

Good morning Honourable Members. We commence with Prayer of the Legislative Assembly

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

Condolences

MR PRESIDENT: Honourable Members I firstly call upon Condolences

MR ADAMS: Mr President it is with regret that this House records the death of Neil Mervyn Buffett who passed away at his home on Friday, the 5th August. Neil was only thirty years of age, the youngest son of the late Josie and of Mervyn Buffett of Steeles Point. He had been battling a rare type of cancer for the last three years. Born and educated on Norfolk Island, Neil worked at various jobs around the Island - lawn mowing, storeman at both Burns Philp and Foodland - a most conscientious and capable young fellow with part time jobs at the Bounty Spectacular and at the ABC Video shop where he became most interested in computers, televisions and videos. He had a tremendous set-up at his home where he and his sister Jeanette lived. The Norfolk Island flag was proudly flown in the garden always. Neil loved swimming and golf. He was known as "The Gentle Giant" which really sums up the character of this young fellow. He had a great love for his niece and his two nephews and in turn, was adored by them. To Mervyn and Yvonne, to Jeanette, Ian and Allen and to Neils many relations and friends this House extends its deepest sympathy.

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

Legislative Assembly - 15th Year since Inauguration

Honourable Members at the commencement of this sitting I would like to say that within the last week, this Legislative Assembly has completed its fifteenth year since inauguration in August of 1979 and as we all know that whilst fifteen years is a significant segment in the life of an individual person, it is but a small, brief, period in the progressive life of a Parliament elected to perpetually both serve and to guide its people. We have entered here our seventh Assembly within this fifteen year period and experienced the services of many men and women over that period of time. We have many many laws, repealed some, amended others, put together Governments and occasionally adjusted them, voted to collect monies and dispense monies, determined policies and motions making known its elective view, that is, the collective view of the Assembly. The Assembly has initiated committees and it has of course, called referendums but I think above all, it has exercised a continuing brief which is expressed in the Norfolk Island Act and that is to achieve through its various and appropriate authorities and influence, internal self government for Norfolk Island and at this the closest sitting to the fifteenth anniversary I would just like to draw your attention to it Honourable Member, and to acknowledge you as present Members of the Island's elected legislature and acknowledge all those who have contributed since inauguration in 1979 and I also reinforce attention to this continuing path to internal self government and continue to encourage this seventh Legislative Assembly in its task towards this end. And so to the business of the day Honourable Members

Leave of Absence - Hon N Christian and Mrs Sampson

Firstly, leave is sought for Neville Christian who is absent today. Is leave granted? Leave is granted thank you. And Mrs Sampson has sought leave from the September sitting and I ask if leave is granted? Leave is granted thank you

Petitions

Are there any Petitions this morning Honourable Members

Notices

Are there any Notices

Questions Without Notice

Are there any Questions Without Notice

MRS SAMPSON: Thank you Mr President. Only a few today. One for Mr King, the Minister for Works. With regard to the underground laying of the electricity service through Burnt Pine, were tenders called for the hire of the bobcats and if not, why not

MR KING: Mr President I think I'll have to flick past that to Mr Bennett in his responsibility for the electricity undertaking. I would be happy to add some words on the general question if that is considered appropriate

MR PRESIDENT: Let's tackle the specifics of the question in the first instance

MR BENNETT: Perhaps Mrs Sampson might read the question again

MRS SAMPSON: With regard to the underground laying of the electricity service through Burnt Pine, were tenders called for the hire of the bobcats and if not, why not

MR BENNETT: Mr President I'm not aware that tenders were called. I certainly didn't notice them in any Government Gazette or in the newspaper. The Administration Policy and Guidelines I think No 11, specifies the amount of money which is for sealing upon which any exceeding of that limit calls for work to go out to tender. Now that sealing I understand was \$5000 before, and in subsequent days have been changed so that's the foundation stone for deciding when tenders might be called. There are other arrangements within the precument process that call in certain circumstances for written quotes and the like. In the case of the job that Mrs Sampson has referred to, as I said, I am not aware that any tenders were called. I am not aware even of the extent of the work that the bobcats are doing in terms of the hours of work and the rest of it and just as a layman looking at it and looking at the route that they are going to take it would seem to me to be a fairly substantial job. Whether that exceeds \$5000 and therefore trigger the tendering process I don't know. But Mr President it's important to say that I am aware and other Members have made me aware of some concern in the community by other plant operators who have seen the job being performed and have raised the question about how they might get a part of the action. That matter has been raised in a discussion in recent days and I hope to get the answer to first of all, the method they went about selecting the particular pieces of plant that's working up there now and secondly to ensure as far as is possible for my point of view to allow plant operators generally to have a fair and equal crack at Administration work. Mr King may have something else to add to that but from where I stand, that is the short answer to the question. I don't know whether there was a tender called, I suspect not. I'm happy to get that answer more formalised for you

MRS SAMPSON: Another question for Mr King, which I hope is the right one. As there appears to be concern about the cost of the removal of the hump in Taylors Road by Holloways, could the Minister give reasons for its removal and squash a widely repeated remark that the said removal is going to cost about \$75000

MR KING: Mr President, I can certainly talk about the reasons. I can't talk extensively about the costs of the exercise. Certainly I wouldn't anticipate it being anywhere near the order of \$75000. We are employing the technique of payment recycling in that area but \$75000 is simply out of the question. We are talking here about a strip of road that's I guess no more than 200 metres. I wouldn't like to hazard a guess Mr President but I would certainly say that it is nowhere near \$75000 and I could get back to Mrs Sampson or any other interested member about the specific cost. The reason for the removal, basically, safety reasons. The hump in the road has presented a safety hazard. That hazard has been identified by both the various Sergeants of Police who have been here over the years, it was identified by professional surveyors and indeed acknowledged not only by myself but by former Ministers for Works as being a potential hazard. It does raise a problem with the focusing of car lights at night-time and oncoming traffic will often have their vision temporarily blurred by lights, which while they may be on low beam certainly give the impression or effect of being on high beam as they come over the hill. There is a problem with the sight line of traffic approaching from both directions and in fact it takes into account the possibility of additional use of that area for parking in future. So it is a safety measure and it is also a measure that was taken acknowledging that the area may be used for increased parking in the future

MRS SAMPSON: Thank you. One for Mrs Cuthbertson as the Minister for Health and Education. Are there any plans for discussion with the Australian Federal Police on salaries and conditions for those officers seconded to Norfolk Island

MRS LOZZI CUTHBERTSON: Mr President. I certainly intend to raise the issue when the Inspector in charge of relations between the AFP and Norfolk Island visits later this month but as to formalising and taking on proper negotiations that might happen a little later in the piece thank you

MRS SAMPSON: And two brief ones for Mr Bennett, the Minister for Finance. Does the Minister know if the National Bank pays Absentee Landowners Tax on the Resort Hotels properties

MR BENNETT: Mr President I'm not sure. That's an interesting question. If Mrs Sampson will allow, I'll take that on notice and get the answer to her. If she would like the answer before the next sitting I would be happy to give that to her. I'm uncertain about that. It's an interesting definition I guess of ownership. I'll have to defer that to experts to give me advice on that

MRS SAMPSON: And the next one is in two parts. Would the Minister please advise this House if the lifting of duty from 60% to 180% on cigarettes and from 15% to 18.5% on liquor provided the extra \$250000 needed for the Healthcare Fund as reported in the local paper on the 19th June 1993, and the second part to the question is, could the Minister please compare the revenue collected on duty on cigarettes and liquor for the year ended June 1994, against the year ended June 1993

MR BENNETT: Thank you Mr President. Mrs Sampson is referring to the amendment to the Customs Ordinance 1913 that was brought into effect on the 3rd July 1993. Mr President, perhaps just to put the matter into proper context allow me to read from Hansard an extract of the debate when the bill was brought in. This was debate by Mr Brown who was then the Minister for Health and I quote "The Government has determined as a matter of policy that the Customs Ordinance 1913

should be amended to increase the Customs Duty on liquor and cigarettes and tobacco. The revenue which will be gained from this increase will be completely allocated to subsidise Norfolk Island Healthcare. The Government makes no apology for directly targeting tobacco and alcohol because it is the voluntary use and misuse and over consumption of both that places a significant burden on any public health system. The Government feels that price changes can also have a particular impact on young people considering on taking up smoking and it would be neglecting its public health duty if it did not do something to discourage the habit. In other parts of Australia Governments have steadily increased taxes on cigarettes but the increased revenue has usually gone into consolidated revenue. That is not the approach of the Norfolk Island Government. The Government makes a commitment that 100% of the revenue raised by these increases in customs duty will be allocated to subsidise the costs of Healthcare. The Government does not seek to impose this increase purely as a general revenue measure but has deliberately determined that these funds should support the medical system of Norfolk Island". Mr President, at that time those Members who were involved would be aware that the estimated amount of subsidy that the Healthcare Fund was requiring at the time the budget was framed was \$250000 and the officers of the Administration calculated a certain increase in both duty on tobacco products and alcohol in which if given the status quo in the quantum of imports would bring about \$250000 additional revenue to meet the \$250000 subsidy to the hospital. Well, as Members will now be aware, the Healthcare Fund did not require \$250000 subsidy, in fact, from memory I think the subsidy was around about \$120000 in that year and that happens to equate to the amount of duty in fact on tobacco that was received in that year. We do not receive \$250000 additional duty, in fact we received somewhere in the order of \$150000-155000 in both tobacco duty and liquor duty in excess of what we had normally budgetted for. Now I suppose on the one hand you could say, well the volume of tobacco products and alcohol may have decreased and was it wise to do that but on the other hand one of the objectives was to address the social health policy issues then I think alot may have been achieved. There is of course the argument that suggests that perhaps the decline in imports and therefore sales may well have been only to visitors and that there may not be any reduction in the smoking habit within the Island. I can only speculate I certainly don't have data to suggest that one of those suggestions is right and the other wrong or that there's a bit of right in both. I hope that answers the first part. The second part relates to the comparison of duty. Mrs Sampson has asked that the comparison between 1992/93 financial year or the year ending 30 June 1993 compared to the year ending 30th June 1994. For the 1993 year the total amount of duty on cigarettes, cigars and tobacco was \$83109 and in the financial year just ended was \$211885. Now, just to ensure that there aren't conclusions jumped to from that I should go back a couple of years and give you the picture from the years 1991, 91/92 and compare it with those other two. In the year ending 30th June 1991 the duty was \$109372, in the following year the 30th June 1992 the duty received dropped to \$87980, in the year that I've just described 30th June 1993 it came down further to \$83109. Now that was prior to there being any increase in the rate of duty. Those were all at 60% so there was quite a marked decline even though the rate of duty had remained constant and as I said from a base of \$83109 at the 30th June 1993 we lifted the duty on tobacco products to \$211885. I am aware that in the total quantity of cigarettes and cigards there was a decrease, exactly how much that decrease was in terms of cartons or packets or whatever I can't be sure, but as I said it is speculative as to whether that decline is caused by visitors not buying the product or whether the social health policy issues have bitten in

MR ADAMS: Thank you Mr President. This is a question for the Minister for Tourist, Mr King. Could you please advise the House what familiarisation has the non resident head of the Tourist Bureau had in studies of Norfolk Island inclusive of culture, history and language

MR KING: I haven't the foggiest idea Mr President. I think there is a

hidden question in all that and I think it is this, why have we appointed a person to the Bureau who perhaps has no knowledge of Norfolk Island's traditions and culture and I will respond as if that question were asked Mr President. We have made that appointment to the Bureau in the interests of our single industry which is tourism. We've engaged a very professional man with wide expertise. I would hope that in the future that position may well be held by an Islander or a resident person but that opportunity simply wasn't available to us at this point in time

MR ADAMS: Supplementary to the first question Mr President, we have to then assume that he is unqualified in product knowledge in regard to selling Norfolk Island

MR KING: That may be an assumption that Mr Adams can make Mr President, it is certainly not my assumption

MR ADAMS: A question for Mr King as Minister for Shipping. In June of this year, Mr King in answer to a question asked in this House you confirmed that an investigation was proceeding into the ammunition loaded into general cargo. Could you please advise the House of this investigation

MR KING: Yes. Well as far as I can remember Mr President, and I've got to say that this touches on executive areas of police matters and customs which aren't in my portfolio. I don't want to give the impression that I continually pass the buck to others but let me say that my understanding of it, the investigations were carried out and it was ultimately decided that prosecutions in the matter would not have a great chance of success so they did not proceed. If there are anything the other Ministers can add to that I offer the opportunity

MR BENNETT: Mr President I certainly was briefed on the investigation and recommendations as a result of my portfolio having customs. I don't have the details with me to be able to respond with any detail to Mr Adams, but I like Mr Adams was as concerned as he was about the incident from a variety of points of view, not simply one of safety but there were a whole raft of issues but during the briefing there were some twelve or thirteen very valid reasons why the matter ought not to proceed and they were considered and there appeared to be no other way but to note the recommendations that the matter, if proceeded with to perhaps court, would not succeed and that was where the matter was left

MR ADAMS: Thank you Mr President. Another question to the Minister for the Public Service, Mr King. Could the Minister please advise the House why a recent position in the Public Service was advertised in the newspaper after the position had already been filled

MR KING: Mr President I imagine that Mr Adams is referring to an advertisement which appeared probably as a result of my discussions with the Chief Administrative Officer regarding the filling of a position on a temporary basis without first advertising. I spoke to the Chief Administrative Officer as I had genuine concerns about the practice of filling positions which were in effect, permanent positions within the establishment on a temporary basis. I needed to clarify in my mind whether the objective of having an efficient and quality Public Service was in fact met by filling a position firstly without advertising and secondly, advertising what is in effect a permanent position on a temporary basis. I would have to say that a position which is advertised only as a temporary position would not be likely to attract a wide range of applications, particularly ones who are already holding down reasonable or fair full time jobs in the community. If we are genuine in our desire to have an efficient Public Service then obviously we would want to attract as wide a range of applicants as we possibly can and either filling a position without advertising or filling a permanent position on a temporary basis does not achieve that objective nor does it

achieve that objective Mr President if after a certain period of time, that position which has been filled on a temporary basis is then advertised as a permanent opportunity for employment because in those circumstances outside applicants are unlikely to apply for that position because it is already filled and history will show that in 99.9% of the cases the person who is already in the job on a temporary basis will be successful. Now those measures in my view concern me Mr President. I do not think that they are meeting the objectives of staffing of the Public Service in a fully qualified and efficient manner and that's not to take anything away from those people who are ultimately successful in filling those jobs, but I think if we are serious then we ought to maintain a view that we advertise a position in as attractive a method as possible. I understand that the particular position that Mr Adams refers to is one which is up in the Post Office area and I have to make the point that the Post Office and Philatelic staffing is under review and I would not want in any way, shape or form to take away the authority of the Public Service Board to do that but I would have to say that it is inappropriate for the Public Service Board to do that just because a position becomes vacant

MR ADAMS: Thank you Mr President. Another question for the Minister for the Public Service, Mr King. I am aware that there is a mechanism within the Public Service for the appointment of part time employees for up to six months without the Public Service Board needing to make the appointment. In view of this could the Minister advise the House why in recent times a number of six month appointees have been kept on after the expiry of the six month period without the matter going before the Public Service board

MR KING: Mr President I probably can't answer that question succinctly but I should say that as I understand it the procedures or policy guidelines that are laid down for the recruitment process are currently under review or is shortly to be reviewed by the Public Service Board. I'm looking for a nod from the Chief Administrative Officer over there. I've just received that nod. Be that as it may I have experience that goes back for some time in the Public Service and I'm aware of course of the original intention of the legislation in respect of recruitment to positions in the Public Service and I am aware that the intention of the legislature at that time was that the Public Service Board is the authority which creates the positions within the establishment and it is the Public Service Boards sole authority to then appoint people to those permanent positions and that the section 20 provisions were only there to enable the Chief Administrative Officer or the Board to fill, what is clearly a temporary labour requirement. Now unfortunately, the practice has changed with changing Chief Administrative Officers and changing Public Service Boards and I'm not talking in a derogatory sense there, each of the Chief Executives of course have their own management styles but in my view it is far more appropriate that the Public Service Board is the authority that deals with the filling of permanent positions in the establishment but Mr Adams will no doubt welcome the review of the recruitment process as I will

MR ADAMS: Thank you Mr President. A question for Mr Bennett as a member of the Expenditure Review Committee. Could Mr Bennett advise the House why in recent times a county tractor was disposed of for \$1600 when (a) the engine could have been used for replacement spare of A5 and the Government Launch and (b) in spite of the fact that there was an estimated \$2000 worth of tyres on the tractor

MR BENNETT: Mr President I'm not sure whether this is Mr King's or mine but as the matter came to me first in September 1993 I'll take it through and deal with it as far as I'm aware. First of all I should say that the country tractor we're talking about was one that was brought to Norfolk Island by the Department of Civil Aviation in 1976. It was transferred to the Norfolk Island Administration in 1991 I think at no cost to the Administration. In September I received a report directed to me through the Chief Administrative Officer advising me of the

condition of the country tractor and recommending certain options for my consideration and the recommended option was that the ford tractor be disposed off by public tender and that the country tractor plus another one be disposed off and a tractor suitable for the work mentioned above be purchased. That was the recommended option. I want to go on and say that the county tractor when we received it was not a machine that hadn't had problems previously. In fact the nature of the problems that arose in 1993 was similar in nature to two other occurrences when it was in the hands of the Department of Civil Aviation. I think it's something to do with the left and right hand stub axle housing or some sort of mechanical pieces around the front end of it. Mr President there were some options that were thrown up to us and that was first of all that we spend about \$6000 which were repairs indicated for the cost, dispose of it by public tender or dispose of two tractors and repurchase something more suitable for the job. I must say that in June of 1993, just before the close of the financial year funds were requested by the senior storeman for the purchase of replacement parts and the requisition totalled something like \$6000. I rejected that application because I wanted to be certain that we weren't simply throwing more good money after bad. As a result of that decision this memorandum that I talked to or the report I just mentioned arrived. Now that was September. There was a lot of discussion, alot of meetings about the method of disposal. The matter went up for tender and there were no responses at all for a call for tender. At a later time there were two cash offers submitted. Now that matter came to the Tenders Committee in April of this year and even that was a decision that was held over pending more analysis on possible future uses of the tractor. Subsequently it was the view of the Tender Committee that the matter be disposed of and the highest of the cash offers be received. Now I'm not a technical man, we rely very heavily on advise from the people in the Service but to my knowledge and unless Mr King as information to the contrary I've never had suggestions of the kind that you have raised with me and I would have hoped that those matters would have been taken into consideration by the responsible officers in making a report to us for a decision. That's all that I've got on Mr President, perhaps Mr King might add to that

MR KING: I wasn't quite sure whether Mr Bennett made any mention of the second mechanical opinion that was sought during the course of the examination of the question of whether the tractor ought to be disposed of and that second opinion was sought from an independant automotive engineer and that opinion basically said that there can be no guarantee that if there were the expenditure for \$6000 on the vehicle that the problems, or similar, or other mechanical problems, would not continue so I thought that point was worth making as well

MR BATES: Thank you Mr President. I have a question for Mr Bennett, Minister for finance. Since the introduction of FIL on cash payments on bankcard has there been any adverse public reaction to this charge that the Minister is aware of

MR BENNETT: Mr President there has been considerable comment, in fact I venture to say that I've had more comment about this issue then probably anything in the last two terms. The criticism to the FIL credit card transaction new definition is in two parts. I should firstly say that what the amendment bill passed at the last Sitting did, was not bring credit card transactions into focus for the first time, it was always the intention of the originating FIL Bill as far back as 1985 to include credit card transactions in the net but for inconsistent interpretations of the Act we found that until we made the change the two Banks had differing views on what that section relating to credit cards meant and so one bank wasn't charging anything, the other was levying a FIL on certain transactions but not charging the customer but at least paying us that. That amendment bill sought to clarify the definition and amongst other things, but in relation to credit cards it was not a new initiative at all. Mr President the two principal pieces of criticism relate to first of all a person believing that a debt to a credit card is

a loan account and therefore transactions to it ought to be free by virtue of it being a loan account. Well the legal advice on that is that it is not a loan account, a debit on a credit card it is in fact akin to an overdraft but the second area which has been the cause of most of the criticism has been the so called double dipping issue, that is, where funds in a bank are transferred to a credit card account are levied FIL the second time. Now Members will recall that when Mrs Anderson asked me a question, it seems ages ago now but it was Mrs Anderson's words, double dipping and I perhaps in hindsight regret that I ever picked up those two words and used them. They've been the bane of my life for the last fortnight or so, however, it is fair to say that there was no intention to double dip and we had believed that the sections of the FIL Act relating to credit cards were clear and specific enough that double dipping would not occur. As I said earlier the lack of consistent interpretation has plagued the FIL Act and in respect to the particular section of the Act it's caused some turmoil in the community. The lack of consistent interpretation has been around for a long time but it's been particularly evident, or noticed by people since the increase of the FIL from .25 of a % to 1% in July 1990. The former Minister for Finance early in 1992 said in this House words to this effect, it is accepted that the technical structure of the FIL tax is now bearing a load greater than was originally intended. The point was also noted by the Revenue Working Group in 1991 which said that what once were acceptable differentiations at .25 of a % became anomalies at 1%. What I'm trying to say is that many of these issues were insignificant at .15 and then .25 of a % but became very noticeable to the taxpayer when they became 1%. As I said earlier, it was always intended that deposits to credit card accounts be included in the definition of credits under the Act and perhaps we as the administering authority had no doubt about it but a lack of preparedness to proper ruling or to give legal advice about a particular section of the Act to the Banks has caused them to have to go and find legal interpretations for themselves. Unfortunately that has given rise to a number of the problems because you have two banks going to two separate legal groups and in some cases getting two different interpretations back again, so we have one interpretation, there are another two out there. It was a recipe for disaster and whilst I understand that that policy of not profering rulings or legal opinion about the FIL Act and its interpretation is a policy that's been around a few years, I certainly will do my outmost to make a change to that. I think the Government or indeed the Administration has a duty to make it clear to those who administer the Act, the intention behind the Act. I think it's not good enough that we say, there it is, you work out how you should do it or get legal advice of your own. No instance was more evident of confusion when the legal interpretation of whether a credit card transaction was FIL free or not. As I said one of the Banks legal advice determined that it was not a credit for the purpose of the FIL Act and so they did nothing about collecting it on any transaction, the other bank's advice was not so clear so they were levying it on some transactions, but to remain competitive didn't charge the customer but paid us. Now you must appreciate that the banks also had an interest in making sure or making clear the definition and the intention of the Government in this respect. The other group that were pushing for some clearer definition were those persons who did not use credit cards as a means of transacting business but who were paying their FIL like good citizens and they were upset that there was avoidance measures being carried out by others that the Government was just turning a blind eye to. It's important to mention those few things. The amendment act as I said, set out to address some of those anomalies and I thought that when it was passed the matter would be fairly clear but some words in that Act appear still to be open to interpretation and those, if Members have got their bills with them, are in section 2(b) and the keywords are "an account kept by a person". I think in my terms this was always meant to have a wider interpretation than being simply an account in the same name.

It was believed that if the intention was to only permit transactions to be FIL free that went from a persons bank account to a persons credit card account, both in the same name. The Act might have read, "an account in the name of the person".

Legal advice as late as this morning confirms that the wider interpretation is in

fact the more correct interpretation and that advise goes on the say that "from further discussion the conclusion was arrived at that various types of transactions referred to in section 2(b)(1)(2)(5), were not defined as a receipt and not therefore liable to the levy when the funds were transferred by the person keeping the account regardless of whose account they were transferred to. The important distinction is, that if the action of transferring the funds was not done by the person who kept the account from which the funds were taken then the transaction is leviable. Mr President we have a minor dilemma, I don't know whether that's confused everybody, I can see the Clerk frowning. We have a minor dilemma inasmuch as in the first few days of August there have been to my way of thinking some transactions that have been levied FIL which ought not to have been levied FIL, we have a job to do today to make sure that our understanding of the intent of that section is relayed to the banks and any other financial institutions and then I have the task of dealing with the dilemma of what happens to those accounts or transactions that have been levied FIL in that interim period. Does that answer the question. I should just conclude by saying, because it is important, I still think the FIL is a rotten tax and if it is to try and find a solution to the drama that it causes, continue and I mentioned in the House previously that discussions are going on with the banks about an alternative way of looking at it and the problems in the last month have just spurred me on to ensure that we get it resolved as quickly as possible. I can give no guarantee of time. It's a very big issue from the financial institutions point of view but we'll push as hard as we can to get it resolved as quickly as we might

MR PRESIDENT: Thank you Mr Bennett. Time has expired Honourable Members

MR ADAMS: Mr President, could I move that Question time be extended by ten minutes

MR PRESIDENT: Ten minutes. Is that agreed? Agreed thank you. Who has the call? I wanted to give other people an opportunity first of all and I wonder if Mrs Anderson would like to ask

MRS ANDERSON: I have a question for Mr King as Minister for Shipping. Could the Minister please advise what progress has been made on the provision of improved shipping and freight handling services to Norfolk Island

MR KING: Well there's no progress been made since I made my last report, I think at the last meeting of this House. I have nothing further to add to that Mr President. I understand that the Federal Joint Parliamentary Committee investigating the facilities in the external territories is a little late in delivering its report, or expects to be a little late in delivering its report to the Federal Parliament, but locally there has been no further progress. I mean we didn't expect that there would be any further progress as this point in time although there has been an undertaking given by me that we form a small working group within our own numbers here to keep an eye on the question. That group hasn't met yet but I don't believe anything has been lost by the fact that that group hasn't met yet. The next important milestone I suppose you would call it is the delivery of the Standing Committee's Report to the Federal Parliament which is expected to be around September, October

MR ADAMS: Thank you Mr President. I'm not sure who this question falls closer to but I'll ask the question and whoever it is nearer to perhaps can pick it up. Recently the former Crown Solicitor left the employ of the Administration three months early and yet was still paid for his unworked three months. Could the relevant Minister please advise who authorised this payment of around \$12000 from the public purse and why

MR PRESIDENT: Mr King is the Public Service area but Mr Bennet you might have

had..

MR BENNETT: Mr President if I might just make some preliminary remarks because I did handle this matter in the absence of Mr King last week and I just want to say that a decision was taken following consultations and the receipt of advise. Any decision of this nature is not an easy decision however, the circumstances clearly warranted it. I might add Mr President that Mr Adams was made aware of some of the reasoning. I responded opening to his query. I would not intend to spell out the detail here as Mr Adams will now appreciate the sensitivity of some of the reasons. Perhaps Mr King has something more to add

MR KING: Well I'm happy to add one point which I think can be made in a roundabout sort of way in this forum, is that there was some financial compensation, or a matter which compensated for that payout which incidentally wasn't a payout of the contract, it was a payout of the required notice or the notice that was required under the contract. That compensation lay in the fact that the Crown Solicitor was involved in a private litigation matter in which the Administration has been joined where because he was a witness in that particular matter the carriage of the matter at Administration level would of necessity have had to have been farmed out to private legal people at a cost which was probably expected to exceed that which represented the payout of the notice under the contract so there was in that respect.. and because we can now retain that matter within the Administration legal department it doesn't have to be farmed out to private legal people then there is that compensating factor which as I understand it, more then adequately compensates for the early departure of the Crown Solicitor

MR ADAMS: Thank you Mr President. This is a question for Mr Bennett as Minister with responsibility of the airport. Could the Minister advise the House of the sum paid to Airplan thus far and has Norfolk received value for money

MR BENNETT: Mr President I don't have the full answer for Mr Adams. I don't have the paper that identifies the amount of money that's paid to them but what I should say is that the contract let to Airplan was a contract that had three parts to it, they had the concept stage and that was seperately contracted with a not to exceed price and that was \$30000 and that came in under that price; the second stage was the design stage and that was bringing the concept design into working drawings to the stage where the matter could go out to tender and I understand it would have included tender documents but not the cost of the tender process. My understanding of that second stage drawings was that the price of that was \$70000 and that part of the process is yet to be completed. I certainly couldn't answer whether we are getting value for money, I'm not judge of what a piece of paper with alot of lines on it is worth but let me say that we have had our moments with this project, there are alot of technical details that have caused us some anxieties and some of them are yet to be resolved, we expect them to be resolved shortly and just as an aside to that the simple task of relocating the operations room in itself has been a very difficult thing to come to grips with. The quotes for shifting the stuff and replacing the equipment varied from about \$14000 to about \$108000 just for shifting the equipment and realigning it and some of those side issues have to be dealt with before we can finally conclude other things. Mr President I don't want to go over old ground about the way it was set up but it did come to my attention last night that the decision to proceed with the project and appoint Airplan was made in the last Assembly and perhaps for the benefit of Members of this Assembly they might if they want to, get hold of some of the early documentation for example, the brief for management of the thing and it only occurred to me last night that they are a little behind the eight ball not knowing alot of the things that have been discussed and decided on prior to them coming into the seventh Assembly. I think that by reading some of those documents Members will have a better understanding of the complexity of the job and the way that the contract works. As I said Mr President there certainly have been problems, but

that's one of the tasks of the project control group. One of their tasks is to deal with such difficulties and have them resolved and I'm quite happy with the way the project control group is dealing with the issue and the quality of the advice that's coming to me from them. It doesn't always get the problems solved quickly but at least they are aware of the nature of the problems and the options available to deal with it. I think that might answer that question

MR PRESIDENT: Thank you. Question time has expired Members unless you want to extend that time again. Five minutes. Is it agreed? Agreed

MR ADAMS: A question for Mr King again the Minister for the Public Service. Could you please indicate to the House the reasons for which some unskilled people within the Public Service are being raised to a senior tradesman classification, a pay level which gives them a higher level of pay than most ticketed tradesmen in the service

MR KING: You have some rather searching questions today Mr Adams. I don't know the answer to that. I mean there is natural progression, or not natural progression but there is a process that enables people to progress through the Public Service, it is a matter for the Public Service Board to consider. I wouldn't suggest that people are upgraded to a position parallel to that of a tradesman unless they demonstrated certain skills. Mr Adams question contains suggestions to the contrary. If he has any evidence to the contrary well he might like to talk to me a little bit later on but certainly that is the process that I see being followed. I mean, if people have demonstrated skills they don't particularly need to be written down on pieces of paper or diplomas. If they have skills which are worthwhile to the Public Service and enables them to do the job then they can progress like other people. It's a Public Service Board consideration Mr President

MR PRESIDENT: Questions Without Notice are concluded Honourable Members.

Presentation of Papers

There are no Questions on Notice this morning so we are at Presentation of Papers. Are there any Papers to present. Some regulations

MRS LOZZI CUTHBERTSON: Mr President I wish to table the following reports. Firstly the Employment Tribunal has furnished me with an annual report in accordance with section 89(2) of the Employment Act 1988 and I table a copy of that report.

Secondly, Mr President the Employment Conciliation Board has furnished me with its annual report and in accordance with section 75(2) of the Employment Act 1988 I table a copy of that report as well

MR KING: Mr President I move that both those Papers be noted

MR PRESIDENT: The question is that the Papers on the Employment and Conciliation Reports be noted

MR KING: Thank you. Mr President in due course, for the reasons that explain each year, that I will move the adjournment of the debate on the question for the purposes of examining those reports in detail, given that it is an area of particular interest to me. I haven't seen those reports yet and would like the opportunity to run my eyes over them and perhaps debate them further in the House if necessary

MR BATES: Yes Mr President, I certainly support Mr King's intention to

adjourn this matter and I too would like to obtain copies of those in due course and study them

MR PRESIDENT: Thank you. Any further debate

MR KING: I so move the adjournment

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

QUESTION PUT
AGREED

The ayes have it that matter is adjourned thank you. Any further Papers this morning

MR KING: Mr President in accordance with paragraph 41(2)(a) of the Interpretation Ordinance 1979 I table the Dogs Registration Regulations 1994

MR PRESIDENT: Thank you. Any further Papers this morning

MR BENNETT: Mr President I have three papers. The first in accordance with that same paragraph 41(2)(a) of the Interpretation Ordinance 1979 I table the Financial Institutions Levy Amendment No 2 Regulations 1994. I do so with some trepidation I might add, but I am required to do so.

Mr President the second Paper which has been circulated to Members are the Financial Indicators for the month of July.

And the third Paper which is in two parts Mr President in accordance with the Customs Ordinance 1913 and I am required to table exemptions made under that Ordinance and I table two exemptions for headstones under the Standing Exemption on headstones under that Act

MR KING: Mr President I present the tourist arrival figures for July 1994 and move that the Paper be noted

MR PRESIDENT: The question is that the Paper on tourist figures be noted?

MR KING: Thank you Mr President. The significant features of that Paper have been reported in the local press and are fairly widely known - that is, that the July figures for 1994 exceed those of 1993 by 55%. What is not widely known is that July was the fifth record month in a row and that the total of the six months ending July exceeded our previous best for the same period by 10%. Now those figures suggest Mr President that the turn around in tourist visitation which we have experienced over the past six months is not simply an aberration. It's fair to say at this point that our tourism industry is emerging very strongly from the decline which has gripped our industry for the past five or six years or so and there's every reason to expect Mr President that Norfolk will continue to experience sustained economic regrowth over the near to medium terms provided of course that the economies of our main markets in Australia and New Zealand remain buoyant or continue to improve. Mr President, there's certain benefits which will flow from economic regrowth and of course it is up to this Assembly and the Government to ensure that those benefits flow equally to all residents of the Island in terms of business opportunities and full and productive employment but returning to the visitor figures Mr President I feel that I have to mention one fact which does detract somewhat from the July performance and that is a continued reduction in the visitation out of New Zealand and that is an 11% reduction over July of 1993. I have mentioned this concern before and I have mentioned that the

New Zealand market is a somewhat difficult market but with that concern in mind Mr President the Tourist Bureau's General Manager, Australia, Mr Bob Doyle, last week undertook a fairly extensive three day sales and marketing visit through New Zealand and the report provided by Mr Doyle indicates a degree of confidence in being able to revitalise the New Zealand market. Discussions were also held with Air New Zealand with a view to negotiating add on fares from the South Island and this aspect looks promising as well but I can say no more on that point at this time but in the interests of members and anyone else in the community who might like a copy I also table Mr Doyle's report on his New Zealand visit

MR PRESIDENT: Thank you. The question is that the paper be noted? Any participation? I put the question

QUESTION PUT
AGREED

The ayes have it. Thank you. Any further papers to be presented this morning

Statements

We move on to Statements. Are there any Statements

Report from Standing and Select Committees

Are there any Reports from Standing and Select Committees

MRS ANDERSON: Thank you Mr President. I have a report from the Select Committee 's which is investigating electoral and constitutional matters for Norfolk Island. Since the Committee last reported to this House, public hearings have been held at which members of the public have had the opportunity to present their views on electoral matters and respond to questions from the Committee. I would like to take this opportunity to state how the Committee appreciate the time taken taken by these individuals and how we would welcome input from any other members of the public who might care to make a submission. Thank you Mr President

MR PRESIDENT: Thank you Mrs Anderson

Messages from the Office of the Administrator

Message No 74 from the Office of the Administrator. On the 26th July 1994 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the Financial Institutions Amendment Act 1994 which was Act No 17 of 1994; and the Dogs Registration Amendment Act 1994, Act No 18 of 1994; The message is dated the 26th July 1994, Alan Kerr, Administrator

NOTICES

Thank you. Honourable Members we are at the stage of looking at Notices on our Notice Paper.

NO 1 - SOCIAL SERVICES ACT 1980 - RECOMMENDATION TO APPOINT COMMUNITY MEMBERS OF THE SOCIAL SERVICES BOARD

MRS LOZZI CUTHBERTSON: Thank you Mr President. I move that in accordance with section 8 of the Social Services Act 1980 this House resolves to recommend to His Honour the Administrator that under section 4 of the Social Services Act 1980 he reappoint -

Patricia Madge Anderson;

Patricia Jean Buffett; and
Thomas Leslie Lloyd

as community members of the Social Services Board for a period of 3 years to commence on 27 September 1994. Mr President I would also like to take this opportunity to thank these three people who have been members of the Social Services Board for many years and have contributed a great deal in that time to making sensible and well judged decision with regard to applications and ongoing benefits paid to people on Norfolk Island. I'm very grateful that they have agreed to be reappointed and I am certain that the contribution will continue to be of an excellent quality in the years to come

MRS SAMPSON: Thank you Mr President. I would like to echo Mrs Cuthbertson's remarks. I worked with these three people on the fourth Assembly as the Chairman of the Social Services Board and I'm delighted that they have offered themselves for re-appointment. They bring alot of expertise and compassion and many years of background knowledge which is invaluable for the smooth working of the Board and I commend their appointment thank you

MR PRESIDENT: Further contributions. No. Then I put the question to the House that the motion be agreed to

QUESTION PUT
AGREED

The ayes have it thank you

NO 2 - PUBLIC SERVICE ORDINANCE 1979 - APPOINTMENT OF BOARD MEMBER

MR KING: Thank you Mr President. I move that for the purposes of subsection 13A(1) of the Public Service Ordinance 1979, this House resolves that -

Simone Rena James

be appointed to be a member of the Public Service Board for the period 23 August 1994 to 22 August 1996. Mr President, just some brief words. Membership of the Public Service Board is certainly not an easy task. It involves the consideration of some hard issues and the taking of some hard decisions. I found over the recent weeks that there are few people who are prepared to take on such a role and I am certainly grateful that Mrs James with her mixed public sector and private sector background has agreed to accept an appointment and I'm sure that the appointment will be well received by the community generally and by Members and I commend the motion

MR PRESIDENT: Thank you. Further contributions. No further participation. I put the motion Honourable Members

QUESTION PUT
AGREED

The ayes have it. That motion is agreed thank you

NO 3 - NORFOLK ISLAND AIRPORT CURFEW

MR BENNETT: Mr President just before moving that motion I earlier advised you that there was one word in the motion that required changing if you would just guide me as to what point that I should just advise Members of that word change

MR PRESIDENT: If you would like to make the motion Mr Bennett and when you

come to the word if you might just highlight it and we could gain agreement at that stage

MR BENNETT: Mr President I move that the Legislative Assembly resolves - (1) that a curfew is desirable to prevent regular flights to Norfolk Island Airport landing or departing between the hours of 10 pm and 6 am; and (2) that an aircraft shall not land at or depart from Norfolk Island between these hours unless - (a) the landing or departure from Norfolk Island is in circumstances of urgent necessity; or (b) such landing or departure has been approved by an executive member.

MR PRESIDENT: Mr Bennett you have leave to present that in the amended form

MR BENNETT: Mr President as I mentioned to the House at the last meeting in response to a question, that with the advent of two and possibly three new airline operators and with the possibility of back of the clock time frames occurring as a measure to reduce charter costs it seemed at that time prudent to test the resolve of the community and members of this House in respect of a wish or otherwise to formalise a curfew. As the motion says it would be envisaged that such a curfew would cover the hours between 10 pm and 6am. It's also important to note that some flexibility is to be included in a curfew arrangement to allow for example by express approval of the executive member, one off special charters as has occurred with Air New Zealand recently, and for instances where local weather conditions prevented a scheduled landing and the flights are rescheduled for arrival or departure movements outside of the curfew then it goes without saying also Mr President that medivac flights and the like are also to be included in that flexibility. Mr President, the question of where a formal curfew was in place was in fact examined recently and with the files turning up no conclusive evidence, the curfew did exist prior to 1979 having been resolved by the Advisory Council around 1977-78 but appears to have not been adopted by any resolution of the Legislative Assembly since. The closest thing that came to it Mr President was that in April 1983 the then Executive Member Mr Sanders, introduced a Bill to the House entitled Aircraft Hours of Operation Act 1983. Whilst apparently agreed to unanimously at the Bill stage it was never passed. It appears from looking at the file to suggest that there was some doubt as to the validity of such a Bill given that at that time the Commonwealth owned the airport. The Civil Aviation Authority, which was then the Department of Aviation, recommended a submission. It recommended that the Government of the day lodge a submission with them and they would set about trying to resolve the issue. But the file is silent thereafterwards and I am not aware of what happened. Mr President in closing the debate for the moment there is no pressing need to vote on this motion today and I would be happy to adjourn it until September thus allowing interested parties, including the airlines and airline agencies to proffer comments

MR BATES: Thank you Mr President. I certainly support Mr Bennett in this motion. I believe curfews do exist in Australia and New Zealand and if we don't have them here we could be in a situation where flights arriving in the wee hours of the morning and departing in the wee hours of the morning so that they fit in with the curfews in the other places and I have had some small experience with this in the Cook Islands and it is certainly an inconvenience to those in the industry, it's an inconvenience to the tourists themselves in having to check out of their accommodation in the mornings and be in limbo until the early hours of the morning. There's the other aspect where it certainly disturbs the community, people trying to sleep at night, but I think the aspect - I don't think it would do any good to our tourist industry in as much as the tourists themselves would be arriving home at some unusual hours and certainly wouldn't do anything to making their stay here enjoyable, having to catch flights in the early hours of the morning and I certainly support this motion

MRS SAMPSON: Thank you Mr President. Through you, please may I ask Mr Bennett, he said that medivac naturally is excluded, what about the comings and goings of other Crown aircraft, do they have to get approval or can they come and go as they please

MR BENNETT: In cases where there is a need for an aircraft of that type to come in be it for some defence exercise or whatever, then the matter would be given consideration. I think the armed forces are aware, or have been aware of the physical limitation of the Island and the fact that noise does permeate the whole community. I've not seen anything on the file that formalises that view but I'm happy to have a look at it and make sure that you are clear on it and certainly myself. I think there simply is a gentleman's arrangement that exists

MR PRESIDENT: Thank you. Further participation. No further participation. Mr Bennett did you want to pursue that to its finality or move an adjournment

MR BENNETT: Mr President my preference is to adjourn it but I am aware that there has been a month since I mentioned the possibility of a curfew at the last meeting but to give those people who operate aircraft and the like an opportunity to more formally comment I would propose to adjourn and I would so move

MR PRESIDENT: The question is that that motion be adjourned and made an Order of the Day for a subsequent day of Sitting

QUESTION PUT
AGREED

The ayes have it thank you

NO 4 - POSTAL SERVICES (CONSEQUENTIAL AMENDMENTS) BILL 1994

MR BENNETT: Mr President, I have pleasure in presenting the Postal Services (Consequential Amendments) Bill 1994. Members will be aware that regulations were finally drafted earlier this year which allowed the commencement of the Postal Services Act 1983. Members will also be aware that the Telecommunications Act 1992 has been in operation for more than two years. Before these two Acts were passed, matters relating to both postal and telecommunications services were regulated by the Post and Telegraph Ordinance 1957. Consistent with other jurisdictions, Norfolk Island has separated the legislative basis of postal and telephone and related services in an administrative and in a legislative sense. The Bill I introduce today is the final chapter in that separation. It is no longer necessary to preserve those parts of the Post and Telegraph Ordinance that relate to matters other than the provision of postal services. It is also necessary to remove any doubt that certain sections of the Ordinance might remain in force by virtue of Schedule 2 of the Telecommunications Act. If passed this Bill will come into operation on a date fixed by the Administrator by notice in the Gazette. The Bill also has a sunset clause by virtue of clause 2(2) which provides for its own repeal on the day after it comes into operation. This will ensure the Bill does not remain on the statute books as its purpose is achieved immediately on its commencement. Clause 3 of the Bill repeals the Post and Telegraph Ordinance 1957 and one Ordinance and two Acts which subsequently amended the principal Ordinance. Clause 4 of the Bill omits items 1 to 5 inclusive of Schedule 2 of the Telecommunications Act. Mr President, While this is largely a measure to clean up the statute books, it also is a good opportunity for the House to note the important role that postal services and telecommunications play in the life and economy of Norfolk Island. It was only a few months ago that Norfolk Telecom joined the information superhighway with the signing of a new Operating Agreement between the Norfolk Island Government and Telstra OTC Corporation. On the postal side I also confidently expect a current review of our postal and

philatelic operation, together with the imminent release of the very first issue of Norfolk Telecom foenkaad, will lead to an exciting consolidation of that important shop window for Norfolk Island. I believe, in a small way, the Bill today marks a watershed in showing that the telecommunications and postal services available in Norfolk Island are at the forefront of technology and I commend the Bill to the House

MR PRESIDENT: Thank you Mr Bennett. Participation Honourable Members. No debate at this stage

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

MR PRESIDENT: Thank you Mr Bennett. I put that question

QUESTION PUT
AGREED

That matter is made an Order of the Day for a subsequent day thank you

NO 5 - INDICTABLE OFFENCES PROCEDURES BILL 1994

MRS LOZZI CUTHBERTSON: Thank you Mr President, I present to the House the Indictable Offences Procedures Bill 1994 and move that the Bill be agreed to in principle

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

MRS LOZZI CUTHBERTSON: Thank you Mr President. I am pleased to present to the House the Indictable Offences Procedures Bill 1994. Members will know that the Norfolk Island Act 1979 of the Commonwealth, which is the basis of our self-government, contains two Schedules which, by virtue of section 12 of the Act, list matters in which the Norfolk Island Government has exclusive authority, called Schedule 2 items, or matters in which authority is shared between the Norfolk Island Government and the Australian Minister, called Schedule 3 items. In 1992 "the maintenance of law and order and the administration of justice" was added to Schedule 2 as item 91. This placed law and order matters squarely within the responsibility of the Norfolk Island Government. Members will also know that in Schedule 2 matters, the Norfolk Island Act requires the Administrator to act in accordance with the advice of his or her Norfolk Island Ministers. He does not have any discretion in these matters. It is therefore appropriate that the person commencing a prosecution for an indictable offence should be a person appointed under the appropriate enactment. The purpose of the Bill I am introducing today is to replace the Administrator, or a person appointed by the Federal Minister, as the indicting authority under section 23 of the Supreme Court Ordinance 1960 with a person appointed for the purpose of the section by the executive member in accordance with a resolution of the Legislative Assembly. The Bill makes an identical amendment to sections 73 and 74 of the Court of Petty Sessions Ordinance 1960. In regard to the Court of Petty Sessions Ordinance, the legislation currently refers to the Commonwealth Crown Solicitor even though that office was abolished many years ago and its legal successor, the Australian Government Solicitor, does not generally undertake criminal prosecutions. Mr President, This is an important Bill as it removes any remote opportunity for a Government to advise for a political reason, the Administrator whether or not an indictment should be commenced keeping in mind the Administrator would be compelled to accept any advice so offered. The Bill also provides that an executive member may not appoint any person to be the indicting authority other than a person publicly named by resolution of this House. I believe it is crucially important for all steps in any serious proceeding relating to an indictable offence to be separated as far as

possible from any hint of political involvement and I believe this Bill will achieve that objective. I envisage, should the House agree to the Bill at its next sitting, that I will be in a position to shortly thereafter bring forward a suitable motion for appointment of the indicting authority. I expect that person will be the principal legal officer employed by the Administration. I commend the Bill to the House

MR PRESIDENT: Thank you Mrs Cuthbertson. Debate Honourable Members. No debate at this stage

MRS LOZZI CUTHBERTSON: Mr President I move that debate be adjourned and resumption of debate be made an Order of the Day for the next Sitting

MR PRESIDENT: Thank you Mrs Cuthbertson. I put that question

QUESTION PUT
AGREED

Thank you. That matter is adjourned

NO 6 - TOURIST ACCOMMODATION (LEVY) AMENDMENT BILL 1994

MR KING: Mr President. I present the Tourist Accommodation (Levy) Amendment Bill 1994 and move that the Bill be agreed to in principle

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

MR KING: Mr President I table the explanatory memorandum to this Bill. This is a short Bill Mr President, the objective of which is to prevent the proprietor of the tourist accommodation house from directly charging a guest the tourist accommodation levy specified in section 21 of the Tourist Accommodation Act 1984 and to emphasise clearly that the levy is a fee payable by the proprietor to the Administration. Mr President I regret the necessity for this Bill. I believe that I have been very fair with the introduction of this levy. I've allowed the accommodation industry an unprecedented period of time for consultation and for re-arrangement of their affairs. I have simply restored a formula which was accepted in 1983, that is, a levy at the rate of 3% of industry gross and importantly I have made more equitable the basis on which the levy is paid, that is, from a situation where a levy was paid irrespective of whether a bed was occupied and earning income to a situation where a levy is paid only when a bed is producing income. The response from the industry Mr President to the introduction of this levy has been mixed. Some operators have absorbed the cost of the levy, some have included it in their costings and tariffs and some although from what I can gather, only a minority of operators, are charging their guests direct. This Bill is a response to the many complaints from those visitors who have not only been charged a levy on check out but have been charged some 50% more than the proprietor is required ultimately to pay to the Administration. Mr President I cannot respond to those operators who failed to take into account during the long lead up time to the introduction of the increased levy, the impact of the levy but I can respond to situations where the behaviour of only a few individuals can have and no doubt has had a damaging effect on our tourism industry and therefore our economy. In our single industry economy my interest must lie with the wider community. Mr President I should point out that the Bill makes provision of a fine of up to \$500 for each offence for charging a guest direct. The Bill will remain on the table for a period of one month and I would welcome the comments of members and the community, thank you very much

MR PRESIDENT: Thank you. Further participation

MR BATES: Yes. I regret that this legislation is necessary and I do find it difficult to understand why accommodation proprietors feel so strongly about the \$1 per night bed charge. They are prepared to jeopardise the future of the industry by upsetting their clients. I am also aware that the Tourist Bureau has been concerned with the level of complaints, some of which have been so strong that visitors who have returned many times have said they would not return again. Personally I see no need to defer this Bill for a month because I believe that the longer proprietors can pass this charge on to their clients, the more damage they are doing to our industry which is I think, on the up at the moment and this is certainly not helping at all. If the Minister was inclined to put this through as an urgent Bill I would certainly give him my support

MRS LOZZI CUTHBERTSON: Thank you Mr President. Although I completely support this Bill I feel that the kind of comments that proprietors have made also need to be given airing in this House. The main concerns that have been expressed to me from proprietors have been, that although they were given quite lengthy warning about the changes that were being proposed in the method of collecting a levy on the beds being used was that they did'nt know by how much the levy would be altered and as they had to prepare their pricing structures and submit them to the wholesalers and tourist industry well ahead of time by April of each year, they say, they really found it very difficult to take the increase into consideration. I am also aware that many proprietors who are now levying this increased bed tax in such an obnoxious way have the opportunity to include it in any package proposals that they submit from time to time, I still feel that their complaint which is legitimate that they did not know by how much the levy would increase, should be given some credibility. It still feels to me that they could have made a much better effort at incorporating the change which had been a long time coming and which only restored equity in the current amount they were contributing to the running of Norfolk Island, that they should really have made a much better effort to deal with it, and it is a pity that some have not. I certainly support the Bill

MR KING: Thank you Mr President. I have to say that I'm very surprised to hear that some comments have been made to Mrs Lozzi Cuthbertson about the need to have knowledge of what factors might influence tariffs by April of each year. Now my understanding of the industry is that the tariffs for the following year are considered somewhere around in the early months of the second half of the calendar year, somewhere around about August or September, certainly not in April. I'm aware that the new tariffs, if there are to be new tariffs, take effect from the 1st April each year but there is a process which is long established which requires them to consult and advise wholesalers well before the 1st April, but only around about that August/September mark. Now that's my understanding. I find it odd to think that new tariffs take effect on the 1st April, are put into place and then the industry immediately goes into a huddle to consider how much they are going to put them up by next year. That's my understanding of it and certainly any queries which suggest that there was no knowledge in the industry about by how much the levy was to be increased, I find that very difficult to accept as well. I mean, this measure of mine began in May of 1993 with a Statement in this House and a Paper which was very shortly thereafter submitted to the Accommodation Tourism Association. I mean, that commenced a long process by which there was opportunity for further consultation which indeed there was, and I simply can't accept that the industry was generally unaware of the amount by which the levy was to be increased. I take Mr Bates point that there may well be continuing damage over the period between this Sitting and the next, but I can't reconcile that with my often acknowledged loathing of urgent Bills and I defer to the fact that I don't like urgent Bills and I think it ought to sit on the table for one month. I'll listen to what the industry says over the period of the next month. I'll listen to their arguments. No doubt there will be many. In fact I think it improper of me to not allow them that opportunity

MRS LOZZI CUTHBERTSON: With regard to Mr King's comments, I certainly defer to his greater knowledge of the industry with regard to April. I may have misunderstood but April was definitely a date that was quoted to me. With regard to the lack of knowledge claimed on the part of the proprietors as to the amount that has been voiced to me by so many people that I really have to take notice of it. I certainly notice what Mr King says about the amount of notice he has given them but there certainly seem to have been somewhere along the line some misunderstanding as to exactly how much the levy was going to increase by. At list many proprietors maintain this, it just perhaps needed to be listened to

MRS ANDERSON: Thank you Mr President. In my discussions with the ATA I also have been led to believe that the amount by which the levy was to be increased was not made clear to them until it was too late for it to be incorporated in their current tarrif so I would have to go along with what Mrs Cuthbertson has said

MR PRESIDENT: Further participation. No further participation this morning

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

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

QUESTION PUT
AGREED

The ayes have it, that matter is adjourned to a subsequent day thank you

IMMIGRATION AMENDMENT (VISA) BILL 1994

Mr King, you wish to seek leave to bring that forward

MR KING: Yes Mr President. I seek leave of the House to present the Immigration Amendment (Visa) Bill 1994

MR PRESIDENT: Is leave granted? Leave is granted

MR KING: Mr President I present the Immigration Amendment (Visa) Bill 1994 and move that the bill be agreed to in principle

MR PRESIDENT: Thank you. The question is that that the bill be agreed to in principle

MR KING: Mr President, Members who also served in the 6th Legislative Assembly will recall that a Bill along very similar lines was introduced in December 1993. This Bill lapsed at the dissolution of the House. Since that time, Administration officers have been involved in lengthy consultation with officers of the Australian Department of Immigration and Ethnic Affairs on the content of this Bill in an effort to make it accord as far as practicable with the Migration Act 1958 of Australia. While Australian immigration legislation does not of course apply to Norfolk Island, it is desirable for the highest possible level of cooperation to exist in regard to matters such as barrier control and visas. The object of this Bill is to introduce certain requirements for persons travelling to Norfolk Island. It provides that persons who are not Australian or New Zealand citizens in possession of a current passport must obtain a Norfolk Island visa. The Bill provides that a visa permits travel to, but does not automatically allow entry into Norfolk Island. The master, owner, agent, charterer and operator of a vessel or aircraft that carries a prescribed person to Norfolk Island without a visa are each guilty of an offence that carries a substantial penalty. The carrier

may also be liable for the costs and detention of such a person and for the costs of their removal from Norfolk Island. The Bill introduces an infringement notice regime for specified offences and provides for the ability to make regulations for payment of prescribed penalties at a discounted rate as an alternative to prosecution. The Bill makes clear that all persons travelling to Norfolk Island must carry a valid passport, including Australian or New Zealand citizens. The definition of 'passport' in the Bill includes a document of identity issued from an official source which has the characteristics of a passport. Accordingly, Mr President, the current regime of Documents of Identity for Australian citizens travelling between Norfolk Island and Australia will continue. Mr President, While many clauses of this Bill concern a new power to grant a Norfolk Island visa and the rules governing such a visa, I draw the House's attention to clause 4(e) which indicates that the definition of 'visa' includes a visa issued and in force under the Migration Act 1958 of the Commonwealth. This means that a person who possesses a valid visa to enter Australia under their immigration laws may be deemed to also possess a visa to enter Norfolk Island. This is a far more efficient and cost effective alternative to requiring visitors from abroad to apply for a specific Norfolk Island visa when they will be able to visit an Australian diplomatic mission in, for example, Noumea, and receive an Australian visa which would entitle them to visit Norfolk Island. This Bill is principally concerned with tightening up our barrier control in concert with changes to Australian legislation from 1st September. However the opportunity has been taken to effect a minor amendment to section 85 of the Immigration Act 1980 to remove the Administrator as the review authority in regard to decisions relating to visitors permits and vest substitute the Federal Minister. This is consistent with reviews of decisions under the other sections of the Act and removes an anomaly at the request of the Commonwealth. Some minor consequential amendments to reflect other statutory changes are also included. Mr President, This is a relatively complex piece of legislation. I urge all interested persons listening to this debate who may have queries about the effect of the Bill when passed to purchase a copy from the Legal Branch of the Administration so they can study it during the next month that the Bill lies on the Table of the Assembly. Mr President, Norfolk Island is proud of its uniqueness and of our own immigration regime which has over the years generally preserved the lifestyle we value so highly. Unfortunately in this era of modern travel and well organised refugee consortia, Norfolk Island has an obligation to ensure any loop-holes in our border control are closed. Accordingly the measures included in this visa bill are brought forward. As I mentioned earlier Mr President the Bill remain on the table for a month. At this point I commend the Bill to the House

MR PRESIDENT: Thank you Mr King. Debate. Any further debate this morning. No further debate. Mr King

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

MR PRESIDENT: Thank you Mr King. I put that question

QUESTION PUT
AGREED

The ayes have it. That matter is adjourned to a subsequent day thank you.

ORDERS OF THE DAY

We now turn to Orders of the Day Honourable Members

**ADMINISTRATION OF NORFOLK ISLAND - GOVERNMENT BUSINESS ENTERPRISES BUDGET PROPOSALS
1994-95**

We are resuming debate on the question that the House take note of the Paper relating to those proposals and Mr King, you have the call

MR KING: Mr President, I moved the debate on the matter on the last occasion, to take the opportunity to have a look at the budgets for the business undertakings. I have had that opportunity and I have also had the opportunity of listening to Mr Bennett's presentation in our informal meetings and I have nothing exciting nor of any substance to add

MR PRESIDENT: Thank you. Any further participation. No further participation? The question is that the House take note of the paper and I put that question

QUESTION PUT
AGREED

The ayes have it thank you.

NO 2 - DEPARTURE FEE AMENDMENT NO 2 BILL 1994

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

MR BENNETT: Mr President, as I said at the last meeting the purpose of this Bill is to remove certain exemptions from the payment of Departure Tax and I identified those as being the exemption of a person remunerated by the Administration, carrying out duties in respect of which the person is remunerated and the exemption of a person remunerated by the Commonwealth, the Administration, a State or an Authority established by any of them who is leaving Norfolk Island after visiting for the sole purpose of performing any duties in respect of which he or she is so remunerated. Mr President, in respect of that latter point there is the subject of any amendment which I will move at the detail stage to move into that or to make it clear that that exemption does not include people engaged in the Armed Forces or a member of the Defence Force who has been engaged in Norfolk Island in the course of his or her duty but I will come to that when we get to the detail stage. Mr President as I said last time I had been unhappy for some time about the use of the exemption provisions in the Departure Fee Ordinance arising from the fact that the onus of verifying the travel appears to have fallen to persons other than the traveller, for example, the Chief Administrative Officer or the Administrator. I am concerned that officers for both the Commonwealth and the Administration may be entitled to claim exemption if they for example are undertaking work for the Administration abroad but also taking the opportunity for a few days leave. As I said in the last time we talked about it, in my view such travel is not exclusively concerned with their employment and no exemption from payment of the departure fee should be granted. I went on to allay the fear that public servants and others undertaking travel from Norfolk Island on official business will be able to present evidence of the Department Fee for reimbursement of the \$25 fee and they will then be obliged to, at that same time, to convince their employer of the bona fides of that travel and lastly I said Mr President that the legislation is in a similar vein to the recent act which removed free mail privileges from the Norfolk Island Administration and other government agencies and I made clear to members that there were remaining some standing exemptions which included children under the age of sixteen years, full time students between 16 and 25 years, air crews in transit persons subject to medical evacuation or persons accompanying that person and as I said earlier, by amendment which I'll deal with at the detail stage, adding the clarification about a member of the Defence Force of Australia or a member of the Armed Forces of another country who served in the Island. Mr President it became obvious also that exemptions to the Departure Fee

were being authorised by people wider than the two authorities that I mentioned before, namely the CAO and the Administrator and in fact there were people issuing exemptions who perhaps did not have the authority. That matter has been tidied up and a new set of instruments has already been issued authorising certain people to grant exemption. They are fewer in number and include the Chief Administrative Officer, the person appointed to be the authorised officer under section 4 of the Immigration Act, the Medical Practitioners and the Principal and Deputy Principal of the school. Mr President the Bill passes all stages today but prior to the Act coming into force an explanatory memorandum explaining it will be provided to all those officers and members of the Tourist Bureau etc who are often confronted by people who might claim that they have a right for an exemption. The instructions that will be given will be fairly simple. Mr President I don't have any other debate on the bill in general so will reserve the rest of the comments for the detail stage

MR PRESIDENT: Thank you. Further debate? No further debate. The question is that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it. That Bill is agreed to in principle. We move to the detail stage and Mr Bennett maybe if you addressed the particular clause that you want to and then we will look at the balance of the Bill after we've done that

MR BENNETT: Mr President I move that clause 3 of the Bill relating to the imposition of Departure Fee be amended by adding at the end the following words and substituting "(c) a Member of the Defence Force of Australia or a member of the armed force4s of another country who has been engaged in Norfolk Island in the course of his or her duty;", that's the extent of the amendment Mr President

MR PRESIDENT: Thank you. Any debate in respect of the amendment

MR BENNETT: Mr president in moving this Detail Stage amendment which has been circulated in my name, I would like to make some very brief comments. The Government is, as I advised the House when introducing the Bill, aiming to remove certain exemptions and take administrative steps to tighten up enforcement of the Principal Act. There is at present a standing exemption for members of the Australian Defence Force as they are classified as persons remunerated by the Commonwealth. The Bill, as I foreshadowed at the July meeting, removes that exemption. The Government considers, however, that it should be clear that a member of the Australian Defence Force or indeed the armed forces of another country who is leaving Norfolk Island after being engaged in the course of his or her duty should be exempt from liability to pay the Departure Fee. I must make it clear that the servicemen or woman must have been on duty on an exercise or similar task in Norfolk Island. The mere fact of holding an appointment in the Australian Defence Force or another armed service and leaving Norfolk Island, perhaps after a private visit or after undertaking work other than in the course of their duty, will not entitle the person to an exemption. I commend the Detail Stage Amendment to Members

MR PRESIDENT: Debate in respect to the amendment. No further debate? I will put that question that the amendment Honourable Members is agreed

QUESTION PUT
AGREED

The amendment is agreed. We might now look at the balance of the Bill. Is the balance of the Bill agreed

QUESTION PUT
AGREED

It is agreed. What we have now Honourable Members is a Bill that has been amended and I ask if you want to debate that any further before I put the question that the Bill as amended be agreed to. Any final debate

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

MR PRESIDENT: Debate concluded? I put the question that the Bill as amended be agreed to

QUESTION PUT
AGREED

The ayes have it. That Bill as amended is agreed

FIXING OF THE NEXT SITTING DAY

MR BATES: Thank you Mr President. I move that House at its rising adjourn until Wednesday 21st September 1994 at 10.00am

MR PRESIDENT: Thank you Mr Bates. That's the normal third Wednesday Honourable Members which we have patterned the Sitting at. Any discussion?

MR BATES: Yes Mr President. I'm unaware of what motivated the question earlier today from Mr Adams which seemed to imply that our tourist..

MR PRESIDENT: Order, Order Mr Bates. Could we just conclude this matter

MR BATES: I thought we were in the Adjournment debate Mr President

MR PRESIDENT: We will be shortly if we could just settle this matter. No further debate in respect of the Sitting day so I ask if that is agreed. I put the question

QUESTION PUT
AGREED

We've agreed that Sitting day

ADJOURNMENT DEBATE

Now we come to Adjournment and Mrs Sampson, you have the call

MRS SAMPSON: Mr President, I move that the House do now adjourn

MR PRESIDENT: Thank you. The question is that the House do now adjourn. I will give you first option to speak if you wish to Mrs Sampson

MRS SAMPSON: No thank you Mr President

MR BATES: Thank you Mr President. I'm unaware of what motivated the question earlier today from Mr Adams which seemed to imply that our Tourist Bureau Manager was not qualified for the position because he lacked knowledge of local culture and traditions. Mr President I would like to point out that it was the policy of the Minister and the previous Bureau to place professionals in the key positions and this has been done, in Australia, New Zealand and on the Island. I think no-one can deny the apparent success of this policy as tourist numbers

especially from Australia are very encouraging. Mr President our new manager is aware of local history and culture and I have had discussions with him on these matters. He has the assistance of the Members of the Bureau, the assistance of his staff and those in the industry. I believe that he has gone out of his way to meet as many locals as possible, both within and outside the industry. He is very approachable, very professional and was employed for what he could bring to the industry. The assistance he needs on local issues are available to him and I would just like to make that known Mr President

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

MR ADAMS: Thank you. I hear what Mr Bates is saying. I would have been happy if the Minister himself had pointed out Mr Garroway's or perhaps nothing personal, but the head of the Bureau's capabilities in regard to Island traditions and culture. I find it somewhat difficult to have regard to a statement where I am told that the most professional person possible to take the job has been found when in fact I don't believe he has at this stage undergone a great deal of indoctrination, well not so much indoctrination but familiarisation with Norfolk culture and traditions. Perhaps as I said just then, I would have been happy if the Minister himself had actually outlined some of the points that Mr Bates has

MR KING: Well thank you Mr President. Since this matter has been brought up in the Adjournment debate I might add a couple more words myself and I don't think this is an appropriate forum actually to get into this sort of discussion. It is rather reminiscent of the past when people have sat on my right raising matters relating and which can be readily attached to identities in the community. I think it is improper. I think it is improper to do anything which might undermine the operation of our only industry or threaten it. People don't like to be spoken about in the House as to their possible shortcomings or what qualifications they have for their particular positions, particularly in such sensitive areas. Perhaps I should have been more succinct in answering the question at the beginning of this meeting in saying that knowledge of the traditions and culture of Norfolk Island was not a requirement for the position. The requirements were professional expertise and relevant experience in the operation of Visitors Information Centres, a knowledge of the industry of tourism itself and a knowledge of the participants in the industry not only externally but more externally I would suggest, so it simply was not a qualification for the position. I don't think it will be. I think the kind of person that we have for the job will undoubtedly acquire that knowledge but I don't think the absence of that knowledge now should detract from the question of performance in the job. I need to say a few more words about other matters which were raised in respect to Questions Without Notice Mr President if I can move on to that. There were questions raised in question time relating to recruitment process within the Public Service and there were questions raised with respect to the procedures followed in the procurement of goods and services for the Administration and I want to make my position very clear in respect to the concerns which were embodied in those questions. We sit up here from month to month or in the back rooms from day to day and we set certain objectives in terms of policy. Objectives enshrined in legislation. We issue directives which suggests that we have a certain amount of power or authority to see that those objectives are met. I suggest to you Mr President that my feeling somewhat inadequate can be justified. I often feel that the Government or the Assembly is elected to assume responsibility but not the power to see its objectives through to be met. In the area of recruitment in the Public Service, I've got to stipulate or stress that our major objective must be to have an efficient and as fully qualified as possible Public Service. Now if the procedures undertaken in the recruitment process do not pursue that objective then there is something seriously wrong. I am building up a very firm belief that the procedures that have been followed in the past and that are currently being

followed, do not pursue that objective. That is a political objective that we've established here in this forum, one that we hold firm and one that we should ensure is followed through. The objectives in relation to the acquisition of goods and services for the Administration are probably twofold. One is to minimise costs and the other is to share the benefits of that Administration expenditure throughout the community as far as possible. Now if the sole objective was to minimise cost then I suggest to you that at budget time we should have proceeded with things like the purchase of our own bobcat or the purchase of other pieces of equipment which are more readily available in the community. We took a considered decision at that point in time to forego the purchase of our own equipment which over a short period to long period of time would have saved us alot of money but we took the decision in the interests of those who have equipment in the community that is available for hire so that the money could be spread more widely throughout the community so that doesn't stand alone as the sole objective in the acquisition of goods and services for the Administration. I believe that if the practices don't pursue the objectives that we set out here then we ought to be taking steps to ensure that those practices are changed. In my view every public servant who is involved in the procurement of goods and services for the Administration should be given clearly to understand what the political objectives are. In my view Mr President there is no room for any form of nepotism in the Public Service or any form of favouritism. I abhor it intensely and I will make it my personal aim to see that that is cut out or certainly minimised, thank you

MR PRESIDENT: Any further participation? No further participation, the question before us is that the House do now adjourn and if there isn't any further debate I put that question

QUESTION PUT
AGREED

The ayes therefore have it Honourable Members. This House stands adjourned until Wednesday 21st September 1994 at 10.00 in the morning.

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