Fisheries Department of the Australian Government. I have received no reply from them as yet as to what action has been taken.

MR ROBINSON Thank you. Another one to Mr Christian if I may Mr President. What is the Government doing about soil erosion and land degradation generally in Norfolk Island.

MR CHRISTIAN There has been discussion and a plan prepared by overseas consultants as far as the KAVHA area and lease land is required, but nothing else has been done outside of that at this stage. Thanks Mr President.

MR ROBINSON Thank you Mr President. My next questions are addressed to Mr Brown. Mr Brown could you advise the present situation in respect to the continuation of years 11 and 12 at the Norfolk Island Central School.

MR BROWN Mr President, I recently wrote to the P & C in relation to years 11 and 12 in response to a question which they had asked me, and that question basically was one in which they sought some assurance that years 11 and 12 would be continuing. The letter which I wrote to the P & C was printed in the local paper and I'm sure that all members have had the opportunity to read that. I heard from the P & C yesterday that they intend to respond to that letter in the quite near future and it's probably most appropriate that I wait until I have received that response before taking the matter further with members. But, I did indicate in the letter that I would do my best to ensure that years 11 and 12 work at the Norfolk Island Central School and that I felt that there were some things which could be done to assist with that. One of the considerations was whether it is still appropriate for us to be providing bursaries and scholarships for students who go away from Norfolk Island for their education. The local bursaries and scholarships were established at a time when years 11 and 12 were simply not available locally. I intend to speak with members as to the possibility of removing the bulk, if not all, of those bursaries and scholarships, and applying those funds to allow the fees for years 11 and 12 to be reduced and my understanding from speaking to the Headmaster and with many of the teachers is that a reduction in those school fees would almost certainly lead to a noticeable increase in student numbers. The main point that I made in the letter was that there is no current proposal before the Legislative Assembly to abolish years 11 and 12 and I said that I expect that if such a proposal were to come to the Assembly, it would not come to us until the time of preparation of the budget for next year. I went on to say that in the event that it was decided at that stage that years 11 and 12 should cease, I would be seeking members' agreement to ensure that funding continued until the end of the 1995 year at least so that any student who commenced year 11 next year would be assured of being able to complete years 11 and 12 at the school. Having said that I wouldn't want to give anyone the impression that I am resigned to the fact that years 11 and 12 will cease, because I certainly hope that we will find a way of making them not just successful Mr President, but extremely successful.

MR ROBINSON Along the same lines to Mr Brown, well, to do with school. Is it a fact that school children on holidays are not presently allowed to be employed for more than 20 hours per week.

MR BROWN Mr President, this matter was brought to my attention a few months ago by my son in fact, who was most offended that he was only able to work for 20 hours a week when he wanted to work for 40 hours a week during the school holidays. The regulations under the Employment Act contain such a provision that a child under the age of 15 is presently not to be employed for more than 20 hours per week. I have sought advice from the Public Service about the matter and that advice is consistent with my own view that it is appropriate to maintain that restriction during school terms, but that it's appropriate that if such a child wishes to work for 40 hours a week during his or her school holidays then that should be allowed and I propose to prepare an amendment to those regulations and to seek the agreement of my executive

colleagues to the regulation being amended accordingly, and that is to enable a child under the age of 15 to work a 40 hours week if he or she wishes during school holidays, but to maintain the 20 hour restriction during school term.

MR ROBINSON Thank you. Also to Mr Brown while we're in the area. Could you please advise whether there will be any change to public holidays next year.

MR BROWN Mr President, public holidays are a difficulty. I believe that Norfolk Island has considerably more public holidays than any other place in the world and I have received a number of representations, particularly from employers, to the effect that some change is necessary. It is my intention to seek to make some change and that change would be to do away with the practise of celebrating a public holiday on the following Monday or Monday and Tuesday in situations where a public holiday falls on a Saturday or where, as is the case this Christmas, the public holiday falls on both the Saturday and the Sunday. The only exemption that I am proposing to that is Bounty Day where I will be proposing that if Bounty Day falls on a Saturday or Sunday, to ensure that persons of all religious beliefs are able to celebrate Bounty Day, we would continue to recognise the holiday on the following Monday, but in all other cases I will be proposing that we do away with the practise of extending the holiday period for a number of extra days. It's not proposed at this stage Mr President that we cease to celebrate any particular public holiday. I did speak with a number of my colleagues as to whether it is appropriate to reduce the number of public holidays. I spoke in particular of Foundation Day but the overwhelming consensus appeared to be there should be no interference with the holidays themselves, but that it was appropriate to celebrate them, save for Bounty Day, on the day on which they fall, whether that be Monday to Friday or a Saturday or Sunday.

MR ROBINSON I'll give my colleagues a go now Mr President.

MR PRESIDENT Yes, thank you. Mr Sanders.

MR SANDERS Thank you Mr President. I have a couple of questions for Mr Bennett if I could ask them and then perhaps somebody else might like to ask questions because I have about half a dozen for Mr Christian after than. The first one to Mr Bennett is are you able to advise this House what action you have taken to either abolish or at least reduce the Financial Institutions Levy to an acceptable level, or do you think it reasonable for those that can least afford it, such as the retired and elderly and the working man and woman at the bottom of the salary range should carry those on high incomes who are able to avoid the system.

MR PRESIDENT Mr Bennett, before you respond to that I'm harking back to my earlier ruling today which had a repetition of a question of the last sitting.

MR SANDERS Mr President, I've changed the wording around. It is a similar type question.

MR BENNETT Mr President I'll answer it. Mr President I know Mr Sanders is going to ask this question probably at every meeting ...

MR SANDERS I had proposed to Mr Bennett.

MR BENNETT but for his information ...

MR PRESIDENT Order, order. If in fact you are considering the same question Mr Sanders I will give you the same ruling as I gave earlier in the meeting.

MR SANDERS No, of course Mr President.

MR PRESIDENT If you consider it the same question I will so rule.

MR SANDERS If it's the same question.

MR PRESIDENT Are you considering it the same question.

MR SANDERS If there's some variation perhaps.

MR PRESIDENT Mr Bennett, respond to this question. I give you notice Mr Sanders that if it is raised again you will have the ruling that I have in the Standing Orders.

MR BENNETT Thank you Mr President. The answer to the question is no I haven't done anything more, I'm still looking for this mystical money tree that will provide between half or three quarters of a million dollars to replace the revenue that would be lost by making any adjustment downwards in the FIL. Once I find that money tree, or the ability to fund the FIL shortfall then the matter will be given a further consideration. Along with that, as I've said in previous meetings, there is still discussions going on about an alternative way of dealing with the FIL but at this stage it is not proposed to make any reduction to it. If Mr Sanders can help me with that, with finding that money tree then I'll be more than willing to deal with the issue.

MR PRESIDENT A supplementary question Mr Sanders.

MR SANDERS Mr President, yes, I don't know whether to make it a supplementary question or a full question at the next meeting. However. The question is, has Mr Bennett considered that if no action is taken very quickly then while perhaps he still retains that level of financial, the Financial Institutions levy that same level, that the cost of Social Security will at least rise by that amount of money or perhaps more.

MR BENNETT Mr President, I'm very conscious of the affect that economic conditions are having particularly on those on fixed incomes and pensioners and the like. The interest rates are at a stage now where the, almost 40% of income on investments I think is lost to FIL, or something in that order, and I am also aware that the logical impact of that will be to many a request for consideration in the welfare area. Having been conscious of it I'm still unable to do much about it other than to seek the House's consideration of some special consideration, or by way of further exemptions to the FIL to those people in that situation. In the main, pensioners, or people on our local welfare, or people who are our local welfare recipients and indeed people who are in receipt of Veteran Affairs' benefits are already exempt from FIL, the people who I am most concerned about are those who have fixed income and that the capital has dwindled away and their return on their investment is much lower than it was, obviously. Those are the people to whom I would expect would be making an approach to welfare in time. If the House directs me to make further exemptions to the payment of FIL to certain categories of people, well I would be happy to address it.

MR SANDERS This is a further question for Mr Bennett. Are you able to advise this House of how much money is owed to the Administration and how much of these funds have been owing more than 90 days.

MR BENNETT Mr President, I don't have the detail to answer that question. However, in recent days I've asked for that information from the Finance Branch. I expect to have it within a week I guess and I'll be happy to pass that to Mr Sanders. I'm also very interested in that, the answer to that.

MR SANDERS Thank you, there's a supplementary question to that if I may Mr President, and the question is do members of the public request financial assistance from the Administration before the debt is incurred, or like the education fees, help themselves first and argue they shouldn't pay later.

MR BENNETT I'm not certain, I couldn't answer that with any degree of confidence Mr President, that matter is left to the discretion of the Finance Branch and my involvement arises if there are difficulties arising from that. I don't believe there is any untoward practises happening there. I'll make an enquiry, but as I said, I don't have that information sufficient to give him a full answer today.

MR SANDERS Mr President I'd appreciate that enquiry but I

see that Mr Bates and perhaps as my throat's getting a bit sore can somebody else have a go.

MR SEMPLE Thank you Mr President. A couple of questions here for Mr Christian. Some time ago the question of numerous notice boards located in New Farm Road was raised. Has anything been done to reduce the number of these boards.

MR CHRISTIAN Yes, Mr President. The Building Inspector has this in hand.

MR SEMPLE Thank you Mr President. Another question to Mr Christian. At the last Assembly meeting, you said in response to a question on the dangers to motorists posed by black cattle, that you would be investigating the matter. Have you made any findings at this stage.

MR CHRISTIAN Mr President, investigations have shown that the black animals on the road are causing considerable problems. Enquiries overseas have shown that illuminated markings of animals has reduced the hazard. The favourite marking method seems to be one called 'cold branding' where marking is done by branding with an iron dipped in liquid nitrogen and I'm awaiting further detail but feel that the marking of all dark animals depastured on the roadside will be necessary.

MR SEMPLE Thank you Mr President. A question here for Mr King. Why is it that many potential visitors to Norfolk Island who request flat type accommodation are told by certain travel agents in Australia and New Zealand that the flats are fully booked, but accommodation is available at the hotels. What effect is this misleading information having on the smaller tourist operators.

MR KING Mr President I am aware that this question crops up in various circles from time to time and I think I'm aware of the reasons why and the reasons relate largely I think, to good business sense and sound business practises by the hotel groups, principally the Norfolk Resorts Group quite frankly. What happens is that some of the larger premises are in a position to give a free sale component to various wholesalers and those wholesalers have those preferred retail agents whom they circularise with details of the accommodation which is available for free sale on the Island, and that data is introduced to a computer system. I am also aware that in some cases, if a potential visitor visits a retail travel agency looking for information on Norfolk Island, and the retail sales person is not fully aware of Norfolk Island's circumstances, that they can, in some respects be misled in thinking that the information on the computer screen relates to the only accommodation in Norfolk Island and if that happens to be full at the particular time they want to come, that retail sales person could give the impression that there is no other accommodation available in Norfolk Island. Now, I'm not sure that those sort of problems can be fully overcome, but I do suggest to those other accommodation proprietors in the Island that they themselves enter into sound business arrangements with wholesalers and also provide a free sale component to those wholesalers so that that information can also be listed on the computer systems of the preferred retail agencies. So I think that it's probably a little bit of a misnomer for people to suggest that the Norfolk Resorts Group has a preferred position in the market place. I guess quite frankly they do, but they do have that preferred position because of good business practises and I would encourage other operators to take up those practises.

MR PRESIDENT Time has expired Honourable Members for questions. Do you wish to extend.

MR SANDERS I move so, Mr President, that time be extended for 20 minutes.

MR PRESIDENT 20 minutes. Agreed. Thank you.

MR SEMPLE Thank you Mr President, a question for Mr Brown. In the June sitting of this House, the Minister for Health and Education advised that no amendment had been made to the minimum wage under the Employment Act as no public comment had been received. As the regulations prescribing a minimum wage have now ceased to have effect

that fashion, or alternatively by seeking the agreement of the Legislative Assembly to the resumption of the land. I need to make it quite clear Mr President that although I do have a deep sense of feeling for a person who is faced with the possibility of resumption of land for public purposes, that sympathy cannot overtake the community requirement to have a proper hospital in which proper health facilities can be provided and in particular proper facilities for our old people who are permanently resident at the hospital. So if it comes to the stage where in order to provide an adequate hospital it is necessary to ask the Assembly to consider taking action to resume land, I certainly won't resile from doing that.

MR ROBINSON While we're on the hospital Mr President if I may. Is it a fact that the Norfolk Island hospital charges higher fees to visitors than to people residing in Norfolk Island, and if so could you explain the reason for such discrimination.

MR BROWN Mr President indeed there is a difference in the fees charged at the hospital to local people compared to visitors and that same difference Mr President exists if a local person goes to Australia for medical treatment. To give you an example, we pay in New South Wales, in the region of \$1650 per day for intensive care treatment for a local person. The rate which we charge at the hospital in Norfolk Island for intensive care to a visitor is less than half of that, but the rate paid by a New South Wales resident in New South Wales for intensive care treatment is a long way short of the \$1600 that we pay and a long way short of the, or rather, and I expect that it falls short of the \$700 or so that, sorry I'll retract the \$700 figure, I don't have it clearly in my mind the figure that we charge for intensive care for a visitor, but my point is that in New South Wales or any part of Australia a person contributes his Medicare Levy and contributes to the taxation pool and the majority of health expenses are in fact met by the Government. In Norfolk Island there are similar contributions by residents. Residents through their taxes enable a subsidy of just under \$250,000 in the current year to be provided by the hospital and a subsidy of some \$250,000 a year to be provided to the Healthcare Scheme. In addition the taxes that we all pay, the various Government charges that we all pay, enable us to provide HMA benefits, hospital and medical assistance to approved persons and so significant funds are paid to the hospital in that fashion from the public purse. The differential Mr President is simply a recognition of that. A person living in Norfolk Island is already making significant contributions to the hospital and the lower charge is appropriate, but for a person who is not making the other contributions, the higher charge is not inappropriate and in fact is consistent with what happens in other places.

MR ROBINSON One last one to Mr Bennett if I may. Mr Bennett is it a fact that Administration revenue for July and August has been well below budget and if so what action will you take to ensure that the Island is not allowed to go broke.

MR BENNETT Mr President that matter will be fully covered when I table in a short time the financial indicator sheets for the month of August and also in a statement I'll make in respect of the financial statements for the year ending 30th June, and it will also be covered when I deal with the motion on the Notice Paper, it would be repetitious if I did it now, but the short answer is yes, revenue is below budget for the first two months of this year and I have addressed it and will be telling members about that as the meeting

MR BENNETT: ... Members about that as the meeting progresses. Thank you.

MR SANDERS: Thank you Mr President, I have a couple of questions here that are similar to the ones that Mr Semple has asked Mr Christian, but they are different. The first question to Mr Christian is, I refer to the sandwich boards on roadside on Norfolk Island and the question is, who is liable for damage to persons or property in the event of an accident being cause by these signs, and will you advise this House why you have taken no action to have them removed?

MR CHRISTIAN: Mr President, the signs are illegal. I should think that the person putting them there would be responsible if there

was anybody injured or otherwise, the second part of that question, I have taken action, Mr President in a previous statement I said that the Building Inspector was looking after the sign problem at present.

MR SANDERS: There's a few for Mr Christian, the next one is I refer to the question asked by Mr Bates and Mr Semple at the last meeting and today with regard to reflectors and or stop lights being fitted to dark coloured cattle. And the question is will you be ensuring that some seeing eye devise will also be fitted to all light coloured vehicles in day light hours to ensure that approaching motor bike riders are warned prior to collision, I'm sure Mr Bates can confirm this necessity for such things and it will allow these persons to ignore the rules of the road more efficiently.

MR KING: Point of Order Mr President, Section 103(a), its not a question which bears on Mr Christian executive responsibility, it bears on mine, under the Road Traffic Act, and I refuse to answer the question because its silly.

MR BROWN: Point of Order Mr President, it is an infringement of the Standing Orders for any Member to suggest that a question raised by another Member is silly, that is an imputation.

MR KING: And little Joe coming to Hoss's rescue.

MR PRESIDENT: Yes, let me just take this in a chronological sequence. The first matter is that may have been addressed to Mr Christian, and Mr Christian does not have the portfolio. I rule that is the case and it should be more properly addressed to Mr King. If Mr King in your earlier response, intended that there be some imputation against a Member, I must ask you to withdraw that part of your words.

MR KING: That is your ruling Mr President, that I have offended against Standing Orders, I so withdraw.

MR PRESIDENT: Thank you, are there any further questions.

MR SANDERS: Mr President, the purpose of that question is

MR PRESIDENT: Do you have another question?

MR SANDERS: Yes, a supplementary question. On the basis that stop lights etc., are likely to be fitted to stock, can Mr King ensure that the people that use motor vehicles abide by the rules of the road.

MR KING: I shall do everything in my executive power Mr President, to ensure that all motorists abide by the rules of the road.

MR PRESIDENT: Have we some questions without notice?

MR SANDERS: To Mr Christian. Will you be making a statement concerning the shocking news that all lighters and one launch and the crane had stolen property in them when search at the completion of the unloading of the last vessel at Norfolk Island.

MR CHRISTIAN: Mr President I wont be making a statement, except to say that because of the circumstances surrounding the retrieving of some of the goods, it was decided to issue a warning this time, but all members of lighterage were put on notice that the prosecutions will follow if there is any problems from now on, and that periodical searches will be done. We will also be providing rubbish bags done there now as apparently it used be done in earlier times to allow for the collection of spillage and that from the packages and those can be deposited in a special area which will be set aside so Customs can remove them at the end of the day.

MR SANDERS: Its a supplementary one to that Mr President. Can Mr Christian advise this House if it is a fact that he has told these people that if they do such things again that he intends to prosecute?

MR CHRISTIAN: Mr President, I have warned these people yes, that if they are caught stealing there will be prosecutions to follow, and loss of job.

MR SANDERS: A supplementary question to that to if I may Mr President. And the question is who gave you the authority to allow somebody to steal somebodies goods and you tell them that if they do it again, that you will then do something about it? Why haven't you done anything about it now?

MR CHRISTIAN: Mr President, I didn't give anybody the authority to steal and get away with it, as is suggested by Mr Sanders. I simply made a statement to the lighterage workers that anybody caught stealing will be prosecuted.

MR KING: Mr President, I wonder if I can add to that question in some way. Can I join this question.

MR PRESIDENT: Do you have an area of responsibility?

MR KING: Well it does bear on my area, my executive area of responsibility in respect of Police. I simply wanted to add that I think its not appropriate that we sit in this House or a Member of Government as Mr Christian is sit in this House and deliver dictums about whether someone will or will not be prosecuted. I mean the Parliamentary system and the Police system are quite separate and must remain separate the authority and the discretion to issue prosecutions in any criminal matters rests with the Police, not with this Parliament or an Executive Member, but in saying that I don't want to suggest that I'm condoning what happened in the lighterage area, certainly that is not the case. But I wouldn't want anyone to be under any misapprehension that the discretion or decision to prosecute in any case rests with Mr Christian or me or this House, it rests with the Police.

MR SANDERS: Mr President, this question arose ...

MR PRESIDENT: Are there any further questions?

MR SANDERS: Are yes. This is also to Mr Christian, at least I think its Mr Christian. Are you able to advise this House of all properties that are on the sewerage line especially the tourist accommodation houses are in fact hooked up and if not why not? I'm not to sure whether that's Mr Christian's or Mr King's?

MR PRESIDENT: Mr Bennett's.

MR BENNETT: Yes this is one of these confused responsibilities Mr President, its a works matter but its an undertaking so it fits into my area. Mr Sanders ..

MR PRESIDENT: I could only say that it was quickly seen that there were fingers pointing in your direction Mr Bennett.

MR BENNETT: And the buck stops here they say. Mr President, there has been a minor difficulty in the reticulation in some certain areas, certainly not all accommodation is on the sewerage line, there are the out lying tourist accommodation areas are certainly not, and there would be no intention of hooking up for example, accommodation units in Steels Point. But those accommodation houses that are within the or adjacent to the sewerage lines the intention is that everyone of those be hooked up. There is some more reticulation work about to commence, in the New Cascade Road area which hopefully pick up the last of those accommodation houses in that area. And I think that apart from a small piece in Taylors Road yet to be done, that's about the limit of it. I will check it out for certain and let you know.

MR PRESIDENT: Time has expired for question Honourable Members.

MR SANDERS: Mr President, I move that it be that time be extended for three more short questions.

MR PRESIDENT: I would prefer there be a limit on the in respect of the time.

MR SANDERS: Ten minutes.

MR PRESIDENT: Is ten minutes approved. Ten minutes approved.
Mr Sanders.

MR SANDERS: There is another one for there's a couple for Mr Christian. The question is will you confirm to this House, that you have given a special relationship general entry permit to a person, because that person knows you and your wife, and stayed with you while attending school on Norfolk Island. And will it assist other would be applicants ...

MR PRESIDENT: Order Mr Sanders, that's inappropriate and I'll just point you to where. Maybe 104.4, are it contains imputations but it also in respect of Standing Orders 62 is really imputing improper motives and reflections on a Member and that is inappropriate Mr Sanders.

MR BROWN: I move a motion of dissent with your ruling. And I'd like to speak that motion if I could Mr President. Mr President, Standing Order 104.4 does indeed say that questions shall not contain names of persons, but it goes on to say unless they are strictly necessary to render the question intelligible it can be authenticated. It's my strong submission Mr President, that the question that Mr Sanders has asked, cannot be a meaningful question unless the particular name that was used is used. Insofar as the personal reflection is concerned Mr President, I submit that there is no imputation of an improper motive in the question and further more to deny Mr Sanders the opportunity to ask that question, is to deny him the opportunity to pursue his rights and responsibilities as a Member of this House, and I would ask Members to join with me in supporting the motion of dissent for that ruling.

MR KING: Is this open to debate Mr President?

MR PRESIDENT: I thinking it is Mr King. And I'm just looking up the appropriate Standing Orders in the mean time by all means you have the call.

MR KING: Without wanting to sound like we have transformed this House into a Court of law Mr President, it is my submission that Mr Sanders could well and capably refrain that question to conform clearly with Standing Orders, there is no necessity for him in putting those words together to give an impression in his question that Mr Christian has acted improperly in that he has given a general entry permit to someone because he is his friend, because he built sand castles with him down on the beach or whatever, that is my submission, Mr President.

MR SANDERS: I think Mr President, I don't believe there is a different way to ask that question, I've asked the question on the basis that I believe Mr Christian has acted improperly by granting a general entry permit on such a basis. And I'm asking this House, I'm asking this question in this House to get confirmation that such a thing did happen.

MR PRESIDENT: Can I just mention to Honourable Members, in respect of Standing Order 62, if in fact you are endeavouring to raise it because you consider there has been improper action, I would draw your attention to the full Standing Order which reads this, All imputations of improper motives, and all personal reflections on Members shall be considered highly disorderly, and it is in that context that I rule that it is inappropriate that you have used the terminology earlier used. I might say that I wasn't drawing upon 104(a) Mr Brown that you referred to I was talking about the improper motives which Mr Sanders has quite clearly mentioned to you now, that he was intending to convey.

MR SANDERS: ...say that that's proper. Yes there is some more. I'm also on this next one not to sure whether the question is for Mr King or Mr Christian, but the question is. Will you advise this House

MR PRESIDENT: Order, Order. We are debating the question which is really a motion of dissent against the ruling that I have given. We will dispose of that first of all Honourable Members.

MR KING: Mr President, if we are still debating that question I would like to make one more observation have that there is a mechanism contained in the Standing Orders of which Mr Sanders as a long standing Member of this House should be well aware of and that is to

address the matter in a substantive motion. Now that is the course of action which is open to Mr Sanders if he considers that there is inappropriate misconduct by an Executive Member of the House.

MR SANDERS: Mr President,

MR PRESIDENT: Order Mr Sanders. Mr Bennett.

MR BENNETT: Mr President, by way of clarification. I understand that the motion of dissent is in relation to a perception that your ruling was made under 104.4 is that what we will be voting on? Not against the ruling per se but against the ruling that was perceived to have been made under 104.

MR BROWN: I was referring to both 104 and 62

MR BENNETT: Oh, cause it was 104 that you read out ...

MR BROWN: I thought that I had dealt briefly with Standing Order 62 as well.

MR PRESIDENT: Is there any further debate in respect of the motion of dissent? Then I put the question that motion of dissent be agreed to?

QUESTION PUT

Will the Clerk please call the House.

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

the result of voting Honourable Members the ayes three, the noes six. The noes have it. Thank you. Mr Sanders I now give you the call, but not to repeat the earlier question or the context and the words ...

MR SANDERS: Mr President, I wouldn't dream of it.

MR PRESIDENT: Thank you.

MR SANDERS: But it is a question as I said that

MR PRESIDENT: Would you move to your next question Mr Sanders.

MR SANDERS: It could possibly be to Mr King or to Mr Christian. And the question, this question, is will you advise this House what was the cost to complete the football running track at the Rawson Hall Complex, and does the price include the \$80,000 stock pile of dirt that you used to balance the budget a couple of years ago, and if not what has happened to the stock pile?

MR KING: Well its not me ...

MR PRESIDENT: That does leave you Mr Christian.

MR CHRISTIAN: Mr President. I don't know the cost this would be within the works area, Mr President, but some of, a small portion of that stock pile of soil up there was used on the oval. I believe the rest was used on the Airport and various other areas with in the works department.

MR SANDERS: A supplementary question if I may Mr President. The supplementary question is, was that \$80,000 divided amongst whatever project it was put on?

MR CHRISTIAN: Quite possibly Mr Sanders, I'm not aware of ...

MR SANDERS: Perhaps Mr Christian could look into it for me and advise at the next meeting, Mr President.

MR CHRISTIAN: Mr President, I can make some inquiries yes.

MR PRESIDENT: Honourable Members time for question without notice has expired.

MR SANDERS: Mr President, I have two very short ones I would like to ask Mr Bennett

MR PRESIDENT: Time has expired.

MR SANDERS: Mr President, can I move that it be extended for just a further five minutes.

MR PRESIDENT: The proposal is that there be an extension of five minutes. Is that agreed or not agreed.

QUESTION PUT
QUESTION AGREED

it is agreed. Mr Sanders.

MR SANDERS: Thank you, Mr President. I ask the question at the last meeting now I don't wish to repeat this question because I know of your ruling. The question is, to Mr Bennett, and it was is it going to be possible for the clubs and other groups to buy canned beer at the Bond if they so wish?

MR BENNETT: Mr President, I did take that question on notice and I did undertake to answer the question for Mr Sanders. He was concerned about the apparent policy of the Bond to curtail ordering certain brands of beer in cans. I have in fact received an answer from the Liquor Bond and in short the importation of the major brands of beer have not changed other than in some instances, stubby bottles are being imported now as well as cans, and in the case of slower lines, and in particular the Powers and XXXX brands the demand for cans have dwindled to the extent that in recent times they were selling an average of 5.3 cartons a week collectively of those brands amongst the 3 major outlets. So I think it makes commercial good sense to think about curtailing the import of those particular products, as a businessman I would also be taking that same approach. If you got your stock sitting around for a couple of months before you can clear the minimum of a pallet you've got to redress the question. One of those concerned outlets in fact to overcome it order a pallet of it and that in fact was provided and that facility is still open. Its fair to say that the demand for beer shifts as people's taste change in discussion the other day Members will be aware that I think it was Mr Sanders were talking about Flag Ale years ago being the only beer available then KB Gold both of those beers are no longer available, and other brands have taken there place. I'm assured that the Liquor Bond is amenable to special imports of pallets of cans of a particular variety if that's not available on the shelf.

MR SANDERS: Thank you Mr President, just one final question. I have asked Mr Bennett on a number of occasions if he could advise this House about travel expenses for all Members of this Assembly, I understand that he is able to do so. May I ask that question please.

MR BENNETT: Thank you Mr President. Yes I indeed do have the answer to that question. The summary of the travel costs that I've got before me relates to the period 1st May 92 to 21st September 93 a period of some 17 months. During that period there were in total \$4,282 spent on airfares and \$10,808 in travel allowances totalling for the period of 17 months an expenditure of \$15,090. Of that Mr President \$3,392 related to CPA or Commonwealth Parliamentary Association activities and \$11,698 related to Assembly matters. Mr Sanders will recall that that result is vastly different from the results in previous years. Mr Sanders will be aware that I'm very particular about money being spent in travel and travel allowances. Indeed I have the temerity to question some of the travel that Members do so I think its best we can in keeping our fingers closely on it. It is necessary to travel away on Assembly business at times, it is necessary to travel away on

Commonwealth Parliamentary business at times and but for the vexed question of travel allowances which is to be addressed when the Remuneration Tribunal next forms I'm satisfied with the expenditure to date.

MR PRESIDENT: Thank you. We move on Honourable Members.

Papers

MR PRESIDENT: Are there any papers to present this morning.
Mr King

MR KING: Mr President, I table the Tourist Arrival Figures for August 1993, but I put no question before the House in anticipation of a statement on Tourism.

MR PRESIDENT: Thank you. Mr Brown.

MR BROWN: Mr President, I table the report of the Employment Conciliation Board for the year ended 30 June 1993.

MR KING: I move that the paper be noted, Mr President.

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

MR KING: I so move Mr President, for the sole purpose of apprising myself of its contents during the course of the next month, and resuming debate on the matter on the next occasion. As I recall I did in relation to the report of the Employment Tribunal, which for some apparent reason hasn't reappeared on the notice paper, but at an appropriate time Mr President, I would move the adjournment if no one else wants to participate.

MR PRESIDENT: Thank you. Any debate in respect of the question, that the paper be noted? No debate. Mr King?

MR KING: I so move the adjournment.

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

QUESTION PUT
QUESTION AGREED

Any further papers to present? Mr Ernie Christian?

MR CHRISTIAN: Mr President, under standing order 196 I present to the House the Lighterage Review. Mr President, Members will be aware of this document which traces the recent history of the Norfolk Island Lighterage Service, and canvasses the options open for the Administration to take in regard to the future running of lighterage.

The paper is well written and is a credit to the Administration officers involved. I believe it will become a very useful resource document both for today and into the future.

Many people on Norfolk Island have a direct interest in the future of the Lighterage Service. Accordingly I have arranged for the Review to be available at the Cashier's desk of the New Military Barracks for a nominal cost of \$5. I will also have a copy lodged in the Public Library for people to read at the Library.

MR BENNETT: Thank you Mr President. In fact I have three papers the first I want to table is the monthly financial indicators for the month of August in which cumulatively records the position for the first two months of the financial year, and I move that the paper be noted?

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

MR BENNETT: Mr President. Mr Sanders asked a question about the performance of the, particularly revenue early on in question time and I did say that I would be talking about it when I presented this paper and indeed the subsequent papers which are the virements for the

year and the financial statements for the last financial year. Just looking at the indicator sheets, which were circulated to Members on Monday. The revenue for the period is down in just an excess of \$200,000 for the period and that's the area to which I've focused attention and which has been the cause of a motion which appeared on the notice paper a little latter. Of particular interest is the down turn in Customs Duty, and this of course is related to imports generally being down, for Members information tonnages for the first 8 months of this year compared to the first 8 months 1992 show that 1743 tonnes less have been imported this year, than last year. And I must just say in fairness that I'm preparing 14 ships against 13 ships in the time frame there has only been 13 in the period this year against 14 last year. The worst, or the best cases that the difference in tonnage for the year would be about 1200 the worst cases for 1700 as I mentioned earlier. Now obviously, that substantial decline in the volume of cargo impacts on the Customs revenue. It is my opinion, that the situation want change in the short term and it is as a result of that, that the subsequent motion on the notice paper was considered. Mr President, apart from that Members will be aware that these financial indicator sheets which show percentages of the budget in both spending and revenue, very earlier on in the year the percentages are really meaningless, we've got to look at the quantum. Expenditure is going along Okay. The only question I had in there and Members will look at this sheet and see that Community Services expenditure vote, is running 114% of budget. Now I haven't had time to check, but my understanding is that a part of the reason is a grant to the Tourist Bureau or a draw down from the Tourist Bureau a bit larger than one twelfth of the normal draw down. If that turns out not to be the case, then I will certainly advise Members. Thank you Mr President.

MR PRESIDENT: Thank you, any further debate in respect of the question that that paper be noted?

QUESTION PUT
QUESTION AGREED

The ayes have it, thank you. Further papers? Mr Bennett.

MR BENNETT: Mr President, I'm required to table in this House a list of sums that I have viremented from time to time and this paper lists those funds that have been viremented since 16 July 1993. Mr President, the bulk of it relates to works department expenditure and as a result of my refusal to suspense such expenditure at the end of the last financial year, and by refusing to suspense it the commitment became a commitment against this years budget. In addition to that there was \$5,000 viremented from vote 15/3/11 to 19/3/49 fire service equipment this was omitted during the budget process, in past years that particular call for funding for fire service equipment was done by the senior works officer but was one of those things that fell between the chairs and the changed circumstances. And \$8,800 was viremented from vote 7/2/10 to two votes in the Administration area to cover the cost of a photocopier and some office operations. Mr President, in addition to that, also on that same paper which I'm tabling is the detail of expenditure made under vote 50/2/01 which is expenditure at the discretion of an Executive Member. I'm required to table in the House details of that expenditure made in that vote, and I can do that now. There was \$13,000 spent under that vote during the last financial year, \$5,000 of that was a grant to the festival of Pacific Arts, \$6,175 was to the Oceania Veteran Games costs we picked up to assist in that, in the staging of that event here, very successfully I might add, and the remaining amount was \$1,866 which was paid from my discretionary vote for temporary employment of persons on the unemployment register. Mr President they were the only three expenditure items made under that vote, and I've tabled a document which identifies those.

MR BROWN: Mr President, I move that the paper be noted.

MR PRESIDENT: The question is that that paper on virement be noted? Mr Brown?

MR BROWN: Mr President, Geoff mentioned a moment ago that he had refused to suspense a number of items at the conclusion of the 1992/93 financial year, and might be helpful to Members and the public generally, if Geoff could tell us if he in fact has an option to refuse to suspense something or whether if it is an expense been incurred he is

obliged to record it as an expense item?

MR BENNETT: Had I realised that question was coming I would have brought the paper I had about that Mr President I don't want to answer it and then find I've misled the House. I understand that there is a question, a question hangs on whether there has been a commitment or whether there's been an indication that we would need x amount of dollars to buy that and there has been no formal process to do such a thing. Mr Brown I think is referring specifically to my decision to not suspense amount, of around about \$50,000 for metal. I think I need to answer that with a great degree of care, and I will let Mr Brown know immediately this afternoon and if necessary the House. But it was a fact that I was very hard on suspenses this year. I took the view that in many of the instances it was a Christmas shopping in June syndrome, that there were funds seemed to be available and its inappropriate that it should be used to purchase things that were not in the budget, but might have been needed.

MR KING: Mr President, I'm interested as well in that particular question that Mr Brown has raised. It did in fact impact on my area. But I'm more interested in having a closer look at the particular document, but can I be, can my mind be cleared on a particular point here. Is there one or two documents there? One in respect of virement, and other in respect of the uses of the discretionary fund, or are they both in one document?

MR BENNETT: Mr President, there both in one document.

MR KING: Well I would like to move at an appropriate time the adjournment of the debate, for resumption at the next meeting. Mr President.

MR BROWN: Mr President, I have no difficulty with that, I certainly wasn't meaning to put Geoff on a spot, but it is a point that interests a number of Members, and I thought it was worth raising.

MR PRESIDENT: Further debate? No further debate. Mr King you were proposing the adjournment.

MR KING: I would move the adjournment of this debate.

MR PRESIDENT: Yes thank you, the question is, that that matter be adjourned and made an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

MR BENNETT: Mr President, the third paper to table is the unaudited and I repeat unaudited financial statements for the year ending 30 June 1993. And I move that that paper be noted.

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

MR BENNETT: Mr President, in a memorandum to Members this morning I indicated to them that I would be tabling this document today and I hadn't up to this morning received enough copies to circulate to each Member. I'm quite happy to, if they move the motion that this be adjourned at the end of what I have to say as well, I did in fact circulate to Members a photocopy of the consolidated balance sheets, so at least they have something in front of them today. Mr President, for the first time in the financial statements there has been this consolidated balance sheet included, and I think it makes good sense, it is the kind of information that you would ordinarily expect to find in the annual report which comes out each year, but sometimes quite late. It gives a, in 3 pages of fairly, they can get a quick look at what's been happening in the Administration, there's comparative data in there, rather than having to wade through 80 or 90 pages of this very thick document. I think that most people in the community and perhaps most members would be better served by, or feel better served by a consolidated balance sheet appearing with it, rather than having to go through the process of consolidating all the information that's in the 80 or 90 pages. Mr President, what is not included in these financial statements is the hospital enterprise accounts if you recall last year

the accounts where held up a little bit due to a need for a couple of alterations or whatever to the enterprise accounts, so its been decided to exclude them from the Administration financial statements but they will appear as I understand separately put together. The external auditor has been advised that it doesn't appear to have any real difficulty with it. I mean it would have been nice to have them altogether, but I think for the sake of getting them out to you, it was better to exclude them and have them dealt with separately. Mr President I don't intend to go into great detail with this, we do have to go through the process of dealing with the audited financial statements, and I expect there to be a fair amount of debate on that, but just to make a point or two about the result for that year. In the worst aspect of it I think is the fact that revenue was deficient by \$257,000 for the year, and as a result of that, reserves have been reduced as a result. So in effect we had a deficit for the year of \$257,345 and Members will recall that a large part of that was as a result of some over runs or whatever in the healthcare and hospital enterprise arena. But contributing to it, Mr President was the fact that revenue for the year was down some \$600,000, whilst we were able to reduce expenditure by some \$300,000 the, as I mentioned the hospital and healthcare over runs, took their toll. In respect of the Government Business Enterprises, at the half yearly mark the December budget review, you will recall and I've advised this House that they were going along pretty well, and I gave a fairly detailed report at that time, of their performance, well the latter half of the financial year didn't prove to be as good as expected, and as a result the performance of the Business Enterprises compared to the previous year showed that the following were down in terms of their profit or numbers of dollars of revenue in excess of expenditure. The Liquor Bond was down, and we anticipated that and if you recall made adjustments in the financial or budget review, but I'm happy to say that expenditure was down, and ... Postal Services recorded a loss this year of \$8,219 but by so doing was, revenue was down quite substantially, expenditure was also down in that area. Lighterage was down, both as a result of income and I think that you can easily see that the down turn in tonnage has directly resulted in that and expenditure for Lighterage was about the same. The Airport performance was down, and of all importance there is the fact that the subsidy that was paid to the Airport of \$345,000 the previous year was not paid in this last financial year. So logically it was going to be down. The Business Enterprises that performed better than last year were the Electricity Undertaking both income and expenditure were about the same, but it is important to note that an extraordinary expense in the expenditure side was a consulting fee of \$45,000 as part of the underground reticulation project, that commitment being made by the previous Assembly, a year or two ago, but we've been left with the bills. So even though there was that extraordinary expenditure the expenditure for the year was about the same as previously. The Water Assurance Scheme is going along quite well, income is up and expenditure down so it continues to perform well. The Workers Compensation Scheme well we're making a comparison with 8 months of last year only, but that's performing well. Mr President, of some concern to me is the trend. The trend particularly with revenue over the last 6 months is showing a gradual decline and its certainly showed no difference in the first two months of this financial year, and that was the basis for my move to bring the motion about section 13c(f) of the Public Service Ordinance on to the notice paper today, and Mr President during the debate on that I will expand a little bit more on the financial situation.

MR PRESIDENT: Further participation? Mr King.

MR KING: I have very little to say at this point in time Mr President except to say that I look forward to examining the document that Mr Bennett has just tabled the financial statements and accounts for last year. I probably don't look forward to have a look at the bottom line and the final analyse of the trends of the past year. I don't expect that they are going to show any vast difference from what has been shown on the bottom line or in the analysis of former years or former recent years statements and that's the unfortunate feature about our financial performance. That these trends have been in evidence for a number of years, and I have often spoken out about what I see as gross mismanagement of former years, rather than just this past current year. The exercise in analysing those financial statements should extend beyond that simple year, but certainly comparisons in the extension of trends which have been in evidence for some years, that's all I'm able to say

at this point in time, Mr President, but again although I don't particularly want to resume the debate on the next occasion if someone else can indicate that they are going to adjourn this particular question. Otherwise I'm happy to do so.

MR PRESIDENT: Further debate? No further debate. Mr King.

MR KING: And I would so move the adjournment.

MR PRESIDENT: The question is, that the motion before us on this matter be adjourned and made an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

The ayes have it. Are there any further papers to present? Papers are complete.

Statements

MR PRESIDENT: Are there any statements this morning Honourable Members?

MR BROWN: Mr President, I'd like to make a brief statement in relation to the Public Service and the Provident Fund. These areas involve partly myself and partly Mr Bennett and what I'm saying is not intended to be a source of contention, but rather to be a matter of information to Members and to the Public Service and to the public generally. During recent times Mr President, I've had a number of discussions with members of the Public Service and with the Chief Administrative Officer in relation to the question of, firstly whether it is appropriate for other bodies such as the hospital staff to be able to contribute to the Provident Fund, and that question will be taken up with members and with the Public Service generally in the near future. The second question is, whether or not it is appropriate for the provident fund to be able to assist members, or to assist its members, by enabling them to borrow part of what had been their contributions from the fund to help them perhaps with education of children or perhaps with difficult financial periods, perhaps to acquire a home. This is not an easy question Mr President, because if we were to seek advice from those who are involved in the running of national savings schemes, superannuation schemes and funds similar to the provident fund, we would with little doubt be told that the purpose of those schemes and funds is to have money available to fund people in their retirement and that funds should not really be made available on the way through. Now, as an ideal that may well be correct Mr President, and it may well be correct that more of the proceeds of these funds and schemes should be used to provide annuities rather than to provide simply lump sums at retirement, but that's not the question that I'm addressing at the moment. At the moment members of the Public Service have joined the Public Service with an expectation that they would be able to do as others have done before them and to simply resign from the Public Service if they wish and collect the whole of their provident fund at that stage, and it's my view that it is simply not appropriate that we force someone who is need of those funds to resign from the Public Service if we can provide a simpler mechanism at least for the time being under which at least that member's own contributions and the interest that it accumulated on those contributions, could be borrowed. I think that we need to address a number of questions. Firstly, we need to recognise that those who are presently in the Public Service have joined the Public Service with particular expectations and I suggest to members that it would be wrong to take those expectations away other than in quite exceptional circumstances. But we do need to think about the future and whether it is proper that we continue to allow people to have the expectation when they join the Public Service that they will be able to resign and collect their funds, or whether or not we are going to move down the path that's being trod in many of the countries of the world of doing something positive to encourage people to save for their future and in particular, to save so that they will have regular weekly income in their future, other than by courtesy of the public purse. I know that Mr Bennett is looking at the question of a national savings scheme for Norfolk Island and it will take some time before he completes his examination of that but I thought it was worth mentioning what I have just said, so that the

MR BENNETT Mr President I should just make a short, brief statement about the Retail Price Index. The calculations for the September quarter are being completed and as expected the Retail Price Index will show a substantial jump, in fact the jump is expected to be in quantum terms equal to the last three years of RPI index combined. This was directly a result of the increase in the Healthcare Levy and the subsequent increases in Customs Duty to cover some other healthcare expense. It is expected that the index will be gazetted on Wednesday, 29th September and in the interim period there will be further discussions with members of the Assembly about the impact that that might, particularly in the areas of welfare, workers compensation entitlements and indeed the impact it may have on subsequent claims by the Public Service to the Remuneration Tribunal. Thank you Mr President.

MR PRESIDENT Thank you. Further statements.

MR BENNETT Mr President, I guess I should report to the House that I have been absent for the last three weeks attending the Commonwealth Parliamentary Conference in Cyprus. I had intended to provide to the Norfolk Islander a statement of things that went on over there because I think the community will find it generally interesting. Mr President, it's fair to say that I was one of the sceptics about the Commonwealth Parliamentary Association and as a result I've not attended any of these CPA conferences before, but I can, I can say to you now that I'm a convert. I found the experience to be stimulating and rewarding, and most informative. To sit in a chamber with representatives from 33 small nations and territories from all points of the globe discussing problems which are pretty common to most of the small nations and to hear the results of various nations' solutions to them was indeed well worth the visit in itself. That small country conference took up the first part of the general conference. The second part went on to plenary sessions in which all members of the Commonwealth were present. For members and listeners interests, the small countries are defined as having populations of 250,000 persons or less and they were quite diverse in both size and population number. From a couple of the Mediterranean islands with populations just in excess of 250,000 to Norfolk Island with its population of around 1500, and others just a little bit over 2000. In terms of comparative geographic size the northwest territories of Canada were the size of some 800,000 square miles represented at the conference by two ... Eskimos, to Gibraltar with a population of 60 to 80,000 on an island of 2 and a half square miles. People from the Falkland Island, St Helena, which are probably the two most isolated places on the globe. A great variance in affluence in the countries, from the very suave and sophisticated Caribbean countries and the Channel Islands to some of our poorer Pacific neighbours, but each representative and delegate of the country put all their good fortunes and bad fortunes aside and addressed some very interesting questions. The full transcript of those meetings aren't yet available, but members I think will find them fascinating when they do arrive. As an example, and indeed it was a privilege for Norfolk Island to open the sessions of the topic of balancing the economic effects of tourism against environmental limitations and the need to preserve traditional lifestyles and there were some 25 speakers to that and it's fascinating to hear, or it was fascinating to hear that the great differences in approaches to it. For example, the more affluent and more buoyant tourist destinations seemed to be less concerned with traditional lifestyles than they do with the environment, and the smaller nations, particularly those in the Pacific with very low numbers of visitors are more concerned and very passionately concerned with the need to preserve the traditional lifestyles. So there was a great diversity in opinions about how that question should be addressed. Another one of the questions was the drug policy in small countries. This indeed was interesting and rather tragic to hear of the enormous problems that they have in the Caribbean with this horrible social phenomena. I don't think there were any major solutions to it, but at least those who have the greatest problems benefited by a great variety of measures taken by the great variety of nations towards solving the problem. Another, or the other two topics that were of particular interest to me and I think to Norfolk Island was the question of what level of control should small parliaments have over the administrations to ensure proper management and accountability. There were quite wide ranging views on how that question should be addressed and I think much of what arose out of that could be considered by our members, and the last question was what is required of small

countries to attract and adequately regulate off-shore finance centre activities and that was indeed the most fascinating of the lot. I will be reporting in much greater detail about that to members. I think there are opportunities for Norfolk Island in concert with the Australian Government to develop something in that area and I would be wanting to pursue that. Mr President there was a great range of experience in the composition of the meeting from members who have been in parliament for 30 or more years to people, in particular a woman from St Helena who'd been in parliament just a matter of a few weeks. It took 13 days for her to get to the conference, 9 days by ship and aeroplanes all over the place to get there, but very determined to make her point at the conference, undeterred about the enormity of the occasion. In the greater session, of course the diversity between Commonwealth nations is more obvious from the hugely populated India with 800 million persons compared to Norfolk Island with 1500, it's quite stark, but nonetheless they all dealt with the contributions as equals, and I think that was fascinating to see. There are enormous difficulties around in the Commonwealth and two that I should mention, the host country Cyprus, has got a devastating and tragic problem of division. Nineteen years it was invaded by the Turks and 83% of the population were turned into refugees in their own country. As a consequence they've re-built in the southern part of the island and have fairly modern facilities, but it's a tragic situation which appears to have no resolve. You have the situation of Hong Kong and the lady speaker from Hong Kong, a recent arrival to the political scene was quite concerned that the Commonwealth appeared powerless to solve the 1997 problem where the Chinese people would suddenly be changed from British to Chinese citizens and their involvement with the Commonwealth would cease and she was quite passionate in her plea for the Commonwealth to try to do something but in reality I think that the situation is quite out of control or quite beyond controlling from the Commonwealth's sphere. Mr President that's all I want to say at this time. As I say, I did find it fascinating. I thought the formal sessions were immensely interesting and informative, but I think the greater benefit rose in the sessions that occurred afterwards with the interaction between the various small nations talking about particular problems raised during the session. I should say Mr President, and remarkably so, that Norfolk Island was the flavour of the week during the formal sessions. It surprised me because we were the smallest but I think the result of the interest was the fact that this Island will host the mid-year executive of the Commonwealth Parliamentary Association in March next year and during that time delegates from all regions, from all corners of the globe will be here in Norfolk Island with their wives and minders for about a week to have their meetings and enjoy Norfolk Island. It's a huge honour for Norfolk Island and one that I know that we will respond to very well. As a result of that and the distribution of a lot of material about Norfolk Island there was incredible interest in the place and I think that augers well. Thank you.

MR PRESIDENT Thank you Mr Bennett. The room has warmed up a bit Honourable Members, if you'd feel more comfortable without your coats please feel free to remove them.

MR BROWN Mr President can I move that the statement be noted.

MR PRESIDENT The question is that the statement be noted.

MR BROWN Mr President I'd like to welcome Geoff to the Commonwealth Parliamentary Association. Before he went away Geoff was quite a sceptic as to the benefit of our membership to this Association and it does cost an amount of public money each year for us to belong, but many of those of us around this table have now had the opportunity to attend conferences or seminars or various types of the CPA and I think that Geoff's reaction, where he went away basically as a sceptic and came back as a convert, has been typical of the reaction that we have all had. The CPA is something that is not easy to understand until you have the opportunity to participate in it and it's my belief that every cent that we spend in that area in each year is well-spent. Thank you.

MR KING That of course is provided Mr President that those who attend these meetings find that they are either able or willing to continue to represent Norfolk Island in this parliament, and that unfortunately hasn't happened. So one can be a little bit critical of the expense incurred in CPA matters when we find that people decline to

stand again at the following election, or in fact are voted out by the electorate. The values or benefits gained by them during their short membership as a membership of the CPA is somewhat dissipated. But I warm to what Geoff has said. I too am a sceptic of the CPA and I've not participated in any of these arenas. I haven't got the slightest inclination to go to places like Cyprus and other sides of the world but perhaps on a future occasion I might have that opportunity and I'd look forward to that.

MR PRESIDENT The question is that the statement be noted.

QUESTION PUT
QUESTION AGREED

Any further statements this morning.

MR KING Mr President I would like to make a statement about tourism. Mr President the August 1993 visitor numbers, figures which I tabled earlier on in the meeting are on the surface pretty dismal. I hadn't in fact anticipated much different to what is revealed in that particular paper, simply because the trends of recent years are pretty well entrenched and it's unrealistic to think that those trends are going to be reversed overnight. However Mr President, a number of things have occurred or have been brought to my attention in recent times which cause me to be optimistic about the future for tourism in Norfolk Island. Members will recall that at our last meeting I foreshadowed that new markets were being opened, or likely to be opened to Norfolk Island from 1994 as a result of the "open skies" policy, the trans-Tasman deregulation, and it's particularly important that Norfolk Island keep abreast of these developments to be able to capitalise fully on the changes. That will require on-going professional communication with airlines and that has been put in place. Professional communication Mr President, not muggins Kingy wandering about the eastern sea-board or in New Zealand talking to people in a language which he doesn't understand or pretending to know all that's needed to know about tourism ...

MR PRESIDENT Order Mr King. It's improper for such remarks to be made against a member of this House.

MR KING Yes, but I don't find them offensive.

MR PRESIDENT Allbeit yourself.

MR KING Well I mean I don't pretend to be an expert Mr President. I wasn't voted into this House or into this parliament as an expert in tourism matters. Certain trust has been placed in me and I'm learning. I'm learning a lot, but I don't believe that the community can expect that politicians elected from the Norfolk Island streets as it were, can be expected to be, to have that professional expertise which is needed to communicate and develop tourism out in the market-place. I remarked last month that some wholesalers and airline officials had expressed the view that there had not, over recent years, been an appropriate level of professionalism or co-ordination in marketing Norfolk Island as a tourist destination and many here in Norfolk Island have been quick to blame world-wide and regional recession for the downturn in our tourism industry, but I can't accept that view out of hand Mr President. How can that be so when in our declining years, that is the years since 1986 the numbers of holiday-makers travelling to oceania from our traditional markets in Australia and New Zealand have in fact increased. And I'm talking about an increase in oceania visitation from Australia of some 25 percent, an increase in oceania visitation from New Zealand during that period of some 40 percent, yet during that period of time we simply lost our market shares. Other destinations in fact have been doing it better than us. More professionally. I venture to say Mr President that we should have been well-placed to otherwise withstand the effects of world-wide or regional recession. One of the most positive steps taken by our Tourist Bureaus in recent years and one which will fill this profession gap, is the appointment some three weeks ago of Robert Doyle as the Bureau's General Manager. His title in fact is General Manager (Australia) and his main task is to co-ordinate all marketing and tourism planning for Norfolk Island, so that doesn't limit his activities simply to Australia, he has taken on the wider brief of that type of planning from New Zealand as well, and in fact on a world-wide basis. Mr Doyle is extremely well credentialled, with an extensive

QUESTION PUT
QUESTION AGREED

MR PRESIDENT Further statements. We have concluded statements. I have received the following message from the office of the Administrator. It's message No. 62 Honourable Members, and I read it. On 20th August 1993, pursuant to sub-section 21(2) of the Norfolk Island Act 1979, I declared my assent to the Police Offences Amendment Act 1993 which was No. 18 of 1993, dated this 1st day of September 1993, Alan Kerr, Administrator. We are now at Notices.

NOTICES

1 - PUBLIC SERVICE ORDINANCE 1979 - REVOCATION OF APPOINTMENT - AN APPOINTMENT OF PERSON TO ACT AS CHIEF ADMINISTRATIVE OFFICER.

MR BROWN Thank you Mr President. I move that this House recommends to His Honour the Administrator that in pursuance of sub-sections 8(3) and 8(5) of the Public Service Ordinance, the Administrator (a) revokes previous appointments of persons to act as Chief Administrative Officer, (b) appoints Ivens Francois Buffett to act as Chief Administrative Officer during a vacancy in the office of the Chief Administrative Officer or while the Chief Administrative Officer is absent from duty, and (c) determines that the terms and conditions of the appointment be as specified in the Schedule; and the Schedule Mr President is, "the terms and conditions of the appointment are to be those applicable to the appointee as an officer of the Norfolk Island Public Service, except that (a) the salary payable is to be the rate from time to time specified as the base of the range for officers or employees of the Public Service graded E05, and (b) the appointee shall have the private use of an Administration motor vehicle". Mr President, this motion is of a technical nature. Members will be aware that the Public Service Ordinance requires the Legislative Assembly to recommend to the Administrator persons to act in the absence of incapacity of the Chief Administrative Officer. The House had previously recommended that His Honour appoint Mr Ivens Francois Buffett to so act, or in other circumstances Mr Donald Ray Wright. Mr Wright is no longer an officer of the Administration and it is necessary therefore to revoke his standing appointment to act. Mr Buffett's term and conditions are unchanged from the terms and conditions recommended in the old resolution. I commend the motion to the House, Mr President.

MR PRESIDENT Thank you. Any participation Honourable Members.

MR BATES Mr President, I support the motion. I just wonder about the technicality or the meaning of the words "absent from duty". It could well be that the CAO is on duty but not on the Island and I think it's intended that when he's absent from the Island that the Deputy, or Mr Buffett, be allowed to act. Providing this motion covers this situation, I mean he could well be on duty on the mainland but he can act here on the Island, in those circumstances I'll support the motion.

MR BROWN Mr President what has been used here is the standard format that has been used in the past. I'm not aware of there having been a problem in the past, but I would be quite happy to seek some advice from the Chief Administrative Officer after the meeting in relation to the matter and in the event that there is a problem, we could tidy it at our next meeting. But as I said, it is the standard format which has been used in the past. I'm not aware of a problem having arisen in the past and it has not been suggested to me previously that there is any difficulty with the form of word that have been used.

MR PRESIDENT Thank you. Further participation. No further participation. I will put the motion Honourable Members. The question is that the motion be agreed to.

QUESTION PUT
QUESTION AGREED

2 - PUBLIC SERVICE ORDINANCE 1979 - SECTION 13(c)(f). PROPOSAL TO REDUCE EXPENDITURE CONNECTED WITH THE PUBLIC SERVICE

MR BENNETT Mr President, before I move that motion I just wanted to seek your concurrence in altering one word in Section B - the word "under" and replacing it with the words "for the purposes of", just that it's more correct to have those words changed if your concurrence is ...

MR PRESIDENT Is that agreed, Honourable Members. Agreed. Yes, thank you Mr Bennett, that's adjusted. "B" says declared, or declares "for the purposes of" instead of declares "under".

MR BENNETT That is so Mr President.

MR PRESIDENT Okay, thank you.

MR BENNETT Mr President, I move that this House (a) noting that in the present economic circumstances, it is incumbent upon the Legislative Assembly to adopt a prudent and responsible approach to all public expenditure in Norfolk Island, (b) declares for the purposes of Section 13(c)(f) of the Public Service Ordinance 1979 that economic conditions of such as to require the reduction of expenditure connected with the Public Service.

MR PRESIDENT Thank you.

MR BENNETT Mr President, at the last meeting of the House I foreshadowed that this step may be prudent and indeed in the intervening period with the additional assistance of the Financial Indicators for the Month of August, and noting the trends that arose out of comparing that with past months' performance, I considered it was prudent to act now and not later. Mr President, earlier in the meeting I gave the House some detail of the economic situation particularly with the downturn in imports, which impacts very much on Customs Duty revenue and to the slight downturn still in tourist numbers which also have an impact on that, and I've also referred to the fact that in the last financial year revenue had fallen below budget by some \$600,000. It is a fact that when we went through the painful process of the budget this year we were fairly conservative in the revenue raising area, but indeed the expenditure was cut about as tight as it could go. The early indications are that revenue, particularly in Customs Duty will not hold up and as a result of the tightness in the expenditure area it seemed prudent to gently tap on the warning bell, rather than blowing a trumpet about the degree of the problem, and to seek the cooperation of both the Public Service Board and the Public Service Association, indeed the Administration as a whole, to addressing the question of reducing expenditure. Now we are handicapped to some degree by not having financial statements. We've got financial indicators only, but I have indicated to the Finance Branch that I would require financial statements for the first quarter of this year, that is we should have them sometime mid-October, to give a better picture. It's one thing to look at revenue and expenditure patterns, but it's another thing to look at the overall performance by way of financial statements, and just to add on that, members would be aware that in the financial indicators under "Earnings from Services" the figures in that column are simply each 1/12th of what we budgeted as revenue expected by way of dividends and management fee from the services. I think it's of vital importance that we have a closer look at the actual income received by the major undertakings rather than just relying on the 1/12th of the estimate being applied to the financial indicators and saying, well it looks okay, it looks okay. So that will be looked at when the financial statements for the first quarter are done. And I think it will give members a fairer indication of the position and perhaps it may give rise to an additional motion to the House in subsequent sittings, the motions at that time may in fact indicate that, indicate a specific amount of dollars that might have to be reduced at this time. We are simply lightly tapping on the warning bell, we have not indicated in the motion that we want X amount of dollars trimmed from the budget or whatever. I should also say that if we do arrive at that unhappy stage of having to indicate a number of dollars that needs to be trimmed, it would be my intention to have the Assembly do the trimming in cooperation with the Public Service, rather than us simply passing the buck over there and saying "help, we've got a problem, you blokes fix it". It is certainly, and should not be considered an abrogation in any way of our responsibilities, this whole thing. Mr President, as I said, the revenue forecasts in respect to

sources which would or services I'm sorry, which would necessarily be reduced, if the wages bill was to be cut. The amendment bill to include this section 13c(f) was seen by most at the time as a measure designed to abrogate political responsibility and have the Public Service Board do as it was told. I hear what Mr Bennett is saying on this occasion, that it is not his intension to abrogate the responsibility of the Government or the Assembly. Nevertheless those were the thoughts that prevailed at the time. I looked back on hansard for the time to get an understanding of the intension of the legislation, funnily enough despite its significance there was almost nothing said about the particular section. You can understand that to a certain extent because everyone was bored to tears I imagine with the never ending processing month after month of amendments to the Public Service Ordinance. There was one minor exception, there was a mention made of the particulars, section which gives us perhaps some clue as to what the intension of the section was. Former esteemed Member Mr Howard said "The matters to which the Board and the Chief Administrative Officer would need to have regard, in this new bill, for four items that Mr Bennett mentioned have a certain generality in their favour. They are not with the possible exception of the last one, that is 13c(f) which says: That if economic times get bad enough so that the Legislative Assembly passes a resolution saying we are in economic trouble, will the Public Service Board and the CAO please try to cut, they need to respond to that". Mr Howard would have said it more eloquently, with a slight accent, which I can reproduce. Nevertheless those were his words, and the only point, and the only mention made of the particular section. Not much could be conclusively gleaned from that of course there appeared to be an expectation, certainly not contested by the proponent of the bill at the time, Mr Bennett, but by invoking 13c(f) the Public Service Board and the CAO, should then cut costs. Now here Mr Bennett doesn't appear to be sending that message, and therefore doesn't really expect to achieve the original objective of the section. However, how the message is received and acted upon, can be an entirely different story. Mr Bennett says he has had discussions, or at least communications with the Public Service Board and the Public Service Association, about his intensions, he indicates that he is perhaps thrown a little oil on potentially troubled waters. But what about the community at large Mr President, what message will they receive from all this? They are entitled to understand from this that there is worth while cuts are to be expected. Some are worried that for every dollar taken out of the Public Servants pay, there will be two or three dollars taken out of wider circulation within the community. They will perhaps be entitled to think that things must really be crook to justify what amounts to a pretty dismal economic declaration by the Assembly. Certainly Mr President, I'm troubled by these potential effects, but at the same time of course any opposition on my part to the motion would, could well be seen as meaning that I'm not concerned about the state of the economy, and I certainly wouldn't want to give that impression. I simply in summary Mr President, can't see that by invoking 13c(f) is the be all and end all to our economic woes. I don't think that it is a substantial enough step, that we ought to be giving some lead up here in the legislature, at this stage Mr President, I intend neither to support nor oppose the motion.

MR BROWN: Thank you Mr President. Mr President, it might help Members if they know what section 13c(f) of the Public Service Ordinance actually says, Mr King in what he has just said has been somewhat critical of those who were responsible for the introduction of this section, and I suggest to Members that that criticism is somewhat unfair. Mike at the time of course, along with Brian who sits beside me, was somewhat of a trade unionist. I recall having some difficulty in walking into the Assembly on one day, when Mike and a rowdy band of his colleagues, were outside these very chambers. Mike was on the back of a truck with a fog horn berating his colleagues and mine. But Mr President, the section, section 13c says that in the exercise of the powers and performance of certain functions set out in the Act, and it relates only to those functions. The Board and the Chief Administrative Officer shall have regard among other considerations to firstly, the maintenance of the Public Service as a desirable source of employment for persons of ability and initiative. Now what is wrong with that Mr President? The economy of and the efficiency of providing and maintaining essential services. I ask you what's wrong with that? The limitation of the rate of year to year growth in the costs of the Public Service to a rate not greater than the rate of growth in public revenue. What's wrong with that? And finally, subject to a resolution of the

Legislative Assembly declaring that economic conditions are such as to require it, the necessity to reduce expenditure connected with the Public Service, and frankly Mr President what's wrong with that? It is only proper that the Legislative Assembly reserve to its self the right to say to the CAO and the Public Service Board things are tough, we would like you take action to reduce expenditure. Now lets not confuse ourselves the passage of this motion is a request, to the CAO and to the Board, to take note of that section. And lets have a look at what that means. Firstly, what's the attitude of the Public Service Board likely to be. Well I can tell you because I have the executive responsibility for the Public Service. The Public Service Board has asked me, to make it clear to all of your, that the Board in the event that the Assembly passes this motion supports the motion. The Board would like all of us to know, that present and previous members of the Board have consistently taken the financial stringencies affecting the Norfolk Island Government into consideration in all of its decisions. And it can be seen that this practise has been affective, by regard to the fact that out of an establishment, of 180 positions for the Public Service some 21 are currently vacant. And some are in fact not being filled for extended periods, to the extent that as a result funds have not even been provided in successive budgets for some of those un-filled positions. The Board has also asked me to point out to you, that public revenue for the three financial years ending 1990, 91 and 92, increased by 20%, while expenditure on public service salaries and wages remained virtually unchanged, in spite of a very active legislative programme, and in spite of the Administration having taken over a series of new responsibilities and functions, which included the Airport, the Airport Fire Service, the Water Assurance Scheme, the administration of the Employment Act, Workers Compensation and at different time the Healthcare Fund. But, the fact is that the Public Service Board has been very conscientious, and will continue to be conscientious, but if we ask it to take a slightly harder approach, it will respect our wishes and cooperate with us. I met earlier this week with the Board's Chairperson and with several of the members of the Board, and one of the things that the Board stressed was it's desire that if in fact the Assembly wants to see reductions made, we should not just make a decision sitting around this table, without having reasonably consultation with the members of the Public Service themselves, because it is the Boards view that the members of the Public Service will be supportive and will do their best to help us find a solution to the current problem, so they've urged us to be sure to consult in an effective way, and that is good, consultation in problem areas such as this can only be to the benefit of everyone. I accept something that Mr Sanders said a little earlier in the meeting, he said that we should be sure that we protect the jobs of our local employees, and he indicated that there maybe room to look at whether some of the ex-pat positions are still really required. I think that's valid, I think that there may well be areas where we are now over staff, were we perhaps are directing work which is unnecessary, an where the ex-pat staff can perhaps be replaced by local staff who have been trained for the positions. I don't think we should shy away from looking at that. I certainly believe that we should be starting to look very carefully at ensuring that we have an adequate training programme within our Public Service, and ensuring that we have an adequate career path within our Public Service and at ensuring that over time as many as possible of those present ex-pat positions can be filled with local staff. Mr Bennett and I have discussed on a number of occasions, the possibility of looking at whether now that times are a bit harder and now that we have to dig into our own pockets each time we want some more revenue, whether all of the functions which are presently filled or provided by the Public Service are really still appropriate. I expect that a number of areas, once people have to face the question of whether or not they are actually prepared to pay for them, could be dispensed with. I expect that a number of areas could be privatized, but, come the day we look at that, and I certainly hope we will look at it soon, there will be a very important social consideration, and that will be, are we prepared to accept additional cost in our social welfare area as the price of achieving efficiency, or the price of improving efficiency in the Public Service, because quite clearly if we decide to privatize some areas of the public service, if we decide to simply close down some areas of the public service, there will be a social welfare problem created. Now my own view is that we should not plan for inefficiency in the public service, we should plan to have an efficient public service, it should be an efficient public service which at the same time provides a desirable source of employment as set out in the Ordinance. It should be a place

where good training is available, it should be a place where a career path is available, and it should be a place that aims at eventually achieving a situation where the overwhelming majority of the staff are local staff. I certainly support Mr Bennett's motion today but, I think that we will on the assumption that it is passed, need to all then quickly sit down with the Chief Administrative Officer and the Public Service Board and work out what action it is that we are really expecting to flow from the passage of the motion. Thank you.

MR BENNETT: Thank you Mr President, I just wanted to pick up on the comment that Mr Brown made. He mentioned that the motion is more, is a request to the CAO and Public Service Board, but I want to just clarify that, the motion is in fact a directive to the Public Service Board, rather than enabling it insofar as the Assembly is concerned. In other words, that action by the Public Service Board follows the initiative of the Assembly in passing a resolution that economic conditions are such as to require the expenditure to be reduced connected to with the Public Service. So it is a little more being simply a request, and I think that some of the positive things that will arise out of that, might well be these, for example; of concern to me are these two matters, firstly when a vacancy occurs now its almost an automatic refilling process, it appears that the refilling process is carried out within the service and it comes to the Public Service Board in a pretty well as a fait accompli. Well I don't go along with that, I think that before any position is made vacant, are filled, there ought to be a review as to whether those position in fact should be filled, is there a need? Re-examine the need etc, not just automatically fill it because it has become vacant. So that's now something that the Public Service Board and the CAO might well look at as a result of this. Secondly, there are as Mr Brown mentioned 21 un-filled positions on the books over there. Well to my way of thinking these un-filled positions should be abolished. My fears always been that it is easier to fill an un-filled position or easier to justify filling an un-filled position than it is to justify the creation of a new position, and I think that's the way it ought to be, there ought to be adequate justifications of the Public Service Board when a need arises to create a position, I think in some instances in the past it's been too easy simply to say, there's a vacant position we'll fill it, and in fact section 20 has been used along those lines in the past, now I'm happy to say that Mr Brown had section 20 amended and that opportunity isn't there, that holes been blocked, but there was an opportunity for section 20 to be used in picking up an un-filled position and putting the two together. So there are some positive things arising out of there, but I wanted to make the point that it's more of a directive than a request in that respect. I agree that there is a fair amount of discussion to go as I said earlier and I'll repeat again, we haven't enumerated the extent of the problem, and we won't be able to do that with any accuracy until we've got the first quarter financial statements and we'll have a look at those and analyse them against the previous years performance and separately re-examine the budget so to speak, and in the course of doing that, and in the discussions that follow with the Public Service Board and indeed the Public Service, I hope we will work out ways that we can attend to the problem. Thank you.

MR BROWN: Mr President, I may have left some Members wondering what my attitude is jobs security within the Public Service, and I felt that it would be worth saying something about that. In all of our considerations about this motion today, my intension is to strive to ensure that jobs security is preserved for those local employees in our public service, and to such extent that our discussions may move into possible privatization, the area of jobs security for our present public servants has to remain very much in the front of our minds. I am not wanting to promote a situation where any of our local public service staff find themselves out of employment unless it is absolutely unavoidable in the overall interest. I felt that I should make that clear, I regard while I have the ministerial responsibility for the public service job security is being a very important element of that public service employment.

MR BATES: Mr President, I find this motion disappointing

MR ROBINSON: Point of order. Mr ... not only is it covered by standing order 139 it is also covered by section 39 part 3 of the Norfolk Island Act.

MR PRESIDENT: Wait a minute 139 your referring me to Mr Robinson?

MR ROBINSON: Yes

MR PRESIDENT: And the other reference?

MR ROBINSON: 39(3) of the Norfolk Island Act.

MR PRESIDENT: Can I just draw your attention Honourable Members to those sections that Mr Robinson has called my attention to. First of all he has drawn my attention to standing order 139 which reads this: A Member who is a party to, or has a direct or indirect interest in a contract made by or on behalf of the Commonwealth, or the Administration under which goods or services are to be supplied to the Commonwealth or the Administration, shall not take part in a discussion of a matter or vote on a question where the matter or question relates directly or indirectly to that contract, any question concerning the application of this standing order shall be decided by the House.

And the second part that Mr Robinson has drawn my attention to is 39(3) of the Norfolk Island Act and I will read that also. I'm reading it to you so that you will have a clear indication of what is exactly expressed in those pieces of legislation because at the end of the day it will be decided by the House, in other words Members will need to cast an opinion upon it. I will read 39(3) to you: A Member of the Legislative Assembly who is a party to, or has a direct or indirect interest in, a contract made by, on or made by, or on behalf of, the Commonwealth or the Administration, under which goods or services are to be supplied to the Commonwealth or the Administration, shall not take part in a discussion of a matter, or vote on a question in the Legislative Assembly where the matter or question relates directly or indirectly to that contract. Now it will remain for you Mr Robinson if you so wish to pursue that, to make a motion that in fact the matter that you are raising, does, just let me look at it again. Does have application, in other words that standing order does have the application in respect of the matter that you are proposing to us.

MR ROBINSON: I so move Mr President. I presume Mr Bates is still Internal Auditor to the Public Service.

MR BATES:

MR BROWN: May I speak to the motion?

MR PRESIDENT: Yes, the matter that is before us, is as to whether this standing order has applicability just to pick up the exact words again. This is a question concerning the application of this standing order.

MR BROWN: Mr President, the motion is a motion, in relation to section 13c of the Public Service Ordinance. Clearly it is a matter which relates to the Public Service, and there is no doubt in my mind that it is a matter in respect of which, no only Brian but you Mr President and possibly Lester would need to simply abstain from participating in the debate or voting. I don't care but,

MR KING: It's a bit of an awkward spot that find ourselves in Mr President. It would have been interesting to have, or worthwhile to have the benefit of some interpretation on this standing order and the particular provision of the Norfolk Island Act, wasn't it? As much the same wording as 139 standing order. And without the benefit of that advise I find it difficult to apply this particular standing order. Primarily it says that the debate at the moment must have some direct or indirect bearing on, in this case Mr Bates contract, which I presume is under section 20 of the written contract, I presume under section 20 of the Public Service Ordinance. So we got to ask ourselves whether it does bear directly or indirectly on that contract. Certainly it is not a direct bearing, on that contract, so rule that out, and turn to whether it has an indirect bearing on Mr Bates contract. It could do, but no one can say at this point in time that it does. And that's the point and I think that Mr Robinson just hit the nail of the head, he said it could do, it may have, but no one can determine at this point in time that it has an indirect bearing on Mr Bates contract, and on that basis I

wouldn't vote for the application of this standing order.

MR BENNETT: Mr President, I'm a little bit puzzled by it too, I can't in my own mind reconcile that the motion in fact has a direct bearing on any of the three people that may be connected with the service here, I wouldn't have thought so. So if there is doubt in my mind, I would intend to favour not supporting the motion, I mean I'm happy to hear all the debate on this particular motion that's before us, not the motion about the standing order. Cause I think it is important to get all views, it's not such a monumental step its sought of a small step along the way. I think that the House would benefit by contributions from all Members on it, and rather than excluding any. Its of interest to note that this is not the first amendment of the Public Service that we've had, but I think its the first time that we have called that particular standing order. And I just can't reflect quickly enough about other amendments of the Public Service that was dealt with in the last 17 months, as to whether we just maybe in a way and not nit picking on this particular issue. It seems on the question of whether we are talking about the general economic situation or whether we are focusing on the ...

MR ROBINSON: ... the Public Service. It specifically says under section 139 contract made on or behalf of Commonwealth or Administration. Now I believe that stemming right back to the Norfolk Island Act that this is specifically the reason that that was included in that Act and in our standing orders. Mr President, it is nearly lunch time, perhaps if we could adjourn for lunch and you seek advise over the interim time?

MR PRESIDENT: Yes, I'm happy to do that if Members would want some time to think it over during luncheon adjournment.

MR BENNETT; I think its important that we get the legal interpretation of it, because I would hate to deny anyone the opportunity of debating here, on our opinion of how it should read, and I think that I would be more comfortable in voting if the interpretation was, could be giving to us, and if in the adjournment for lunch or the, that that could be found, I would be more than happy.

MR SANDERS: I was asking if Mr Zande would be available as he would be an independent person?

MR BROWN: Mr President, the difficulty that Mr Sanders is alluding to is that advise from the Crown Solicitor would be advise from a person potentially effected by the motion

MR KING: ... That's suggesting that the Crown Solicitor would not be impartial and professional in his advising.

MR SANDERS: With all due respect Mr President ..

SUSPENSION OF SITTING FOR LUNCH

MR PRESIDENT: I think that at this stage Honourable Members I will take the suggestion that we might adjourn for lunch, and during that time I will do so homework to see if some of these areas can be clarified, and report to you after the luncheon adjournment, and you can consider whatever matters are brought to you at that time. We at this time will suspend Honourable Members, and I suggest that we resume, if you want me to do some work on this I suggest at 2.30 pm if that doesn't inconvenience you to much. And on that basis we suspend until 2.30 pm.

RESUMPTION OF SITTING AFTER LUNCH BREAK

MR PRESIDENT: Honourable Members before we suspended for lunch, there was the matter raised by standing orders and the like, and I said that I would go away and try an produce some information that might assist you to decide the matter, because it is a matter for the Members to decide, as you will know we have had referred to us two items really, one is, standing order 139 and the Norfolk Island Act 39(3). Upon the information that is available to you, and I've got to be frank and say that in an hour and a bit, its not possible to go through and look at all the reference pieces that might be available but hopefully this information might assist you. There may well be four steps to consider in the matters that have been raised Honourable Members, firstly a matter

of whether a contract exists for provision of goods and services with the Commonwealth or the Administration and those terms are mentioned in the appropriate words earlier referred to, and the second matter is, that if a contract exist whether the question before the House does relate to that contract, there are some references on this point, given in parliamentary references that may be useful to you, I'll just find them, for example in the House of Reps practice you will know that our standing orders is a prelude mentions where everything is not totally specific or for background information, that the House of Reps practice and be a guide for us, and I'll just read you a part from the House of Reps practice second edition, on page 176, three quarters down the page, it says this: No Member who has a direct pecuniary interest in a question is allowed to vote upon it, but, in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character, then it refers to an earlier ruling by a speaker which says: this interest must be a direct pecuniary interest and separately belonging to the persons who's votes were questioned, and not in common with the rest of His Majesty's subjects. The reference to His Majesty's subjects of course gives you an inkling that it is a ruling of some earlier time. That might assist you to just look at the applicability of the words used in respect of a contract and the question to whether the matter before the House relates to that contract. The third step that might be useful to mention is, no matter what the answers to those first two questions are, whether you apply this standing order is up to the House to decide, and the final matter of course is if there are overall difficulties there, that you would not want to address, you have the additional option to consider whether or no you wish to utilise or not utilise that standing order anyhow. That is the facility to disallow. In the time frame that's been available really that's the only guidance I can bring forward to you Honourable Members, and I would ask you how you want to proceed now. It is finally a matter for the House. Mr Brown.

MR BROWN: Mr President, could I make a suggestion? The point has already been made and the fact that it was of such significance as to cause the inquiries to be made, which you have made during the luncheon adjournment, is possibly taken the matter as far as it needs to be taken. Norfolk Island is unusual in that it is, as far as I'm aware the only place in the western world where a Member of the Public Service can at the same time be a Member of his own Legislature. The situation is not uncommon on the mainland where a person can whilst being say a state government employee seek to be elected to local government. But, that situation is one in which the public servant is not seeking to form, to be elected to his own legislature. Having said that and recognised that it would be unlikely that you would find an example to the point anywhere else because of the fact that Norfolk Island is unique in this regard. My suggestion is that we simply note that the problem has arisen and I wonder whether Mr Robinson might be prepared to simply withdraw his motion at that stage, that would mean that you as President would not need to make any ruling on the matter, and to such extent as Members wish to proceed, sorry to participate in the debate, they would be able to go ahead and do so, but knowing that the matter has been matter of some concern to some people. He'll probably so no

MR ROBINSON: Yes, well, just a couple of things first. Any question concerning the application of the standing order shall be decided by the House. I mean that's all I wanted to put forward, and it is difficult and 39(4) of the Norfolk Island Act says exactly the same thing, so what they're saying in the Norfolk Island Act, it doesn't matter if you ignore section 3, and I'll quote you what it says: And a contravention of subsection 4 does not effect the validity of anything done by the Legislative Assembly, its another one of those points in the Norfolk Island Act that shouldn't, they need not have bothered putting in there, like public servants on there Legislative Assembly, as prescribe for the purposes of this paragraph is what they use, it's a joke, it's not even worth being in there. However, seeing as how we've wasted or spent enough time on this as it is, I'll withdraw my motion.

MR BENNETT: Mr President, on the basis of that and perhaps just to formalise it might be as well for a Member, myself I don't mind doing it to move that so much of standing orders by set aside as to cause that one to be so we note it formally, that we will not, that we have formally set aside that section 139, so we are consciously making a decision if we set it aside and it will keep the record nice and

straight. It that ...

MR PRESIDENT: I see that that's a belt and braces approach if Members would wish to adopt that I'm very comfortable to receive it as such. Mr Robinson thank you for that earlier indication, Mr Bennett's motion is that so much of standing orders be set aside that would prevent this matter from progressing and I ask Members, Mr Robinson.

MR ROBINSON: Thank you, we are debating Mr Bennett's new motion, I appreciate that you can set aside the standing orders of this House, but you do not have the authority to set aside the Norfolk Island Act. However we won't get technical.

MR PRESIDENT: May I have Members views in respect of Mr Bennett's motion.

QUESTION PUT

Do you wish the House to be called?

MR ROBINSON: I don't think there is any need Mr President.

MR PRESIDENT: Thank you, Mr Robinson's view is recorded please. Are there any abstentions.

QUESTION AGREED

We now progress with the motion that is listed on the notice paper which is notice No. 2.

MR BATES: Thank you Mr President. I find the motion disappointing to say the least. For a month I been requesting Ministers of the Government to consider review of all policies under their portfolio's to see if they can come up with ideas, that will help in economic recovery. If the recovery is as bad as Mr Bennett says it is, this approach is far from responsible. It is passing the buck to the CAO and the Public Service Board and the Public Service. It is also ringing alarm bells in the community unnecessarily which will do much to worsen the economy. I am reluctant to interfere with any Minister in the administration of his portfolio, but I must divorce myself from tactics. If the Government cannot finance it's public service it should be looking for solutions and not passing the buck. If we look at the financial indicators that have been tabled here today, we will see the trends that Customs Duty and F.I.L. have shown down turns. It has been a trend for several years now that earnings from services have vastly been overtaking Customs Duty especially, and F.I.L. is the major revenue earner of the Assembly, or of the Government. And this should be encouraged, this is good because that saves the people on this Island from having to pay taxes, all the money by these services, and I'll list them, they are: The Workers Compensation Scheme, the Liquor Bond, Telecom, Electricity, Lighterage, Postal Operations, the Airport, Water Assurance Fund, Tatts Lottery all the monies earned from these services and the monies which saves us from being taxed, to provide the services and we look at the expenditure which are fast blowing out. And the ones that are blowing out are Health, Education and Community Services if we look at the financial indicators. And all the services that are providing the funds to finance those are basically run and worked by the public service. If we are looking at chops in the public service what are we looking at, we can't really chop education and health very much or welfare, but, we can cut the efficiency of these services which are now turning to be our major revenue services. It was also disappointing to me earlier in the debate to hear Mr Bennett with his inflexible approach to borrowing. Now I would just like to make a small point about that, I'm not suggesting that we should be borrowing money to solve the economic problems that face us here today. But we look at lighterage for instance, we had a paper table here today on lighterage, now I asked Mr Christian earlier today that if we were to change our lighterage concept, and if we were to work out some way that we could import cargo through containerisation, he suggested that there maybe a saving like something of \$160 a cubic metre in freight rates, now in 13,000 tonnes a year \$160 per cubic metre savings in freight rates is worth 2,080,00. Now you can't tell me that if we were forced to borrow a small sum of money say, half a million dollars so something in order to gain an extra 2,080,000 which could well go into paying these services of education, welfare and

other things like that, you can't tell me that borrowing if it is done sensibly and for a purpose is something that we should just be inflexible about. We do have our backs against the wall, and we must look at all possibilities, not just be dogmatic about certain things that are dear to our own hearts. I won't be supporting the motion. Thank you Mr President.

MR BENNETT: Mr President, I have come to expect Mr Bates contribution and I was pleased that Mr Robinson's motion to withdrawn the exclusion of him and others from the debate because I wanted him to say what he had to say it was on his mind. But quite frankly I'm a little bit disappointed in what he said he obviously was asleep when I was making my, some of the remarks about it. The question of passing the buck is a load of nonsense, I made it clear that we were not passing the buck at all, the motion was only a signal, it was one part of maybe a number of parts, that may have to occur once the financial statements are finished for the first quarter. I did say that I was not going to shirk the responsibility of cutting the budget if that has to come. But we've sent a signal to the Public Service Board and the Public Service through the CAO. There was no intent in that signal that they immediately go around cutting. It wasn't in the question at all, I haven't given that consideration, I made reference to the fact that there were un-filled positions which I personally believe should be abolished. I made reference to the fact that the automatic refilling of vacancies was something that ought to be reviewed, those were the two specific matters that I had in mind. I understand that the Public Service Board has also got that in mind. It's certainly not passing the buck, and secondly, Mr Bates mentioned that I was alarming the community by ringing the warning bells, I said I was lightly tapping on it, I think it was a totally responsible approach to it, the expenditure already in the two months just passed, there has been expenditure incurred for necessary things that were not budgeted for so, some of the expenditure has already gone above that, these things occur as you well know. And there are other expenses expected of that like. You simply cannot ignore the trend in Customs Duty and that was the one I focused on, I mentioned that we were 1743 revenue tonnes down at this point compared to last year. Now that's a lot, I don't know what it means in Customs Duty but I would suggest 10's of thousands of dollars, perhaps 100's of thousands, that can't be ignore, we're suddenly not going to get 1703 tonnes more over the last remaining four months of the year to make in level with last year. I well remember the situation in 1982/83 I was not a Member of the Assembly but I well remember the disastrous situation that the public finances got into simply because they waited to long before they reacted, and you may well remember that Mr Bates as well. And I think that that approach is not the approach that I would take I would rather take it cautious approach with it work it out on an almost day to day basis, rather than waiting until its to late then trying to correct an impossible situation.

As I said Mr President, the object of my discussions with the Public Service Board and the Public Service Association was to, is to gather their feelings to set out what I think might be a cooperative approach to dealing with problems that might highlight themselves in the coming months, there has been general agreement by them and they are very happy to consult on it, I think that's a very significant situation and I think that's the way we solve the problem, we don't sit here and ignore the consultation process and try and work this difficult situation out ourselves. I must re-emphasize that I don't think the situation is worth panicking over at the moment, and that's why I referred to it as a light tapping on the warning bell and nothing more. We wont have more specific information for another month, at that point it might require a little firmer tapping on the bell, but we'll wait and see, I'm not going to jump to conclusions. Thank you.

MR BATES: Thank you Mr President. I do remember the financial difficulty of the 82's whatever, because I was the Minister the had to sought them out. But, having said that, it was pleasing to hear Mr Brown put forward some of the views of the Public Service Board, and when you hear those views I think that these things that Mr Bennett is trying to put out to the Public Service Board are being directed in the wrong direction and are completely unnecessary.

MR BROWN: Mr President, I've been interested to listen to some of the things that have been said about borrowing money. Geoff told us that the Babylonian's were big savers, well in defence of Lester and Brian, perhaps I would join them in asking where the hell are the

Babylonian's now? You don't hear about them very much these days, I presume they were subject to a takeover. But, the reality is that I don't think we should close our minds totally to borrowing, I think we should say that borrowing in order to pay recurrent expenditure is simply not on. But, I think that we should also acknowledge that there maybe circumstances in which borrowing is appropriate for income generating capital projects. But, I think we should go further, and say that if we were ever to consider that it should only be done after a referendum. Because there are a lot of people in Norfolk Island who do not like the idea at all. And it would very easy for a Legislative Assembly so say to itself, well we got 8 or 9 hundred thousand dollars in telephones at the moment lets pay that out as a dividend, and then borrow to buy a new exchange. That was actually suggested in relatively recent years. And fortunately that course of action was not pursued Mr President, because had it been pursued, we really would have been borrowing for the purpose of meeting recurrent costs, cause we would simply have been borrowing in the name of the telephone undertaking and really using all of the money to pay a dividend to the revenue fund. And my point there is borrowing shouldn't be regarded as totally out of the question but, there ought to be safe guards, and the safe guards in my view should firstly be a referendum, and secondly a restriction on even considering it to income generating capital projects. Mr President, the motion that is before us today, is a motion in accordance with section 13c of the Public Service Ordinance, and that motion is not a drastic motion it requires the Board and the Chief Administrative Officer to have regard if the motion is passed to this resolution which would declare that economic conditions are such as to require a reduction in expenditure connected with the Public Service, but, even that consideration is restricted only to matters which are connected to certain sections of the Ordinance. In the case of the Board sections 17, 19, 20, 21, 38, 39, and 49, in the case of the Chief Administrative Officer sections 20, 22, 27, 28, 39, 40, 46, and 49, I don't have any difficulty in supporting the motion if there is to be any criticism of the motion perhaps it should be that we ought to have looked at this 12 months ago, rather than today, but, Mr Bennett certainly has given it plenty of time, he has looked carefully before he has brought the motion before the House. He is not asking us to endorse any drastic actions, he is simply asking us at this stage, to bring into effect clause (f) of the section 13c. And I support him in that regard in the event that he is wanting us to do more than that, well that's something that he will have to discuss with whole of the Assembly, and the whole of the Assembly will decide whether or not they agree to it. Thank you.

MR BENNETT: Mr President, I didn't want to say any more on borrowing, but I will respond to Mr Brown. I was ambivalent about the question of borrowing for capital self funding projects before I went away for the Commonwealth conference, and in that many discussions about borrowing, as I said earlier in the debate, many of those small nations had started out with exactly that same ideals but wished that they hadn't, because situations changed and the debts servicing ratios went all out of kilter, and so I've been, I've taken great note of that. I want to before I go on refer to the adjournment debate of the last meeting when Mr Semple was suggesting that words to the effect that the main opponents to borrowing were those who had done Okay, or were against income tax and the like. Well sometimes that's not a bad idea to have input from some that are perceived to have done okay, because they may have had some experience. Now I have had an experience and I will relate it to you. I was involved in a company that was building a large building on the Island, and it borrowed on the basis that it's earnings or its income for it would meet its commitment, and it was a nice package they had put together. What we didn't calculate on was that interest rates rose, we couldn't meet the commitments and the principle amount rose and rose and rose by more than 50% it's taken 11 years of paying interest only before we've suddenly been able to start paying the principle back. Now that was a perfectly good situation, the income measured the outgoings in terms of the repayments of that loan, but lock in it was a wonderful situation, except, that we can't control interest rates, currency exchange, changes in the economies of the neighbouring countries and the thing blew away, we nearly lost everything. Those are the dangers that you have difficulty in predicting, and it's something that I have had a rethink about, and at the moment my mind is totally closed on it, but I'll rethink things through, but I do caution you that the notion of borrow for income producing capital expenditure on the surfaces sounds okay, but there are so many things that we have

absolutely no control over, and it can get away and make it a horrific debt, and that's exactly the experience the many of these small nations we're telling me about in Cyprus.

MR BATES: Just to take up one of the matters that Mr Bennett mentioned on the borrowing side of things. I remember when I was Minister for Finance I was getting messages that there was a lot of money available ... for borrowing in banks in Switzerland and other places like that, at low interest rates and I certainly walked away from that because if we are thinking about borrowing money we have to be sure we know what we are doing. I understand in those days certain things were happening on the Island that there was some easy money to be borrowed. The catch line was that it had to be paid back in the currency in which it was borrowed, and the bottom fell out of the Australian dollar, so some of the people had a lot of difficulty in meeting the commitments under the loans, when they had to meet those loans in the currency in which they were borrowed. I'm not talking about running out and grabbing some cheap Arab money as quickly as I can in doing something, but I am saying that we have to take a responsible approach to all our problems, and we have to look at all our problems and we have to look at all the situations and not just put our heads in the sand and say No! I won't even consider that proposal because I don't agree with it. Thank you Mr President.

MR ROBINSON: Thank you Mr President, but I didn't want to rattle on about borrowing money, I don't believe in it basically but, these days you can get a fixed rate loan. That's all I wanted to say.

MR PRESIDENT: Further debate? No further participation? The question before us Honourable Members is that this motion proposed by Mr Bennett be agreed? And if there is no further debate, I will put that question.

QUESTION PUT

Do you wish the House to be called Mr Bates?

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

The ayes have it. Thank you.

3 - POLICY RE INDEMNITY FOR EXECUTIVE MEMBERS

MR BROWN: Mr President, I moved - THAT every Executive Member should be indemnified against each and every action or claim which may be made against him or her as a result of carrying out his or her executive duties, save only for situations in which such Executive has acted in a grossly criminal or otherwise deliberately and grossly unlawful manner (in which event a decision to deny indemnity shall be made by a committee of the whole of the membership of the Legislative Assembly after considering independent Counsel's advice). Mr President the Assembly does not presently have a policy about these matters, and some have expressed a view that it is time such a policy did exist. In other places Mr President, I believe the policy is fairly similar to that which has been suggested in the motion. It is correct within recent years, the zealots that appear from time to time in this world, have caused indemnities to be denied on some occasions. But, Mr President that is very rare, and I suggest to Members that it is not safe for us to simply go and find the printed policy that might exist in some other jurisdiction, and make our own interpretation of how that printed policy should be administered. The fact is that a printed policy of another jurisdiction is basically meaningless unless we know precisely who it is applied, not only now but how it has been applied for the last 50 years. As I've said I am aware that there have been instances in recent times when indemnity has been denied. There is a certain Minister in the NSW Government who whilst he was Attorney-General caused indemnities to be denied to several people. But, he may well now have a different view, as

to whether that course of action was an appropriate course of action. Certainly, if one looks at events of recent years, one could look at Mr Rex Jackson a former Minister in the NSW Government, who found himself charged with various things. But, until very late in the piece, Rex Jackson was indemnified, and the indemnity was only withdrawn at a stage which those who were responsible for the decision felt that it was abundantly clear that significant criminal offences had been committed, and under that circumstance it was felt that the indemnity could not continue. I know that Mr Bennett intends to propose an amendment, I don't have great difficulty with that amendment Mr President, as long as when the matter comes back before the House, that House looks at the practise not just at the written guidelines, because it is only the practise under the guideline in all fairness is relevant. The second thing I would like to say is, if Mr Bennett's amendment is passed, it is most important when we come to reconsider the matter that we be looking at what happens in fact, and what has happened in fact over the last 50 years, and not just at isolated instances where an indemnity may have been denied. Thank you.

MR SANDERS: Thank you Mr President, I would like to indicate that at this early stage that I will not be taking part in this debate, nor will I be voting.

MR KING: Mr President, I simply want to make a few brief points. Hopefully brief. I agree only with the general thrust of what Mr Brown is seeking to do here. In that very clearly we need to develop policy in relation to extending indemnity to cover costs and damages where an Executive Member, or essentially an Executive Member is taken to Court in relation to the performance of a executive duty. But I don't believe it can be effectively done in the manner suggest by Mr Brown's motion, and indeed I foreshadow that I would be supporting Mr Bennett's amendment to this motion, on a couple of grounds. Firstly that the discretion in respect of this matter, or the extension or granting of indemnity rests clearly with the Executive Government or the Ministry if you like. And like in a lot of other cases where guide in policies are adopted by this House, the Government can't abrogate it's discretion by sticking rigidly to a blanket policy such as is proposed by Mr Brown's motion. And of course that's the same principle Mr President, applies in respect of other policies indorsed by this House, and Executive Member or the Government can have regard to those policies but not be bound by them, and implicit in this motion as it stands at the moment in Mr Brown's name is a move to bind the Executive Government to extend indemnity in all but cases where grossly criminal law, grossly unlawful behaviour is in evidence. So that's the first point Mr President that I wish to make, and I don't believe its lawfully possible to bind the Government by adopting a blanket policy of this nature, but putting that point aside, and looking more at the substance of the motion. The motion seeks to establish a right, a right for a Minister of the Norfolk Island Government to dip into the Public Purse and have any costs or damages covered if the Minister is sued in connection of performance of official duties. Now on the surface that sounds fairly reasonable, indemnity should be available in the normal course. But this motion again as it stands now, seeks to establish the right to indemnity in all circumstances, all circumstances except where a Minister acts in a grossly criminal or grossly unlawful manner. You know by the use of those adverbs or that adverb, grossly, it contemplates that there are degrees in fact of criminal or unlawful behaviour, that is perhaps less than gross, which should perhaps warrant indemnity. It suggests that if you don't automatically get indemnity because you have been criminal or unlawful then perhaps you shouldn't disappear because there is a fall back position, there's still a chance that we will put it before the whole Assembly. Now that doesn't still well in my mind. As I mentioned earlier Mr President, I agree that a Member of Government should generally be covered for expenses in similar cases, but it simply wouldn't be fair in my estimate to ask someone to take on an Executive Authority but not offer protection against every Tom, Dick and Harry who wanted to sue. However, I believe there is behaviour other than criminal or unlawful behaviour by a Minister which would not warrant the protection of the Public Purse. In recent months I as Mr Brown has done, have examined what happens elsewhere, and Mr President, in no case have I found a blanket policy such as proposed by Mr Brown. In fact in a number of the States in Australia, there are no policies, each case is considered on its merits, on a case by case basis, such as the sensitive nature of extending indemnity to Members of the Government. But in the

cases where a written policy is in force there is a similar strain or requirement that runs right through these written policies and that is, that the Minister should have acted in good faith and reasonably and responsibly, and without malice or negligence. In some cases Mr President, although I believe that in all cases it remains an option, reference is made to deferring a decision on providing indemnity until all the facts have been elicited before a Court. No other jurisdiction that I know of takes the view that every circumstance except grossly criminal or grossly unlawful behaviour will justify indemnity, no other jurisdiction. I await Mr Bennett's amendment to this motion, I'm not quite sure that he expects that it will go through today. I would consider that to be inappropriate, in appropriate because it makes reference to a lengthy policy or some other jurisdiction, I think the Commonwealth and Members will need an opportunity to examine that. And I believe that we need an opportunity to have a bit of a chat around the informal table. So I won't be supporting this motion as it presently stands now, I foreshadow my support for Mr Bennett's amendment, but I'm quite happy Mr President, to work along with Mr Brown and other Members of the Assembly towards developing a reasonable policy for use or application in Norfolk Island.

MR BROWN: Mr President, Mike is suggesting that a Minister or a Member should be regarded as guilty until proven innocent. Now that's not appropriate, in any civilisation. The reality is that the policy that Mike is proposing could leave a Member or a Minister totally unable to defend himself because he could be totally without funds and if that were the policy, the Government and the Assembly would be sitting back saying, sorry that you can't defend yourself, but we regard you guilty until you are proven innocent and we will have a look at how you go in the end, and if we feel happy when it's all over, then we'll tell you we're sorry. That's not on. It is ridiculous to suggest that a Minister or Member should wait until the end of proceedings so that the Government or the Assembly can make their own assessment of whether he acted in good faith without malice or negligence. Mr President what that really is, is an invitation to shaft those you don't like, and there is no place for that type of behaviour in Government or in this House. Mike said that the discretion should be with the Ministry, well in a larger environment perhaps that's right, in the Norfolk Island environment Mr President, I say that the discretion, should be exercised by all nine Members. There is too much room for a Minister who has faithfully fulfilled his role in a previous Government to be shafted by a new Government who happens to be of a different political belief. Mike said, that a Government should not abrogate its discretion, by sticking rigidly to a blanket policy. Well frankly there are some policies which a Government should stick to, if the Legislative Assembly says, this is the policy that we want you to follow, for example, in matters such as indemnity, then Minister's would be very silly to say, damn you, we'll make up our own minds. That is a very different thing to a situation such as an immigration decision, where a Minister is obliged to make a decision and to take notice of all of the rules of natural justice and to make the decision on the basis of the material that is placed before him, rather than on the basis of some policy that might be set down by the Legislative Assembly. They are two totally different situations. As I said at the start of this debate, I have no difficulty with Mr Bennett's amendment, but I do believe that when it comes to examining the guidelines that Mr Bennett proposes we need to take notice of the things that I have said. We should not presume that a man is guilty until he is proven innocent, we should not throw him to the wolves, to have to fund his own action which may have arisen as a result of things that he'd done as a Minister or an MLA and we should ensure that there is absolute fairness and impartiality in making the decision. Thank you.

MR ROBINSON: Thank you Mr President. I have no difficulty with either Mr Brown's original or Mr Bennett's amendment. The only problem I have with Mr Bennett's amendment, which of course isn't here yet, so perhaps I shouldn't be talking about it, is that it cuts out that decision by all Members of the Assembly. It's all too obvious that it's very easy to get three out of the four Executives pushing their own barrow, where as with nine you have more chance of giving a fair go at a decision to indemnify. Anyway I will wait until Mr Bennett has moved his amendment.

MR BENNETT: Mr President, I was going to wait until the debate had been exhausted

MR PRESIDENT: There are a couple of others who want to speak. I do know that a number of people are referring to your amendments, however. I'm not to sure whether you want to put them on the table at this stage.

MR BENNETT: I'm happy to with your leave.

MR PRESIDENT: Leave is granted to do that.

MR BENNETT: If it's found that they are not exceptable then they will get thrown out and we'll get back to the motion again. Mr President, I sought to move the amendment because I thought the original motion was a little bit narrow, but, I should stop there and say that I think it is a shame that the Norfolk Island Legislative Assembly didn't have some of these guidelines in place in 1979, I suppose that it is one of the many things that slipped by at the time, and it is only when you run across a situation that you rue the day that you over looked putting them in. Having said that the motion which I will now read, if I am permitted to. The motion Mr President, says that all words after that be deleted with the view of substituting the following words; THAT this House -

(a) Requests the appropriate Executive Member to bring before the Legislative Assembly for adoption guidelines for the provision of assistance to;

(1) Executive Members;

(2) Members holding non-executive responsibilities relating to public affairs with which they are officially connected in relation to the defence of legal proceedings and;

(b) That these guidelines follow as closely as possible the current guidelines for the provision of assistance to Commonwealth Government Ministers and Parliamentary Secretaries in relation to the defence of legal proceedings, and variance taking into account only the differing constitutional framework of Norfolk Island.

Mr President, I'm not certain who the appropriate Executive Member is in this case, I don't know whether it is Mr Brown or whether it is in fact the President of the Assembly, that's a matter that I was uncertain about so I've put it in that form. There was no attempt to deliberately dismiss the question of the Committee of the whole being the body that determines the question of indemnity or otherwise, and I can see that it is perfectly appropriate for that to be included in the report that comes back to the Assembly. It certainly isn't a matter that is included in the guidelines that I referred to but, for the purposes of this Assembly I wouldn't have any difficulty in that being included with the recommendations. I think that the point that Mr Brown made about the applicability and how it is applied of any guidelines taken is a good point and I certainly, what he says about what you read and how it in fact works in practise needs to be taken into account. And it would be incumbent upon the appropriate Executive Member or whoever it was that was putting this policy package together to investigate that, and let all Members know. Thank you Mr President.

MR SEMPLE: Thank you Mr President. At this stage I couldn't support Mr Brown's motion. Mr King and Mr Bennett have both covered the points that I wished to raise. The concepts of Mr Brown's motion do have merit, but, admitting my ignorance, and not having fully acquainted myself on guidelines set down for indemnity for Members of other legislatures, at this stage I would have to vote against it. However, I do feel that I would support Mr Bennett's proposed amendments.

MR CHRISTIAN: Thank you Mr President. I go along with a lot of what Mr Brown has said, and I agree with what both he and Geoff said, that the Assembly should have had in along time ago some sort of policy under which to act in these lines anyway. So saying, I move on to the amendment and say that I'm not totally happy with that either. But, the general thrust of the first part of the amendment is what I would rather go along with at this stage. And delete out of that amendment the piece below (2) sorry its (b) I've scribbled over it. The part (b) be deleted out of it, and I would be quite happy to go along with that one.

MR ROBINSON: Thank you Mr President. Just a question, who is the appropriate Executive Member?

MR BENNETT: Probably Mr Brown.

MR PRESIDENT: Further debate? No further debate.

MR BROWN: I'm not sure whether Ernie has moved an amendment to Geoff's amendment.

MR PRESIDENT: I didn't interpret so but, please make that more clear to me if that's required.

MR CHRISTIAN: Well at this stage Mr President, I would like to move an amendment to the amendment. That everything be agreed there except section (b).

MR PRESIDENT: The amendment is that item (b) be deleted.

MR BENNETT: Mr President. Earlier one of the speakers mentioned that it might be appropriate to adjourn it simply because I don't think that all Members have had the opportunity of reading the guidelines to which (b) refers, and I think that it would probably be a folly to vote on the amendment having not read or being aware of the guidelines that section (b) refers, so at an appropriate time I would move an adjournment so that the matter can have fuller consideration. Members can be acquainted with the guidelines referred to.

MR PRESIDENT: Does someone have a copy of those guidelines to table so that it might accompany this motion.

MR BENNETT: Yes Mr President, I do have.

MR PRESIDENT: Would that help with that?

MR BENNETT: I so table.

MR PRESIDENT: Thank you. What we have in front of us at this moment Honourable Members, is the original motion, which is made by Mr Brown Notice No 3 on the Notice Paper. We have Mr Bennett's motion which he has brought forward at this time and that's on the circulated paper which is heading notice of amendment to notice No 3. And we have Mr Ernie Christian's amendment to that amendment, and his proposal is that item (b) of Mr Bennett's amendment be deleted. That's the stage we are at. Any further debate? No. Then I seek, yes Mr King?

MR KING: I'm just a little confused Mr President. Mr Bennett has formally been given leave to move his

MR PRESIDENT: Yes.

MR KING: And he has so move?

MR PRESIDENT: And he has moved that. Yes. And Mr Ernie Christian has moved an amendment to his amendment. Which is deletion of (b) on that page. I interpret that's where we're at, and I'm inviting any further debate before I then seek that motion of adjournment from somebody else foreshadowed.

MR ROBINSON: Just one point. I see here that on the piece in question that they mention Attorney-General basically makes the decision, and as Mr Bennett has just pointed out to me as closely as possible, so I think that set of guidelines it may well be appropriate, but we've got to put something in place perhaps the nine Committee Members as John suggests would be entirely appropriate.

MR PRESIDENT: Further debate? No further debate. Somebody foreshadowed an adjournment? The question before us is that this matter be adjourned and made an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

The ayes have it. Thank you.

4 - PHILLIP ISLAND - ENDORSEMENT OF DRAFT MEMORANDUM OF UNDERSTANDING

MR KING: Mr President, I move that this House endorses the Executive Members intension to enter in to a Memorandum of Understanding between the Australian Nature Conservation Agency and the Norfolk Island Government for the development and implementation of a management plan for the conservation of Phillip Island on the terms set out in the draft document tabled in the House 22 September 1993. And I so table that document.

Mr President my motion of some four months ago, was designed to steer the conservation of Phillip Island on a course that was essentially set some four years ago, when after some lengthy revision in the light of public comment, a revised draft plan of management was tabled in this House. Basically all that needed to happen then was for the plan to be adopted and implemented. But, nothing happened and the plan has now been on the table so long it's gone stale and mouldy. Some of the opposition which prevented the implementation of that plan, remains today. In fact Mr President I experienced some to the same opposition in respect of my earlier motion. That opposition caused me to rethink my approach to the Phillip Island question, and I believe that the opposition to my plans was such that, I needed to take a couple of steps backwards, now I've done that Mr President, and I return to the House now with a different motion. This motion seeks the Houses endorsement of my plans to enter into a MOU or Memorandum of Understanding with the Australian Nature Conservation Agency concerning the conservation of Phillip Island. It doesn't deal with the nitty gritty of for example; who will implement a plan of management for Phillip Island, or under who's laws Phillip Island will be proclaimed, or the vexed question of traditional usage of the Island. This MOU Mr President, puts those questions on the back burner for the time being. There is no trickery in this motion Mr President, let me be clear about my objectives, this is an exercise in putting our hands up and saying, yes, we understand and accept the obligations we have in respect of Phillip Island conservation. To say in a more formally sense than before, Yes we will seriously set about satisfying those obligations. To say Mr President, or to give some hope to future generations, that they to can enjoy the special values of Phillip Island. That's all this motion is Mr President. A question of whether we are serious, or whether we are not serious. The harder questions will be addressed as a result of this motion, but they will not be decided because of it. Mr President, I don't seek the agreement of this House to continued involvement of the ANCA formerly known as the Parks and Wildlife Service, in the conservation management of Phillip Island. But, this MOU will call upon the Norfolk Island Government to address that particular question, and in my view address it to finality. Somewhere in the next few months, this House will address the sensitive issues, but not now Mr President, for the time being I call on Members simply to be honest, about whether they will seriously and purposely pursue the question of Phillip Island conservation. This Memorandum of Understanding Mr President, sets that course. I commend the motion.

MR ROBINSON: Thank you Mr President. I received just this morning a copy of the obligations which are mentioned, or some of the obligations which are mentioned in the MOU, basically not a lot of difficulty with the MOU itself. These obligations though quite frankly I haven't had a chance to read and look through them, I don't know other Members have or have not. But, I think an adjournment for time to, for everybody to have read them, would be a good idea. I realise that the obligations are there, it doesn't matter who has control of Phillip Island. However, it would be much better if we all knew what Mr King was obliging us to do.

MR KING: Mr President, let me be clear, I am not obliging this House or anyone to do anything. The obligations that have been established here have been established by international and regional agreements and conventions, I do confess to having been a bit tardy, through no fault of my own in getting details of the convention on biological diversity and the details of the national strategies circulated to Members. They are quite lengthy documents and what I've circulated to Members is merely a what could be best described as a precis for each of them. I have the full documentation, and I'm happy

to provide that to anyone who is interested in reading it. It's quite heavy reading I've got to say. But, for the record and I don't particularly mind, I'm keen to get on with this question that's fairly obvious to all Members. I don't mind I guess if this sits around for another month and we address this particular question, motion at the next meeting. But for the record perhaps I ought to talk just briefly about the obligations that have been established and the obligations which I am seeking the membership of this House to acknowledge. Let me firstly refer to the proposed Memorandum of Understanding Mr President, and read the relevant words, and I quote "The parties to this agreement acknowledge and accept the obligations on each party by international and bilateral agreements, to which Australia is party for environmental protection and nature conservation, the parties further acknowledge that the implementation of a conservation management plan for Phillip Island is consistent with the obligations established by the convention on biological diversity and the national strategies for endangered species and bio-diversity developed by the Australia and New Zealand Environment Council" and that finishes my quote. Mr President, there are a whole host of particular conventions which have been ratified by Australia and by extension apply to Norfolk Island and give rise those obligations. That's not a question which is really suitable to being debated here, whether or not those particular conventions should have been extended to Norfolk Island. That fact of the matter is that that's the nature of our relationship with Australia, like it or no, but those conventions have been ratified and have been extended to Norfolk Island. I don't think that in this particular case of nature conservation that anyone could argue against those conventions that have been established, in fact the position is quite frankly unsaleable. The convention on biological diversity was signed at the world summit conference in 1992 and ratified by Australia in 1993. It's an umbrella convention Mr President, on nature conservation and introduces the concept of sustainable utilisation of natural resources as a reason for conservation. When I say an umbrella convention, it is a international standard convention which takes into account a lot of the principles adopted in a whole host of other conventions and agreements, if you can just bear with me for half a minute I think I have some notes on it, but I won't bore you too long with looking for them. No I don't them. Nevertheless I will be happy to provide them. So that's an umbrella convention Mr President, that provides a framework for global action, rather than regional action to conserve and sustainable use biological diversity in all environments. It brings together the principles and obligations set out in a number of conventions which as I said before have been ratified by Australia. Mr President, I've just located that document I was looking for a moment ago, if I could harp back for just a couple of minutes, just to mention a couple of the conventions, regional ones, which have been bought under the umbrella of this major convention, these a whole host of them but, I will mention just a few of them. We know of the Jamba Agreement, the Japan Australia Migratory Birds Agreement, which is implemented on Norfolk under our own statute Migratory Birds Act 1980, the Bond convention which is a short name for the convention on the Conservation of Migratory Birds and Wild Animals, China Australia Migratory Birds Agreement, CAMBA, we've heard an occasional reference to that. Convention on conservation of nature in the South Pacific you will see the regional connotations of these things, where as we are talking now about a plan for global action. Global obligations established by an umbrella convention, a convention biological diversity. The convention for the protection of the natural resources on the environment of the South Pacific region. So there are a number of types of conventions for which this major convention is an umbrella or all embracing convention. Now there are two developing national strategies Mr President, one in relation to endangered species which was developed as a result of the intergovernmental agreement on the environment, which was signed in May 92, in which it was agreed to develop a strategy for a common approach to the conservation of endangered and vulnerable species. The other is a more substantial document which is the national strategy for conservation of Australia's biological diversity. I've got to say that it is quite lengthy, its about 50 odd pages 67 odd pages, I've only circulated to Members a few of those pages which set out the broad goals and I think the yeah the broad goals, the broad goal of that strategy is to protect the biological diversity and maintain ecological processes and systems, acknowledging the principles of an oft used phrase which is the phrase of economically sustainable development. Mr President I won't bore Members any further than that, I accept that if Members want to take the opportunity to read fully those documents and understand clearly the

obligations placed on Norfolk Island in respect of not only Phillip Island but of course our entire environment. Then I think that is probably a good step because its a process of education. It has been an eye opening exercise for me to read these things and understand what's happened on a world wide basis as far as nature conservation is concerned. So maybe I think I shouldn't suggest that I might even oppose any question of adjournment, that I might in fact support it and encourage everyone to read and learn as I have. Thank you

MR SANDERS: Thank you Mr President. I totally support the conservation of Norfolk Island and its surrounds, of which includes Phillip Island and Nepean. Everything that I believe should concern anybody on Norfolk Island is in one sentence, which covers all of those concerns and that sentence is 3(2) of the Memorandum, the proposed Memorandum of Understanding, and that one sentence reads; the ANCA undertakes to (a) develop in consultation with the Norfolk Island Government and subject to community consultation, a plan of Management for Phillip Island. As far as I am concerned that one sentence all on its own would and should preserve any concerns of anybody here on Norfolk. Thank you.

MR BROWN: Mr President, I don't have any difficulty with the Memorandum of Understanding that is proposed. Save for the fact that I would be more comfortable if there were a change to paragraph 1.1, I don't know whether such a change is possible but I'd like to suggest it in any event. I would prefer to see that paragraph simply say; "The parties to this agreement acknowledge the need for environmental protection and nature conservation". As we sit here, we don't know what the obligations on Australia or Norfolk Island might be by international and bilateral agreements to which Australia might be a party, and frankly I would prefer to avoid acknowledging that an agreement to which Australia might be a party, is in anyway binding on us here in Norfolk Island. That doesn't mean that we might not come to the same conclusion, because I'm sure that we would all acknowledge the need for environmental protection and nature conservation. The second part of that paragraph 1.2 doesn't cause me any problem because it says "that we further acknowledge that the implementation of a conservation Management Plan would be consistent with those various conventions and national strategies, I don't know Mike whether you've got an ability to have that amendment made to the document, but I would be totally happy with the document if that amendment could be made.

MR BATES: Mr President, I support the concept of this motion. Conservation is a thing that we must give a lot more attention to. I am concerned that they maybe substantial cost associated with it in a longer term, I see that section 3(1)(a) with having regard to the ability of the Norfolk Island Government to provide appropriate levels of resources and expertise. I wonder if that does improve cash resources and if Mike could possibly just mention the financial situation that this Memorandum may lead us into.

MR KING: Thank you Mr President. I'm simply waiting to see if there is any further queries.

MR PRESIDENT: Yes, thank you.

MR CHRISTIAN: Mr President, I'm still not happy with this MOU and I wont be until I see in writing that the Norfolk Island Government will have the final control over Phillip Island. I acknowledge the need for the conservation, but require to see that the Plan of Management developed and would be quite happy if it went along as per 3.2 as Mr Sanders says, but a genuine consultation with the community and not by the loaded questions as were put in the recent questionnaires.

MR SEMPLE: Thank you Mr President. I believe this draft MOU is well over due, in the past its true there has been a certain amount of ill feeling between what used to be the ANPWS and what is now the ANCA and some Norfolk people. This motion will get the show on the road, so to speak, but I am inclined to think as well that if it is adjourned, then other Members may have a little more time to look more thoroughly into all the implications. Thank you.

MR BROWN: Mr President. I'm very keen to know whether Mr Semple's attitude would change if Phillip Island still had only one "1".

MR SEMPLE: I don't think it would make any difference.

MR KING: Mr President, I see it moving towards a motion for adjournment, but before it gets to that stage let me just comment on a couple of points that have been made. Firstly Mr Brown felt that he wasn't particularly happy with the 1.1 paragraph, the first paragraph in fact, on the Memorandum of Understanding. There is no difficulty in fact in going back to the discussion table and talking about amendments, I'm not quite sure that I see the need to it Mr Brown said some words which caused me to think that he didn't hear part of my earlier presentation when I mentioned that the fact of the matter is that because of our constitutional relationship with Australia, the fact that they have in fact ratified these conventions, and I might add that all these conventions as far as I am aware in recent times, before ratification by Australia are forwarded here for comment by the Norfolk Island Government. Now I would venture to say that although I haven't looked at what the Norfolk Island Government comment was on the whole host of conventions, but I would suggest that I might find a whole host of cases where the opportunity wasn't taken to comment. I don't say that in a critical sense I know there's a matter of resources and difficulties in meeting all these things that are thrown over to us for comment, but that is the normal practice. That has been the normal practice, before ratification. Once ratification does occur by the particular country, Australia being the country recognised under section 23 of the Constitution, the fact of the matter is by virtue of our relationship with Australia, they have the authority to extend these things to apply to Norfolk Island, and that in fact has happened. So it might be a little late now, is what I'm saying now, to argue the rights or wrongs about the obligations having been extended to Norfolk Island in respect of this relevantly nature conservation. But I'm quite happy to go and talk, not only with Mr Brown to get some more precise words that he might prefer, but others to talk about an amendment ...

MR BENNETT: That last point ... my understanding ...

MR KING: ... Excuse me Mr President. I'm not finished yet, I'm sorry Geoff if you will just bear with me for a moment ... just while I've got things up here in my head. Mr Bates raised the question about levels of resources and the implications for costs. That is a legitimate consideration, it is not part of the exercise that is presently before us now. It is a question which by virtue of entering into this Memorandum of Understanding will need to be considered, as a result of this Memorandum of Understanding, not as part of the current exercise. It's a very real question, and in fact there will be a cost factor involved. What that cost factor is depends largely on a number of decisions that we will have to take as a result of moving along the path set down in this Memorandum of Understanding. The cost understandably will be higher if at a later point in time we decide that we alone in Norfolk Island without the help of the ANCA or any other agency will implement a Plan of Management on Phillip Island to satisfy these obligations. If we enter into a partnership arrangement obviously the costs will be somewhat reduced. The extent of costs and the extent by which they might be reduced in a partnership arrangement will be determined as a result of this Memorandum of Understanding. Again Mr Christian is not happy, I did not anticipate that he would be particularly happy about this, but he doesn't appear to understand either that the question of final control is one which by virtue of entering into this MOU will need to be addressed and decided, and I would refer him to 3.1 or is it 3.2. 3.1c The Norfolk Island Government undertakes to take into consideration etc, etc, having regard to the application of relevant Commonwealth and Norfolk Legislation. In other words address the questions of whether Phillip Island will be proclaimed under the National Parks and Wildlife Conservation Act of the Commonwealth, or the Norfolk Island National Parks and Botanic Gardens Act, or under both, in other words address those questions. The ANC undertakes to investigate the long term statutory framework by which affective management of Phillip Island can be advanced, and a number of other clauses which touch in one way or another on the question of who will do this necessary job of work, out on Phillip Island, and the question of final control is not one that I am putting before this House now. I'm asking you to put your hands up and say, Yes! I understand the values of Phillip Island, I understand that they are importance to current generations and to future generations. And Yes I'm earnest and serious about getting on with the

question of properly managing the conservation of the Island. That is all this asks us to do, Mr President. But, having said that if there is a motion to adjourn I'm happy to agree with that, and to talk further with Members during the next month, I really would be pushing for, to take some positive steps in this matter fairly soon.

MR BENNETT: Mr President, it wasn't really a major point, I will go on with it. I thought I understood Mr King to be suggesting that we sort of except the fact that Commonwealth Legislation in relation to environmental conventions and whatever are extended to Norfolk Island. My understanding, is that the position that Norfolk Island takes on that is that those pieces of legislation ought not to be extended here, but we produce our own legislation dealing with substantially the same things. When the question of legislation was mentioned there was an inference that the acceptance went on to the extension of Commonwealth legislation. I just wanted to make the point that my view, is that, as far as practicable we should be making our own legislation which mirrors that of the Commonwealth but appears on our statute books, rather than just taking the soft option of having the Commonwealth legislation extended here.

MR KING: Just a very very brief response. Nothing would make me happier Mr President, if in the final wash we come up with a Plan of Management and we are able, and I am able to be satisfied that we have the financial resources to implement that, and to meet the obligations that I have described to you. Nothing would make me happier than to do that by ourselves, but that is a point on which we need to satisfy ourselves, and if we are able to take that course of action, that means of course that we need to develop our own legislation here, under a stand-alone piece of legislation or we can take a decision to use the existing legislation that is our own National Parks and Botanical Gardens Act, and extend the national park to include Phillip Island. To the total exclusion of the Commonwealth people. Now that is the scenario, the final scenario which would make me the happiest. Most happy. Happiest. But those question of course will need to be considered. Thank you Mr President.

MR BROWN: Mr President, I wonder whether Members would be happy to deal with the motion today, if the amendment that I had suggested to paragraph 1.1 was made. From my own point of view I would be quite happy to endorse the motion today, if that change was made and my reading of what Members have been saying is that, most Members would be happy with that as well. That would mean that Mike would have something to go on with, in the event that he couldn't get that change made, he would need to come back to us, but he'd be no worse off than if there were an adjournment.

MR KING: Mr President, I will be bound by whatever this House chooses to do. But I would ask the House to understand that the Memorandum of Understanding although in draft form has reached this form after consultation with the ANCA. I would have a preference for going back to the ANCA with proposals to amended it at this point in time, which would require an adjournment of the particular matter.

MR PRESIDENT: Further debate? I think debate has been exhausted.

MR ROBINSON: ... mean that you will be going back and asking the ANCA to cut out the words "obligations on each parties by international and bilateral agreements to which Australia is party for", and inserting "the need for" instead of that, which would then read, "The parties to this agreement acknowledge and accept the need for environmental protection and nature conservation".

MR KING: Let me say at this point in time, that you've entered those words now into the record, they may need some refinement, but I'm happy to take that general thrust of that amendment back to them. Not to ask them, not to seek their approval, but to consult or even ...

MR ROBINSON: I'm not suggesting that you go back with a big hammer and say "this is it".

MR KING: But certainly words to that effect.

MR PRESIDENT: I've interpreted that we have concluded debate.

MR ROBINSON: A movement of adjournment Mr President?

MR PRESIDENT: Mr Robinson?

MR ROBINSON: I move that debate be adjourned and made an order of the day for the next sitting.

MR PRESIDENT: Fine. Thank you. The question before us is, that this matter be adjourned and made an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

The ayes have it. Thank you. Before I call Notice No. 5, Mr Brown you had indicated to me that you will be seeking leave to move a motion in respect of the Remuneration Tribunal Act. Would you like to give us detail of that motion and I will seek that Houses view upon that.

MR BROWN: Mr President, the Public Sector Remuneration Tribunal is set up under the Public Sector Remuneration Tribunal Act 1992. The first Member of that tribunal, was Mr Bob Fitzgibbons. Bob recently resigned from the tribunal as he will be going away from the Island for a short time, and because he is present, because a matter presently before the tribunal looks as if it could take sometime, Bob felt it would be more appropriate for him to resign now, so that a new member could be appointed to the tribunal rather than run the risk of taking the matter through until the end of the year, when he is proposing to go away. That means that at present the tribunal is without a member, and the motion which I seek leave to bring to the House today, is a motion to appoint Judge Trevor Morling as the tribunal.

MR PRESIDENT: Is leave granted for that motion? Leave is granted. Thank you, Mr Brown.

MR BROWN: Thank you Mr President. Mr President, I move that in accordance with section 5(2) of the Public Sector Remuneration Tribunal Act 1992, the Legislative Assembly recommends to His Honour the Administrator, that the Honourable Trevor Rees Morling be the Public Sector Remuneration Tribunal and determine the terms and conditions of the appointment are as specified in the schedule. And the schedule Mr President, reads, the Administration is to meet the costs of and relating to, the retainer of the person appointed to be the tribunal, including and but not limited to the provision of support secretarial and likes services necessary for the purposes of the tribunal. At the outset I would like to apologise to Members for the short notice of this motion which has in fact only been circulated to members this morning, this is because of the fact that it has been only in recent days that I've been able to speak with Judge Morling about the matter, the Judge has been absent overseas during the course of the last few weeks. I had caused a letter to be delivered to the Judges Chambers in Sydney, which was sent to him in the Hague by facsimile, and he very kindly responded to me by facsimile and as I said we spoke in the last few days. This matter is of significance because the previous Tribunal, Mr Fitzgibbons, has partly heard some quite significant matters and the conclusion of those matters will have a bearing on a certain item which stands adjourned on our Notice Paper. Its also important that the Tribunal be re-established in case it is required to make any consideration towards a determination into salaries in the Public Service. The Honourable Trevor Morling, Mr President, recently retired as the Chief Justice of Norfolk Island and is a Judge of the Federal Court of Australia. The Judge was born in 1927 and like a surprising number of very eminent lawyers, he was educated at Fort Street Boys High School, and at the University of Sydney Law School. Incidentally the late Neil Hailey McIntyre had an identical education, but as I said a surprising number of very eminent lawyers have followed that course. The Judge has served on the Vanuatu Court of Appeal, the Court of Appeal of Western Samoa, and Tonga Court of Appeal and I am aware that he is still a Judge of at least the Northern Territory Supreme Court. Judge Morling has been Chairman of the Australian Electoral Commission and is well known to many as the Royal Commissioner into the Chamberlain matters in the Northern Territory. His Honour was admitted as a Barrister in 1951 and while at the Bar he had

been President of the Australia Bar Association, Vice-President of the Law Council of Australia and a Queen's Counsel in several States
Mr President, Norfolk Island is indeed very fortunate that a person of the calibre of Judge Trevor Morling has agreed to undertake the task of the Remuneration Tribunal. The Judge has indicated to me that if such an appointment is made he will be keen to quickly begin his assessment of the existing partly heard matters and in fact he would propose to come to Norfolk Island in early November in order to finalise them and there would be considerable work required to be done before that time of course, Mr President. I hope that all Members will join with me in supporting this motion.

MR BATES: Mr President, I have no difficulty with the appointment of Judge Morling to this position I think ... without question. But what I would like to question, is the schedule and to how much retainer is going to be ascertained, and what that is likely to be. We've been here talking today about the problems with our expenditure and with the financial situation, and to appoint somebody from off the Island, substantially adds to the costs of the sittings with the travel and accommodation and I'm not sure if the retainer is an amount that will be refunded back to whoever pays Mr Morling's salary, or if it will be a retainer which no figure has been set, which will be paid direct to the Judge. I'm wondering if Mr Brown would be able to just enlighten us on some of those aspects?

MR BROWN: Certainly Mr President. Mr President, there are some expenses which will be unavoidable. Airfares of course will be one of those, and accommodation and the use of a car in Norfolk Island during the actual hearings will be another. My expectation is that for most hearings it will be only necessary for the Judge to come to the Island for a matter of one or two days, and so it is most unlikely that he will be making any significant number of visits during the course of the year. I have not finalised discussion about the question of a sitting or daily fee, but I can say to Members that it had already been indicated to me that the Judge would not be looking for anything that we would regard as anything other than modest, and certainly I would intend to speak with Members before I entered into any agreement of a binding nature in relation to that. But I can say to members that although there are costs in the nature of airfares, accommodation and rental cars, and although I expect there would be a modest sitting fee, it is my view that Judge Morling will have the confidence of all of those who makes submissions to the Tribunal and appear before the Tribunal and I think that that is extremely important. Not only from the point of view of the public and the Legislative Assembly but I think its extremely important that the members of the Public Service have confidence in the person who is heading this Tribunal. And I'm sure that everyone would have that confidence in Judge Morling.

MR CHRISTIAN: Mr President, this Tribunal position is a very difficult one, when Mr Fitzgibbons ... it was a very high standard, we've been very lucky to have him, and have him do the work that he did. It's very hard to find the right person to carry on with this standard, and I gladly support the nomination of Mr Morling to this position and I think we are lucky to get him as well.

MR BROWN: Mr President, I did omit in what I said to pay tribute to Mr Fitzgibbons and I certainly echo the words that Ernie has just spoken. Bob Fitzgibbons has done a sterling job, in a number of areas on the Island, but one of those areas is the Public Sector Remuneration Tribunal. It is unfortunate that he has decided that it is necessary for the moment to resign from that Tribunal, his act certainly has been a difficult act to follow, and I'm sure that in fact all Members join with Ernie and myself in that expression.

MR PRESIDENT: Thank you Mr Brown, thank you Mr Christian for those words of acknowledgement for Mr Fitzgibbons. Further debate Honourable Members? I put the question the question before us is that this motion be agreed to?

QUESTION PUT
QUESTION AGREED

The ayes have it thank you.

5 - INTERPRETATION AMENDMENT BILL 1993

MR BROWN: Mr President, I present the Interpretation Amendment Bill 1993 and I move that the bill be agreed to in principle?

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

MR BROWN: Mr President, a general outline or explanatory memorandum of the Bill has been prepared and I table that. The bill is of a technical nature Mr President its seeks to bring the Interpretation Ordinance 1979 up to date with current methods of communication and recording information, such as computers and other electronic data systems. The bill provides that the definition of "document" will be widened to include an article from which sounds, images or writing are capable of being reproduced. The definition of "record" will be widened to include information stored in a computer and "writing" will include any method of reproducing words, figures or symbols in a visible form. A person will comply with a requirement to produce information for inspection by a court or authorised person if that person reproduces the information in a form capable of being understood by the court or authorised person. The bill also allows substantial compliance with a form to be sufficient. This will mean statutory amendment to a form is unnecessary where strict compliance with that form is not necessary. Finally, this bill contains a clause providing that words in subsidiary legislation, for example regulations, rules, bylaws and instruments made by virtue of an enactment, shall have the same meaning as in the enactment. This bill is, as I have said, of a technical nature and was in fact suggested to me by our Legislative Counsel. It is good parliamentary housekeeping and is substantially similar to recent amending acts in the Commonwealth and some Australian States. I commend the bill to the House.

MR PRESIDENT: Thank you Mr Brown. Any participating debate? No further debate.

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

MR PRESIDENT: Thank you. The question is debate be adjourned, resumption of debate an order of the day for the next day of sitting.

QUESTION PUT
QUESTION AGREED

The ayes have it thank you.

6 - BUSINESS NAMES AMENDMENT ACT 1993

7 - COMPANIES AMENDMENT BILL 1993

MR BENNETT: Mr President, with your leave I wish to deal with notices 6 and 7 that is Business Names Amendment Bill 93 and the Companies Amendment Bill together.

MR PRESIDENT: I will call both of those then Mr Bennett the Business Names Amendment Act 1993 and the Companies Amendment Bill 1993 thank you Mr Bennett.

MR BENNETT: Mr President, I present the Business Names Amendment Bill 1993 and the Companies Amendment Bill 1993 and move that the Bills be agreed to in principle.

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

MR BENNETT: Mr President, I just want to acknowledge that the question on each Bill will be dealt with separately even though they have been joined simply to allow cognate debate. The Government has for some time been concerned at the use in Norfolk Island of the term 'Duty Free' in commercial business names. Members will be aware that successive Norfolk Island governments have adopted a policy to avoid the perception by people abroad or visiting Norfolk Island that it is somehow "taxless". This is clearly not the case. Although income tax is not imposed, and of course is not contemplated, the Norfolk Island

Administration administers its own regime of charges, licence fees and levies, in precisely the same manner as governments do elsewhere. The words 'tax' and 'duty' have a slightly different meaning in strict legal terms as one is regarded as being imposed and the other assessed. However the distinction is sufficiently blurred, both in legal precedents and popular usage, for the Government to feel these Bills should prohibit both of the terms 'Duty Free' and 'Tax Free'. The Business Names Amendment Bill seeks to prohibit the registration and use of the words 'Duty Free' and 'Tax Free' as business names. The Bill provides that the Registrar of Companies shall notify a person who has a business name containing the words 'Duty Free' or 'Tax Free' registered in his or her name, and inform that person that the registration shall be cancelled. The period before cancellation is not less than 90 days from the service of the notice. The second piece of legislation is the Companies Amendment Bill. Members may be aware that certain names are already not included, including names which might cause offence or names which contain certain protected words, such as 'ANZAC', 'Empire', 'Guarantee', 'Royal' or 'Trust' etc. This Bill seeks to enshrine in the law that, in addition to these prohibited names, the Registrar of Companies will not register the name of a company containing the words 'Tax free' or 'Duty free'. The Companies Amendment Bill also provides that the Registrar may direct a company to change a name containing these words within 90 or more days of being so directed. The Bill makes clear that a change of name made necessary by virtue of this amendment does not affect the legal entity or continuity of the company. Mr President, Members will know that whilst "Business Names" is listed under the portfolio responsibilities of the Minister for Health and Education, Mr Brown, "Companies" comes under my finance portfolio. Mr Brown and I have consulted on this and we both thought it neater if one Executive handled the passage of both Bills as they concern the same matter. Mr President in recent weeks I have received a letter from the President of the Chamber of Commerce here in Norfolk Island and I propose to read part of that into the debate. Members of the Chamber of Commerce have expressed concern that certain businesses on the Island continue to advertise themselves as being 'duty free' when this is not the case. In conversation with some of the people in question it has become clear that they do not intend to discontinue the practise. The main argument for using the term 'duty free' is that it immediately conveys to the consumer, the impression that the goods sold in that establishment will cost much less than in normal retail stores. Which in most instances is true. The Chambers concern is; that visitors will mistakenly believe that goods sold in stores on the Island which do not advertise themselves as 'duty free' will be more expensive. As all the shops in Norfolk Island offer goods at very advantageous prices, prices which are as good as, frequently better than those charged by mainland duty free stores, shopping should be one of the Island's main attractions to the visitors. The go on to say that, posing the question of whether it is possible to make the Island duty free, by changing the words Customs Duty to another term such as a levy on imports or whatever. This matter has been raised in that form before and has been utterly rejected by former Governments. I think that is a con to do that, we have a Customs Duty and that's, in my view where it should stay. Mr President, I've been involved in this issue for sometime, in fact in 1986 it was thought necessary to bring to an end the then fairly widespread or wider spread of the use of the terms 'Duty Free', and in fact rather than bring in legislation at that time it was done in an informal way, and happily I can report that almost everybody complied with that and Members who have been around that long will know or remember, that many of the names or the words 'duty free' disappeared off the facia boards and roofs of the businesses in town. Now regrettably there are one or two who prefer not to make the change and I think that that is grossly unfair, and also I think totally in appropriate. I don't believe that we should be advertising ourselves as duty free when we are not duty free. And in fact in that same year 1986 Mr President, Members will be aware that there was an additional policy added to the list of tourism policies, and that was designed to encapsulate in the use of misleading terms as well. Whilst it didn't specifically say, the use of the words in business company names where on shop facia's, I think the inference was clearly there. So that policy has been in place since 1986. The ability of the Government to make prohibitions on the use of names, has been around along time and I've been passed copies of gazette notices from 1971 and onwards, but successively refer to the use of misleading words as to the nature, objects and purpose of the company or in any other manner, and whilst that has been clear enough, its certainly bold enough from 1977 onwards

sadly it has not, its not followed that people have complied with it. Mr President, there will be some community reaction to this and for that reason I don't propose to do anything today other than to at the appropriate time adjourn it, and have it lay on the table for a month and to invite comments on it. I commend the Bills to the House.

MR ROBINSON: Thank you Mr President. Just one thing Mr Bennett, my copy says 'duty free' 'tax free' or words with a similar connotation, I presume that is still in the Bill, I would hate to see somebody putting up a sign 'Customs excise free'.

MR BENNETT: Yes it is Mr President. When I rejoin this debate, I will quote from the explanatory memorandum, which details those words, but I'll let the debate go first, and come back.

MR BROWN: Mr President, it is unfortunate that legislation such as this has to be put together just because one person won't do the right thing. And that is largely the reason that this legislation has been brought forward today. It could well be described as the Richard legislation and I hope that in future people within the business community will see more merit in cooperating with the Legislative Assembly in trying to achieve its aims, than in rocking the boat. Thank you.

MR SANDERS: Mr President I understand that there is perhaps only one person that's causing all this hassle, and on that basis why is it laying on the table for a month?

MR BENNETT: Mr President, I don't think that in any way it's an urgent matter. I think that I would like to get some response from the business community that have raised things with me, they might have other suggestions to add to it. I think it's appropriate to wait a month.

MR BATES: Mr President, there is no doubt that the words 'duty free' are certainly a seller. I had wild ideas at one stage, wild ideas which I don't seem to have any more because so many people are against the concept, but I had ideas one day that Norfolk Island would be 'duty free'. We would be able to abolish Customs Duty and truly advertise our wares here as 'duty free' and I think that would be a tremendous thing if we could ever do that. It would be tremendous for the people in business, and tremendous in many other ways. The idea I had is that, F.I.L. would replace Customs Duty and that traders would not have to put money out just to have goods on their shelves, and they would only pay their taxes when they had made a sale. It is regrettable however, that that concept is not widely accepted, and certainly has problems with people that go out of their way to dodge their commitments. I feel that we have no choice but to bring in this type of legislation and I very much regret the need.

MR SANDERS: Thank you Mr President. I would like to comment on the response from Mr Bates. I think every business house on ... that I've heard of would love to have the stuff on their shelves that hadn't cost anything. But the only way that that is going to be achievable is if the business houses have access to the Administration to get a free loan. Same as all the others. Perhaps Mr Bennett could make arrangements for

MR PRESIDENT: Further debate Honourable Members? No further debate. Mr Bennett?

MR BENNETT: Mr President, I want to give a general outline Members have been circulated with an explanatory memorandum and I will be tabling that today, but to pick up on a point that Mr Robinson mentioned. The new section in the Business Names Ordinance 8a(1) is the one that uses the words, well I'll read it out. "A business name that contains the words 'duty free', 'tax free' or words of a similar connotation shall not be registered under this Ordinance". So it's just to avoid any cuteness about linking words together of the same kind. And similarly Mr President, in the Companies Act, the section 2 of the amending Bill, also has that same collection of words. I should say an omitted to say earlier, that the prohibition on the use of the words 'duty free' does not apply to the Administration, and let me explain to you why this is so. It's proposed subject to this House's approval when and if the new

airport terminal is built, that a 'duty free' outlet be provided for in the terminal. Now it's something that the House is yet to debate, but it seemed to be a wise move to provide for it now, and if the House decides that there shouldn't be a 'duty free' outlet there, then whilst the Administration won't be bound by the legislation it will make sense that we don't attempt to describe the outlet at the airport as 'duty free' if it is not 'duty free'. But I think that my particular aim is that that outlet at the airport for departing passengers only, shall be 'duty free', and it is likely to contain liquor and cigarettes only at this time, but of course Members will be able to put their few bobs worth in to that when that comes to the House for debate, as a separate issue. Mr President, that other thing that I should have mentioned is, I foreshadow an amendment and this is one of the other reasons ... I couldn't bring it through today. I foreshadow another smaller amendment to the Business Names Amendment Act, and this is as a result of my being advised that the penalty provisions in the Business Names Ordinance are quite inadequate, and I think that from memory the fine is about \$200 for breaching it, and that is not sufficient deterrent in my view, so the, its proposed to have an amendment to the penalty provision, available for next time.

MR PRESIDENT: Debate all done Honourable Members? I think so maybe an adjournment in respect of both of them.

MR BENNETT: Mr President I move that the debate on these Bills be adjourned and the resumption of debate made an order of the day for the next sitting.

MR PRESIDENT: Thank you, the question is debate be adjourned, resumption of debate made an order of the day for the next sitting.

QUESTION PUT
QUESTION AGREED

The ayes have it, thank you.

8 - LIQUOR AMENDMENT BILL 1993

MR CHRISTIAN: Mr President, I present the Liquor Amendment Bill 1993 and move that the Bill be agreed to in principle, and I table the summary. Mr President, I have pleasure in presenting the Liquor Amendment Bill. This Bill has been foreshadowed to Honourable Members by my previous statements to the House. The Bill seeks to amend the Liquor Ordinance to provide for an additional type of licence, that is the Manufacturer's Licence. Under this new class of licence, the Commercial manufacture of liquor on Norfolk Island will be allowed. In addition to the usual conditions of a licence under the Ordinance, the manufacturer will be permitted to sell liquor by the glass or provide free samples, no greater than a glass, on the manufacturer's premises between any 8 hours, but not before 10 a.m. or after 9 p.m. on any day. The Bill provides for the appointment of authorised persons to enter the place where liquor is manufactured in accordance with a licence and take samples of the liquor for analysis. To allow this and ensure proper health and hygiene standards are observed, the Bill provides that regulations may be made by the Administration which incorporate codes and standards for the manufacture, packaging and sampling of liquor. The Bill also provides the form of the new Manufacturer's Licence. Honourable Members will know that his Bill has been on the drawing board for some time. I am obliged to balance the two important priorities of public health and safety on the one hand with giving incentives for the establishment of new businesses on the other. If this Bill becomes law, I propose to recommend to the Executive Council that the relevant Australian Standard for Beer and Beer Products and the Standard for Wine and Wine Products be adopted. These are tried and tested and will allow the constant monitoring of matters such as the alcohol and sulphur dioxide content of locally manufactured liquor, the enforcement of labelling requirements and detailed provisions to allow the relevant Administration officers to have samples tested for compliance, at the manufacturer's expense. I urge interested people listening to today's debate to obtain a copy of the Bill and digest its content during the month that it will lie on the Table of the Assembly. I would welcome comments the people of Norfolk Island might have. I feel that the passage of this Bill could enhance Norfolk Island's proven ability to provide local products of high quality in yet another sphere. I am confident it will prove an exciting initiative and commend the Bill to the House. Thank you Mr President.

MR PRESIDENT: Debate Honourable members?

MR BENNETT: Mr President, just two questions to Mr Christian, I'm not certain in reading new section 5 or its 23d whether the manufacturer's licenses cover brewers of beer it refer to liquor and I'm not sure whether in the strictest terms liquor and beer might be the same.

MR CHRISTIAN: It is certainly meant to cover the beer

MR BENNETT: Okay, perhaps you might just check that for next time. ... that, is that yes or a no.

MR CHRISTIAN: Sorry Mr President, I will check it and make certain, yes it is certainly intended to cover wine spirits and beer.

MR BENNETT: Second question Mr President, the Bill proposes that a manufacturer once licensed can sell liquor manufactured by the licensee in quantities not larger than a glass for consumption on the licensed premises, and I'm not quite sure what that means, that you can have only by the glass full, but if you wanted 20 glasses you could have a really good time, were you limiting it to simply one glass or ...

MR CHRISTIAN: No, no its limited to being sold by the glass. What it is getting around is the selling of bottles on the premises.

MR BENNETT: ... Just a couple of questions that arose after reading it last night ...

MR PRESIDENT: Thank you further debate Honourable Members?

MR KING: Mr President, I agree with what Mr Christian is endeavouring to do with this Bill. I've got to say that I am a little bit disappointed that the Bill only has the one objective and that is to provide for a new class of licence in the manufacturing area. I had been given to understand for some several months that an overall review of the Liquor Ordinance was going to take place, there are a number of unresolved questions which are floating around regarding licensing hours and etc. So that disappoints me to a certain extent I don't believe in dealing piecemeal with a statute, I believe that if a particular objective is sought to be achieve in a Bill then the opportunity ought to be taken to address the other questions, be they substantial or peripheral that have been lying around for sometime. I do hear Ernie say that he would urge those in the community who are interested in the contents of this Bill to seek a copy and make some comment. And that's important of course this Act impacts on a very wide and presently reasonably health industry in the Island, and that is the retail liquor industry. I'm not sure and I have often had doubts that one month is sufficiently long enough to acquire a reasonable degree of public input. On some occasions I would like to think that there would be a longer period of time allowed, I don't think that there are a great many people these days that listen to us here, it normally appears in the gazette by the following Saturday, or at least a week away after the House, before the Clerk advertises in the gazette that copies of Bills are available. I think we really need to take a wider approach to encouraging public comment, even to the extent on some occasions as in this occasion to writing to each of those people who are active in the particular industry. Drop them a copy of the explanatory memoranda and personally invite their consideration and comments. One particular aspect of the Bill which I am please about is the adequate provision being made for the introduction of appropriate health standards, it is an area which of some concern to people in the community that is the health standards under the Licensed Food Ordinance and I'm happy see that adequate provisions have been made in here for the adoption of health standards. Thanks all I intend to say at this point in time.

MR CHRISTIAN: Mr President in reply to some of the things Mike has said, there was to be an overall and still is intended to be an overall review of the total liquor licensing laws, the Registrar is at present doing this overhauling and I'll bring it before the Assembly as soon as I can get it. But it was felt that it was more urgent to the businesses to bring this one ahead as there is some delay in the larger part of it. I will also undertake Mr President to make sure that these

intended manufacturers do receive a copy of this Bill and are set up so that they can give us comment. As soon as I can possibly do that.

MR BENNETT: Mr President, the question of excise on manufacture of liquor hasn't been discussed at all today and I did raise the question the other day as to whether that should be included in this Bill, or whether it was probably more appropriate to be in the Customs legislation. I've been advised today that its probably more appropriate in the Customs area, so there will be a need to bring to the House at the next sitting an amendment to the Customs Ordinance, reflecting the decisions made about excise. Now whilst we've dealt with the excise on beer, no one has advised me about the question of excise on other manufactured liquor and to whoever has responsibility I will need that quite quickly. Thank you.

MR CHRISTIAN: Mr President, I've just been handed the definition of the word liquor as it applies in our Liquor Ordinance, and under that liquor means beer, wine, spirits, berry or cider. Thank you. ... berry, sorry that is perry. Its pear juice. Thank you. It seems we are both covered for both beer and spirits.

MR BENNETT: It seems Mr Christian has been sampling already, by the sounds of that.

MR BATES: Mr President, if somebody had asked me even 6 months ago or a little longer if I would have supported such a more as this, I would probably said "No way", but I must commend Mr Christian for bringing forward this Bill, it fits very comfortably in policy of mine anyway, and I think the ... here in view of the economical difficulties of the Island, economic difficulties that we must be looking at things that will help the economy by saving our dollars from going overseas and creating employment whatever on the Island. And I must say well done Mr Christian, I think you are moving in the right direction, to assist the economy on the basis that I laid out.

MR PRESIDENT: Debate further debate? I think that has exhausted debate. Mr Christian.

MR CHRISTIAN: I move that the debate be adjourned and the resumption of debate made and order of the day for the next sitting.

MR PRESIDENT: The question is that debate be adjourned resumption of debate an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

The ayes have it thank you.

9 - CORONERS BILL 1993

MR BENNETT: Mr President, I present the Coroners Bill 1993, and move that the Bill be agreed to in principle.

MR PRESIDENT: Thank you. Mr Bennett.

MR BENNETT: Mr President, there is an explanatory memorandum to this Bill as well, which I will lay on the table, its a fairly lengthy piece of legislation and obviously the explanatory memorandum needs also had to be quite long some 6 pages. Mr President I am pleased to present this Bill it provides for the holding of inquests into the manner and cause of deaths and inquiries into the cause and origin of fires. The Bill seeks to repeal the Coroners Ordinance 1927 which, it is apparent, has become increasingly archaic. One of the most recent deficiencies highlighted in the Ordinance was that the Coroner was not able to investigate a fire in a motor car because such an event had not been contemplated in 1927 - there may not have been any vehicles on the Island at that time Mr President, now if the Ordinance was sufficiently wide to cover fires that occurred in crops or hay or firewood that's not appropriate any more today. I did consider bringing to the House an amending Bill to overcome this particular deficiency but then felt it might be better for the whole legislation to be reviewed. The Norfolk Island Coroner supported this view and the Administration files show that he and his predecessors have had continual difficulties with various

provisions of the 27 law. 1927 law and support that approach. The Bill establishes the Coroner's Court which is constituted by a Coroner sitting without a jury. The Bill specifies the unusual circumstances of a death which will require an inquest to be held. These include, amongst others, sudden and suspicious circumstances, drowning, death under anaesthesia and accident. In certain circumstances the Coroner may hold an inquiry into the cause and origin of a fire where damage or property loss has occurred. The Coroner will have the power to order a postmortem examination or an exhumation, the Bill provides that a person involved in an inquest or inquiry may be represented by legal counsel and provides that the Coroner may obtain evidence as he thinks fit, and is not bound by strict rules of evidence. The Bill provides that certain expenses such as witness expenses and medical fees for carrying out a postmortem examination ordered by the Coroner, shall be borne by the Administration.

This point, while I am sure unexceptional to Members, is not clear in the current Ordinance and it is my firm belief that the ordeal of a coronial inquest is quite enough for a grieving family, without the added pain of an invoice, for example from the hospital for the services of a postmortem. The Bill provides that the Coroner may appoint a Clerk to the Coroner's Court to assist him. Provisions are included to allow the Clerk of the Court of Petty Sessions to act as Clerk to the Coroner's Court. Transitional provisions are included in the Bill to allow the current Coroner and Deputy Coroner to continue in office after the new Act commences, as if they had been appointed under the new law. Provisions are also included to ensure that if an inquest or inquiry has been reported to the Coroner before the commencement of the new legislation, the old Ordinance shall continue to apply to those proceedings. The Bill makes provision for adjournment of an inquest or inquiry if the Coroner is informed in writing by the Clerk of the Court of Petty Sessions that a person has been charged with causing the death of the person whose death is the subject of the inquest, or who is charged with causing the fire into which the Coroner is inquiring. Mr President, coronial legislation is often overlooked in favour of more publicly obvious matters. It is, however, an important area of government responsibility and I strongly feel we are obliged to ensure that the law regarding unusual or suspicious deaths and fires is relevant in today's world. Mr President I've had the opportunity of discussion the draft Bill with the Coroner, and he has provided to me or did provide to me valuable assistance in that preparation, in its amended form. I will ensure that copies go not only to him, but to also to the Chief Magistrate, the Senior Magistrate, the Police and any others who may be involved in the matters of ... Coronial Court, I commend the Bill.

MR PRESIDENT: Thank you. Debate? Any participation in debate at this stage? No. Mr Bennett?

MR BENNETT: Mr President, I move that 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 resumption of debate an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

The ayes have it, thank you.

10 - IMMIGRATION AMENDMENT BILL 1993

MR CHRISTIAN: Mr President, I present the Immigration Amendment Bill 1993, and move that the Bill be agreed to in principle.

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

MR CHRISTIAN: Mr President, I present the Immigration Amendment Bill 1993. This Bill will abolish the compensating departure scheme from today, 22nd September 1993. In September 1992 the Assembly unanimously passed a motion which, amongst other things, requested the Executive member with responsibility for Immigration to bring forward a Bill to repeal, the compensating departure provisions of the Immigration Act 1980, in line with the recommendation of the Immigration Review Group. The Assembly will be aware that I previously brought to the House

a bill to tighten up the CD Scheme and that that Bill was passed but has not been commenced. The Government is now of the view that I should follow the resolution of the Assembly and bring forward a simple bill which repeals the scheme in total and also repeals the un-commenced Immigration Amendment Act 1992. This view has come about because of the unfortunate subversion of the spirit of the CD Scheme by a limited number of individuals. The compensating departure scheme was introduced in 1990. It was designed to permit people, in cases of proven hardship, to sell substantial assets and leave Norfolk Island where it was evident that no local buyer existed and the buyer sought the right to reside in Norfolk Island to enjoy or use the asset. In fact, the CD scheme was focused towards Norfolk Island businesses. It was always intended that, when a person made an application to be approved to make a compensating departure declaration, they would identify in the application form the name of the individual in whose favour the CD was proposed to be made. People have not followed the intention of the law. There are many examples which have been debated in this chamber by several Members over the last year or so. I do not propose to delay the House by repeating them. I do feel some of the flaws lie not so much in the CD Scheme itself but in the behaviour of some people in getting around the spirit of the scheme. Be that as it may, I accept that the Assembly has made a request to me and this Bill satisfies that request. Members will see that clause 2 of the Bill provides that the Act shall be deemed to have come into operation today. Mr Robinson gave us a quote at, I think, the last Assembly meeting that all retrospective law is bad law. In general terms, I agree with this philosophy but have adopted the view that it would perpetuate the problems perceived with the compensating departure scheme if it was proposed that the law took effect from some future date.

Certainly a situation could arise that a flood of applications occur and people could make compensating departures in favour of buyers who had the considerable commercial advantage of knowing the scheme was about to end.

It is not the place of the Government or the Assembly to confer such a commercial advantage by legislative action. It is not for us to use an immigration issue to intrude into the market place. The Bill provides that the repeal of the CD Scheme does not affect a person in reference to whom a declaration has been made, a person who had made a declaration and that person's spouse and child who was under 18 years of age at the time of the declaration. The Bill will still permit a CD declaration which specifies a person in whose favour it is made, not to be affected by the commencement of this Act provided the declaration is completed within 90 days of 22nd September 1993. Mr President, the House will be aware that Immigration is a schedule 3 matter under the Norfolk Island Act and the Administrator is therefore obliged to seek instructions before assenting to any proposed immigration law. Mindful of this, I have written to His Honour to acquaint him of the Bill and have detailed the reasons that the Assembly desires the CD Scheme to be abolished. In this letter I have also extensively explained to the Administrator the reason for the retroactive clause and legal information that I have received indicating that a sudden death provision does not appear unjust. I took this step as soon as the Notice paper closed so that the Administrator would have ample time to seek any comments the Federal Minister might care to make.

In closing I have to say again that I personally would have preferred another approach but I defer to the Assembly's unanimous request in Mr King's motion of 23rd September last year. I submit the Bill to the will of the House.

MR PRESIDENT: Debate Honourable Members? Mr Brown.

MR BROWN: Mr President, this is indeed the Bill that the House asked to be brought forward a year ago. And it is unfortunate that during the intervening year some have continued to abuse the CDD Scheme. But Ernie has said two things which I think deserve to be corrected. Firstly he seemed to have accepted that the legislation he has brought forward to day is retrospective legislation. Well I suggest to Ernie and to Members that this indeed is no retrospective legislation, Mr President retrospective legislation would be a situation where a Bill introduced today is expressed to apply as from say 6 months ago. But a Bill which is introduced today and expressed to apply from today, is indeed not retrospective it is simply a Bill which applies as from the date of introduction. It is not taking away any right that existed this morning or yesterday, it is simply stating that as from now that right will no longer be there. So we should not be sensitive about a suggestion that we are engaging in retrospective legislation, I say that that is not the case. Ernie said that he had sought legal advice, as so whether the

sudden death provision was unjust. Perhaps the advice that he should have sought was whether it was unlawful, its possibly not the role of a lawyer to give advice as to whether a particular thing is just or unjust, it is certainly the right of a lawyer to give advice as to whether it is unlawful and quite clearly the provision that is proposed is not unlawful. Some who may be about to lodge a compensating departure application may indeed feel that it is unjust, but everyday of the week throughout the world, somewhere laws change, and in this particular case people were given one year of notice that the change was going to occur, and indeed I believe that that one year of notice certainly is sufficient to overcome any suggestion that the action today is unreasonable or unjust. I am sorry that the compensating departure scheme has not worked. I was one that supported its introduction, I felt that it was important that such a scheme be here, but we have seen yet another situation where the very people who were intended to benefit from the introduction of the scheme, have in some cases been the ones who have abused it and have forced its removal. I will be supporting the Bill, Mr President.

MR ROBINSON: Thank you Mr President, perhaps once, if this Bill gets up and running, which I think it will, perhaps then we can have another look at the quota system, and obviously there will be more people wanting to go on the proper front law entry in to Norfolk Island by way of the quota, so I commend the Bill.

MR SANDERS: Thank you, Mr President, I certainly support this Bill, as far as I am concerned the compensating departure has been one of the most offensive bits of legislation I have ever seen. Since its introduction there have been abuse to such extent, that I would even know where to start and finish on the thing. All that I can say is I am very pleased to see it on its way out. Thank you.

MR KING: Thank you Mr President. Mr President I'm so happy that this Bill has returned to the House that I intend to have one or two ales this evening, in fact three or four, but Mr President, I think on the next occasion of the second reading if this Bill is successful I will pursue total inebriation. It was 12 months ago that I waxed on incessantly in this House over a couple of sessions, about the abolition of this Bill, and laid out for the House in some detail the nature of the abuses that had been experienced to the time. Mr Sanders and I stood side by side he loved me more in those days, and we fought and we failed, but I don't intend Mr President, to on this occasion to repeat the nature of all those abuses that's a matter of record now, the community was sufficiently indignant at those abuses having taken place. But the final indignity is that we have allow a situation to occur, we have created a system to allow a person to take in to the marketplace a saleable, negotiable document, in the form of a declaration without having a specific purchaser in mind, that Mr President is a horrible state of affairs, and quite frankly it can be regarded as the classical final straw. Mr Robinson makes a good point, a well put point that it now behoves us to examine closely our policies in relation to population growth and the manner in which we implement the quota provisions of the Act. Now I don't think that anyone should be under the allusion Mr President, that we can come back to this House within the short space of one or two months having fully considered all those things. They are matters of reviews or commissioned studies, which have been put in train, we need to await the results of those, but I would urge every Member of this House to commence now to turn his mind to where he wants to see population in Norfolk Island go. And that's all I intend to say at this point in time. Thank you.

MR CHRISTIAN: Mr President, I understand Mr Brown's point, certainly the Bill applies from today. It's only retroactive in that the Administrator will not be able to assent to it as an Act, till a time in the future. That was all I meant by it being retroactive.

MR SANDERS: Mr President, if I may. That it was a year ago that this House requested Mr Christian to bring this Bill before the House, and as Mr Brown has said it has been abused thoroughly over the year. I believe that every Member is guilty of an offence of having done nothing at any time in the whole year, to prevent it from happening. Its all very well to say now, boy, isn't it fixed. But the abuse it has had over that year is outstanding. And I reckon we should all be condemn

for having allowed it to occur.

MR PRESIDENT: Further debate? No further debate. Mr Christian?

MR CHRISTIAN: Mr President ...

MR BENNETT: ... I understand that Mr Christian is about to adjourn it but I simply raise the question as to whether why it ought to be adjourned, why don't we deal with it to finality today?

MR SANDERS: Excellent idea.

MR PRESIDENT: If Members wish to proceed along those lines, that's open to Members to so determine, I would seek a motion that notwithstanding that the Business Committee has not determined it to be an urgent Bill, but notwithstanding that we progress to finality with the matter if somebody wants to make that known to me I will put that to the House.

MR KING: Well let me make a contribution on that point before any one puts the question, Mr President. I have disliking a distaste for urgent Bills, we are all, I don't think that we should all hide from the fact that we are going to be inundated with visits by delegations from the Chamber of Commerce over the following month. I don't think we ought to hide from that fact, there are probably others in the community who perhaps have an interest, in seeing this Bill remain, or the scheme remain intact, but I don't think that we ought to deny them the opportunity of calling upon their elected government or Members and put in their points of view. I would oppose going through all stages today. Particularly in view of the fact that it has a retroactive clause in it.

MR SANDERS: Mr President, I disagree with Mr King on this point. The Chamber of Commerce and all these persons have made all their submissions and stated to most of the Members of this Assembly starting from well before the year ago, a year ago was when the motion actually passed, there was one before that which I had promoted which failed. I can see no point in listening to the same arguments over the same thing because somebody wishes to sell his residency, as far as I am concerned the matter should be concluded once and for all.

MR BATES: Mr President, I think it should lay on the table for a month. I don't see the need to rush it through, and I wouldn't like to deny Mr King the opportunity of ... twice.

MR BROWN: Mr President, its rarely that I'm in complete support of Mr Bates, but I am on this occasion. I wouldn't like Mike to dip out on a booze twice and I move the adjournment.

MR PRESIDENT: The question is debate be adjourned resumption of debate made an order of the day for a subsequent day of sitting?

QUESTION PUT
QUESTION AGREED

Call the House Mr Sanders?

MR SANDERS: No.

MR PRESIDENT: Your vote is recorded Mr Sanders as No. The ayes have it. Thank you.

11 - PUBLIC SERVICE AMENDMENT NO. 3 BILL 1993

MR BROWN: Mr President, I present the Public Service Amendment No. 3 Bill 1993 and I move that the Bill be agreed to in principle.

MR PRESIDENT: Thank you.

MR BROWN: Mr President, I table an explanatory memorandum, this Bill Mr President is mainly of a technical nature and arises from a request for the Chief Administrative Officer and the Public

Service Board. The recent amendments to the Public Service Ordinance removed from the CAO the power to engage contractual, part-time or full time administration employees for any period longer than 6 months. Those amendments did not make clear that the exclusive power contained, I'm sorry conferred on the Public Service Board to make such appoints for longer than 6 months included extension clauses in existing contracts. The bill will also revised the differentiation between officers and employees the removal of which in the earlier amendment has several unintended consequences. The Bill has transitional clauses to provide that where a person had been engaged under section 20 before the commencement of this legislation the engagement continues as if it were a section 20 engagement under the new law. In addition this Bill provides that where there was a power in an existing contract for the Chief Administrative Officer to extend an existing section 20 contract or vary its terms and conditions that power is now vested in the Board. Members will see that this Bill really is solely to remove some unintended consequences of the earlier amendment and to clear up some anomalies which inadvertently occurred. Because of this if the Bill is passed it is expressed to have effect from the date of the earlier amendment that is the 1 July 1993. I emphasis that this technical Bill emanates from the Board and Chief Administrative Officer and I commend it to Members.

MR SANDERS: Mr President, I support the Bill but I am very sad to say that its a shame that it didn't remove a couple of those extensions.

MR PRESIDENT: Any further debate?

MR BROWN: Mr President, I move the adjournment.

MR PRESIDENT: The question is debate be adjourned resumption of debate made an order of the day for the next day of sitting?

QUESTION PUT
QUESTION AGREED

The ayes have it. Was that to be recorded Mr Sanders? Mr Sanders voted 'no'.

MR SANDERS: Thank you Mr President.

ORDERS OF THE DAY

1 - CRIMINAL LAW AMENDMENT BILL 1993

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

MR BROWN: Thank you Mr President. Mr President, when this Bill was last before the House, I advised Members that a brief had been sent to a Member of the Sydney Bar, seeking certain advice in relation to this matter and in relation to the next matter, the proposed amendment to the evidence legislation. Mr President it may help if I table the brief and if I table a copy of the opinion that has been returned, in fact I will table the original of the opinion. Mr President, there has been number of concerns in the criminal law area, in particular at one stage some within the community had been lead to believe that the death penalty still applied in Norfolk Island. That was certainly not the case, that had been abolished by certain Commonwealth Legislation quite some years ago. But, there was an amount of doubt as to just what the appropriate penalty might be in Norfolk Island in a case of which the death penalty did previously apply. One of the questions addressed in the brief and the advice is whether or not a life penalty then became mandatory in relation to an offence of this nature, or whether it was simply a maximum penalty. The advice makes it clear that it was simply maximum penalty and that the provisions of the criminal law legislation which apply in other cases to make it clear that a lesser penalty can be imposed also apply in this case. Nevertheless the Bill that is before the House, seeks in its final sections to make clear that for the avoidance of doubt the penalty set out in the principle ordinance for conviction for an offence against section 63 notwithstanding that the section is repealed by this Act has since the commencement of the Death Penalty Abolition Act 1973 of the Commonwealth been subject to section 442(1) of the Crimes

Act. That being the section that allows a lesser penalty being imposed Mr President. Mr President, the advice indicates that nothing should stand in the road of Members in agreeing to the passage of this Bill. It would appear where a person has already been committed for trial, in relation to the existing legislation, his trial insofar as the criminal law is concerned, it will be a different situation in relation to the law of evidence. In relation to the criminal law his trial will proceed on the old offence. The legislation as Members will recall is aimed at updating our sexual offences legislation to bring it in line with that which applies in most if not all of the Australian jurisdictions, and at the same time it honours an undertaking that we gave to the Commonwealth sometime ago to take note of the provisions of the sexual discrimination legislation and to make appropriate amendments to our criminal law legislation as a result. Mr President I have circulated to members earlier this morning a copy of the Counsel's advice I don't know whether Members have had the time to read it, but I do hope that Members will feel comfortable in dealing with this Bill to finalisation today. Thank you.

MR PRESIDENT: Debate Honourable Members?

MR CHRISTIAN: Mr President. I'm thankful that John got us the paper he promised us, and I've managed to read it and it's satisfied all of the queries that I had. The Bill as it was proposed originally, and I intend to support the Bill.

MR BENNETT: I propose to support the Bill as well, Mr President. There was a degree of urgency expressed when it was introduced and I think that that still applies, and I'm happy to go with for that.

MR PRESIDENT: Any further debate? I think that has concluded debate, but there are two Members who are not in the House, and as it is a matter of finalisation I would give them an opportunity to return before the vote is taken.

MR ROBINSON: ... I was just going to make sure that Mr King wasn't starting his celebrations early.

MR PRESIDENT: The question before the House Honourable Members is that the Bill be agreed to in principle and I put that question to you.

QUESTION PUT
QUESTION AGREED

The ayes have it. Thank you. We proceed to the details stage, is it the wish of the House to dispense with that stage?

QUESTION PUT
QUESTION AGREED

Ayes have it. Then I seek a final motion. Mr Brown?

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

MR PRESIDENT: The question is that the Bill be agreed to? Is there any final debate? Then I put that question. The question is that the Bill be agreed to?

QUESTION PUT
QUESTION AGREED

The ayes have it, the Bill is agreed to. Thank you.

2 - EVIDENCE AMENDMENT BILL 1993

MR PRESIDENT: We are resuming debate on the question that that Bill be agreed to in principle, and again Mr Brown you have resumption of debate.

MR BROWN: Thank you Mr President. Mr President, the contents of this Bill are also referred to in the brief and Counsel's advice. Certainly it is the case Mr President, that frequently during

the course of every year in other jurisdictions amendments are made to evidence legislation. And, the advice makes it clear to us that amendments of that nature would normally apply immediately to any case where a person may have been committed to trial but where an indictment has not yet been filed, there maybe room for some form of question in the event that the indictment has been filed and that the trial is seen to be underway. That is certainly not the case in relation to any matter before the Supreme Court of Norfolk Island. And so I say to Members that the Counsel's advice which we have obtained is a reasonable basis if we so wish to decide that we should pass this Bill and that it's effect should be immediate upon assent. There remains the question of whether that is what we want to do, because it would equally be open to us to make an amendment to this Bill such that, these changes would not apply to any case where a charge had already been laid and the case had not gone right through the Court system to finalisation. I think that it is important that we think for a moment about that question Mr President. And in thinking about it, I think that it is important that we recognise that the changes which are proposed in this Bill are changes aimed at bringing Norfolk Island's law again into line with the law which applies in our surrounding jurisdictions. There have been problems over the years in other jurisdictions Mr President. Particularly in the areas of sexual offences, where a complainant, be it male or female, has been frequently put under significant stress, in having to respond to questions of previous activities, in not being able to have the option of a closed court, and in having the persons identity freely able to be published. I think that it is true, that from the point of view of a person who is defending a case of this nature there is some advantage in the old law, but I suggest to Members that that advantage is massively outweighed by the crude nature of the present law, and by the need for it to be changed. In the event that Members accept the Bill as it stands, in the event that a person has presently been committed for trial at the Supreme Court, but no indictment has yet been filed, and the trial of course has not yet commenced, then the new law would apply, and that defendant would not be able to make use of some of the provisions which existed in the old law. And at the same time the position of the complainant and the complainant's family and friends would be somewhat eased. If any Member wishes to amend the Bill, in order to preserve the old law for such a case, then in the event that that is the wish of the majority of the House, I would have no difficulty in that, however, if the wish of the majority of the House is that the Bill proceed on its present basis then again it will have my full support. Thank you, Mr President.

MR PRESIDENT: Debate?

MR CHRISTIAN: Mr President, I'm quite happy that the Bill proceed in its present form. I don't think to be any unjust problems caused, because of that, and I commend the Bill as it is.

MR PRESIDENT: Thank you any further debate? No further debate. The question before us Honourable Members is that the Bill be agreed to in principle?

QUESTION PUT
QUESTION AGREED

The ayes have. Thank you. We proceed to the details stage. Is it the wish of the House to dispense with that stage?

QUESTION PUT
QUESTION AGREED

That is agreed. Thank you. Then I seek a final motion. Mr Brown.

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

MR PRESIDENT: The question is that the Bill be agreed to? Is there any final debate?

QUESTION PUT
QUESTION AGREED

The ayes have it and the Bill is agreed to.

3 - TOURISM INDUSTRY IN NORFOLK ISLAND - PROPOSAL TO REVIEW CERTAIN ASPECTS

MR PRESIDENT: We're resuming debate on the question that is listed on the programme Honourable Members and Mr King you have resumption of debate on that matter.

MR KING: Thank you Mr President. I'm not quite sure that it is fair that to occupy the last place on the programme at this late hour of the day in view of what might be a rather lengthy presentation by myself. I have foreshadowed Mr President, an intension to amend the motion which currently sits on the paper, is it appropriate that I move that amendment?

MR PRESIDENT: Mr King you are at liberty to introduce that, when ever you would care to. Leave is grated to do that.

MR KING: Mr President well I would do that now. I so move the amendment that stands in my name. Do you wish me to read the entire amendment?

MR PRESIDENT: It might be wise so that it puts it in context for all Members and the listening public.

MR KING: Mr President, I move that all words after 'that' first occurring be deleted and the following substituted. These are the substituted words "this House supports the Executive Members plans (a) to review the Norfolk Island Government Tourist Bureau structure and operation; (b) to review the taxation structure of the tourism industry in Norfolk Island and; (c) to bring forward legislation rationalising the spread of registered tourist beds by implementing in respect of any one registered tourism accommodation complex, and average minimum ratio of 2.5 registered beds to 1, to 1 registered unit, subject to limiting a single owner within the meaning of the Tourism Accommodation Ownership Act 1989 to the ownership of 20% of apartments within the Tourism Accommodation Act 1984. Mr President, this amendment represents a fairly wide departure from my earlier motion introduced in May of this year. By deleting two components of the earlier motion, that is, the proposal to abolish the accommodation grading system, and a proposal to introduce a new class of accommodation, bungalow budget type, I am satisfied some of the major objections expressed by Members in the May debate. I take the point made by one or two Members about the grading system that perhaps it would be more appropriate to look at modifying the system so that fits more closely with local conditions. I'm prepared to do that Mr President, but I confess to being not confident that I can modify the system and still retain its integrity and credibility. In respect of the budge bungalow proposal I expect that it was doomed to fail in this House. I remain of an open mind in respect of the matter and I can't rule out the possibility that I may return to the House in the future with a similar proposal. I find that somewhat difficult to except that on the one hand we want to keep up with the Jones's but one the other hand we don't want to do what the Jones's do, that is share in the rewards of one of the biggest gross sectors in the region. So I wont flog a dead horse Mr President, perhaps not dead yet, a servilely crippled at this point in time, and I shan't be pursuing that particular point. I sensed during the last debate, in May there was little opposition to my proposals to review the operation of the Norfolk Island Government Tourist Bureau Act, although I expect that I probably used inappropriate words in my earlier motion. Additionally I sensed that there was little opposition to my proposal to review the taxation structure of the tourism industry. I intimated in my earlier debate that I had an open mind regarding any restructuring of the Bureau. I still have an open mind Mr President, except to say that I believe that the present structure and operation of the Bureau is to remote from either the Minister or the Government. In my view that would be, probably okay in a larger community where there is a wider breadth of relevant experience to draw from or where there is a greater financial capacity to attract participants. In saying that Mr President, I don't want to reflect adversely on either the existing Bureau Members or past Members. I simply wonder whether in an industry of today which requires a great deal more sophistication and effort than former years a small body of volunteers should carry almost full burden of responsibility. Consequently what would happen if this motion or this part of the motion

was successful would be a review in line with current management thinking. An examination of the appropriateness in this day and age of the functions of the Bureau, the role of the Government and the Minister, the general statutory framework for the provision of resources and accounting requirements etc. And I would hope that all Members would be part of that review. On the question of taxation review I don't believe there can be any justified opposition. I said on the last occasion that there no sound or acceptable reason why industry operators should not participate fairly and equitably in a taxing regime which provides funds for the maintenance of the very environment in which they operate. My intension with this part of the motion is simply to gain support for a general review in which all Members should play a part. This motion doesn't pre-empt a particular level of industry taxation. When I spoke in May Mr President, I spoke, I suggested that the rational for industry for taxation should be the same as that adopted for the accommodation segment of the industry in 1983. That is 3% of gross, this motion doesn't bind the House of either that rational or that level, Members may find upon review that a lower or higher level would be appropriate. That remains to be seen, and it remains for the consideration of Members.

That brings me Mr President to the final part of my motion, and that is a proposal to rationalise the spread of tourist beds in Norfolk Island. Unlike the other two parts of this motion, if this part is successful it will call on me to return to the House with a specific legislative proposal, it is essentially the same proposal that I made in May this year, with certain qualifications to take account of the criticisms of Members. Its not a new idea Mr President. A similar proposal was put forward by former Tourism Minister Mr George Smith in recent years, without success, I suggest however that it is appropriate to look again at this proposal in light of our existing circumstances. I ask Members Mr President to weigh up the perceived advantages of this proposal against the perceived disadvantages and make a balanced judgement. My proposal basically is to allow better utilisation of existing registered beds with certain limitations. Namely that the ratio of beds to units should as a result of this proposal not be any less than 2.5:1, and that anyone person or operator should not have control of any more than 20% of self contained apartments. Mr President these limitations will constrain growth in unit numbers to what will probably be seen as satisfactory levels. If every operator who on the service might benefit from this proposal had the physical capacity, that is land size, the financial capacity the inclination and confidence and was not otherwise constrained, then there would be a maximum number of approximately 60 units added to the existing 417. Having regard however to existing ... Having regard to existing average length of stay and average occupancy rates, that would result in an additional 3,800 visitors being accommodated, this Mr President is considerably short of the additional 7,000 visitors we need to restore our tourist activity to the 1986 levels. It is inconceivable of course that 60 additional units will be built although it is extremely difficult to quantify that it is more likely given the constraining factors which I have mentioned that we would see probably no greater than an additional 20 odd units built over the next couple of years. Mr President, let me flesh out what I regard as the advantages of benefits to this proposal. Firstly this proposal will have the benefit of enhancing the operations of smaller accommodation complexes, we have some 21 odd tourist accommodation houses which have 6 or less units. The configuration of beds in those complexes is generally such that in this day and age there is no prospect of maximising the use of the beds. The bed configuration may have suited the traveller of past years, who was more inclined to plan a holiday well in advance and travel in small groups, but it doesn't suit the present strong world wide trend towards quickly planned holidays by free independent travellers who travel in pairs. Secondly, Mr President, with the enhancement of vireability comes the greater capacity of the operator to be competitive in pricing, in some cases its conceivable that small complex operators will enhance their vireability by up to 30%, without corresponding increases in overheads. It would be foolish I suggest, for those operators not to use this increase margin, to more attractively price their product. Thirdly this proposal will have the benefit of increasing the quantity of product available for sale by wholesalers. Mr President it is interesting to observe, that this particular point in my presentation that the withdrawal of 44 units from the industry in 1986, that is the Paradise Units, coincided with the beginning of a decline in our industry. That represented a reduction of some 10% in product quantity. It may simply be coincidental Mr President, but the timing and subsequent decline are to uncanny to ignore. Norfolk Island's unit

occupancy rate is approximately 65 - 67% and that's reasonably high by regional standards. It's interesting to note that in Tahiti and Western Samoa for example, where unit occupancy is some 42 -45% airlines are calling on the industry to build more units before they could justify additional flights. Airline's have said in relation to Norfolk Island, that they haven't got the quantity to sell. Fourth, Mr President, a further benefit from this proposal flows from the question of increased quantity, Mr Semple raised a relevant question some several months ago, about why it is that only a few accommodation complexes appear on, no it was today he raised it again, about the, that appear on the computer screens. I responded then as I did today by saying that's because those certain operators have gained a preferred status, with certain wholesalers, largely by being able to block off a number of units for free sale by the wholesaler. I intimated that during my response to Mr Semple's question that there is nothing wrong with those arrangements, if they make perfectly good business sense, but unfortunately the small operators, have generally not had the capacity to gain this preferred status, the proposal contained in my motion will enhance the capacity of some operators to enter into free sale arrangements with wholesalers. Lastly Mr President, I mentioned the economic benefits flowing from increased building activity in the Island. Like I've said earlier no one can quantify the extent to which this proposal will result in new units being built, you can put theoretical maximums of new units which I've done to illustrate the maximum effect on visitor numbers, but it would be foolish to try an quantify the value of economic stimulus which would flow from this proposal. However Members can be certain of the fact that some level of building activity will result, whatever level that is it can only be good for the economy in our present circumstances. We have a responsibility Mr President, to provide whatever stimulus we can for the economy, although this effect was not an objective of this proposal, it must be seen as an attractive and worthwhile result of the proposal. Mr President, let me just summarise those advantages as I see them, I spoke of these points, the enhancement of vireability of smaller complexes, the enhanced competition in normal circumstances would lead to better value for the consumer, I've suggested that the increased quantity which might result from this proposal would be more attractive for wholesalers, I've suggested that the increased capacity which would result from this proposal would make it easier for smaller operators to gain that necessary and essential preferred status, and I mention last but not least Mr President, the economic stimulus which would be provided by this proposal. Mr President, I've searched closely for perceived disadvantages and obviously Members will perceive other disadvantages other than what I have seen, but I Mr President can find no risks or disadvantages which would outweigh the benefits of my proposal, I've suggested that at the very maximum increased unit numbers could result in an additional 3,800 visitors, and on top of existing numbers we would still be 10% short of 1986 levels of activity. A freeze on unit numbers has been in place for almost 12 years, it was put in place largely because it was felt to be administratively difficult to police registered beds otherwise, I would have thought different Mr President, that an enhanced role by an inspector should have been sufficient to police the beds. Nevertheless Mr President, I suggest to Members that no system should be set in concrete particularly systems which control the operation of our only industry. Systems should be capable of adapting to change and circumstances, my proposal reflects the change in circumstances or recent years, they are minor, no risk that's a bit bold I suggest saying no risk, but I wasn't prepared to say low risk, because I cant identify the risk. I say that my proposals are minor, no risk proposals. Thank you Mr President.

MR ROBINSON: Thank you Mr President. Mr King in his tourism statement, seems fairly optimistic with the open skies policy will bring a lot more tourist. You said yourself at the time that you where still learning, you sang the praises of our new Manager, Mr Bob Doyle, and you also told us that Mr Doyle is formulating a new marketing plan. Before you go reorganising the tourist industry of Norfolk Island, don't you think it would be a good idea to wait and see what Mr Doyle's new marketing plan is like or about? You also made in quite clear at question time, that you had a good working relationship with the current Board, and here we are with a motion to review it and change it. I have difficulty with parts (a) and (c) of your motion. The ration of 2.5 has been obtained by some of the bigger places by spending the money to do it. They didn't just happen to buy in at a ratio of 2.5 registered beds per unit. They deliberately spent money, their own money to go and do

this, and you forgot to mention the ownership of 20% of apartments in your summing up, I don't know why that is perhaps it is because it is only targeting two particular accommodation places. Thank you.

MR SEMPLE: Thank you Mr President. I was somewhat disappointed with Mike's amendment as it leaves out of his original proposal to abolish the grading system. The current grading system I believe is for some of the smaller accommodation establishments to virtually price themselves out of the market. I've talked about this before, some of these people are being forced to replaced mirrors because they weren't big enough, fans because they didn't look modern enough, curtains because they didn't match the colour of the carpet which was replaced the previous year because the old carpet had showed a few slight signs of ware. Abolition of the grading system I believe will overcome many of these problems. Minimum standards definitely, many tourists and visitors use their units simply as a place to shower and to sleep, they don't care whether its got green carpet and purple curtains, or whether the mirror is 2 centimetres smaller than what it should be, as long as the unit or the room is clean, and well maintained these are what I believe the average tourist is looking for, and I just hope that Mr King hasn't completely given away this idea of the grading system, that he still gives it further consideration. Thank you Mr President.

MR BROWN: Mr President, Mike's amendment is certainly more palatable than the original motion. Its hard to object to holding an open minded review of the structure of the Tourist Bureau. Although I would have to say that the last thing you would want is to make the Tourist Bureau part of the Public Service. I think that the present format was in fact well thought out, when it was introduced and I would be surprised if a review resulted in the suggestion for any significant change. The major change that I would suggest might be appropriate is to get away from the situation where a Bureau is appointed and then a Minister can interfere with the Bureau's deliberations and wishes and in fact issue directions and instruct them to do something or prohibiting them from something without necessarily having the same knowledge of the industry as the Members of Bureau he had already appointed. And I'm not talking of Mike here I'm talking of the concept generally. But as to (a) I don't have difficulty in supporting that. Similarly its difficult to object to reviewing the industries taxation structure, to agree to paragraph (b) is not to agree that one necessarily believes a change is necessary or justified. But it is difficult to object to a review taking place. But I don't agree with paragraph (c) Mr President, I believe that on an earlier occasion when Mike's motion was being considered I made my usual declaration of pecuniary interest, but in case I didn't do so at that stage I'll make it again now, and that is that I'm a director of a company which is involved in the accommodation industry, although that company is presently in receivership and I do not have an involvement in is day to day management. Mr President, as Mike said, a previous Minister for Tourism, George Smith in quite recent times tried to obtain the support of the Assembly to a similar proposal, and as Mike said, the Assembly rejected it at that stage. In fact in earlier years the Assembly had made a once and for all adjustment to bed and unit licences, from recollection it was in the days when Phil Page had the executive responsibility, but at the time it was made very clear the change that was then being made was intended to be a once and for all change, and it was stated quite clearly that the gate was not to be reopened. Mike has suggested that there could be anything from zero to 60 additional units, I presume that figure takes account of the suggestion that anyone holding more than the 20% of the apartment licenses should not be able to participate in the growth. I'm not sure that restriction is a fair restriction Mr President, if we are to make changes we should be making changes which are available to the benefit of all, not changes which are restricted to a small part of the community. In fact it is my view that, if the Assembly does eventually decide that it does wish to make additional units available not only should they be made available to every existing accommodation house, but there should be a significant charge made for those additional licences. There is no doubt that the licences have a value and we should ensure that the community benefits, by the Assembly charging the full value of those licences, if they are indeed to be allocated. So I'm not sure that it necessarily follows that if we had sixty additional units we would receive 3,800 additional visitors. The fact is that we are scratching to get our visitors now, Mr President. And an increase in the number of available units would be just as likely to simply cause an overall averaging down of occupancy

rates, and to cause additional problems for those presently in the industry. I think it is relevant Mr President, to look at the question why some rooms have more beds in them than others? Because some accommodation proprietors are making us feel very sad for them, that they have anything up to 10 beds in a unit, and that they are rarely able to use all 10 of those beds. But its my recollection Mr President, that in earlier years there was no restriction on the number of beds you chose to put in a room, it was a question of your own commercial judgement. Subsequently in the early 1980's restrictions on beds and units were introduced, but that earlier stage you could put in as many as you like, now the fact that someone choose to put in a bundle of beds at that stage, and has found over the years that they haven't really filled perhaps 2 or 3 of them on average, is not I suggest a reason for us to sit here now and expand the number of available units. Mike suggested if smaller properties were able to split there beds into additional units they might achieve a 30% increase in vireability. I suggest to you that same increase in vireability can be achieved within the existing system, because within the existing system it is quite possible and it does occur that a small accommodation proprietor can purchase another accommodation business and seek to transfer the licence for those additional units and beds to his existing property. And in that fashion anyone who wishes to is able to improve his vireability if indeed the additional units to provide an improvement in that vireability but I don't feel that it is our responsibility to provide a cheaper way Mr President, for that to be done what might really be being said to us is that we realise that we can go out and achieve what we are after by buying another property but we don't want to do that, we want to get it for nothing. Well I don't believe that's our role. Mike has suggested interestingly, that airlines have some reluctance about Norfolk Island because they feel we need to increase the quantity of product that we have available for sale. I suppose that from time to time airlines will say all sorts of things, I noticed in the current issue of the Travel Reporter, a suggestion that the airlines want us to build 5 star accommodation, on a site adjoining the historic area, presumably the reporter had spoken to someone who had a desire to revive the proposal to rebuild on the Paradise sits, I'm not sure where that came from Mr President, it could be that it was simply known about from discussions that have occurred in the House at earlier times, it could be that a particular wholesaler who may not have known the system very well, had suggested that that would be a wonderful improvement for Norfolk Island, but the ironic thing is that if you said to that airline or to that wholesaler, how many rooms in this beautiful new 5 star property will you guarantee to buy each year? The answer will be 'none'. Frankly what Lester said is largely right, many of the people who come here are prepared to cop those purple curtains, certainly there are not many who come here that would be prepared to pay the cost of 5 star accommodation. That's not to say Mr President, that the upper end of the accommodation on Norfolk Island is not well patronised, the upper end of the accommodation on Norfolk Island is excellent accommodation, it is reasonably priced accommodation and there is a very significant demand for it. But I've not previously heard the suggestion that our economic woes today in fact were caused by the demolition of the Paradise, it may be right but it would put in to question all of the other suggestions that have been made to us as to the reasons for the down turn in average stays, and for the modest down turn that has occurred from time to time, in tourist numbers. I think that it would take a little bit of market research for me to be convinced that it is actually the loss of the Paradise units that caused our difficulties. Mike suggest that the airlines have said that part of our problem is that we don't have quality accommodation available in Norfolk Island for the airlines and the wholesalers and the agents to sell. We as I said a moment ago airlines tend to say all sorts of things, frequently we find that they are being said by staff who have not got a great knowledge of Norfolk Island, and who may not have been in a particular section of the airline for all that long at all. But I would not think that any accommodation proprietor on Norfolk Island or that any person familiar with the accommodation industry in Norfolk Island would accept the proposition that we do not have quality accommodation to sell. It was with the very intension of ensuring there was quality in our accommodation that we introduced minimum standards, and that we introduced the grading system. Now I know there have been complaints about the grading system, and I accept some of the things that Lester said a while ago, some parts of the grading system could well be reviewed. We've been blessed with the system that the NRMA has not wanted to change, but was really a system more in tune with the mainland, we were stuck with that system, if we wanted to be able to make

use of the independent professional ability of the NRMA to assist us with the grading. May be it is time to look at whether there is some other way of attending to the grading and putting it all into a more appropriate Norfolk Island fashion, but my point is that the grading system and the minimum standards has certainly ensured that there is good quality accommodation in Norfolk Island, and since both of those systems were introduced there has been a significant up grading of many of the properties on the Island. Mike mentioned that a financial stimulus would be provided to the building industry on the Island, if it be 20 or 60 additional units were to be built. And there can be no doubt about that Mr President, that's quite true, I would hope that any such work would be obtained by local builders rather than seeing additional short-term workers come to the Island in order to fulfil the tasks. That would be somewhat self defeating if that were the case, but Members have not been keen to stimulate the building industry in the past, for example, I made a suggestion along similar lines when I recently sought the agreement of the House to a setting of a GEP quota of 26, but at that stage, Members did not feel that the economic stimulus to the Island generally, was sufficient to persuade them to tread down the path that I was suggesting, so I'm not sure that on this occasion we should be changing from that tact, and deciding that on the occasion the financial benefit to the building industry is sufficient stimulus. Mr President, I am happy to support paragraph (a) and (b) I do not at this stage support paragraph (c) certainly I could not support paragraph (c) unless the additional units were to be made available to everyone in the industry, and unless a fully commercial price was to be charged for each licence that was to be allocated. Thank you.

MR SANDERS: Thank you Mr President. I've been very interested in the comments made by the previous speakers. I'm very interested to not in the motion that there is a proposal that there be a limit on 20% maximum ownership of units. It appears to me that, that is directed solely at just the Resort Group and one other person. I don't consider such a move a reasonable or a responsible one as those two groups in actual fact put their money where their mouth is.

MR BROWN: Mr President, perhaps I should clarify something there I, my impression has been that Mike is talking in this motion of apartments and not hotel rooms and I don't for one moment want the House to feel that Mike is targeting hotel properties with this motion, if my understanding is correct, he is only talking of apartments.

MR SANDERS: Is that correct? Thank you. Thank you Mr President, Mr Brown also spoke of that in days gone by it was a matter of how many beds you wanted to put in a room, and that was okay. In actual fact that wasn't correct. The amount of beds you were able to put in a room was by the amount of cubic feet of airspace you had. It required x amount of cubic feet per person, and those person if it was a large room jammed it up with beds to make that number, even though it was unlikely that they were ever going to get person to sleep in them. I haven't got a lot of sympathy for those person who have done that, and now find that it's not viable, there have been a number of accommodation units for sale, and I note that these persons haven't bothered to make any application for the purchase of them. Mr King also spoke of the financial capacity would be a big boost to the industry, perhaps Mr Bennett can supply interest free loans from the Administration as appears to be the custom, seeing as its going into government revenue, I could understand that he would only be to pleased to assist. Mr King speaks of all these extra units will give us additional tourist numbers, I can for the life of me see if we can't fill up what we've got how the hell are we going to fill them up if we got twice as many. Mr Semple in his comments spoke of, that we didn't require a grading system, well I consider that Mr Semple's usual business expertise, of wanting to dispose of this grading, and I don't think its even worthy of comment. I don't propose to support this motion in any form at all because I believe if Mr King wishes to do these things he doesn't need a motion of the House to do so. He is the executive member with that responsibility, if he believes it needs upgrading and what have you he should do it and bring the proposal that he has in mind to this House, and then perhaps have it blessed. But to have it blessed cackhandedly before it even starts as far as I'm concerned isn't on. Thank you Mr President.

MR BATES Yes Mr President. I intend to support the motion and I do commend Mr King for doing one of the things which I've

short, while I think the idea sounds great I don't think it would work on Norfolk Island. I don't think we're big enough, nor do I think it will get the support.

MR BENNETT Mr President. I'm fascinated by that. I really am, and I think that's the poorest excuse I've heard for not going into a sophisticated system of reservations. Sure there are properties that already have computerised reservations systems, I don't know what they're linked to and whatever, and sure, there are the problems that Mr Sanders pointed out, but they're more imaginary than real. More perceptions things. I think there will be reluctance as there's reluctance to change at any time but eventually the advantages of being on that system will overcome those difficulties. There are ways around the over-booking. There are ways around the person who's got a couple of extra
...

MR ROBINSON Point of order Mr President.

MR PRESIDENT Point of order.

MR ROBINSON It's getting late Mr Bennett. We're supposed to be debating the amendment to the motion here. What I can see of debate
...

MR BENNETT Right, I've taken heed of that Mr President, I'll, I won't, I'll shut up. We'll debate it over a beer.

MR PRESIDENT Any further debate.

MR KING Well Mr President, I've listened carefully to what members have had to say and taken note of a couple of points, well I've made about three pages of notes as you've spoken. It might be a little bit difficult for me to go through these piece by piece, but let me pick out some of the common strains that went through the debate and perhaps speak to them. Firstly, there was the question about the 20%, where that came from and how it was arrived at, and that's a fair comment by Mr Robinson since I didn't make any specific mention about that in my debate. That limitation meets the concerns expressed by one or two people in this house on the last occasion that by introducing a pure 2.5 to 1 ratio would do nothing more than enhance the ability of one particular operator to blow out the number of his units by almost 60% or something or other, 50 or 60%, some 35 odd units. I said on that occasion that that certainly wasn't my intention, although it hadn't been spelled out in that particular motion. It's not something that I wanted to let happen. So that I've introduced in black and white for those members who had that concern a mechanism which would have the effect of preventing that from happening and re-directing the major benefits of this proposal to the smaller operators. Broadly speaking I get a feeling from the debate that, to use Mr Sanders' words, there is little sympathy for the situation that the smaller complex operators find themselves in. Well, I suggest to you that those smaller operators are in integral part of our business and we need to focus our attention on them as well, not simply the larger operators. We, not necessarily us, but authority here in Norfolk Island, be it the Legislative Assemblies or recent years or the former Councils were the ones who authorised the constructions of those small complexes, or three, four and five units. I mean, I understand what you're saying but let me say that authority, if they didn't specifically authorise it, they certainly sanctioned it and allowed it to happen.

MR ROBINSON After the amnesty, yes.

MR KING Yes, I appreciate that. Now having done that and allowed them to carry on business, you know I think we really owe them a duty to consider their interests now in the changing circumstances of today. It was all well and good in those days prior to the mid-eighties when indeed from the late sixties, through till the mid-eighties, when there was a constant stream, an increasing stream of visitors coming to the island. It wasn't difficult to sell Norfolk Island as a tourist destination in the Oceania region because it was one of the prominent at that particular time. In this day and age there are probably three times as many regional destinations which are prominent, equally as prominent in the market-place. So the components of our industry as they were in the time leading up to our peak period of

1986/87 need to be addressed now and looked at in the light of our current circumstances. Things have changed. It's harder to sell Norfolk Island. The wholesalers have a great deal more products on their shelves to sell and so they can't give, or they don't give the percentage attention to Norfolk, the Norfolk Island product as they did in those times leading up to the mid 80's. I mentioned in my earlier address that the configuration that larger ratios or five beds to one unit may have been appropriate in the circumstances where people planned well in excess of their travel, their holiday, and they came in small groups or family groups. There's a world wide trend to free independent travel. People sit around the table at night and say, "Well, let's go on a holiday in a couple of weeks time". A couple - not the family. That's the world-wide trend. A current configuration of units in these complexes does not suit the modern day traveller. The current traveller. We don't have the profile on the wholesalers shelves that we had in the years leading up to the mid-80's. Now if we don't have that profile, how the, how can we increase that profile? You know, how can we sayd to the wholesaler "Give us more attention - give us a share of the attention that we had back in the 80's". Well, we've got to pick up our act a little bit. We've got to say to ourselves, well okay, let's look at what components we need in our industry now. I can sit here and rattle off a whole host of reasons that I think are perfectly valid reasons for the situation we find ourselves in today. A whole host of them. And I'm not going to get any agreement on them - we've all got different views and different views about how we're going to fix it and we're never going to come to any consensus on an approach to fix up what we've got now. I say be innovative. Try out no-risk proposals. Get on with the job. It was suggested that we ought to allow things to take the course that might follow from the recent appointment of a more professional person involved in the Tourist Bureau. Well I think we've got to give him the ingredients to work with if he's going to produce this miraculous recipe and overnight recovery. We have to give the ability to these smaller operators that we sanctioned to operate in this industry a greater opportunity to get out and give to the wholesalers what they need to give a greater profile to them. A preferred status. We can't simply rely on the General Manager of the Tourist Bureau, Mr Doyle, or the Bureau itself, to ease all our woes. I think we've got to pave the way a little bit. For reasons that I've mentioned earlier Mr President, I don't believe that we can, without making some changes, and without some level of response from the industry itself, get back to where we were before we go implementing changes. We have gone too far. We enjoyed, for example, in 1986, 6 and a half percent of the outbound market out of Australia, and we currently enjoy somewhere around about 4 percent of that market. A substantial reduction. There are similar figures in relation to New Zealand. You know, we've got to say to ourselves, what has changed during that period to give effect to that decline, that inability to be able to maintain a proper market share. It's not simply because we haven't had proper marketing plans. We never had any proper marketing plans up to the middle eighties, let's face it. I mean, they weren't professional. We need the professionalism now, we need to give that professional person the ingredients necessary for him to do the job. I mentioned, without being too repetitious Mr President, some of those who've debated to this point in time have overlooked, perhaps conveniently, some of the advantages that I said would flow, or suggested would flow, suggested would flow. I can't be sure. And neither do I, can I suggest Mr President, do members know that they are sure that these things won't be achieved. That these advantages won't flow on, and we're not in a position at this point in time to not take heed and have some positive attitudes towards these types of proposals. I understand that Mr Robinson's comment in relation to, again, to the smaller operators, why should we look after them and allow them to build additional units when the hotels won't be able to benefit from them, or something to that effect. Why when the hotels, or others perhaps, spend good money to achieve the 2.5 to 1 or less ratio than they have now and the hotels I guess generally have a ratio of around about 2.5 to 1, so they can utilise their registered beds, their registered beds. Their saleable item. I mean these beds, let's not overlook the fact that beds are saleable items. I guess my answer to Mr Robinson's question as to why should the hotels be overlooked when they spend good money to achieve the ratio that they have, why should we give something away to apartment operators, does give some validity to the question about whether we ought to be charging perhaps for any licenses that might result - unit licenses that might result from this proposal. I have a perfectly open mind about that. It's not a point that I had considered to date, but certainly a

significantly cheaper air fares and are able to offer significantly cheaper packages. Many of them are not burdened with the minimum wages and conditions that apply in Norfolk Island, nor are they burdened with many of the other requirements with which we saddle the industry here. I said a moment ago that many of them had the benefit of cheaper air fares.

Mr President, I wasn't complaining about any of our present carriers when I said that, because I think I have a reasonable understanding of the cost structure of our present carriers, but the problem that we're up against is that many of the other countries have national airlines which are prepared to lose significant amounts of money in order to bring visitors into their countries. As well as that, many of those national airlines are able to use much larger aircraft than those which come to Norfolk Island and it is generally the case that the larger the aircraft the lower the seat will cost. So my point of all of that is that there are a lot of reasons for our current difficulty. It's simply not possible to pick on one thing and say there, that is the reason. It will need a concerted effort on the part of a lot of people to overcome very many of them, but it's my strong suggestion that supporting paragraph (C) of the amended motion today will not take us down the track at all towards curing any of those difficulties.

MR KING I think it's getting near to the end now Mr President. Just a very few short comments. Mr Brown has a very great capacity to digress and I should never suggest deliberately but sometimes the debate, truly she gets a little bit obscured somewhat. I shan't be responding to suggestions about the burden of minimum wages and conditions and the like. I do respect Mr Brown's, Mr Brown's right to raise what he thinks are some of the issues surrounding our woes at the moment, and I said earlier on that each of us would have our own impressions of what caused our ills and woes and we will never reach agreement on that. I certainly have mine. Let me simply say Mr President in closing, before incidentally, I would be seeking leave to divide the question, but let me simply say that when Mr Brown made reference to Mr Page as Minister for Tourism at the time, whenever that was, must have been 1986-89 I guess ... 1983-86, there we go, that the Assembly in those days made a once and for all change. Close the gate and never open the gate. I put it to you again that we cannot lock our policies in cement, they must be capable of being able to adapt to change. Why should we assist the small operators? I think it behoves us to give them an increased capacity to be able to gain a better position in the market place. But, in point of fact, in helping them to do that, it's helping us. If my proposal needs examination of the question as to whether a fee ought to be charged for the provision of further unit licences, and I'm quite happy to do that, but as I said before, I will take that if this motion is able to succeed today Mr President. I foreshadowed that I would seek leave to divide the question Mr President at the time debate is exhausted.

MR PRESIDENT Further debate. No further debate. That time has arrived.

MR KING I would so move Mr President to seek leave to divide the question into three parts.

MR PRESIDENT Is leave granted to divide the question.

MEMBERS Aye

MR PRESIDENT Leave is granted. Does that mean two or three parts Mr King?

MR KING Two parts would be sufficient Mr President.

MR PRESIDENT Two parts. Okay. Just let me put this to see if it accords with how you would wish to handle it. The first part would read, "This House supports the executive member's plans to (a) to review the Norfolk Island Government Tourist Bureau structure and operation", and "(b) to review the taxation structure of the Tourist industry of Norfolk Island". That's the first part? The second part ..

MR KING Yes.

MR PRESIDENT The second part would read, "This House supports the executive member's plans to bring forward legislation rationalised in

the spread of registered etc.,".

MR KING Yes.

MR PRESIDENT Are they the two parts as we would see them. If debate has been exhausted Honourable Members, I will put the first part to you. That is really (a) and (b). The question before the House is that the motion, parts (a) and (b) be agreed.

QUESTION PUT

MR SANDERS No

MR PRESIDENT Do you wish the House to be called Mr Sanders.

MR SANDERS No thank you Mr President.

MR PRESIDENT Thank you. Mr Sanders is opposed. Are there any abstentions. The ayes have it in respect of Parts (A) and (B). The next is part (C), therefore that stands alone as a motion. This House supports the executive member's plans to (C) as is on your piece of paper. Those in favour of that motion say aye, those against no. Would the Clerk please call the House.

CLERK	Mr Brown	No
	Mr Buffett	Aye
	Mr Bates	Aye
	Mr Semple	Aye
	Mr Bennett	No
	Mr Robinson	No
	Mr Christian	Aye
	Mr King	Aye
	Mr Sanders	No

MR PRESIDENT The result of the voting Honourable Members. The ayes five, the noes four, the ayes have it. Honourable Members that really does complete Orders of the Day.

MR ROBINSON Was that an amendment to the motion.

MR PRESIDENT Oh, my apologies, my apologies. Yes, there is a final vote to be taken in respect of that Honourable Members. I missed that point, thank you for drawing my attention to it.

MR BROWN To move that the motion as amended be agreed.

MR PRESIDENT We now have the, all of that constitutes an amended motion and we need to finalise whether that amended motion meets with our satisfaction. Those in favour of the motion as amended say aye, contrary no. Would the Clerk please call the House.

CLERK	Mr Brown	No
	Mr Buffett	Aye
	Mr Bates	Aye
	Mr Semple	Aye
	Mr Bennett	No
	Mr Robinson	No
	Mr Christian	Aye
	Mr King	Aye
	Mr Sanders	No

MR PRESIDENT Thank you. The final vote on this matter Honourable Members, and again my apologies for not tidying it in that way. The ayes five, the noes four, the ayes have it. That completes Orders of the Day. Now we move to the fixing of the next sitting day.

MR BENNETT Thank you Mr President. I move that the House at its rising adjourn until Wednesday, 20 October 1993 at 10.00 am.

MR PRESIDENT Thank you. That's our normal sitting day Honourable Members. Any discussion, debate. I put the question.

QUESTION PUT
QUESTION AGREED

that as a result it was not legally possible to appoint him, being a non-member, as president. At the time, in fact on 30 July last year, I wrote to the Administrator pointing out the defect and questioning the validity of all of the actions of the Assembly at any time while it had no president, including the recommendation that Mr Christian be appointed to executive office which recommendation was purportedly passed at the meeting on 29 July last year. Mr President, I'll be brief in just reminding members of the nature of the difficulty and it was a suggestion that, notwithstanding the then provisions of the Public Service Ordinance. If a member of the Public Service who was also a member of the Legislative Assembly was paid in any way other than in accordance with the determination under Section 65 of the Norfolk Island Act, by virtue of the Norfolk Island Act he vacated his office as a member of the Assembly, and the point of that was that it was simply not possible by virtue of the Public Service Ordinance to over-ride a provision of the Norfolk Island Act. Mr President, the question of whether Mr President is in law a member of this House was not a new one. It had been raised and ignored in 1979 immediately after the commencement of self-government and it had been the subject of various subsequent advices from a number of Legal Advisers, and on each of those occasions the advice was ignored.

It was also the subject of a joint advice by Messrs Tate and Wright which too appears to have been ignored. When I raised the problem again on 16 July last years, sorry, last year, most members at that time chose to ignore it also. I then sought advice from the Crown Solicitor and he expressed a view that Section 43 of the Norfolk Island Act saved the day.

I disagreed with that advice at the time but none of my colleagues were greatly interested in that. Recently, because of the potential consequences if my view was right, I chose to seek independent legal advice about the question, and I have now received part of that advice, and that advice confirms totally the view which I expressed on 16 July last year, to the effect that a person who had vacated his office under Section 39 of the Norfolk Island Act, that is his office as a member, cannot be appointed as president of the Legislative Assembly. I'm now waiting to receive the final part of the independent advice. That final part, being advise as to the consequences. Certainly there is no doubt that the potential consequences are disastrous, unless we can convince the Commonwealth to pass validating legislation. Some of those possible consequences include these : the Assembly has not legally met since 16 July last year; the decisions of the Assembly since that time have been of no effect; Mr Christian was not legally appointed as an executive because of the defect in the Assembly's Resolution of 29 July. Consequently, executive actions taken by Mr Christian during his period as a minister in this 6th Norfolk Island Legislative Assembly have been invalid. Some of our Immigration controls are now at risk, or possibly non-existent. Our budget for the current financial year is of no effect.

Decisions regarding sub-divisions and building applications since July 1992 have been invalid. I hope, Mr President, that the consequences I've listed there are not all the case, but they certainly are potential consequences of those actions. Once I've received the full advice I intend to provide a copy of it to members, but we will then need to do something about it. We will not be able to continue to ignore it as has been the case since 1979. It's my present belief that only one cause of action will be open to us and that will be to firstly recognise that Mr President has indeed vacated his membership of the Assembly, to recognise that recent amendments to the Public Service Ordinance have overcome that problem for the future though not the past, and to hold a by-election for Mr President's seat. In that regard I would be pleased to nominate Mr President as a candidate. I'd be pleased to campaign for him and I'd be pleased to vote for him. My purpose is not to get at Mr President. My purpose is to ensure that the Government and administration of Norfolk Island is done legally. I've no doubt that Mr President would be re-elected and I'd certainly be pleased to then nominate him for election as President, even though it may be time to correct some of the misunderstandings that occur as a result of the title "President", and to change it to "Speaker". Secondly, we would then need to convince the Commonwealth that it is appropriate for the Commonwealth to pass validating legislation so that all of the actions and legislations which might have been endangered by what has occurred can be made safe, but we would only be able to convince the Commonwealth to do so if we could satisfy them that in future we will be doing our best to avoid problems such as this and that should a problem nevertheless arise, we'll do our best to quickly resolve it, rather than to bury our heads in the sand which, with all due respect, has been our reaction to this problem to date. Thank you.

MR PRESIDENT Thank you Mr Brown. Any further participation in the Adjournment Debate. I think I should mention, as you've mentioned the office of President Mr Brown, that you will know that there is a part of the legislation which indicates that notwithstanding there being some hiccough in some components of action by Members that that does not invalidate the whole host of things that you may have drawn attention to as being potential difficulties. I should say also that I understand that you have held that view for some time, I think it should be understood that that is not the only view in respect of the matter that you have mentioned. There are certainly other views which are not shared with that that you have mentioned.

MR BROWN Mr President, indeed there is a view held by the Crown Solicitor with which I disagree. He is the only person that I am aware of who holds that view and that view is, along the lines that you've just expressed, that Section 43 of the Norfolk Island Act protects the situation. But let me tell Members what Section 43 of the Norfolk Island Act actually says, because this is very important. Section 43 of the Norfolk Island Act says that where a person who is purported to sit or vote as a member of the Legislative Assembly at a meeting of the Legislative Assembly, or of a committee of the Legislative Assembly, was not duly, was not a duly elected member by reason of his not having been qualified for election or of any other defect in his election, or (b) has vacated his office as a member, then all things done or purporting to have been done by the Legislative Assembly or that Committee shall be deemed as validly done as if that person had, when so sitting or voting, been a duly elected member of the Legislative Assembly or had not vacated his office as the case may be. Mr President, with the greatest of respect, that applies to where such a person sits or votes in the Legislative Assembly. It does not, in any way, enable the Legislative Assembly to appoint a person who is not a member of the Legislative Assembly as its president, and if one turns to the remaining provisions in the area of Sections 40, 41 and 42 of the Norfolk Island Act, one finds that a meeting of the Legislative Assembly can only take place if the president takes the chair. Now if the president does not arrive at the meeting within a certain time, it is possible for someone else to then take the chair. But if a person who is not a member and who the House has mistakenly elected as president takes the chair at each purported meeting, then it's my strong suggestion to members, and it is the legal advice which I have received, that Section 43 in no way protects that, it only protects the situation where one of us sitting down here turns out to have unknowingly vacated his office and votes and the vote is nevertheless valid in that case. But the legal advice will be received Mr President, all I'm hoping is that members will be prepared on this occasion to take the matter as seriously as it deserves to be taken, because if we are going to plod through the whole, the remainder of this Assembly doing things that are totally invalid, then we do not deserve to have self-government.

MR PRESIDENT They are your views on the matter Mr Brown. Are there any further matters of participation in the Adjournment Debate? No. Then I put the question, which is, that the House do now adjourn.

QUESTION PUT
QUESTION AGREED

Therefore Honourable Members, this House stands adjourned until Wednesday, 20th October, at ten o'clock in the morning.

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