

Prayer

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

MR PRESIDENT Condolences firstly, Honourable Members.

Condolences

MR CHRISTIAN Mr President, this House records the death of Dorothy Mildred Reddish from South Hurstville, New South Wales, who passed away on 26th September. Mrs Reddish was holidaying on the Island at the time of her death. She had one son, Geoffrey, and two daughters, Dorothy and Heather. Her husband died some years ago. To the members of Mrs Reddish's family, this House extends its sincere sympathies.

Mr President, it is with regret that this House records the death on 2nd October at the Norfolk Island Hospital, of Emma Quintal. Emma Eliza Clara Quintal was born on Norfolk on 23rd October 1911, one of the seven children of Andrew and Phoebe Evans. Mrs Estelle Buffett of New Cascade Road is her sole surviving sister. Emma was not one to seek the limelight. She and her late husband Martin (who passed away some 8 years ago) led a quiet life in their home at Cascades. Their only daughter Kathleen was widowed when her son Ron was a schoolboy. They had many friends and Emma was particularly fond of her many nieces and nephews. When she suffered a broken hip in a fall some six years ago, her mobility and activities were somewhat restricted but was still able to get out and about in the car with Kathleen. Emma took a special interest in the younger members of her family and, in her quiet manner, helped people in many different ways. To Kath, Ron, Estelle and to all the members of Emma's family, this House extends its sincere sympathies. Thank you Mr President.

MR PRESIDENT Thank you. Honourable Members, as a mark of respect to the memory of the deceased, I would ask that all members stand in their places for a period of silence please.

Thank you Honourable Members. If you would feel more comfortable without your coats Honourable Members, please feel free to take them off. Honourable Members, yesterday the Administrator, His Honour the Administrator wrote to advise me that he had received the resignation from executive office of Mr Ernie Christian. I circulated a copy of that letter yesterday to you and said that I would formally report that to the House this morning. That having happened, I'm sure you would want me to say to Mr Christian that we appreciate the time that he has spent as an executive member representing members of this House and of the community in his executive portfolio, and that we certainly wish him well in retiring from that post, but we do appreciate the work that he has done whilst he has been an executive member.

MR BATES Mr President, in view of that statement, I would like to move that the resolution of the Legislative Assembly made under Section 12 of the Norfolk Island Act 1979 on 20th May 1992 as amended on 16th July 1992, be amended 1. in paragraph B, by omitting (4) and substituting (3) and 2. in paragraph C by omitting the designation of Minister for Immigration and Lands. Mr President, the effect of this motion if passed is to reduce the number of executive positions from four to three. It has made no attempt to re-arrange the duties of Mr Christian but it does assume that each of the three remaining executives will be expected to share those responsibilities. It is not my intention to suggest how this should be done. Mr President, at our September meeting this House passed by seven votes to two a motion moved by Mr Bennett which read in part, "that this House noting that in the present economic circumstances it is incumbent on the Legislative Assembly to adopt a prudent and responsible approach to all public expenditure in Norfolk Island". Later in this meeting there is a further motion by Mr Bennett, which contains the words, "this House resolves that notwithstanding (1) above, the Assembly should adopt the same attitude of restraint, to restraint as it has resolved should occur in the Public Service". Mr President, I did not support last month's motion for the reasons I then stated, and I do not support today's motions for reasons I will state at the appropriate time. However, I must say, to the seven members who passed the motion last month, and more strongly to those who

now is the time to make this move, and I certainly won't be supporting any adjournment.

MR PRESIDENT Further debate Honourable Members. Mr Brown.

MR BROWN Sorry.

MR KING Mr President, I think there's little else that I can add to the debate on the substantive motion. I think it might be an appropriate time for me to move the adjournment.

MR PRESIDENT A motion of adjournment Honourable Members, and I will put the motion of adjournment. The question is that this motion be adjourned and be made an order of the day for a subsequent day of sitting.

QUESTION PUT

Would the Clerk please call the House.

MR BROWN	Aye
MR BUFFETT	No
MR BATES	No
MR SEMPLE	Aye
MR BENNETT	Aye
MR CHRISTIAN	No
MR KING	Aye
MR SANDERS	No

MR PRESIDENT Thank you. The result of voting Honourable Members, the ayes four, the noes four. The motion to adjourn is negatived. Thank you. Any further debate.

MR BROWN Mr President, that being the case clearly the matter must go to a vote. I cannot support a reduction at this stage to three executives because frankly unless Mr Christian has been sitting in his office for long hours doing nothing, there is no way that the existing three executives can do justice to taking on that additional work-load and I will be voting against the motion.

MR BENNETT Mr President, I think I support those remarks and also to add that it only became known, as Mr Brown said earlier, at 4 o' clock or a bit after 4 o' clock yesterday that the resignation was in fact going to take place and it's hardly sufficient time for us to fully assess the impact. I think it does warrant some consideration and for that reason I won't be supporting the motion at this stage.

MR KING Mr President, I earlier said that I won't be supporting the motion but let me say this, that during the course of the next month I'm happy to keep an open mind on that question, but at this point in time, given that the executives have a far greater appreciation of it, and I don't mean that with disrespect, but we have a far greater appreciation of the situation, I don't see how we can accommodate a reduction to three in the executive. But I'm certainly happy to keep an open mind about it, and if I conclude otherwise during the course of the next month, or if Mr Bates or your good self can persuade me otherwise, then I'll be quite happy to jump the fence. But at this stage I'll be opposing the motion.

MR SANDERS Mr President, I am a little bit amazed at the comments that have just been made by the executives. None of them in the past Mr President have had any difficulty in absorbing in total the duties of another executive when they've been absent. In actual fact from my understanding, that was even mentioned today. I find that it seems to be a little contradictory that when somebody is absent that the whole matter can be handled by one and yet suddenly today it can't be handled by three. I will be supporting the motion, but I do understand that there needs to be discussions in the Committee Room about who should be doing what, but as I said I will definitely be supporting the motion.

MR BROWN Mr President I'd like to echo the sentiments that Mike expressed, although I propose to vote against the motion, in fact all of the executives have already said that for the next month we do plan in fact to share a work-load of Ernie's portfolio amongst us and

in the event that we find during that time that it can be done by three then certainly we will be saying so, but I would not like to see us committed to that, particularly as I have, although I'm prepared to have an open mind, particularly as I have little doubt as to the result. That is, I do not believe that there is any real prospect of the executives efficiently sharing that work-load in the longer term.

MR SANDERS Mr President, I know you're not supposed to talk about what is later on in the Paper, but I understand there'll probably be debate on remuneration of executive members or all members of this Assembly. I would have assumed that the passing of this motion would give them a little bit of justification for claiming that they are worth X amount of dollars. I have considerable doubts as it stands at the moment, and I had opposed, had intended to oppose at a later date this remuneration package, but I do feel that for the first time they could probably justify their claims. Thank you Mr President.

MR BATES Yes, Mr President, I must just conclude my remarks by saying that it is disappointing that this Assembly is calling upon everybody else around them for restraints in the economy and the budget and all the rest of it. They're calling on the Public Service for greater effort, they're calling upon everybody else to do something, but not one of the executives appears prepared to do a little more themselves and I find that very disappointing.

MR BROWN Mr President, perhaps we should put this into context. Brian's sitting here doing a little bit of stirring. He's having a load of fun, he doesn't for one minute believe that what he's saying is true. The executives have already said that we propose to share the work-load in any event for the next month. Let's not waste any more time. Brian's had his fun. He's been able to poke the stick at a few people, let's now have the vote.

MR PRESIDENT Further debate. I put the question Honourable Members. The question is that the motion be agreed to.

QUESTION PUT

Clerk, please call the House.

MR BROWN	No
MR BUFFETT	Aye
MR BATES	Aye
MR SEMPLE	No
MR BENNETT	No
MR CHRISTIAN	Aye
MR KING	No
MR SANDERS	Aye

Result of voting Honourable Members. The ayes four, the noes four, the motion is negatived. We move on, Honourable Members.

MR SANDERS Mr President, as everything has been negatived, that would mean that there is a vacancy for an executive. Is there a proposal at this meeting to fill that vacancy?

MR PRESIDENT That is really up to the members to make a proposal if they so wish. I've interpreted from what has been said that it is preferred not to make such proposals today, but obviously proposals would come forward at a soon, but convenient time after members have had more opportunity...

MR SANDERS Did you get an indication from the members that that's how they wish it, because Mr President I was proposing to nominate you for that position if you were willing and available.

MR PRESIDENT I would need to decline that Mr Sanders, but thank you for your thought on the matter. Let me ask members whether they wish to pursue the matter of nominations today. No, I gather not. On that basis Honourable Members we will proceed with the Notice Paper.

PRESENTATION OF PETITIONS

NOTICES

QUESTIONS WITHOUT NOTICE

MR PRESIDENT Are there any questions without notice?

MR SANDERS Yes, Mr President, I have a couple here. I have a couple for Mr Bennett if I may. The first question is are you able to advise this House if the practise of Department Heads spending public monies that are not budgeted for and calling them "recoverable", whether in fact these funds, when in fact these funds cannot be recovered has ceased.

MR BENNETT Thank you Mr President. I think before attempting to answer that question, or incorporating in my answer, is to quote from the Public Monies Ordinance, Section 40(a) which is sub-titled "Expenditure Subject to Refunding". It says, "any of the following persons, that is to say the executive member, the CAO, and accounting officer authorised by the executive member to act under this Section, may authorise expenditure from the Public Account, being expenditure that will be refunded in due course to the Administration". It goes on with a subsection 2. "The power of the CAO or of an accounting officer under subsection 1 is subject to such conditions or limitations if any, as the executive member specifies in writing". So that puts the matter into context. It simply is unlawful to knowingly charge to "Recoverable" those items which clearly will not be recoverable in my terms. Now perhaps the matter that Mr Sanders is referring to arises out of maybe a misunderstanding of a direction that I gave in respect of that Recoverable Account and that was that in respect of some unexpected expenditure that was occurring in some cases it occurs in the litigation area, in other cases it occurs in other sections as well, but at the time my advice was that the recoverable vote could be used but at all times I had in mind the provision of Section 40(a) and if my direction was too broad in its statement and misinterpreted then I've certainly made amends to that, or made moves to have that more clearly understood. Mr President, the reality of the situation is that there are checks and balances against that occurring. For example, the Finance Manager needs to be involved and he very clearly understands the provisions of Section 40(a) and when he is in doubt he refers the matter to me, and I have in fact declined matters that have, that Branch Heads have sought to have charged to Recoverable and the final check and balance is in the event that the Finance Manager does let one go through, or I inadvertently let one through, or deliberately for that matter, the Auditor who audits the accounts of the Administration also has a close look at that. Members may recall that in the beginning of the life of this Assembly just prior to the end of the financial year ending on 30th June, we in fact voted supply to tidy up the Recoverable Account which was left with some amounts in it, were clearly in my view not going to be collectable and we voted funds for that. Since that time my understanding is that no funds have been charged to the Recoverable Account that are unlikely to be recovered. I hope that answers the question.

MR SANDERS Thank you Mr President. I have a further one for Mr Bennett. Are you able to advise what action, if any, you have taken since the last Assembly meeting, to eradicate the 1% FIL or at least reduce it to an acceptable level, and if not why not?

MR BENNETT Mr President, no there's been no further substantial or substantive progress in that matter, but the matter does continue to exercise my mind.

MR SANDERS I have a couple here for Mr King. The first question is are you able to advise whether it is a fact that ten FOC 'plane tickets have been taken from the Norfolk Island Government Tourist Bureau allocation for the use of Tuki and Huru celebration?

MR KING Mr President, I'm not able to advise that that's a fact. Nor am I able to advise that it's not a fact. The fact is, I'll have to check on it and I shall do so and inform Mr Sanders.

MR SANDERS I'll be pleased with that. Thank you Mr President. A further one for Mr King if I may, and it's with reference to the Football Oval. Are you able to advise whether the \$80,000 worth of dirt that was to balance the last budget has been used on the Football Oval, if so has it been accounted for in such a manner, and could you

tell this House what is the value of the remaining dirt?

MR KING Mr President, I think at the last meeting this was an either or, either me or Mr Christian and I disowned it. I still disown it quite frankly. I don't know anything about this \$80,000 worth of soil, nor what's happened to the rest of it. It goes way back years. If it's a matter that Mr Sanders wants a complete investigation on, I'm happy to do that. In fact I'll be quite amused to find out what is the full story about this \$80,000 worth of dirt and who's got potatoes growing in it, but that's all I can say on it at the moment. Thank you.

MR SANDERS I wasn't attempting to create a mountain of work for Mr King in his investigations. I only raised the matter Mr President on the basis that if we were short of funds there's obviously a bundle of dollars up there that ought to be available, and that was for Mr Bennett trying to assist on the side-line. Yes, I have one for Mr Brown, and are you able to advise this House what changes, if any, have occurred since the last meeting of this House of executives of this Assembly not paying their school fees, and if not, why not?

MR BROWN Mr President, I'm not sure that that's an appropriate question for me to be answering in a public forum. I will say something about it, but I think if the question is asked of me again I will decline to give any further response, but the situation is that virtually all of the parents of students in years 11 and 12 have made full or substantial payment of the school fees that have been levied for years 11 and 12 and substantial payment has also been made by the person to whom Mr Sanders referred.

MR SANDERS Mr President, a supplementary question, if I may. The supplementary question is, Mr Brown has just stated that he will refuse to answer these questions, the question is, is it your intention to cover up for other executives to enable them not to meet their accounts, the same as the rest of the public.

MR PRESIDENT Order, order Mr Sanders, that is not an appropriate question to raise. That does cast imputations in respect of members of this House and that would be inappropriate.

MR BROWN Mr President, it might be appropriate that I say one thing about that. Quite some months ago Mr President, I wrote a note to the Accounts Branch and I asked them to take no action in relation to the matter Mr Sanders is discussing until such time as the Remuneration Tribunal has dealt with the question of a determination of appropriate salaries for executives. That determination has still not taken place and the request that I made at that time still applies. The Remuneration Tribunal is in fact proposing to sit in Norfolk Island during the first week of November, subject to what happens to the motion on the Notice Paper today, the question of salaries for executives will hopefully be dealt with at that stage and I do not have any doubt that the whole matter which has been the subject of Mr Sanders' questions will be quickly resolved once the question of remuneration has been resolved.

MR PRESIDENT A further supplementary question if I may.

MR PRESIDENT I'm not inclined to hear any further questions on that particular matter Mr Sanders.

MR SANDERS It is not on the matter, it concerns the remuneration Mr President. I don't think you'll find it offensive.

MR PRESIDENT Mr Sanders.

MR SANDERS Could Mr Brown please explain to this House what is the relevance of what the Remuneration Tribunal, what its determination is, with what is existing on Norfolk Island.

MR BROWN Mr President, the fact is that at the moment executives are paid \$652 a fortnight. I know that in my own case that barely pays my 'phone bill, and the reality is that most of us find it very difficult to engage in any other form of employment to supplement that \$652 a fortnight. The appropriate remuneration for executives may turn out to be that amount, it may turn out to be more, it may turn out to be less, but executives deserve to have that appropriate remuneration

determined, and then they can plan their lives around that.

MR SANDERS Mr President if I may. I won't pursue this further because it is going to be a matter of discussion ...

MR PRESIDENT Is there a question?

MR SANDERS No, I'll keep that for later too.

MR PRESIDENT Okay.

MR BATES A question for Mr Brown in his responsibility for health. Have you received any conceptional plans for a new hospital, and if so, do they include a site plan?

MR BROWN Mr President as soon as I do receive the concept plans I will be providing copies to members. At this stage I do not have them. The reason that I do not have them is that the architect has asked for a survey plan of the present site to be prepared. That is being prepared at present. It will be sent to the architect as soon as it has been prepared but it could well take four to six weeks after that before the concept plans are available to us.

MR SEMPLE Thank you Mr President. I have one here for Mr Brown. Is it correct that dental charges have increased significantly in recent months on Norfolk Island. If not, could you outline the current dental fee structure for residents receiving local dental treatment?

MR BROWN Mr President, I'm certainly not aware of any increase in dental fees on Norfolk Island. I will be happy to prepare a more detailed response to Mr Semple, but basically our dental charges are fixed against the scale of dental charges paid by the Department of Veterans' Affairs. My recollection is that we charge 12% above the Veterans' Affairs schedule of fees. That's been the case for quite some time Mr President. The only way there would have been any increase in charges is if the DVA scale had increased. I'm not aware of that having happened either, but I will certainly ask some questions for Mr Semple and provide him with a more detailed response as soon as possible.

MR PRESIDENT Thank you. Any further questions without notice. Well, we'll move on Honourable Members. Answers to questions on notice. There are none on notice. We move to Presentation of Papers. Are there any papers to present this morning?

PRESENTATION OF PAPERS

MR BROWN Mr President, could I table the Annual Report of the Norfolk Island Museum Trust for the year ending 30th June 1993.

MR PRESIDENT Thank you. Further papers.

MR BENNETT Mr President I table the Financial Indicators for the month of September and that also includes the composition of three months of the financial year, the first quarter. Mr President I move that the paper be noted.

MR PRESIDENT The question is that the paper be noted.

MR BENNETT Making a comparison with August and obviously Mr President the early months of the year don't give a clear pattern of how things are going to go, but there has been an improvement over the first two months in particularly the revenue. Customs duty is easing back up to a bit closer to its percentage of budget. It's still running at 73% which is quite low, but I think that we need to bear in mind that July and August are traditionally two fairly soft months on the island, so I think we take those into context, and also to take them into context with what I said in the last Assembly. The receipts for FIL are up and it's now running at 84% of budget. Earnings from services is going along quite well at 98% and the other two, interests received and other charges are running ahead of budget. The quantum for the period, three months ending 30th September is that revenue is running at 85% of budget and on the other side of the ledger expenditure is running at 88%. Again, that can't be taken quite as literally as you might. It's often the case that after the budget is brought down that items particularly of a capital

nature are acquired soon after the budget's brought down and it quite often means that expenditure in the designated sub-sections is a little bit higher than it would be as three twelfths of the quantum. Thank you Mr President.

MR PRESIDENT Thank you. Participation on the debate that the paper be noted.

MR SANDERS Thank you Mr President. I thought I'd just like to mention that Mr Bennett ought to perhaps have a closer look at this Financial Statement, because it again shows the FIL is not going to be what it is anticipated to be, and I don't know to what extent that we need to destroy our finances and the elderly and what have you by continuing to take no action. Thank you.

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

QUESTION PUT
QUESTION AGREED

Are there any further Papers.

MR BROWN Mr President, in accordance with paragraph 41(2)(a) of the Interpretation Ordinance, I table the Employment Amendment Regulations 1993.

MR PRESIDENT Thank you.

MR BROWN Mr President, just by way of interest to Members, that is a regulation which allows a schoolchild to work for up to 40 hours per week during school holidays, rather than the previous limitation of 20 hours. The limitation continues to apply during school term.

MR PRESIDENT Thank you. Further Papers.

MR BENNETT Mr President, I table a copy of the Government Business Enterprises Budget Progression for the first quarter ended 30 September 1993, and move that the Paper be noted.

MR PRESIDENT The question is that the Paper be noted.

MR BENNETT Mr President, it's not all that flash, but it does represent the worst quarter of the year. The July, August, September quarter is traditionally fairly soft. Just a couple of points that I want to make just to remind Members that the financial statements in that folder which has been circulated to them, with the exception of the Liquor Bond, is not to be misconstrued as a profit and loss statement. The incomes are being accrued but expenditure is what has actually been made at the time. Just to focus on the major undertakings. The Liquor Bond is showing sales down below budget but the gross profit is up and significantly expenses are down. In the Postal Services area it's a little too difficult to call at this stage. Returns are not in from for example the United States and New Zealand sales, philatelic sales, but excluding those, sales look okay according to budget and we do have some stamp releases on the horizon so we're expecting a lift in it at that time. Electricity, Lighterage and the Water Assurance Scheme, income in these three are slightly down but expenditure is down by a greater percentage. In the Telecom area income is slightly down and expenditure in that undertaking is running about level with budget, but there have been a couple of extraordinary expenditure items, extraordinary in the sense that represents a much greater percentage than 3 twelfths of what was budgeted, as the months go the expenditure percentage will decline. Now that document I have tabled does include a statement about the Healthcare and Museums and Mr Brown may care to comment about that. In general Mr President, there will be discussions with most of the GPE Section Heads and about the performance for the first quarter and in fact they have already been circulated with that and are expected to make comments about their expenditure and the income falls in some cases. The Business Undertakings continue to get scrutinised fairly carefully, I must say I've been heartened by the restraint or response to restraint in the Public Service in particular with the Government and Business Enterprises and I think there has been a demonstrated spirit of

cooperation and understanding of the difficult times and a willingness to get in and see where savings can be made, and where sales, additional sales can be generated. Thank you Mr President.

MR BROWN: Mr President, indeed the document which Geoff has tabled, is a helpful document. It does not purport to be a profit and loss account for the various entities for the period, and it needs to be looked at in that light. At first glance, one would have some concerns about the performance of the Museums during that time, and be very happy with the performance of the Healthcare Fund. The reality I think will turn out to be that the Museums having regard to the seasonality of our tourist visitors are trading very satisfactorily and certainly the Museum is an absolute credit to our new Curator he has done an absolutely marvellous job in the time that he has been here, and I certainly look forward to completion of the work that he has planned for the remainder of this financial year. In the case of the Healthcare Scheme its a little early to tell, during the first quarter one would expect that because most people have not spent their first \$3,000 the scheme would not have very many claims and one would expect that as we get towards the end of the year the number of claims will increase. Statistically in the past that hasn't necessarily been the case though. I've had the claims experience graphed over a period of three years and the claim pattern over that historical time has been fairly similar in each of the quarters, but as I said the document that Geoff has tabled is a very helpful document and it is an example of

the rapidly increasing professionalism in our public service that such a document is tabled at all and in particular that it is tabled so soon after the September three months.

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

QUESTION PUT
AGREED

The ayes have it. Further papers? No further papers.

STATEMENTS

MR PRESIDENT: Are there any statements this morning Honourable Members. Mr Christian you wanted to make a final statement in respect of immigration.

MR CHRISTIAN: Mr President, by leave I would like to make a short statement on a motion passed by the House in August which asked me to bring forward a policy on the operations of sections 22 and 35 of the Immigration Act.

MR PRESIDENT: Is leave granted? Leave is granted.

MR CHRISTIAN: Mr President, at the outset I have to say that I do not agree that there is a large number of persons imminently likely to return to Norfolk Island. Certainly there are residents, both born here and declared, who live off the Island but a large proportion of them, while possibly retaining a great affection for Norfolk, are to my mind unlikely to suddenly land on our doorstep. They will have settled, married and been employed elsewhere and, even if they have family or friends here and even if they might return for the odd visit, I do not believe a large influx is at all likely.

There are at least several hundred thousands of New Zealanders living in Australia, all with a complete right to return to New Zealand, and we have quite a few here as well, which of course do not accommodate them all, but do you see New Zealand cancelling their rights of re-entry? Certainly not.

With regard to the specific request of the House regarding the operation of sections 22 and 35 of the Immigration Act, I have some thoughts.

Section 35 of the Act, which relates to cessation of residency, provides that the executive member may cancel the residency of a declared resident if that declared resident is away from Norfolk Island for a continuous period of 3 years and has not sought permission for such a long absence from the executive member, and has also not satisfied the executive member that he intends to resume ordinary residence in Norfolk Island.

The section provides that 30 days notice is required and the form of that notice shall be as prescribed. My belief is that regulations could be made under the Act to provide that sufficient notice is a letter to the last recorded contact address of the declared resident. It might also be fair, although not strictly necessary, to publish a notice in a newspaper circulating widely in Australia and one in New Zealand.

If the House felt that there is a large number of declared residents off the Island who should lose their Norfolk Island residency as they have not exhibited a clear intention to return, such a course of action as I have outlined could be followed, under section 35.

An annual review of the whereabouts of declared residents could be undertaken by the Immigration Office to ascertain whether there are a number of persons fitting into the category who have permanently moved away.

As to the question in section 35(1)(b) of the Act as to whether a person has satisfied the Minister he is going to resume ordinary residency, that would be a matter of policy and practice.

One approach could be a points system. A person could be granted points for owning land or a business on Norfolk Island, having investments here or family, or some other reasonable link which leads an executive member to believe they are likely to resume permanent residency. Payment of the Absentee Landowner's Levy or some other government charge might also give them points to assist that assessment.

In regard to section 22, the situation is a little clearer. There are set periods which, by statute, cause a general entry permit or TEP to lapse. In the case of a GEP, if a person is away for 183 days in any one year without prior permission of the executive member to be so absent, the GEP lapses. In the same way, a TEP is cancelled if a person is away for 3 months.

As Immigration Minister, I observed some GEP general entry permits to lapse due to absence and many TEP's to similarly lapse. The only usual ground for allowing a general entry permit to be away for 183 days or more in any one year was proof they were studying off the Island. Their absence of course added on to the time on the Island as ordinary residents that they had to fulfil before making an application for residency. I believe my predecessors as Immigration Ministers followed a similar approach.

The only other circumstances I can imagine would be a bona fide compassionate reason for a person to have to be away for 183 days, perhaps a hospitalisation or a gravely sick and dependant relative, but each case would have to be considered on its merits. I feel it would be counterproductive to adopt a hard and fast policy in regard to section 22.

In closing Mr President, I have to say I have enjoyed the challenges of being Minister for Immigration. It is not an easy portfolio, especially on a small Island like Norfolk and you find you suddenly have new friends and enemies.

Members will know why I resigned as a Minister and that, as I said in my letter to His Honour yesterday, it was nothing to do with my portfolio responsibilities. Rumours will always flourish but I am content in the knowledge that I always tried to administer my portfolios, including immigration, with absolute fairness and in accordance with the law and policy. Thank you Mr President.

MR PRESIDENT: Further statements?

MR SANDERS: I'd like to move that that statement be noted.

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

MR SANDERS: In my opinion that was rather a lengthy statement from a person who was proposing to do nothing, which was a direction of this House of approximately three months ago. The debate

has been used for years that I can recall about the need to contact this person personally, and if you can't find them then you can't do anything about it. Mr President this is all complete nonsense. Section 35 (4) clearly states a notice under section subsection 2 maybe giving to the person as prescribed and shall be deemed to have been given on a date as prescribed. Mr President to prescribe anything all it needs is a Executive Council meeting and some form of Regulation made which could be done, I would imagine within approximately two days, and that Regulation could read that a public notice in all major newspapers in Australia and New Zealand for a certain period of time and the whole matter is resolved. Mr President if that was done and if it was done now, in accordance with the resolution of this House, this whole problem could be sorted out by Christmas, and the only reason that we still have the problem is the executive member was not prepared to do as this House said.

MR BROWN: Mr President, certainly I agree with part of what Bill has said, the House did indeed ask that a policy come back to it or suggestions as to policy come back to it, with a view to removing the residency rights of some people who had long gone from the Island, and also with a view to insuring that general entry permits are removed from people who go and don't intend to return. I have heard time and time again over the years that the reason nothing has been done about the residency rights, is that we don't know the address of a lot of the people. It's interesting to hear Ernie now suggest that we could just write to the last address that we knew of, certainly I don't think that would be fair, because we would know damn well that we would be getting a lot of letters back from the Post Office saying 'no longer at this address'. But as Bill said it must surely be a very simple thing to prescribe a mechanism for giving notice such as that which Bill referred to by advertising perhaps in the Government Gazette in Norfolk Island, perhaps in the Sydney Morning Herald or the Australian and perhaps in a New Zealand newspaper. The House did ask that this be done, Ernie is no longer the executive so it is no longer his responsibility but I will certainly do my best during the course of the next month to assist Mr King to put something together to bring to the House in response to the motion of two months ago.

MR KING: Mr President, I welcome Mr Brown's offer of assistance ... since he knows full well that I don't agree with this exercise of banishing people forever, or cancelling their residency. It is not as Mr Brown and Mr Sanders suggest a simple matter of entering in to some form of prescriptive devise to meet the requirements of section 35 you've firstly got to go through an analysis each of these particular persons about whom you are concerned and determine how in fact they acquired their residency, because section 35 doesn't apply to everyone who is a resident and away from the Island, it only applies to a certain group of people who have in fact acquired their residency through the former enter and remain provisions or the current general entry permit provisions. Now regretfully the records are simply not clear, I would think that we would look rather foolish if we where to be running around pursuing an exercise which would result in purported cancellation of some ones residency if in fact they weren't a person to whom the section applied. Mr Sanders suggested that it might be Christmas time and the whole exercise would be over, well I'm suggesting to you that it wouldn't be two months it would be about two decades, and I suggest further that the limited time available from the immigration people ought to be devoted to putting together the population policies and the plans that we've spoken about, no pursuing these exercises which are problems which are most unlikely to manifest themselves at any time in the future, if fact if they did manifest themselves in the form for example 50 or 100 people or 200 people come back to the Island over the next two or three years, them we'll all better off with the stimulus to the economy, we're barking up the wrong tree here Mr President, but I'm happy to talk to Mr Brown about it further during the next month with my newly acquired bright immigration cap on.

MR SANDERS: Mr President, everybody is ignoring, and I don't know whether it is intentional, and in Mr King's case I would imagine that he probably had something to do with the writing of this thing, so he ought to recall it, but the piece that I am referring to is section 35 as I said before, that section (1)(b) reads not being a person who is a resident by virtue of section 28, now for those that are interested

section 28 is a person who was born here, so its clearly saying it does not affect those persons, then it goes on to say without the approval of the executive member absent from Norfolk Island for a continuous period of more than 3 years, now there would be a lot of reasons why a person may wish to be absent for more than 3 years, but all that he would need to do is to get the approval of the executive member and he hasn't got a problem in the world, all he has to do is notify the Administration or the immigration authorities that his intention to be absent and his reason for doing so, this isn't just saying that because he's been absent that he's struck off, it's no infringement of anybody that was born here, it is no infringement of any person that has residential status and in due course wishes to come back whenever he has finished doing whatever he's doing. Then it goes on to say, has not satisfied the executive member that he intends to resume ordinary residence in Norfolk Island, I would have thought that whole paragraph was very clear, if he indicates that he intends to resume ordinary residence in Norfolk Island I can't even see what is concerning anybody, because his protection is there under the Act. A public notice Mr President, of saying that they have to contact the immigration office on Norfolk Island within a period of time whatever that time may be, and if that person doesn't do so in that time then he obviously isn't interested. There would be a number of persons, youngsters that have gone away and all sorts of things that have gone away for work and have every intention of returning, all they need to do is to contact that office, full stop. I can't see the hassle's that everybody is trying to create.

MR KING: I've just got to say a few more brief words Mr President, I don't want us to sit here and pretend that we are lawyers and we can interpret what the legislation means but I would suggest to Bill that he ought to be taking some advise on the particular matter if he wants to pursue it so strenuously it doesn't simply remove from the operation of that section people who were born on Norfolk Island, if fact the transitional provisions of that piece of legislation apply and the transitional provisions provide for an ongoing status for those who had acquired residency under the earlier Immigration Ordinance 1968, so Bill is emphatically quite wrong in saying that it is quite easy to identify to whom this section might apply, and that is what I'm saying that this is the very starting point of pursuing this exercise and if you can't get the starting line right, how are we going to find the finishing line. I don't know where we are going to end up with situation, but I'm happy to talk with Bill further about it, perhaps we'll take some legal advice and stop pretending that we're both lawyers and we'll work it out more precisely what is needed to be done, or what can be done.

MR SANDERS: Mr President, I would be happy to agree with Mr King on this one and I would be quite happy to discuss it outside of this Assembly when he refers to legal advice I would like it to be competent legal advice.

MR PRESIDENT: Any further debate? The question is that the statement be noted.

QUESTION PUT
AGREED

The ayes have it. Any further statements this morning.

MR BENNETT: Mr President, I want to make a statement about the situation with the backlog of mail, there have been a number of calls from persons in the community about the mail situation. As a result of increased passenger loadings on the aircraft, from Sydney in particular, and also Brisbane there has also been a corresponding decline in the uplift of both mail and air cargo. I wanted to just outline the situation as it is or what the extent of the backlog is and to lead on to say what we are trying to do about it. As at yesterday Mr President, there are at the Ansett Sydney Terminal is holding 84 bags of air parcels, and 92 bags of SMBA mail, now SMBA is surface mail by air and it consists of such things as Bulletin Magazines and Time Magazines and the like, periodicals and whatever, and on that note many have said to me its six weeks since they have had their last issue and it will be seven weeks on Friday. The weight of that mail is just a little bit over 1 tonne for the airmail and 1.2 tonnes weight in the SMBA or surface mail by air category, in addition to that there is about a tonne of freight backlog.

Mr President, there were great hopes that on Saturday, last Saturday when the airline decided to put the 737 aircraft on to augment their service that most of the backlog of air parcels in particular would be uplifted but, regrettable only 43 bags arrived at that time, that's not a bad load by comparison to the amount that we would expect to have on F28 service, but nonetheless, it still left quite a backlog. I have spoken to Mr King a couple of times in recent days, and encouraged him to contact the Ansett office in Sydney or wherever, to encourage them to, or first of all to let them be made aware of the situation as we see it, and encourage them to do what they can to reduce that. There obviously is an insufficient amount to be combined all of those three categories, air parcels, SMBA and freight to warrant a freighter, however if they were able to be encouraged to put the 737 aircraft on more frequently we would probably find that most of that backlog would be cleared up quickly. So on the one hand we are enjoying a quite healthy inflow of visitors but it always corresponds with a very healthy decline in the cargo and mail that comes into the Island. Mr President, I just should say one thing more about SMBA, SMBA is like second class mail, its delivered to the airlines on the basis that its uplifting as and when they can, and I have been discussing with the Director of Postal Services an arrangement where by, that any backlog of SMBA at any time that corresponds with the loading of the vessel Captain Wallis in Sydney should influence them to withdraw the backlog SMBA and have it directed to the ship, at least we will get that backlog cleared, now unfortunately the ship has only just arrived and it will be two or three weeks before the next, but that's just an outline of what the situation is. I don't know whether Mr King has got anything to add about the airline, but if he has he may contribute now. Thanks.

MR KING: Thank you I will contribute. Geoff kind of stole my thunder a little bit, but he is entitled to because he has executive responsibility for the Post Office area. I have an executive responsibility buried fairly deeply for air services, and I had intended to make a statement about air services but it touches on ... I guess I'll just contribute to this, to this debate here. And my statement was to be along the lines of the two problem areas which are, have emerged as a result of diminished air services by our principle carrier in Australia Ansett, at this time last year that carrier was operating some 40 odd services per month to Norfolk Island. Currently the same carrier is operating accordingly to September figures some 31 services give or take one because of the 30 days one month and 31 the next etc. But that's the difference Mr President, almost some 25% reduction in service and capacity out of Australia, and as Mr Bennett has pointed out one of the effects of that is this vast backlog of mail and air freight which is sitting on the ground waiting to be cleared. The other effect at the risk of digressing from the subject of this statement is the fact that when you relate to the diminished air services, the fact that for November the local accommodation proprietors are no greater than 65% booked for November, you apply that to the diminished air service or the number of scheduled flights operating out of Australia, you must conclude that those services are from 70% full or full, I'll say that again must conclude that there are from 70% to 100% full, and that of course doesn't leave a great deal of room for any capacity to increase beyond that maximum 65% occupancy that we already have booked for November, and that is an extreme problem, it is on that score that our General Manager of the Bureau, Bob Doyle will be talking to the executives of Ansett on Friday, I have until this point stayed out of it, but I'm anxiously awaiting the out come of those discussions, on that particular point, at that meeting the matter of mail, or uplifting of freight and mail will also be discussed, but I will be making contact, I'm scheduled to contact departmental, a different department of Ansett either this afternoon or tomorrow on that particular score so I should, with all those meetings that are going to be taking place or communications over the next couple of days, we ought to be able to bring one or both of those problems to ahead, over the next week or so.

MR BROWN: Mr President, could I make a brief statement about dental charges. Mr Semple asked a question earlier in this meeting in relation to dental charges and I've had the opportunity to seek some information in relation to that. The response that I gave to Mr Semple at the time Mr President, was that I was not aware of any recent increase in dental charges, and indeed it has been confirmed to me that there has been no recent increase in dental charges. The policy in relation to

dental charges remains that we charge 12% above the Department of Veterans Affairs dental charges schedule. That schedule last increased in January this year, Mr President, and in accordance with the practise which had been established when Mr Blucher had the responsibilities, had the executive responsibilities for Health the dental fees were adjusted at that time, that is at the beginning of this year but there has been no subsequent adjustment.

MR PRESIDENT: Thank you. Any further statements.

MR BROWN: Mr President, I would like to make just a brief statement in relation to the Public Service. We have recently asked the Public Service Board to exercise restraint in financial areas and I thought that Members might be interested to know that the Board has met this week to discuss how it should handle a number of positions in the Public Service which have in fact been vacant for more than 6 months and the Board has in fact resolved that those position which have been vacant for more than six months should be abolished and that has been done. An assessment is presently being made of the number of positions that will be affected, it appeared that the number is in excess of 12 but lower than 18 and having done that a further review will now be carried out in relation to position that have been vacant for less than six months. This is not Mr President, reducing the actual numbers employed in the Public Service, but it is simply reducing vacant positions, and I think the Board is to be commended in that regard.

MR PRESIDENT: The question is that that be noted?

MR BENNETT: Thanks Mr President, I don't want to make any comment about that specifically but in the Public Service generally, what I omitted to mention earlier this morning when I was talking about the finances and the cooperation of the Public Service, it might interest Members to know that one of the target areas was the overtime question in the Public Service and the discussions that occurred resulted in a new policy and guideline number 41 being issued late in August and I'm happy to say that even prior to that new guideline coming out there was some movement or some restraints evident in the service in the area of overtime and for the period ending, the first quarter ending 30 September there has been some \$11,000 saving in the overtime area, now if you do look at the guideline being dated 26 August and there has been some substantial savings in there, in that area and I expect that that figure will climb, that I think just illustrates another positive step that's been done in a spirit of cooperation between this Assembly and Government and the Public Service and the Public Service Board. Thank you.

MR PRESIDENT: Further statements? I'm sorry that was that the statement be noted? That particular one I just need to conclude that particular debate. Any further participation?

MR SANDERS: I would just suggest Mr President, that there needs to find some more money to reinstate some of those public service we could get Mr Christian to go and dig another hole and we'll sell the dirt.

MR PRESIDENT: Any further contribution? The question is that the statement be noted?

QUESTION PUT
AGREED

The ayes have it. Thank you. Any further statements?

MR BENNETT: Mr President, I want to make a statement about the forthcoming ANZCAN cable repairs. Members will be aware the details of the cable break and the damage was provided for you in August and you will be aware that since that time temporary repairs have been carried out to which was really to patch one cable to the other, and at that time it left Norfolk Island with one segment of cable only for our traffic. But this statement is in relation to the major repairs which are to occur beginning on Sunday. Mr President I can advise that the cable ship the Pacific Guardian and the support ship Orient Puma arrive at Norfolk Island on 24 and 25 October respectively that is next Sunday and Monday. Weather permitting the vessels and the shore party will commence their

task at first locating and grappling the cables and later hauling ashore new shore ends of the cable for joining. In good conditions the task is expected to take three or four days. Mr President the shore team will consist of Telstra and Cable and Wireless personnel together with a variety of local specialists, divers, bulldozer drivers etc., and because of the hazardous nature of the work to be done in the Anson Bay area the principles of Telstra and Cable and Wireless have sought the Government's assistance in preventing access to the site by unauthorised personnel, and to this end we have sought the cooperation of the Office of the Administrator and I can say to you that under the Commons and Public Reserves Ordinance 1935 the care and control of the Commons and Public Reserves is vested in the Administrator. The Administrator has advised me with my agreement he intends to issue a notice this week advising that in the interests of public safety, persons will be excluded from entering the roadway and surrounding slopes leading to the beach at Anson Bay Reserve for the duration of the cable repair exercise, an appropriate sign will be placed at the gates at the top of the road leading down to the beach. Interested persons of course will be able to view the exercise from the top of the cliff. And Mr President there will be something to see, the Pacific Guardian will be working approximately a nautical mile from the shore but the vessel Orient Puma will be quite close to shore and will provide plenty to see from the tops of the cliffs. Thank you Mr President.

MR PRESIDENT: Further statements Honourable Members?

MR KING: Mr President, I should make a statement about the exercise of stabilising the Cascade cliff face. Notices will appear in the local paper this weekend advising the public that the exercise which has gone through the planning stage of the planning stage of some, good heavens, of some twelve or fourteen months of putting together this exercise of stabilising the Cascade cliff face as we know there have been a number of rock falls in that vicinity in recent times, two notable ones in the past year, and the exercise is designed to prevent or minimise the recurrence of that, there can unfortunately be no guarantee of the final outcome of this work, but we are in fact as a Government committed to doing whatever we can as our duty of care in this particular case to stabilising the cliff fact. On 28 October a team of 8 personnel from the Land Command Engineers Australian Department of Defence will be arriving on the Island, and with considerable assistance from the local volunteer cliff rescue squad for which we are grateful, they will be proceeding to blast and bar away loose rocks from the face of the Cascade cliff. The exercise is an extremely hazardous area and for that purpose the area will be cordoned off, the public will be kept away from the particular area, the fishing crane will be dismantled for fear of damage to that particular mechanism, electricity reticulation will be removed from the area and appropriate signs will be placed in the area to warn the public of what in fact is happening. So I'm quite happy that that exercise has come to fruition or almost come to fruition we can expect the exercise to take some 9 or 10 days and I would also like to record my thanks for the cooperation of the local commercial rock crushers Island Industries, who are also providing or entering into an arrangement with us for removal of the rock once that rock is blasted or barred away from the cliff face. I think that is all I can say at this particular point in time Mr President, other than to encourage those who are listening to this broadcast to take note and read the notices that will be contained in the local press this coming weekend and presumably the weekend after. Perhaps, thank you.

MR SANDERS: Thank you Mr President, I move that the paper be noted.

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

MR SANDERS: Mr President, I haven't got any difficulty with what Mr King has just said, but it did raise a mental concern of mine, has the matter been thought of ensure that any locals participating in this ought to be covered by insurance.

MR KING: Mr President, consideration has been given to the matter of insurance indemnity I'm not quite sure at this point in time whether those things have been finalised but they are at present being considered.

MR SANDERS: Mr President, could I ask Mr King if he would ensure that this matter is followed up before they start working.

MR KING: Yes, it is a condition of the involvement of the Department of Defence that adequate insurance is available.

MR BATES: Yes Mr President, I'm sure Mr King has taken into consideration but, I would just like to emphasize that in the days that the Kingston jetty is unworkable that it would be advisable if there is emergency access to the sea at Cascade just in case we do have an emergency and we can't use the Kingston jetty, but no doubt that will be considered and it will be fairly easy I guess to remove whatever rubble is in the way to get the Government crane and some launches down there if we do have, which I hope we don't, if we do have some situation where we need to go to sea.

MR KING: That aspect in fact has been considered Mr President, and arrangements will be put in place to minimise the time that there is total obstruction to the roadway down there.

MR PRESIDENT: Further participation? The question is that statement be noted?

QUESTION PUT
AGREED

The ayes have it. Thank you. Further statements this morning? Statements are concluded then Honourable Members.

MESSAGE NO 63 FROM THE OFFICE OF THE ADMINISTRATOR

MR PRESIDENT: I have received the following message from the Office of the Administrator. It is message No 63 and it reads. On the 27th September 1993 pursuant to subsection 21(2) of the Norfolk Island Act 1979, I declared my assent to the Criminal Law Amendment Act 1993, which was Act No 19 of 1993, and the Evidence Amendment Act 1993, which was Act No 20 of 1993 dated this 28th September 1993, Alan Kerr, Administrator.

NOTICES

NO 1 - PROVIDENT ACCOUNT - BORROWING FROM BY CONTRIBUTORS

MR BROWN: Mr President I move that subject with consultation with the Public Service Association, this House supports the introduction of legislation to amend the Provident Account Ordinance so as to allow -

(a) a contributor who has completed more than ten years of service to borrow from the Provident Account the whole of the monies standing to the credit of the contributor's "A" account within the fund (including interest earned) subject to repayment of those monies in full over the remaining period of his or her service prior to retirement and to payment of interest thereon to the Provident Account at a commercial rate; and

(b) staff at -

(i) the Norfolk Island Hospital;

(ii) the Norfolk Island Government Tourist Bureau,

who meet certain criteria to be determined in the legislation; and

(iii) the Clerk to the Legislative Assembly,

to contribute to the "A" account of the Provident Account

Mr President, there are two parts to this motion, the second part is probably the simpler at present the Clerk to the Legislative Assembly the

staff of the Tourist Bureau and the staff at the Hospital are unable to be members of the Provident Fund. This motion if passed would call for amending legislation to be prepared so that each of those groups of people would be able to contribute to the "A" account. Now the "A" account as Members will know is the account containing contributions made by the members themselves, the "B" account is the account which contains contributions made by the employer. There is no mention in this motion of the "B" account in relation to those staff at the Hospital the Bureau and the Clerk and the reason there is no mention for that Mr President is that that has significant economic impact. But in allowing the staff to contribute to the "A" account there is no impact on the budget and it is my understanding that many of those staff would welcome that opportunity. Some Members may say why do you want to go to that trouble, why can't they just open up a bank account and contribute to that themselves, well indeed they could and no doubt many of them do do that Mr President, but there is a desire that has been expressed to me for those groups of people to be able to contribute to the "A" account. The first part of the motion is more complicated Mr President, the Island is suffering hard economic times at present and both within and without the public service that is being felt. The purpose of the provident account is to ensure that its members are able to save towards their retirements, and when one looks at compulsory superannuation in other places one can see that the policy is developing of restricting the amounts that people can take out by way of lump sum upon retirement or resignation, and converting as much as possible of that into an annuity or something similar so that regular payments are received to enable the person to maintain his lifestyle and the call on the public purse by way of social welfare benefit is minimised as a result. So as a matter of philosophy some Members may feel that we really should be moving in that direction rather than the direction I'm suggesting. Some Members may feel that we should be changing the nature of the provident account, so that members in fact draw an annuity to see them through their retirement rather than taking a lump sum and then at some stage possibly needing the assistance of social welfare facilities and funds. I think that that is something we should be talking about Mr President, but I don't think its something we should be talking about today. The reality is that at present those who are members of the fund can if

they leave the public service after I think more than six years of service receive as a lump sum the whole of their contributions and the whole of the employer contributions, and that ability is an expectation that staff have had since they commenced their employment and if we were going to contemplate changing that it would need to be done after very exhaustive debate and consultation. As I said from a point of view of philosophy, that is probably something that we should be looking at in the reasonably near future Mr President, but the purpose of this motion today is to try to assist those members of the Public Service who are going through financial difficulties at present and who otherwise will need to contemplate leaving the Public Service so as to be able to collect, in fact in that event, the whole of both their A and their B account. The motion deals only with the A account. Deals only with a person's own contributions and the interest that has accrued in relation to them, and if it were agreed to, and if the amending legislation was prepared and passed, a member would be able to borrow up to that total, up to the total of his own contributions, plus interest thereon, but he would have to be making arrangements to repay the whole of that over the remaining period of his service and he would be having to pay interest at a commercial rate. I believe that we do have a duty in the present economic climate to try to make life as simple as possible for everyone on the island, not just the Public Service, but the passage of this motion will go some way towards assisting some people who are experiencing considerable hardship at the moment, and I think it would be unfortunate if we chose to do nothing about this and to leave them in a position where they feel compelled to resign from the Public Service in order to resolve their difficulties. Thank you.

MR BATES

Mr President, I intend to support this motion. The ability to borrow against A accounts I agree is something beneficial for members, provided repayment rates are realistic. But I do question the second part of the motion which deals with the Hospital staff, Tourist Bureau staff and lastly, Assembly. The motion, if it goes through, and the legislation is amended, will enable them to contribute to the A account, and I think as Mr Brown has said, someone will probably just choose to use bank accounts and not join the fund. I just cannot see any benefits to those staff by joining the fund because they're only

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

Result of voting Honourable Members. The ayes six, the noes two, the ayes have it. The amendment therefore becomes the motion. Any debate upon the amended motion.

MR SANDERS Mr President, I'm a little bit horrified at the speed that this is going to be of expending public monies on this Provident Fund. Mr Bates has intimated that the amount is very little, but nobody has even done any figures yet as to find out what is that very little. If we are thousands of dollars behind the so far in the three months figures that were presented today on our financial statement. As I said, I'm horrified that we're going to add to that without anybody even producing any figures, that we're just going to go ahead, amend the Provident Fund, spend some more money and nobody really gives two hoots. I'm sorry, because it's like this, I will be totally opposing the whole thing, where in actual fact, I'm only opposed to part of it.

MR BROWN Mr President, certainly I will be preparing details for members of the financial impact of various ways of treating this proposal and details of that financial impact will be made available to members well before they are asked to vote on the bill. It might help Mr Sanders if I were to indicate that if the motion as it is presently amended is passed today it will be my intention to speak with the hospital staff as to the different ways that it could possibly be implemented and certainly it is my intention that if the hospital were to be contributing to the B account it is appropriate that at least some part of that contribution be achieved by way of salary sacrifice. But the full financial impact can be assessed and certainly will be available.

MR KING Mr President, I quite agree with what Bill has said. It is a little bit horrifying that we seem to be going bang, bang, bang with this motion and charging ahead. Unfortunately it underscores the type of government that we have here. This is not the first occasion on which we've sat around in this House without having had the benefit of informal discussion and only having knowledge of a particular motion or direction if someone wants to proceed for only a couple of days and you know, regretfully we find ourselves sitting in here and someone wants to make an amendment then amend the amendment, and Brownie, I'm sorry, Mr Brown, throws his hands up in the air and acquiesces on the basis of justice, which is unusual, and, and I can ...

MR SANDERS Point of order, Mr President.

MR PRESIDENT Point of order.

MR SANDERS I ask that it be withdrawn.

MR KING Yes, of course, I didn't mean that. But I make the point, I re-emphasise the point Mr President, that we each can, I can look at this and say well I can see a couple of desirable amendments. I'm not going to move them, I'm not going to complicate this any further. I could have said, remove all the words after "that", and say "that this House endorses the executive members intention to review the basis of contribution to the Provident Account and review the question of borrowing from the Fund". Full stop. Gives him the, gives the executive member the direction that he wants and he can go away then and prepare an options paper and maybe we can then sit around and have some informal discussion, instead of coming in here and wasting a whole heap of time by amending the amending amendment. I'll support the motion on the basis that I believe that it has a lot of tidying up to do. That Mr Sanders and others need to be, need to be convinced on one or two points, regarding finances and where the money is going to come from. How much it's going to cost. A whole host of tidying up. I will agree the motion

circumstances call for restraint in expenditure connected with the Public Service. (4) Resolves that notwithstanding (1) above the Assembly should adopt the same attitude to restrain as it has resolved should occur in the Public Service, and (5) Accordingly requests the executive member to defer the hearing before the Public Sector Remuneration Tribunal of applications (1), (2) and (3) of 1993 until either the economic conditions on Norfolk Island have substantially improved, or February 1995, whichever sooner occurs. Mr President the motion is self-explanatory. The motion I think, expresses the concerns in the minds of people, including myself, who have taken the time to contact me over recent weeks. These concerns go beyond the initial determination stage as it is felt that the issue of reviewed determination once determined by the Tribunal will gather its own momentum and this momentum will carry it through till final, or could carry it through to the final acceptance without much difficulty. I think we are better to put the brakes on before we commence that process. Mr President there will be members who will forcefully argue that the two stages, that is the determination by the Tribunal and the acceptance or otherwise of that determination are very separate and distinct and ought to be dealt with in that manner. Turning to part (5) of the motion Mr President, this part calls for the deferment until either the economic conditions in Norfolk Island have substantially improved or February 1995, whichever sooner occurs. The significance of February 1995 is that it is time sufficient to allow the determination to be brought down and dealt with by the Legislative Assembly just prior to the next election. Mr President, there has been, as I said, concerns expressed to me and a number on this issue, that we seem to be calling for restraint on the one hand but not prepared to look at it on the other. Now I know that those who contribute to the debate will say well the determination process is not about spending money, it's simply about finding out how much the Tribunal reckons the executive members and other officers, including travel allowances, should gain. I would also go on to mention that Mr Sanders will probably say that members of this House stood or nominated for election on the existing arrangements and so the significance of the February 1995, getting it ready and prepared for the next election, would seem to have some relevance. I don't have much more to say on it Mr President. If I can count the votes in the corridor then I'm pushing the proverbial wheelbarrow, but I think it is something that needs to be debated and I'm quite serious about it. Thank you.

MR KING Thank you Mr President. There has been a lot said over the past year or so, or since this Assembly was formed about members' remuneration. Both in the House and within the community, but a lot of it doesn't bear repeating on this particular occasion. It's a matter of public record. Certainly of common knowledge in and around these corridors that Mr Bennett has never been comfortable with seeking a fresh determination, regardless with the stage of the economy. Mr Bennett has conceded that the only substantive analysis of MLA's pay occurred in 1979, seventeen years ago, and that the actual pay levels were arrived at then impressionistically. His conceded further that the situation has changed dramatically since then. Yet in all these concessions Mr President, he's left no member in any doubt that he'd prefer to do nothing about it. Perhaps Mr Bennett is one of the old school which feels that only those of substantially means or with supplementary incomes should contribute to the public affairs of, or running of the public affairs of this island, but the inescapable fact Mr President is that there are those in the community of very modest means who could make a worthwhile contribution to the public affairs of the island, but they are prohibited from doing so because of the poor and unattractive pay rates. In my view Mr President this particular situation has been one of the sad features of self-government in Norfolk Island, that the remuneration has been not only insufficient to attract cross-section representation but in a number of cases insufficient to retain worthwhile members, to retain worthwhile member one can cast his mind back over the years of self-government Mr President and identify those who have either resigned mid term or fail to re-stand citing either solely or partly reasons of inadequate pay. Another resignation has occurred yesterday, its not for me to say, but I would suggest perhaps I shouldn't suggest it, but I would say that it is a factor which is commonly taken into account in the resignations, the fact that if one did not have to pursue other remunerative activities to supplement the pay from down here, then the question of resignations may not occur as they do. I believe its the community Mr President which suffers in these

circumstances, since continuity is a key factor of progress in government. I don't believe there is any expectation in the community that their elected representatives should sacrifice their living standards, or go broke just because they stood for public office. Additionally Mr President I believe there are only a very few people in the community who do not expect that there is a legitimate cost to self-government. Most people expect as indeed Mr Bennett does, that for example an executive job is full time. That there is little time left over to go elsewhere and earn a quid. Most people expect again, as Mr Bennett has not only is there a huge work load under our style of government, but a huge responsibility, the community Mr President, doesn't want to limit their choice to one of either the monkeys or the affluent. I guess that we can live along accepting that pay levels are inadequate accepting that unattractive rates of pay will limit the choice of candidates for public or executive office, and accepting that the end result is likely to be poor progress in government, or we can ensure that the community has a wider choice of representatives and offer some greater assurance of stability in government. The community in the electoral process Mr President, will decide whether it is receiving value for money, it can't receive value if its representatives are devoting much of their time to simply earning a few bob elsewhere to keep to the household intact. The performance of an Assembly or a Government will be assessed against among other things its ability to manage public finances, whether expenditure is being controlled and whether revenue is being maximised. These things can only be achieved by dedicated properly equipped people who are able to apply themselves to the job, Mr President, and adequate remuneration is part of the essential equipment. Finally Mr President, let me remind members as Mr Bennett has anticipated some would focus on the fact that the Remuneration Tribunal hearing results only in a determination which is a disallowable instrument. I believe that we should take one step at a time and allow the Remuneration Tribunal to run its course, I will not be supporting this motion.

MR CHRISTIAN: Mr President, I agree wholeheartedly with everything that Mike has said. I'd just like to point out that the lack of wages wasn't the reason for my resigning, but its certainly an influence on the continuation of a lot of people within the government circles. I think people outside are willing to see this determination be done and to see it go ahead. I will reiterate what Mike has just said though and at this stage will only be determination and I think it should go ahead and I don't intend to support this motion.

MR SEMPLE: Thank you Mr President, whilst appreciating Mr Bennett's motives in moving to defer the hearing until the economic situation improves there is the opposing view, the view that Mike and Ernie have just put forward. On the Island there are many people very capable people who would offer themselves as candidates for the Assembly elections but with salaries as they are at present they can't afford to. A salary of around about \$17,000 for an executive member is hardly sufficient to raise a family upon, Mr President we are not talking about the good old days when Counsellors and Members of the earlier Assembly's felt it their duty to subsist and offer their services, we are talking about now. The Government of Norfolk has come along way since 1979, the range of powers has increased dramatically, we are now talking about executive positions that require 40 plus hours a week all for \$17,000 a year. It's a joke, little wonder that many people in the community say that only an idiot would put him or her self forward as a candidate if it is true then its time to do something about it now. Let the Tribunal sit, determine an appropriate salary for members of this House, if it so determines that members are worth more, so be it. If decided that there should be a substantial increase then I'm sure that at the next general election as Mr Bennett said a lot of bright, intelligent Norfolk residents will pop out of the woodwork and stand. As Mr King said, over the since 1979 just how many people have either had to resign or haven't been able to stand because of the financial restrictions, on the other hand to just how many people stand time after time because they don't need that financial security. Mr President, I won't be supporting Mr Bennett's motion.

MR BATES: Mr President, a lot of things said by Mr King, Mr Christian and Mr Semple were things that I had intended to say myself, would only be repetitive, but its no secret that I have always considered

that executive members should be properly remunerated, as Mr Brown earlier said the \$326 per week doesn't even pay his phone bill, and I don't know how anybody can support his family, supply his own transport, dress well, pay his phone bill on \$326 per week. So I think this matter must be sorted out, it must be sorted out fairly and properly if we are to continue on the road to internal self government. I'm still very interested in the fact that Mr Bennett wont do a little bit more to save \$13,000, but he expects other members to do as much as they are doing now on \$326 per week. I don't intend to support, Mr President.

MR BROWN: Mr President this debate has shown that it is possible to achieve consensus, within these walls, I suppose its not remarkable one of the few subjects that seems to be capable of achieving consensus in other places is this same subject of remuneration. But the fact is that Geoff's had a good run, he's managed to delay it by 18 months and it is now time to have an appropriate remuneration determined.

Mr President, I used to be one who thought that the civic responsibilities of being a member of the Legislative Assembly should make one feel wonderful with out necessarily receiving money, but the fact is that people do have to eat and I really do no accept that there are people in the community who could make a contribution but who are simply unable to afford under the present arrangement to stand for election. You yourself Mr President, consistently top the pole or come very close to the top of the pole, election after election, but none in his right mind would expect you to resign from the Public Service in order to cut your earnings by roughly a half and serve as an executive in the Government of Norfolk Island. The only time at which you and others in your position will be able to consider that is when an appropriate remuneration has been determined. Now it may be that the Tribunal thinks we are over paid already, well if that's the case, so be it, but equally it may be the case that the Tribunal feels some adjustment for salaries is necessary. I support what Mike said, the only real endeavour to ascertain an appropriate level of remuneration was in 1979, and a lot has changed since then, and a lot of what was done in 1979 was done on the basis of conjecture rather than historical fact. I wont be supporting Geoff's motion today, Mr President.

MR SANDERS: Thank you Mr President. Mr President all of the Members around this table were aware of what the salary range was before they stood for election, all the Members around this table were aware if they were prepared to stand for an executive position of what that salary would be, all of the Members stood under a system, I believe that if there is to be a new determination then there should be a new election and that we stand under that system. I don't believe this system should change at all because we have as I just said, knowingly stood under it. A higher remuneration could attract persons who would rather be Mr nice guy to ensure re-election rather than what is best for Norfolk Island. I don't care who you are who ever is on this Assembly and whatever motion he passes or supports or opposes he is only going to receive support from the public for half of his decisions, if he consistently keeps on saying, Yeah! I agree with that, I agree with that so that he is going to get more support to ensure his election then I'm not to sure that he's the Member that this House needs, and I wouldn't like to think that money was the reason why that person was likely to be here. Mr President, I'm extremely surprised at the willingness of all the Members around this table to continually dip into the public purse at a time when restraint should be the order of the day. The motion before this one was passed on the basis that we start to dipping into the public purse again

MR BROWN: Order Mr President, ... is taking discussion back a matter which has been decided earlier in the meeting as is not appropriate that the discussion on that subject be revived.

MR PRESIDENT: I don't interpret that there is totally irrelevance to this debate Mr Brown. Mr Sanders?

MR SANDERS: Thank you Mr President. I thank you sincerely for that. Anyhow I have said what I wish to say Mr President, that I was surprised at the willingness to dip in to this public purse and to the extent of the last motion when nobody was even aware of the level of the dipping into that public purse. Mr President I do propose to support this motion I think its a timely one, and I'm well aware that its going to be the voters usual numbers, I think on this occasion that its going

to be 6:2 and that's a bit better than 8:1.

MR BENNETT: Mr President, I said earlier that I have been able to count the numbers in the corridor and the volume of support for the motion doesn't surprise me, but I want to reflect back on the submission that was done and was presented to the Tribunal earlier this year, and say, sincerely that that submission was put together perhaps without the fullness of debate or investigation and I have had some doubts about the substance of some of those clauses in there, and I will certainly be making that point known to the Tribunal. But what I would urge members seeing as they are going to tip this motion out today, is that they would all respond to the invitation that the Chairman of the Tribunal will issue to give oral or written submissions as Members of the Assembly to the Tribunal the result of the invitation at the last Tribunal was abysmal three of the nine members responded, so I think that that was of some concern to the Chairman of the Tribunal and certainly a concern to me in fact utter surprise, I think that if you are really serious about wanting to get a determination brought down then all Members need to give either written or oral submissions to the Tribunal and respond to an invitation to do so. The question has been broadened, it covers now three applications, 1. for executive members and members, 2. it gives the matter of the President and Deputy President and other officers, 3. to do with travelling allowances and other special allowances. I think that in order that the Tribunal has got a real handle on it, each Member of this House ought to be required to attend the Tribunal either in by way of the mail box or an oral submission, so that the Tribunal can question people about their views, on such things as travelling allowance and other allowances on the relationship of the President's salary to executive members and other members and all those myriad of things, and I know that I would say to you that I would be deeply disturbed that that didn't occur. Thank you Mr President.

MR PRESIDENT: Any final debate? No further debate Honourable Members, then I will put the question, the question is that the motion be agreed to?

QUESTION PUT

Will the Clerk please call the House.

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

MR PRESIDENT: Result of voting Honourable Members, the ayes two, the noes six, the noes have it. The next is your motion Mr Bennett, you seek leave to bring forward this matter airport terminal selection of project manager.

MR BENNETT: Mr President, I seek leave to move the motion standing in my name on the notice paper.

MR PRESIDENT: Is leave granted? Leave is granted Mr Bennett thank you.

MR BENNETT: Mr President I move that this House agrees in principle to the construction of an upgraded terminal facility at the Norfolk Island Airport, (2) agrees with the recommendation of the Tenders Committee that Airport Planning Pty Limited be appointed Project Manager for the upgrading of the terminal facility and (3) determines that the terms and conditions of appointment of their Project Manager shall be as agreed by the Executive Member. Mr President its probably bush justice that you have to listen to me after my motion got defeated a few minutes ago because I have quite a lot to say, it will please Mr Sanders also I guess in ... way. Mr President by way of background to the airport terminal building project in December 1992 the Minister for Finance requested that a small working group be established to consider the needs of various user groups in relation to the construction of a new or

upgraded terminal building at the airport. The composition of the terminal working group has agreed to in January 1993, and the objectives of that group were to discuss and assess the facilities that need to be included in any proposed new terminal, discuss and assess the external facilities associated with that terminal, and consider and advise on the method of progressing the project. Following a number of meetings by that terminal working group a draft brief was prepared. That brief was subsequently discussed with user groups both collectively and individually and the brief was then amended to cater for the additional user requirements. In July 1993, a brief for engagement of the Project Management was prepared, expressions of interest were called for by advertising in the Norfolk Islander, the Weekend Australian and the New Zealand Herald over the weekends of 24 and 31 July and 7 August respectively. The advertisement invited suitably qualified consultants with experience in airport terminal design, engineering and construction to be engaged as project manager for the provision of an upgraded terminal facility at the Norfolk Island Airport. A total of 70 inquiries were made in response to the advertisement requesting the information package, of the 70 inquiries 3 were made by local identities, local entities. Subsequently 37 expressions of interest were received, and initial assessment taking into consideration the requirements outlined, resulted in a short list of 13, a further detail examination of the expressions of interest caused the decision to re-examine other expressions of interest and the short list was then expanded to 15. All Companies that were on that short list, displayed through their expressions of interest the experience and capability to complete the Norfolk Island Terminal Project. Mr President, the process to reduce the 15 to 4 was undertaken and the 4 on the short list who were invited to Norfolk Island to present or formally present their submissions was prepared and circulated to Members on 23 September. The Members of the Assembly and including Executives were invited to attend those interviews, and to participate in them. Those interviews commenced on 26 September I think and ran through till 10 October. Following the interviews the panel formally reported to the Tenders Committee culminating in the selection of Airport Planning Pty Limited as the preferred bidder, I therefore seek by this motion the House's support of that recommendation. Mr President a little information about the successful applicant Airport Planning is probably necessary. Airport Planning known as Airplan was formed in 1975 as a specialist group of the Meinhardt Group to provide consultancy services in all aspects of airport planning, design, construction and project management. Airplan as a specialist staff of approximately 50 backed up by the 500 professional and technical staff in the Meinhardt Group. Airplan has proposed that the following team of consultants under the Project Management of Brian Edmondson to undertake the terminal project. The company Airplan will be responsible for the airport planning and design, the Hassell Group will be responsible for the architecture and the Airplan's principle company the Meinhardt Group Limited would be responsible for the engineering, and also included in the team is local consulting engineer Rex Glencross-Grant. Airplan has proposed a team of consultant's with considerable experience in airport planning they also have a wide experience in the development in terminal designs and reconstruction, as Members may have seen in hand outs, they have been involved in a number of airports from very large airports to many many small airports, many of them smaller than the size that we will require on Norfolk Island. Mr President, finally I would just like to talk about the objectives of the project and to explain just a little bit of how it might, if the motion is successful, how it might evolve. As I said the objective was to engage a Project Manager who was capable of facilitating the consultation, design, construction and commissioning of the Norfolk Island Airport Terminal. The successful Project Manager was to undertake and if fact indeed has to undertake to design and construct the terminal on a not to exceed price basis. That's an interesting concept. The Project Manager will be responsible for submitting a three stage package, the three stage package involves the first part which is the concept including the terminal, it's location and the consultation stage obviously it needs to determine fairly early the feasibility of the two options, one is to extend the existing terminal and the second option to construct a completely separate and new building and by completing that study then to assess the most suitable location if the option was to completely build again, and in the consultation stage the, I don't think I need to explain that to you, there are a number of parts of the Administration and outside groups that will be consulted in that first concept stage, the final part of

that concept stage is some sort of schematic design. The Project Manager will submit various options of architectural schematic design including floor plans, this will be for the Norfolk Island Governments consideration and for public presentation. The second faze or second stage is the detailed design the Project Manager will provide detailed designed drawings and specifications, schedules of quantities, detailing of raw materials, fittings and finishing to be used in the construction stage. The Project Manager will provide a timetable of works, detailing proposed commencement, completion and commissioning dates of the various stages and he will also provide costs of the various stages, taking into consideration the not to exceed price. And the third stage is of course the construction. Mr President, each stage will be, or shall be severable from the remaining two, so that if the project falters for any reason after stage one or two the contract may be determined, or may be terminated upon the terms agreed signing of the contract. Mr President that gives you the background to the project and focuses and has focused on the recommended project manager Airport Planning Pty Limited, I must say at the outset that the quality of presentation from all 4 on the short list was outstanding and it was a very difficult job to finally break that down to one, but it did have majority support at the first cut and I'm happy to support the motion on that basis. Thank you.

MR PRESIDENT: Thank you Mr Bennett. Further participation in the debate? No participation?

MR KING: Mr President, I'm happy and I think that most of the other Members, probably all of the other Members are happy that the process which has been followed in this case has been very precise and well handled, each Member has had an opportunity to participate at some stage or another, if they haven't taken that opportunity then I guess that's their own choice, they have been otherwise convinced that it is the appropriate way to go, the project manager concept is a new concept for Norfolk Island and a concept which is proved successful elsewhere and I have no doubt will be successful here. I would support the motion.

MR PRESIDENT: Further debate? The question is that the motion be agreed to and I put that to you Honourable Members?

QUESTION PUT
AGREED

The ayes have it, and that motion is agreed.

NO. 3 - EVIDENCE AMENDMENT NO. 2 BILL 1993

MR PRESIDENT: I do advise you Honourable Members that the Business Committee has determined under standing order 158 that this Bill the Evidence Amendment No. 2 Bill 1993 be dealt with as an urgent Bill.

MR BROWN: Mr President I present the Evidence Amendment No. 2 Bill 1993, and I move that the Bill be agreed to in principle. Mr President, I table an explanatory memorandum and I would just like to say this, the purpose of this Bill is to make it quite clear that the recent amendments to the Evidence Act 1898 to 1954 of New South Wales and adopted by the Norfolk Island Evidence Ordinance 1960 and which concern evidence in sexual offence proceedings also apply to proceedings regarding specific sexual offences under the Crimes Act 1900 as it applies in Norfolk Island or rather as it applied in Norfolk Island immediately prior to the commencement of the Criminal Law Amendment Act 1993. The Bill is as that long explanation illustrates, a clarification of the law and I urge the House to give it swift passage through all of its stages today. Mr President when we dealt with amendments to this legislation at a recent meeting I tabled a legal advice which I had obtained at that time, I would now like to table some further advice which had in fact been provided to me with the intension of being tabled on the last occasion but which did not reach me until the weekend just passed it is relevant to the considerations today and it is advice confirming that in the event a person has been committed by the Court of Petty Sessions a trial in relation to a particular offence as a matter of law no proceedings are on foot until a decision has been made to file an indictment and until that indictment has been filed. I'm not sure whether I have at this stage circulated this to Members I think that I have but I think its appropriate that I table it at the same time. Thank

you Mr President.

MR PRESIDENT: ... No further participation? We are about to vote Honourable Members on the question that the Bill be agreed to in principle. We'll just wait until Mr Bennett returns to the House. The question before us Honourable Members is that the question that the Bill be agreed to in principle, I put that to you?

QUESTION PUT
AGREED

The ayes have it. This is an urgent Bill and we are proceeding with other stages Honourable Members is it the wish to dispense with the detail stage? Then we dispense with the detail stage, 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? Final debate? I put that question.

QUESTION PUT
AGREED

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

SUSPENSION OF SITTING FOR LUNCH

That completes our notices for today Honourable Members, we commence orders of the day. I really am going to propose that we suspend for lunch its almost 1 o'clock at this time and it might seem an appropriate time unless there is some magic that is not available to me at this moment. All right Honourable Members we will suspend at this moment and I suggest that we return at 2.15 pm, thank you we suspend until then.

RESUMPTION

ORDERS OF THE DAY

MR PRESIDENT Honourable Members, we reconvene after lunch. We are commencing Orders of the Day.

ORDER OF THE DAY NO. 1 - EMPLOYMENT ACT - REPORT OF THE EMPLOYMENT TRIBUNAL

MR PRESIDENT We are resuming debate on the question that the House take note of that Paper.

MR KING Thank you Mr President. I seek some guidance from the chair Mr President, on whether I might amalgamate Order 1 and 2 since they both bear on the question of the adjudication process set out in the Employment Act, both being questions to note the respective Reports of the Conciliation Board and the Employment Tribunal.

MR PRESIDENT I would have no difficulty if members want to jointly address those two matters, unless there are objections from members. Would you ... Okay, let's do that.

MR KING Thank you very much. Mr President the Reporting provisions of the Employment Act, Sections 89, 75 and 63 require the executive member, in this case Mr Brown, to report to the Assembly on the operation of particular parts of the Act, namely the Employment Conciliation Board, the Employment Tribunal and the Occupational Health and Safety provisions of the Act. This year Mr Brown has, to this point in time, met his obligations under the first two provisions, but not yet reported in terms of section 63 of the Act. But he will no doubt do so. From my point of view if would have been more practical if Mr Brown had tabled all three reports together, as he did for last year. On the occasion of Mr Brown tabling the reports for 1992 I sought, in February of this year, in the House, some clarification from Mr Brown on the scope of the operation of the Conciliation Board. I was concerned to read in the 1992 Report of the Conciliation Board that the Board was concerned that the Act appeared not to give the Board scope to consider complaints

about unjustified dismissal or the withholding of entitlements. Mr Brown did not clarify the situation then, nor has he since, although it's fair to say the Conciliation Board for the subsequent year, ending June 1993 appears from its recent Report to have assumed authority for dealing with complaints of withholding entitlements. The Report of 1992 was more comprehensive than the 1993 Report in that it made some general observations about the Act only being of assistance to those who had already vacated their employment positions because those with legitimate complaints, though still in the job, feared dismissal if they had formally lodged a complaint to the Board. The 1993 Report also makes no further mention of the 1992 comment that employees continue to be exploited or harassed by the same employers, or by some employers, more correctly. The absence of such comments from the 1993 Report could well suggest that similar difficulties or problems for employees no longer exist, but I suggest to members that there is sufficient anecdotal evidence that the same fears, exploitation and harassment still exist. The 1993 Report reveals that 17 complaints were received by the Board in a twelve month period, up from 3 complaints during the previous twelve months. I suppose Mr President that you could say that either the increase is a sign of the current economic times, or perhaps a sign of a wider understanding of the recourses available under the Act. I remain a little confused Mr President about whether the Conciliation Board has been properly and fully informed on the nature and scope of its duties, and I would ask Mr Brown whether he can supply me and other interested members with copies of instructions, guide-lines or other printed material which has been supplied to members of the Board. In the event that none have been provided, other than the Act itself, I would seek an assurance that proper, complete guide-lines are formulated in layman's terms for use by members of the Board. Additionally I would ask that Mr Brown formally request the Board to report in a standard format, detailing perhaps in tabular form, and without mention of names Mr President, the nature of complaints, and whether and how they were resolved. It's only in this detailed fashion that we can expect to understand the deficiencies of work-place practises and the effectiveness of the Statute. Concerning the Conciliation Board generally, members will be aware that unless an agreed person can be properly dealt with in the first instance by the Employment Conciliation Board, then that person can't access the second tier, or the second level of the arbitration process. That is, the Employment Tribunal. In the absence of an Employment Conciliation Board the entire essential process of the adjudication under the Act breaks down completely. That would be an unsatisfactory and unacceptable outcome Mr President, and I would ask Mr Brown what steps he would intend to take to establish another adjudication process if he is unable to find replacement members upon expiration of the terms of the current Board members. The Employment Tribunal, Mr President, reports that in the year ending 30 June 1993 it heard four matters; an increase from one in the previous year. As in the previous year the Tribunal has made certain recommendations for change, which no doubt Mr Brown will take account of in any review of the Act. In fact Mr Brown has indicated that he is undertaking a review of the Act. The report also touches on a matter which is a subject of an appeal to the Supreme Court, and I guess in that context it would be inappropriate that I make any further mention of it. I await Mr Brown's tabling of the Report under section 63 of the Act concerning occupational health and safety and whether the report will comment on the continued absence of a code of practice, or report on how many formal work-place or site inspections took place during the past year. I doubt, Mr President, that the report will hold any joy for me. Mr President, I am aware that Mr Brown has attempted to undertake a review of the Act, or parts of the Act during the year. In June this year, he, Mr Brown, sought comments from members on a number of changes he had proposed to the Act. I don't know how many members had replied, nor what Mr Brown's timetable is for collating the information. I personally sought an extension of time, but unfortunately have still not found time to put my thoughts together. But I would remind Mr Brown that the significance of this legislation lies in the fact that it took some six years of extensive consultation to develop. I'm not suggesting that it takes six years to review it, but I am saying that Mr Brown's review must in depth and must encourage wide community input. It can't be a superficial review Mr President, as perhaps Mr Brown's 1992 review of the minimum wage was. The Act in that respect sets out a process of review of the minimum wage which was simply not followed by Mr Brown. This year Mr Brown has not done anything about the remaking of a minimum wage. The fact is that at this point there is

no minimum wage and even if Mr Brown continues the former minimum of \$5 per hour it will sadly remain at a level which was impressionistically struck five years ago. Mr Brown and other members will gather from what I've said that I'm not happy about the Act, or about the affectiveness of the Act. In fact in some areas I believe that the intent of the legislation has in fact been ignored. It might however surprise Mr Brown that I am in support of some of the changes that he has proposed. For example, it was never intended that an employee have an immediate credit of five sick days on commencement of employment, and it appears, appears to me to be inappropriate that a long-term casual employee automatically becomes a permanent employee with entitlements because, during one week, the employee exceeded working hours, exceeded 20 hours of work. But moreover Mr President, my concerns stem from the fact that employees, including our own people here in the island, are still not guaranteed basic entitlements and treatment. Mr President, I've said a lot here today and I've posed a great many questions, and problem areas for Mr Brown. I'm therefore happy to support a motion of adjournment of this particular matter if Mr Brown would like to take some time to prepare a detailed response to me. I shan't be moving that motion of adjournment myself but if someone else chose to do so, I would support it.

MR PRESIDENT Thank you Mr King. We're at Orders of the Day No's 1 and 2 and we're looking at both of those two together. Are there any further participants in the debate that those papers be noted.

MR BROWN Mr President, there are two things that Mike raised that I ought to respond to. The first is the Conciliation Board. I am expecting to bring a motion to the House at our November meeting to appoint the new Conciliation Board. Members may recall that the members of the last Board were not keen to be reappointed on this occasion. Insofar as the minimum wage is concerned, the minimum wage is just that. It is a minimum wage. Mike has suggested that I have not undertaken a consultation process. Well I've undertaken the process which I was advised was appropriate. I have advertised, I have sought comment, I have received some, but not a lot, and over the course of the next few days I propose to finalise my consideration of that and to set the new minimum wage. My present intention is to try to find a way of having a two-tiered minimum wage structure. This won't be achievable immediately Mr President, but a two-tiered structure under which people in the hospitality industry, if they so agree, will be able to take a different minimum wage, being a wage which will incorporate what would otherwise be penalty payments; weekend allowances and so forth. I hope by the time of our November meeting to be able to provide members with some detail of that. I've listened with interest to what Mike has said Mr President. I certainly will be happy to respond to him in relation to all of that at an early date. I don't see a need to adjourn consideration of the two motions that are before us in order to do that. I'm happy to simply respond directly to him.

MR SANDERS Thank you Mr President. I hadn't proposed to enter into this debate but out of the discussions it appears to me that there appears to be a misconception on whether it's a minimum wage or a basic wage. I think the original intention was that it was to be a minimum. If a person can't work for less than, not that it be a basic wage, and if I can recall I think there was a lot of emphasis put on that. My understanding of Mr King's presentation of his statement was almost as if it was a basic wage. I'd just like, when the matter is resolved, that it be determined on which one it is. Is it a minimum wage or is it a basic wage.

MR KING Thank you Mr President. I won't labour on too long but let me say that there's no misconception in my mind as to the intention of the Employment Act in setting a minimum wage. It was regarded as that. In the absence of any such similar mechanism in Norfolk Island at the time, it was felt appropriate to establish a minimum wage, not a basic wage. There are minimum wage ... in fact as I recall there is a minimum wage set in Australia which I don't feel has been adjusted for some time, because no-one relies upon it. They don't rely upon it because they have more sophisticated processes of conciliation and arbitration, various award systems, in recent, more recent times enterprise bargaining which appears to be working quite smoothly. We don't have that level of sophistication but what we have here is a system where unfortunately some local people have relied upon

the Act to establish the wage structure of their particular operations and it's totally inappropriate, totally inappropriate first in my view that it be used in that fashion, and secondly it's totally inappropriate that the matter, that the level of minimum wage be left in it's, in the one form or the one level for a period of five years. The second point I wish to make was that I didn't say that in respect of the minimum wage that Mr Brown hasn't undertaken the consultation process. What I said was that Mr Brown has not followed the process of review set out in the Act and I don't think that requires me to quote from the Act but I'll refer Mr Brown to sub-section 1074 of the Employment Act which sets out in detail the reasonable measures which are required to be taken and followed in respect of setting that wage, and if the advise from the Public Service didn't properly refer you to that then I would say that that advise is most unsatisfactory and very poor. Thank you. That's all I intend to say and look forward to talking with Mr Brown. I appreciate Mr President that I had been critical in this matter, and I make no apologies for that. I don't believe that the executive duties set out in the Employment Act have been properly followed and given the background to the development of this Act it's quite appropriate that they so be followed, and followed in precise detail. But if they don't measure up to what we want now we need to come forward with alternatives and review the Act. I'm happy to play a part in that review and as I've hopefully demonstrated to Mr Brown, it's not all one-sided on my part. There are some proposals that he has made with a persuasion different to mine that I support.

MR PRESIDENT Further participation. No further participation. The question is that Orders of the Day Nos. 1 and 2 be noted and I will put them together for your consideration.

QUESTION PUT
QUESTION AGREED

Those two papers are noted. Thank you.

ORDER OF THE DAY NO. 3 - PUBLIC MONEYS ORDINANCE 1979 - DIRECTIONS FOR VIREMENTS SINCE 16 JULY 1993 AND DETAILS OF EXPENDITURE AT DISCRETION OF EXECUTIVE MEMBER UNDER VOTE 50/2/01

MR PRESIDENT Resumption of debate on the question that the House take note of that paper.

MR BROWN Thank you Mr President, there's nothing that I wish to add today now that I've had the opportunity to look at those.

MR PRESIDENT Thank you. Any other participation by members. The question is that the House take note of the paper.

QUESTION PUT
QUESTION AGREED

ORDER OF THE DAY NO. 4 - BUDGET - FINANCIAL STATEMENTS, UNAUDITED, OF THE ADMINISTRATION OF NORFOLK ISLAND FOR THE YEAR ENDED 30 JUNE 1993

MR PRESIDENT Again, resumption of debate on the question that the House take note of that paper.

MR KING Mr President, I would reserve any comments I have on the financial statements for that particular financial year until the audited versions are available, and therefore I have nothing further to add at this stage.

MR PRESIDENT Thank you. Anything further to be said. I put that question that the House take note of the paper.

QUESTION PUT
QUESTION AGREED

ORDER OF THE DAY NO. 5 - EXECUTIVE MEMBERS, POLICY RE INDEMNITY

MR PRESIDENT We are resuming debate on the question that the amendment to Mr Bennett's amendment as proposed by Mr Christian be agreed to. It's set out on that Notice Paper where we are at and Mr Bennett you

have resumption of that debate.

MR BENNETT I think in fact it was Mr Christian who moved the amendment ...

MR PRESIDENT That may be so but you moved the adjournment.

MR BENNETT Oh, did I.

MR PRESIDENT But let's, let's not be difficult about that. If you wish not to resume there is no compulsion Mr Bennett.

MR BENNETT Well, I'll resume insofar as the conversation just before lunch, Mr Christian has something he wanted to say in respect to his amendment to my amendment, and if he asks that then maybe we can take over from there.

MR PRESIDENT Of course, Mr Christian.

MR CHRISTIAN Mr President, it's my wish to withdraw the amendment. On reflection I agree with the motion as it was put by Mr Bennett and I'd just like to withdraw that amendment.

MR PRESIDENT Is leave granted for that withdrawal?

AYE

Leave is granted. Thank you Mr Christian. What we have now therefore is the original motion and Mr Bennett's amendment. Would you like to pick it up from there Mr Bennett?

MR BENNETT Okay then. Mr President, that amendment to the amendment out of the road, that leaves the motion, or my amendment untattered for the moment and I understand from the debate at the last meeting that there was some enquiries, I think Mr Brown was going to enquire of the Commonwealth in particular on how their guidelines are in fact put into practise. It's one thing, as he may have mentioned, to read them in their black and white form, it's another to understand just how they are in fact used practically. I understand that he has had some response to his enquiry and may wish to inject that into the debate. But I have nothing further to add to my ...

MR PRESIDENT Okay. Thank you.

MR BROWN Mr President, I am happy to support Geoff's amendment to my motion. The amendment will require me to prepare a policy document for consideration by the Assembly and I've had some discussions with the Secretary to the Government in order to do that. As Geoff indicated, I have caused enquiries to be made of the Commonwealth to get an indication of how, in practise, the existing Commonwealth policy is being working. Members will recall that there are two relevant sections to the Commonwealth policy, Section A and Section B, from recollection, and the first section basically suggests that an indemnity be denied until the whole matter has been concluded and that the question of indemnity be looked at at that stage. Paragraph B works on the basis of the indemnity being provided at the start and if it is concluded either on the way through or at the end that the indemnity is inappropriate then it can cease at that stage. The application in the Commonwealth case over the course of the last two or three years has, from recollection, been exclusively to use Paragraph B and not Paragraph A. I have but a short letter about that which I will be happy to circulate to members at the time that I circulate the draft policy which Mr Bennett's amendment calls for in the event that it is passed. And as I said Mr President, I'm quite happy to support that amendment.

MR PRESIDENT Thank you. Further debate.

MR SANDERS Mr President, I wasn't going to debate this matter at all, but I was hoping that Mr Semple would pass comment because I was amazed at the last meeting how Mr Semple had said that he hadn't read it and then in the next breath said he wouldn't support it but he would support the amendment. I was wondering what world shattering advice he was going to come out with this afternoon.

MR SEMPLE Leave it at that Mr Sanders.

MR PRESIDENT Further debate. No further debate. The question is that the amendment be agreed to.

QUESTION PUT
QUESTION AGREED

The motion, the amendment becomes the motion. Any debate upon that. I put that motion, which is the amended motion. The question is that that amended motion be agreed to.

QUESTION PUT
QUESTION AGREED

MR SANDERS I wonder Mr President whether it would be improper that I should have abstained in those last two .. or it doesn't matter.

MR PRESIDENT We could record an abstention if you would care to Mr Sanders.

MR SANDERS I think it would be better, if I could do so in both. Thank you.

MR PRESIDENT We'll do that. If the Clerk would record those as abstentions for Mr Sanders please. We are now at Order of the Day No. 6.

ORDER OF THE DAY NO. 6 - PHILLIP ISLAND - ENDORSEMENT OF DRAFT MEMORANDUM OF UNDERSTANDING

MR PRESIDENT We are resuming debate on the motion that is printed on the Paper. Mr Robinson would normally have resumption. He is not here at present. Mr King, did you wish to resume.

MR KING Yes, I don't mind Mr President. Mr President, it may prove worthwhile just to refresh members' minds about what we're debating here. It is a simple direction motion which calls upon the House to endorse the executive member's intention, that is my intention, to enter into 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 at the last sitting. Mr President, at that sitting discussion understandably centred around the question of just what were the documents, these International and Bilateral Agreements which were mentioned in the proposed Memorandum of Understanding, which purportedly established obligations on Norfolk Island for environmental protection and conservation. At the time Mr President, members had only just received some written material on the Convention on Biological Diversity and the National Strategies and had had little opportunity to read and understand the material. Clearly, it was appropriate that adequate opportunity be given to members to understand the implications of the Memorandum of Understanding which was before them additionally during the debate I took the opportunity to invite Members to obtain some further material, on other conventions the principles of which were contained in the umbrella convention of biological diversity. Members have now had an opportunity to read and absorb this material and hopefully, now have a better understanding of the principles contained in these agreements and the standards of environmental conservation which we are obliged to follow, principles and standards which Mr President are impossible to argue against. I would hope that in gaining this understanding Mr President, those Members who felt that there may have been something sinister or unacceptable in the first part of the proposed Memorandum of Understanding no longer feel inclined towards an amendment of that section, during an informal meeting in recent weeks I reminded Members that the motion agreed on the 16 June by this House, placed a requirement on me to identify in a Memorandum of Understanding the basis of our environmental obligations. I believe that the Memorandum of Understanding in its present form does just that Mr President, in section 1.1 by making reference to international and bilateral agreements. I

MR PRESIDENT Thank you. Any final debate? I put the final question that the Bill be agreed to?

QUESTION PUT
QUESTION AGREED

The Bill is agreed to. Thank you.

ORDER OF THE DAY NO. 8 - BUSINESS NAMES AMENDMENT ACT 1993 - RESUMING DEBATE ON THE QUESTION THAT THE BILL BE AGREED TO IN PRINCIPLE

MR BENNETT Mr President, if I could have your concurrence in joining Order 8 and 9, they're substantially the same.

MR PRESIDENT Do you have amendments in respect of both of those.

MR BENNETT I have an amendment in relation to the Business Names Ordinance which I'll deal at the detail stage when we separate them.

MR PRESIDENT Right.

MR BENNETT I'm happy to be guided by ..

MR PRESIDENT I would be comfortable if you would like to talk to them both. I would like to put them separately to the House as far as decision taking is concerned, it would just make sure that we have tidied it in the most correct way. So by all means speak to them both together if you would care to but I will put the motion to the House separately.

MR BENNETT Mr President, I don't have a lot to add to what I said at the last meeting. The bills both address the use of the words "duty free" and "tax free" in commercial business names and company names. I went on at the last meeting to talk to give some background to it and the attempts that have been made to deal with the problem by means other than legislative means. I went on to quote from a letter from the Chamber of Commerce dated 31 July, in which they themselves expressed concern that certain businesses on the island continue to advertise themselves as being duty free and generally I went on to outline the changes that would be made to the Business Names Ordinance and the Companies Act to effect that. Aside from listing the names as being names that cannot be used, there was also a clause to provide for the names of business houses and companies to be changed within 90 names or more of being so directed and that direction would flow from, obviously from assent to the Bill. Mr President, the only other thing of any substance that I said at that time was that I proposed to bring an amendment to the Business Names Ordinance to the House today to correct the penalty provisions of that Ordinance. I have nothing further to add.

MR PRESIDENT Thank you. Further debate. Did you want to make a further contribution Mr Bennett, no, okay then thank you. We are at the stage of a motion to agree this Bill in principle. Any further debate. I put that question.

MR SANDERS Are both of these tied together Mr President?

MR PRESIDENT For purposes of discussion I'm happy if you would want to address them, but there will be two stages as far as the decision taking is concerned, and we are on the Business Names Amendment one at present. The question that the Bill be agreed to in principle.

QUESTION PUT
QUESTION AGREED

We progress to the detail stage, and maybe that's an opportunity for you to move your amendment maybe in its totality Mr Bennett.

MR BENNETT Yes Mr President. I move the foreshadowed amendment that has been circulated to members, and if I can have your leave, there are just six words that need to be added by way of clarification to it, and they are the words "for an offence against this subsection" which should follow "penalty:". The word "penalty:" on the

suspended as would prevent the House dealing with each of the two motions which I have circulated to members today Mr President.

MR PRESIDENT Thank you. I will put that to the House Honourable Members. Those who agree that motion in respect to Standing Orders.

QUESTION PUT

MR BENNETT No.

MR PRESIDENT Would you like the House called Mr Bennett?

MR BENNETT No.

MR PRESIDENT On that basis the Standing Orders putting aside to whatever extent is necessary is agreed.

MR BROWN Thank you Mr President. Mr President, firstly I move that this House, recognising the need for review of Norfolk Island's population policy ...

MR BENNETT Mr President, just a point of order, should that ruling have not been made under 244?

MR PRESIDENT Just let me see 244 Mr Bennett.

MR BENNETT I'm not wishing to be difficult, but I just haven't had time to do any ...

MR PRESIDENT I don't see that it contravenes 244 Mr Bennett, if that's what you were drawing my attention to. No, I didn't hear you make the ruling under that particular section.

MR KING I didn't hear you call for abstentions either Mr President, I might add.

MR PRESIDENT If there is any doubt Mr Bennett and Mr King, I think we call the House, although you have said that may not be necessary and we see where that brings us. So the question is that so much of Standing Orders that needs to be suspended to allow the two matters that Mr Brown has alluded to may be brought on. That's really the matter that's before us. So those who are in favour of that say aye, and against, and abstentions. Right, and on that basis we'll formally call the House so that we will see where we stand. Are you ready Mrs Graham.

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

Result of voting Honourable Members. The ayes six, the noes one, and there is one abstention. There is no contravention in respect of 244 Mr Bennett, so I hope that all is satisfied around the table that things are properly proceeding. Thank you.

MR BROWN Mr President, Mr Bennett was punching me for offending him this morning. Mr President, I move that this House, recognising the need for review of Norfolk Island's population policy, resolves that until otherwise determined, a three percent per annum growth should be allowed in the permanent population of which one third should be an allowance for natural increase and two thirds should be applied towards fixing a general entry permit quota. Mr President, later in today's meeting we are to consider the question of the abolition of the compensating departure scheme. There is significant feeling within the community that, when I say significant, there is strong feeling within a part of the community that we should not lightly abolish the CDD Scheme and that we should ensure that some form of alternative is available so that there will be movement within the population, and it is

appropriate that before we come to considering the abolition of the CDD Scheme we consider both an interim population policy and shortly a general entry permit quota. Mr President, the question of population and an appropriate level of that population has been subject to debate for quite a long while. Back in 1968 Westermann suggested that a resident population of 4000 to 6000 by 1980 was a possibility and that it is considered prudent to assume for the purposes of long-term planning that the population could increase to 10,000 by the turn of the century. I think a lot of people were concerned at that suggestion, Mr President, and in 1973 Professor Butland of the University of New England at Armidale was commissioned to prepare a population study of Norfolk Island. Insofar as population was concerned, Butland suggested that the growth in population which existed at the time, was too high. On his numbers, if that growth continued at the same rate, there would have been a population of 5000 by 1993 and a population of 9000 by the year 2003. Butland's recommendation was, that the Council of the day, should plan for a population of 2000 by 1983 and that there should be a growth thereafter of two percent per annum. That Report was considered by the Council of the day and the Council of the day certainly adopted that portion of the Report, save for the fact that it was of the view that the figure of 2000 should be reached by 1980, rather than 1983. Had that figure of 2000 been reached in 1980 Mr President, and had the two percent growth continued from there, by the end of 1993 the population, that is residents, general entry permit holders and temporary entry permit holders, but not tourist visitors, would by the end of 1993 have been 2587. Mr Justice Nimmo also looked at the population question in his 1976 Nimmo Report, and his recommendation was that the 2000 figure, which had been suggested by Professor Butland, should in fact be regarded as a maximum figure, and that unless some form of special circumstance arose there should not be a continuing growth in that number. So Butland and Nimmo were at odds in that regard, and as I said, the Council of the day had accepted Butland's recommendation. But let's look at what did in fact happen after that. We can go back to the Census Reports for the period from 1978 through to date, there was Census taken on 24 October 1978, another on the 30 June 1981, another on 30 June 1986 and another on 6 August 1991. Members will be aware that on 15 September this year, some information was extracted from the Immigration computers to give us details of the numbers of residents, general entry permit holders and temporary entry permit holders who were resident on the Island at that stage. On 24 October 1978 the total of residents, GEP's as they are now, and temporary entry permit holders was 1698, a long way short of the 2000 figure Mr President. On 30 June 1981, the figure had grown to 1849 and come 30 June 1986, it had grown to 1977. At 6 August 1991 it had fallen to 1912 and by 15 September 1993 it had fallen further to 1836. That is, 141 persons less than the figure at 30 June 1986 and some 164 persons less than Nimmo's recommended figure of 2000. And something like 700 less than Butland's figure as adopted by the Council of the day, factored upwards by 2 percent for the recommended growth. Mr President I said that at 30 June the numbers were up to 1977 and again, sorry 30 June 1986, and again at that stage concern had developed as to growth in the population and that concern resulted in the Legislative Assembly resolving to appoint a Select Committee on population which reported in March 1987 on the past, present and future population of Norfolk Island.

I did say Mr President that that Select Committee was established at a time when there was concern that the population was rising. It was some time late in 1986 that the committee was in fact established. That committee made certain recommendations which have been the basis of our population and immigration policies since 1987. Interestingly, both Nimmo and the Select Committee believed that there should be a form of one in, one out system. In Nimmo's case he made certain recommendations in relation to it. He said that it would need to be established that the intending purchaser is a bona fide prospective settler in the Island, that no person in the Island is ready, willing and able to purchase the property at the sale price, that the intending vendor renounces his residency after the sale, and that the number of people entering the Island as a result of the sale will not exceed the number leaving. Unfortunately the CDD Scheme as it was introduced and administered was different to that and had we administered the CDD Scheme along the lines of Nimmo's suggestion, perhaps we would not have the difficulties that we have today. But nevertheless in 1987 at a time when there was concern about increasing population, the Select Committee tabled its Report. From March 1987 until October 1993, Mr President, is 6 and a half years, and it is appropriate that we re-assess our attitude to population at

percent annual increase in population in the near future, and 30 GEP's, well, let us move them in that direction. But, I think that's the concept of what I wish to say Mr President, but at the present time I cannot accept these motions passing through the House today.

MR CHRISTIAN Mr President, I agree in principle to this motion that Mr Brown has put forward. I think we badly need the growth and I don't think the figures that he is suggesting would do any harm to the island whatsoever. What I would need to do though before I were to vote in favour of this at this stage, is have some sort of definite policy and plan in place as to what areas this growth is going to come from. Are they going to be all business people? Are they going to be from a manufacturing area? Are they going to be people who are just the ordinary worker. I don't know, this is what we need to know. As I understand it, up till about, since about two weeks ago, we now have nobody unemployed on our register, on the register. There are a lot of people out there that are under-employed, yes, and I think this needs to be carefully considered before we go increasing the population of it, and it needs to be done in proper form or we're going to finish up with too much of one person and not enough of the other. But I agree with the general idea that Mr Brown's put forward and I think the figures he's quoting are pretty right.

MR BROWN Mr President, I'd be interested to hear what Lester thinks about this. I don't know whether he's proposing to say something or not.

MR SEMPLE Thank you Mr President. Basically the same as what Mr King, Mr Sanders and Mr Christian said. This does appear on the surface to be a workable alternative but as Mike stated, it was popped on us at lunch time. Like the other speakers, I'd like more time to look into this matter and I certainly couldn't vote in favour of it today.

MR BROWN Mr President, I am quite happy for the question to be adjourned until our next meeting. If we were to adjourn it until the next meeting it probably would be better that I not even go to the trouble of moving the second motion that I simply introduce it, or Mike introduce it on the next occasion. I don't think members are going to be comfortable in setting a quota today. When members have said what they want to say I'll move an adjournment.

MR PRESIDENT Okay then Mr Brown. Anything further to be said? I think it is your turn Mr Brown.

MR BROWN I so move, Mr President.

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

QUESTION PUT
QUESTION AGREED

MR BROWN Mr President, to such extent as I might need to seek leave to not move the second motion, I seek that leave.

MR PRESIDENT Yes, I think we'll progress on.

ORDER OF THE DAY NO. 12 - IMMIGRATION AMENDMENT BILL 1993 - RESUMPTION OF THE DEBATE ON THE QUESTION THAT THAT BILL BE AGREED TO IN PRINCIPLE

MR PRESIDENT Mr Christian you would have had resumption of that debate. Do you wish to take it up now?

MR CHRISTIAN Mr President, I brought forward this Bill as requested by this House to abolish the Compensating Departure Declaration Scheme. My views remain the same, that the Scheme should not be abolished but modified in some areas until such time as we can have another plan in place. There is a need for properties to be able to be sold off the Island if purchasers are not forthcoming on Norfolk. People who cannot meet health and hardship criteria should not be expected to have to hold onto property which is no longer required for a number of reasons, but particularly if they wish to leave the Island. And that's about all I have to say at this stage Mr President.

What I'm trying to say Mr President is I'm amazed that they continue to consistently write this sort of garbage which is not true and I'm rather amazed Mr President that the author of this thing

MR BROWN: Point of Order Mr President... Mr Sanders may be about to be critical of a member of the public

MR SANDERS: Point of Order Mr President, Mr Brown is anticipating what I was going to say

MR BENNETT: He knows you pretty well though Bill

MR SANDERS: I think Mr President to save alot of embarrassment to me personally because I'm so sensitive I'll not continue with any further debate at this stage other than I'm in total support of this Compensating Departure Scheme getting thrown out as soon as possible

MR BROWN: Mr President I mentioned earlier that the one in one out scheme was referred to in the Nimmo Report and was the basis of one of the recommendations of the 1987 Select Committee Report and I still believe that a properly administered one in one out scheme would be beneficial, however, the Compensating Departure Scheme as it's ended up has simply not been satisfactory. I don't want to be critical of any of those who signed the petition. I don't think there is anything to be gained from that. I think that there may be some misunderstandings because certainly a citizen of Australia or New Zealand cannot insist that his immigration authorities allow him to sell his asset and perhaps someone else's residency in order for someone to come into his country and the reality is that it has been somewhat distasteful to some people that firstly we have had the Compensating Departure Scheme and secondly that we have administered it the way we have. As I said, I believe there is a need for a one in one out scheme but the CDD in my view has not achieved the aims that I had when I voted in favour of it. I think that the only answer is to throw it out. I think that we have shown today that the remainder of the Immigration legislation and Policies does enable movement within the community provided that we are prepared to set a population policy and to then set actual GEP quotas rather than the zero quotas that we've fixed on so many occasions over recent years. I've been in two minds as to whether I should urge an adjournment today and urge that we deal with the question of the population policy, the question of a GEP quota and the question of abolition of the CDD scheme all at once at our next meeting but on listening to Members today I think that there is a significant consensus that we must quickly now set a population policy and that we must quickly now fix a GEP quota. That will resolve the concerns of those who have signed the petition, or at least I believe it will resolve their concerns, it certainly is capable of resolving those concerns and on balance I think it is appropriate that I vote in favour of the motion today rather than seek to delay it further

MR PRESIDENT: Any further debate. No further debate. The question before us is that the Bill be agreed to in principle. I put that motion to you

QUESTION PUT
AGREED
MR CHRISTIAN VOTED NO
MR BUFFETT VOTED NO

Thank you. Do you wish to dispense with the detail stage

MR KING: Mr Christian may have missed the vote then

MR CHRISTIAN: Sorry about that I wish to vote against it Mr President but no need to count the House or anything

MR PRESIDENT: You are quite happy about that

MR CHRISTIAN: Yes

MR PRESIDENT: Could the Clerk please record Mr Christian's vote which is the same as mine

CLERK: You are against it

MR PRESIDENT: I'm against it, yes. That Bill is carried at the principle stage and just to make sure that I might have lost track of that. Did we dispense with the detail stage. Fine. We are at that stage and we've now dispensed with it. The final motion please

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

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

QUESTION PUT
AGREED
MR CHRISTIAN VOTED NO
MR BUFFETT VOTED NO

ORDER OF THE DAY NO. 13 - PUBLIC SERVICE AMENDMENT (NO 3) BILL 1993 - RESUMPTION OF THE DEBATE ON THE QUESTION THAT THAT BILL BE AGREED TO IN PRINCIPLE

MR PRESIDENT: Mr Brown you have the final call

MR BROWN: Thank you Mr President. Members will recall that this is a simple tidying up Bill. There is nothing that I wish to add on what was said on the previous occasion

MR PRESIDENT: Any further debate. No further debate. The question is that the Bill be agreed to in principle. I put that motion to you

QUESTION PUT
AGREED

Thank you. The Bill is agreed to in principle. The detail stage. Do you wish to dispense with the detail stage

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

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

QUESTION PUT
AGREED

That Bill is agreed to thank you

FIXING OF NEXT SITTING DAY

MR KING: Mr President, I move that the House at its rising adjourn until Wednesday 17 November 1993 at 10 am

MR PRESIDENT: Thank you Mr King. This is our normal Sitting day, the third Wednesday of the month Honourable Members. Anything further on that? No. Then I put the question

QUESTION PUT
AGREED

The ayes have it that is agreed thank you

LEAVE

MR BROWN: Mr President before we move to the Adjournment Debate there is something that I should have attended to earlier in today's meeting and that was to seek leave for Mr Robinson who is unable to be present

MR PRESIDENT: Thank you. Is leave granted? Leave is granted. Thank you Mr Brown

ADJOURNMENT

MR SANDERS: I move that the House do now adjourn

MR PRESIDENT: The question is that the House do now adjourn. Is there any final adjournment debate Honourable Members

MR BENNETT: Mr President I raise a matter of concern and that is I refer to the motion listed at Notice No 1 and subsequently amended and finally resolved earlier today and I draw your attention to Standing Order 94 which reads "...the President shall not allow any contingent notices of Motion to appear on the Notice Paper..". I suggest that Notice No 1 is or was a contingent motion by virtue of the words "subject to" in the first part that it suggests as it is that the House should support something subject to consultation. This appears to be to purport that the House is inhibited in making or deciding any motion which of course is not the case as Standing Order 94 makes plain. Mr President in hindsight the motion should never have been allowed on the Notice Paper and in light of this and Mr Brown's answer to the question in debate that should the PSA not like the idea he won't proceed with it, it was clearly contingent in his mind and in breach of Standing Order 94 and might well be as a result, void. Mr President I seek your guidance

MR PRESIDENT: Yes Mr Bennett I would not interpret the motion as it is phrased to be a contingent notice in the context of the Standing Order. A contingent notice would be one that would not be fully prepared for presentation and for consideration by the House. That is not the case with this motion

MR BENNETT: Is that what Standing Order 94...

MR PRESIDENT: That is my interpretation yes

MR BENNETT: Well it's a play on words Mr President. I thought contingent means hanging on to and it certainly is that

MR PRESIDENT: You see it says contingent notices of motion

MR BENNETT: Well that was a notice of motion Mr President

MR PRESIDENT: As it stands on the paper it is a substantive motion that's the point I'm making

MR BENNETT: It's a substantive motion but it also is a contingent motion. It's contingent. The words "subject to" makes it.. you've inhibited the House. The House is well it's been fettered really hasn't it. I mean. I'm surprised at that interpretation of Standing Order 94 Mr President

MR PRESIDENT: I note your surprise Mr Bennett

MR BENNETT: Well I might go on Mr President to finish off. You might call me out of order. My concerns about it were as I have raised, the question about Standing Order 94 and also I'm disturbed that the House can deal with such a substantive motion to finality with such haste when the implications were not known. The matter had insufficient consultation, the financial impact has not been measured and such changes make a substantial departure from the status quo. I am quite deeply concerned by it. I don't believe it represents good government or good Assembly-ism

MR PRESIDENT: Yes Mr Bennett I do understand that you bring the matter forward in good faith but I do need to draw your attention to Standing Order 59 which does say this "...no Member may reflect upon any vote of the House except upon a motion that such be rescinded"...

MR BENNETT: I'll note that for the next occasion Mr President

MR PRESIDENT: Thank you Mr Bennett. Further participation in the Adjournment debate

MR BROWN: Thank you Mr President. Mr President the Norfolk Island Central School has five students in the process of completing Year 12. They've had their last day at school and they are on their study vacation at present preparing for their examinations. There are a significant number of other Norfolk Island students preparing for

examinations in Australia and in New Zealand. Mr President and I along with the Headmaster propose to write to all of those students in fact to extend our best wishes to them in their coming examinations but I thought it appropriate that I make mention of what I have just mentioned Mr President and bearing in mind that this is the first occasion on which Year 12 will have sat for their final exams in Norfolk Island I thought that all Members might like to join with me in wishing those students all the best

MEMBERS: Hear Hear

MR PRESIDENT: Thank you Mr Brown. Thank you Honourable Members

MR CHRISTIAN: Mr President the Tuki and Huru celebrations commence here on Sunday 8th November. A large part of the celebrations will take place in the Kingston area. The handing back of the patu or stone clubs by the Australian authorities to the descendants of the Meriphenua people will happen in this area. Because there is a very strong feeling amongst the Maori people about the presence of spirits of deceased persons from earlier violent times of Norfolk history a blessing of the area will take place on the Sunday afternoon when the descendants arrive to calm the area. This will be a very impressive and moving series of religious ceremonies at which we would like to see alot of the tourists and local people present, but there is a need for the public to remain at certain distances and positions so as not to interfere with the blessings. More information will be given at a later date but I wish people to know that the area will be controlled during that time and request the public to assist us thank you

MR SANDERS: Mr President, Mr Christian is there a need for us to be cleansed if we go or are we okay

MR CHRISTIAN: No I think Mr Sanders we will accept the fact that he can wash himself this time

MR PRESIDENT: Any further debate? Well if there isn't any further debate I ask Members for their views about the debate on adjournment. The question is this House stands adjourned until Wednesday the 17th November 1993 at 10.00 in the morning

QUESTION PUT
AGREED

The ayes have it. Therefore this House stands thus adjourned Honourable Members until that day and hour.

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