

## 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 ask if there are there any Condolences this morning

MRS ANDERSON: Mr President, it is with regret that this House records the death of Charles Ivens Buffett who passed away on Norfolk Island on Saturday 21st January. Potts, as he was affectionately called was born in March 1914, one of the sons of Gertrude and Peter Buffett and grandson of Kathleen and Allen Buffett who landed on Norfolk Island from Pitcairn on the 8th June 1856. He attended the Norfolk Island Central School where he was awarded a Queen Victoria Scholarship and completed his Intermediate and Leaving Certificates in Sydney. Potts commenced work with the Norfolk Island Administration as a Junior Clerk, a position to which he was appointed by the then Governor-General of Australia Baron Stonehaven. He worked for the Administration until the outbreak of World War II holding a wide variety of positions. He enlisted in the CMS in Military Intelligence and subsequently transferred to the RAAF and saw service in England, India, Burma and Thailand under the Empire Air Training Scheme. After the war Potts graduated as a Barrister at law from Sydney University and was admitted to the Bar of the Supreme Court of New South Wales. He was later also a Barrister at law at the Supreme Courts of the Cocos Keeling Islands, Christmas Island and the ACT. In 1952 he was appointed Official Secretary with the Norfolk Island Administration and served as Administrator in 1952-53, 1958 and again in 1975-76. From 1959 to 1972 Potts held various official appointments in the Cocos Keeling Islands, Christmas Island and in Canberra. He then became Administrator of the Cocos Keeling Islands and in 1982 retired to Norfolk Island. In 1956 he was awarded the MBE in the Queens Birthday Honours List for his services to the Norfolk Island community and in 1982 was awarded the OBE for his services to the community in the Cocos Keeling Islands. He was Norfolk's most distinguished son and a man with tremendous charisma. His wit, his infectious laugh and his discernment of people made him a man whom many were proud to have known and worked with. To Potts wife Vanda, son Peter and family Potts brothers and their families and all other relatives and friends, this House extends its deepest sympathy thank you Mr President

MR PRESIDENT: Thank you Mrs Anderson. Honourable Members as a mark of respect to the memory of the late Mr Buffett I would ask us that all Members stand for a period in silence in their places. Thank you Honourable Members

Please remove your coats if you would feel more comfortable this morning, it's a bit close

Welcome

Honourable Members, we are honoured to have in the gallery this morning a number of distinguished visitors. Mr Noor Anthony of the Cocos Keeling Islands. Mr Anthony is the holder of a Winston Churchill Fellowship and is undertaking a familiarisation and a training visit to Norfolk Island and will be to other places, but here over a period of some two weeks and so we are honoured that he has chosen Norfolk Island to undertake such a study

Ms Sukey Cameron who is the Faukland Islands representative in London. Ms Cameron is a visitor to Norfolk Island after learning more about this place from our official representatives at the Commonwealth Games and also seeing and you will be

interested in this I think, about our informative full colour production in the Parliamentary Magazine which went hand in hand with the meeting of the CPA executive here in last year

We also have Admiral Chalmers, Maritime Commander Australia, of the Royal Australian Navy. Admiral Chalmers arrived yesterday also on a familiarisation visit to Norfolk Island. He is accompanied this morning by Commander Quinn and other members of his staff.

May I convey to you visitors this morning a very warm welcome on behalf of Members of this Assembly both to Norfolk Island but particularly to this Chamber here this morning, a warm welcome

#### **Leave**

Honourable Members, this morning Leave is sought for Robert Adams from this Sitting. Is Leave granted? Leave is granted thank you

#### **Petitions**

MR PRESIDENT: Petitions. Are there any Petitions this morning Honourable Members?

#### **Notices**

MR PRESIDENT Notices. Are there any Notices?

MR BATES: Thank you Mr President. I give notice of my intention to move the following motion at the next Sitting of the House and the motion is that the appointment of Neville Charles Christian to the Executive Office designated Minister for the Environment, be terminated and the Administrator be advised accordingly

MR PRESIDENT: Thank you Mr Bates

#### **Questions without Notice**

MR PRESIDENT Questions without notice. Are there any Questions without notice

MRS SAMPSON: Thank you Mr President. I'll begin. I've got a long list as usual. A question.....

MR PRESIDENT If it's a long list Mrs Sampson I will probably pause part way through to give somebody else an opportunity, but please commence

MRS SAMPSON Fine. This one is directed to Mr King with his responsibility for liaison with the Federal Authorities and there's six parts to it and I will read it all out together. Is he aware of the article in this weeks Norfolk Islander about Tim Fischer's media release? Is he aware that Mr Fischer is in error saying that the by election is not just for the suburb of Canberra but also includes Norfolk Island? Is he aware that the by election is in fact just for the electorate of Canberra but that some residents of Norfolk Island may be registered to vote in that electorate? Is he aware that the majority of Norfolk Island electors are not registered in the Canberra electorate? Is he aware that Mr Fischer is in error in saying that "Norfolk Island by recent legislation was allocated to the Canberra seat so Roz Kelly's resignation pertains to both Norfolk Island and the suburb of Canberra". Is he aware that there is no Member of Parliament elected to represent Norfolk Island and that the Norfolk Island

Government and Assembly have historically been totally opposed to having such representation of the Island as a whole? During your ABC interview the day after that of Mr Fischer did you correct the mistaken aspersions made by Mr Fischer and will Mr King draw these errors to the attention of Mr Fischer and will Mr King also take steps to correct the misinformation in the Norfolk Islander so that the community is not left with mistaken ideas?

MR KING: Thank you Mr President. I'm not sure whether that was a question or an opportunity to make a rather widesweeping statement of certain facts. I could possibly give a short answer by simply saying that yes I am aware of those things. I have a copy of those questions incidentally, given to me before the meeting otherwise I would have great difficulty remembering for there are eight questions in there but I think it is fair to say that I am aware of the factual content contained in the question. If my recollection is correct, I certainly cleared up one or two mistaken assertions in my follow up interview with the ABC the following day, to the extent that it meets with Mrs Sampson's satisfaction I'm not quite sure. Whether I will be leaving this meeting and promptly getting on the phone to Mr Fischer to tell him that he was wrong I'm not quite sure that I would do that and I'm sure that if there were any errors made by Mr Fischer in his statement to the ABC that they would already have been brought to his attention and I don't think I'll take it upon myself to be ringing him up and slapping him across the wrist and I'm not sure Mr President that it's necessary to make any written release to the local Press but if it's necessary, if the community is in some quandary as to what the meaning of the by election in Canberra is all about for Norfolk Island, then I'm happy to do that and then those that want to enrol for voting in the Canberra election, or those who are already enrolled to vote in that by election will not be in any doubt about what it is all about and what it means for Norfolk Island

MRS SAMPSON Thank you Mr President. One more for Mr King. If Sofrana Shipping Lines is to continue servicing the Island could the Minister advise if the Lighterage Review which was due about December 1994 is to be revived or is it to be put on hold until the current shipping controversy has been solved

MR KING Mr President thank you. Whether it could be termed a shipping controversy or not is a matter for each persons state of mind I guess but there's certainly a number of questions floating around about shipping most of which are unresolved. There is the question of the report of the Joint Standing Committee on External Territories which is yet to be tabled in the Federal Parliament. There is the question of the outstanding Lighterage Review, there is the question of the proposal by a local company to operate a Stern Loaded Vessel here in Norfolk Island, there is the question about the Capitaine Wallace ceasing to operate here later on this year and what might happen beyond that, that's an area incidentally in which I don't have a great concern, I'm quite confident that the shipping operation will be available for Norfolk Island beyond that point in time, as to whether it may be a stern loaded vessel such as has been proposed by a local company remains to be seen and to then be considered firstly by the Working Group and then by the Assembly as whole. Somewhere in all that is the finalisation of the Lighterage Review. I would like to think that alot of these questions will be coming to a head over the next month commencing hopefully with the tabling of the Joint Standing Committees Report to Federal Parliament on the 8th March

MRS SAMPSON That's all I have for Mr King Mr Buffett, would you like to ask another Member

MR PRESIDENT Yes. Are there any other Questions Without Notice, Mrs Anderson

MRS ANDERSON Thank you Mr President. I have a question for Mr King in his responsibility as Minister for Airlines. Is the Minister aware that from the 1st

April the residents fare to Sydney is schedule to increase from \$510 return to \$699 return, an increase of 37%. Could the Minister please advise what negotiations he has had with Ansett regarding this enormous increase

MR KING Thank you Mr President. I wonder if Mrs Anderson could just repeat the numbers that she mentioned regarding the increase in the fare

MRS ANDERSON I'm advised that the residents fare at the present time is \$510 and that on the 1st April it will increase to \$699

MR KING Thank you. Thank you very much. Mr President I'm not sure that I can say much more than what I have said to this House and to Members generally about this matter on previous occasions. There is yet to be an official release by Ansett regarding the airfares. I understand from my research that the figures Mrs Anderson is quoting is basically correct within the new airfare structure which is to apply from the 1st April, the whole range of new levels which I won't bore the House by going into now but let me say that some of those are new levels, are new types of fares, some of them indicate a reduction not necessarily to the residents, those living here, but reflect a reduction generally for certain periods of the year and it is likely that within that new fare structure the high season fares may come down a little and the low season fares may go up a little and the effect of that is really all up in the air at the moment. As far as the resident fares are concerned, well there has been some negotiations, some discussions with Ansett. I think we have to be realistic and say to understand that we represent a very very small proportion of the business of Ansett. I'm not terribly confident that we can involve ourselves very successfully in negotiating or changing an airfare structure which has been recommended to them by their highly paid professional people. I'm confident that in the final wash residents fares won't be effected to a great extent, I have to say that in the new airfare structure there are fares at periods during the year which will be available at a fare less then that which is being paid by residents in previous years or in the recent past, that is the high season fare of \$699 for example, which was the only fare available to residents during peak season in this last year or the year just ending. There will be a fare of \$619 available to residents on a return basis, Sydney Norfolk for certain parts of the year for which a \$699 fare applied previously so it is not all on the downside there is a balancing out somewhere but the final effect of it is really anyone's guess and I'm not sure that I can throw any more light on it than that at the moment

MRS ANDERSON Thank you Mr President. I would just like to ask a supplementary to Mr King on that subject. I might advise him that the \$619 return fare which is being offered will be for purchase of tickets which are non refundable and only a very limited number of seats will be available at that particular price and also certain conditions regarding the length of stay away from the Island will apply. Mr King didn't exactly answer my question and to the negotiations he has had with Ansett and I wonder if he has spoken with Graeme McMahon the Managing Director of Ansett. Mr McMahon, as Mr King will probably remember, was previously in the Marketing Department of Ansett and he made several visits to Norfolk so he is fully aware of our concerns and our situation here and I think possibly if we spoke to him directly he would lend a sympathetic ear to our cause

MR KING I think there was a question in all that, and it was whether I had spoken to Mr McMahon. No I haven't. I have had some difficulty having some responses to Mr McMahon on various issues in recent times and I don't feel that I would have much success in contacting him. In any event I don't have any difficulty in doing that and I can try and do it. I mean all I can do is undertake to the House to do everything I can to ensure that there is a reasonably fair deal for residents. I can't make any guarantees and I'm aware that there are certain

conditions attached to those certain fares regarding those prices but I want to again, emphasize the point that it is not all bad although the overall picture is not as good as it would have been in the past

MRS ANDERSON            Thank you Mr President. This is following on somewhat from my previous question and again to Mr King this time in his capacity as Minister for Tourism. Visitor numbers for February look quite healthy thanks to tournaments etc organised by various sporting clubs on the Island, but according to the airlines and to the accommodation proprietors, visitor numbers will be way down in March and projections for April to July are only mediocre. Can the Minister advise what plans he has to address this problem, what advertising campaigns are in place or planned for the next six month period and what instructions have been given to Bob Doyle, are Marketing Manager

MR KING                 Mr President, yes thank you. I am aware that there is some talk in the community about the tourism numbers. There always is every day, in fact several times every day, several times every night I receive comments about tourism. There are either not enough, they don't spend enough money, they don't stay enough, people seem to overlook continually the fact that the last calendar year has been an all time record. The number of tourists to the Island. I'm always of two minds what to say about numbers, if I say too much about it I get accused of taking all the credit for the numbers that come here, if I don't say anything about it I get accused of putting tourism down. I seem to be in a no win situation but let me try and allay some of the concerns that some people may have in the community. The record number of 30,000 odd thousand in the calendar year 1995 has been good. Its total tourism activity which is the number of tourists times the number of nights that they stay is still somewhat down on the peaks that we enjoyed in 1986/87 but we've suffered for a period of some six or seven years, a gradual decline of 2,3,4% every year over those number of years. Now that downturn has been turned around over the past twelve months, thankfully. It's coming back quite strong but we are not going to continue to have that strong growth every month. I spoke at an informal meeting the other day about 3.3% down in January and 11% up in February, 40% up the previous month, those types of figures, now we are not going to see those increases every month, it is just totally out of the question, they are simply not going to happen so somewhere along the line there is going to be a plateau of regrowth in tourism. I mentioned the other day that my feelings, my own thoughts, that perhaps we were a little late in starting our new media advertising campaign in Australia which is scheduled to start now, or started last week in any event, somewhere around about this time, and it was scheduled for that time because we thought that the high seasons of December and January were going to take care of themselves with minimum advertising requirements. Now that may have been an error of judgement, I don't know, I'm not suggesting that it is but it is just something that passed through my mind. In any event a reduction of 3.3% in numbers for January is nothing to be concerned about. Everyone knows that the lead up time or the advanced booking time for those coming to the Island is reduced quite dramatically so that there is little likelihood of having a picture now of what might happen in a couple of months time, you can only get reasonably clear indicators about a month or a couple of months out. I remain reasonably confident Mr President, in fact, I remain very confident Mr President, about tourism and as far as instructions, I'm sorry that they have been given to Mr Doyle, it is really a matter between the Bureau as statutory authority and Mr Doyle, not a matter in which I involve myself personally, I don't issue instructions to Mr Doyle, he takes his instructions from the Bureau, and if Mrs Anderson would like to see me perhaps after the meeting or tomorrow and other Members for that matter, we could perhaps go along and have a talk to the Chairman of the Bureau and get copies of the advertising schedules and bring everyone up to date on what is going to happen over the next couple of months in terms of that effort

MRS ANDERSON Thank you Mr Buffett. Another question for Mr King. Mr King are you aware that the term "error of judgement" is one that you use with alarming regularity in regard to your portfolio

MR KING Mr President it is really a waste of the House' time. I have to call a point of order on that. That has no bearing at all on my executive responsibilities. Those idiosyncrasies are my own

MR BATES My question is also for Mr King. He's a popular fellow this morning. Mr King is responsible for foreshores I believe. Could the Minister explain the need for recent excavation of rock on the foreshore at Ball Bay and if it has anything to do with the proposed landing facilities for stern loading vessels

MR KING Thank you Mr President. I did in fact receive a request from the Office of the Administrator, regarding a request by a local company to conduct a test dig just on the foreshore at Ball Bay to ascertain the nature of the subgrade there for the purpose of developing specifications for the purpose of developing any on shore ramps for a stern loaded vessel. Now, that information is of course absolutely essential to providing the necessary engineering specifications for such structures. The fact that I raised no objection to that test dig being carried out does not indicate in any way my preference for or my agreement to or the Government's agreement to the stern loaded vessel proposal so yes, I did indicate to the Administrator that I don't have any objection to that test dig being carried out subject to certain conditions, that the work was carried out under the supervision of a properly qualified marine geologist or engineer and that the liability for any rehabilitation rested with that local company who wanted to conduct that test dig. Now as I understand it, that test dig has been carried out and some rehabilitation work has been done, or the rehabilitation work has been done, but I haven't personally had a look at it but I will seek with interest the reports on that rehabilitation work

MR BATES Just a supplementary to that Mr President. The area that was excavated, I suppose an area that it about 30 feet across and maybe a little bit deeper, but would one assume that that is a chosen locality of any shore facility. Has approval been given for that site

MR KING I have absolutely no idea Mr President. Members may recall that we are awaiting from the local proponents of that SLV operation certain information regarding the plans and specifications etc etc regarding the onshore structure. Now that information hasn't come to hand yet so I simply can't answer Mr Bates question

MR BATES Another question for Mr King. What action has the Minister taken to ensure a landing facility for stern loading vessels will not cause erosion or other damage to the foreshore of Ball Bay

MR KING Again, Mr President, Members may recall that one of the reasons why we have sought some detail on the plans and specifications for the structures is so that the requirement for an environmental impact statement can be considered. Until that detail is available the question of an environmental impact statement cannot be considered. But it will be considered once that information is to hand

MR BATES Again, a supplementary question. It is probably not necessary but I'll ask it just the same. Does the Minister intend to seek an indemnity to cover any damage if it does in fact occur as a result of such an installation

MR KING I haven't considered that question Mr President but I'll be

happy to take some advice on that

MRS ANDERSON Thank you Mr President. I might give Mr King a rest and I'll direct this question to Mr Bennett in his capacity as Minister for Finance and I ask the Minister whether he is aware that one of the banks operating in Norfolk Island has chosen to impose New South Wales taxes on credit card accounts held by residents of Norfolk Island. Does the Minister believe this is equitable practice and will he make representations to the Bank concerned

MR BENNETT Thank you Mr President. Yes I am aware that in fact in this instance it is the Westpac Bank, who has determined that Norfolk Island residents with credit card facilities through the Westpac Branch in Norfolk Island will incur financial institutions duty imposed by the New South Wales Government on accounts held by residents of that state. On further advice this may be the case because Westpac Bank Branch uses the credit card facilities of the Credit Card Centre in Sydney. It seems to me Mr President and to the Government that taxes of another state and territory should not be imposed upon a Norfolk Island account and that a solution, or there are two solutions that we have proffered to Westpac in a letter that went out on Friday was that perhaps Westpac might consider using a different Credit Card Centre, and thereby avoid the New South Wales Financial Institutions Duty or perhaps they might be able to separately identify by way of a special prefix the whole of the Norfolk Island people who hold credit cards with that bank.

It seems possible to us, and of course we have not talked directly to the Bank about this, that the computer software today has remarkable flexibility. Mr President, there have been over the past few months, informal discussions with Westpac on this problem but we've raised the issue by letter in recent days more formally and I know that a number of local people have certainly telephoned me, I guess they've telephoned other Members as well, and they will be interested to know that we will follow this up with as much zest as we can put to it

MRS ANDERSON Thank you Mr President. I have a further question to Mr Bennett. I also ask, is the Minister aware that a bank in Norfolk Island is proposing to charge counter transaction fees on certain accounts to encourage customers to use automatic teller machines and electronic transfer of funds at point of sale or EFTOS. As neither ATMs or EFTOS are yet available in Norfolk Island, does the Minister believe Norfolk Islanders are again being discriminated against

MR BENNETT Yes I do believe that Norfolk Island account holders are being discriminated against. Mr President I should say that this isn't Bash a Bank week, it just so happens that one circulated memorandum from the Commonwealth Bank has drawn alot of other peoples attention to alot of other issues so it is timely that they occurred almost simultaneously and they're being dealt with together. We are not out to bash the banks because it seems appropriate to do so. The discrimination is largely as a result I think of a misunderstanding by the Head Office at the Bank who put out the circular and failed to recognise I think that Norfolk Island has no ATM machines or the EFTOS, electronic funds transfer arrangements here and whilst on the one hand the memorandum does indicate that some consideration was given to Norfolk Island, for example, they did offer account holders upon the surrender of a cheque book that they would credit the stamp duty component, so it indicated that they had at least given some thought to Norfolk Island but the real issue is that if you don't have an ATM and an EFTOS these charges that Mrs Anderson referred to will be applied and I think that's where the discrimination arises. I have also taken this matter up by letter to the Commonwealth Bank and as it is an issue that again, other members may have had representation about I'll certainly let Members know

MRS SAMPSON Thank you Mr President. I'll also address this question to Geoff as the Minister for Postal Services. Would the Minister please inform this

House if there is a backlog of mail and also could he inform us of any development in the proposal to drastically increase parcel post rates

MR BENNETT            Mr President, the latest information on the backlog is as old as last Monday and at that point there were some 35 bags of air parcel post backlog. I haven't had the information in this morning but I suggest that because the airlines have been fairly busy, that figure of 35 may well have swollen to some 50 or 60. I'll put the information that I'll get by fax today in Mrs Sampson's box. Turning to the question of the proposal by Australia Post to increase dramatically the price of postage to Norfolk Island in most categories, I don't have a lot more to offer members this morning. At a recent meeting I circulated a letter which the Parliamentary Secretary Mr Snowdon had written to the Chairman of Australia Post, pointing out certain things, hoping that the Chairman might take these matters into consideration when the Board next meets to consider a question. Members will be aware that the proposed mail rates were to become effective back in October, I think, and they were put on hold because the package that had included the freight rise to Norfolk Island also included some country mail postage increases, and because of the drought the Commonwealth Government put the matter on hold. The issues are still as large as they ever were, and to quote from the letter of the Honourable Warren Snowdon to Maurice Williams, the Chairman of Australia Post, he exemplified that a 20 kilo parcel mailed from Sydney to either Lord Howe Island or Norfolk Island at the current postal rate costs \$40. If the postal rates that they propose are increased that same 20 kilo parcel will cost \$18 to Lord Howe Island and \$206 to Norfolk Island. Is it any wonder that Mr Snowdon felt that we were being harshly dealt with. Mr President we will have a letter going to the Chairman of Australia Post hopefully today which will point out a couple of matters that perhaps his officers have not informed him about and that is that our postal service was just as concerned about some abuses of privilege that was occurring in the system that they were, and in fact we brought to their attention one or two of those matters as long as two years ago. I example the abuse of privilege by a certain commercial enterprise importing hundreds of motor tyres by surface mail earning the ire of Australia Post. Now Australia Post has been aware of this for a long time and could quite easily have made some minor change to take out that anomaly which is impacting very greatly on their cost of delivery. There is a long standing anomalous rate of 30♥ per kilo from all parts of Northern New South Wales to Norfolk Island. Now that also has been subject to exploitation. We drew that to their attention because we were being similarly effected by it. The postal rates from Norfolk Island to Australia up until February or some time last year were tied to those rates applying from Australia to Norfolk Island. We have by regulation altered that and we have I understand, corrected that anomaly on the postage from Norfolk Island to Northern New South Wales. The last thing we drew their attention to was the apparent intransigence of Ansett Airlines towards a more favourable air freight rate or line haul rate, as they call it in the trade and we want to draw to the attention of Australia Post's attention that the rate that is applying to the carriage of mail at the moment is more than three times higher than the rate that applies to perishable cargo from Sydney to Norfolk Island. Now these are issues that we want to make sure that the Chairman of Australia Post, with whom we have not had previous contact, is made aware so that in the final deliberations they may look upon it more favourably. That's a long answer to a short question, but the short answer is no, I don't have much more to offer you. We are following it very closely, and I know that the community, particularly the commercial sector is concerned that the proposed rate changes may appear suddenly and they will be disadvantaged, but we will give everyone the maximum opportunity of knowing any changes that occur

MR PRESIDENT            Time has expired

MR KING                 I move that question time be extended Mr President for ten minutes

MR PRESIDENT Is ten minutes agreed Honourable Members. It is agreed, ten minutes

MRS SAMPSON Thank you Mr President. Two brief ones for Mr Bennett again. (Not brief answers) Has the matter of imbalance of mail between Australia Post and Norfolk Island been settled, noting that the original budget allowance of \$100,000 per annum for the period 1st July 1994 to 31 December 1994 has been reduced to \$68,000

MR BENNETT Thank you Mr President. Yes, the matter of mail imbalance has been settled and in fact the first cheque was received just a few days ago. Members will be aware that in the budget we allowed \$100,000. The arrangement with Australia Post was that the payments would be made after six months deliveries had been put together and the calculations done. The first six months of this financial year brought a cheque of \$68,000 for the imbalance so we're a bit ahead of budget in that. We have been of the opinion for a very long time that the mail imbalance is in fact going to steady out at around \$130-\$140,000 per year. Mr President, while I'm talking about mail imbalances, some months ago Mrs Sampson asked me a question on the mail imbalance as it related to lighterage costs for the New Zealand post and I did agree to bring the answer back. The question doesn't appear on the Notice Paper and Questions on Notice but with your indulgence I'll just briefly deal with it now

MR PRESIDENT: Yes, Mrs Sampson, is that a question that you would want to have responded to this morning?

MRS SAMPSON Yes, thank you Mr President. Mr Bennett has responded to me personally but I think that the other Members should know the answer

MR PRESIDENT: Yes, please Mr Bennett

MR BENNETT Thank you Mr President. Mrs Sampson asked me whether the same mail imbalance arrangements and lighterage costs applied with New Zealand post. The answer to the first part is yes, we have had for quite some years now a mail imbalance arrangement with New Zealand post and in fact, whilst the quantity is small the imbalance arrangements provides a surplus arrangement to Norfolk Island. As it should, we receive more mail in then we send out. In relation to the lighterage component which was a substantial part of the question the answer is that we have not levied lighterage charges to New Zealand Post and I am advised that there are reasons for this but principally the quantity was too small, the cost of accounting on a ship by ship basis was not considered to be cost effected unlike Australia where we can get six to eight or nine hundred bags of mail per ship, from New Zealand that can be as low as six bags and that was the reason given. Also we had a mail imbalance arrangement which produced a surplus. In recent weeks the Finance Branch and the Postal Services Manager have had discussions about whether they will talk to New Zealand Post about an annual billing and I've yet to have the outcome but I'll let Mrs Sampson know about that

MRS SAMPSON Thank you Mr President. I have two questions for Mr Christian. What is the Minister's forward planning on our fishing rights in the 200 mile economic zone as it appears increasingly under discussion between New Zealand and Australia and I don't read any good news for Norfolk Island in the few sketchy reports that get to the National Papers

MR CHRISTIAN Mr President I haven't given too much thought to the wider economic zone around Norfolk Island. It's a 200 mile limit which basically falls within the area of responsibility for Australia. Mrs Sampson is probably aware that the area is an exclusive box around Norfolk, from memory I think its about 50

kilometres by 30 kilometres in size which is for the exclusive use of Norfolk Island based fishing. There is however, a meeting coming up in the near future between AFMA, that's the Australian Fishing Management Authority and representatives of the fishing industry on Norfolk, to discuss issues. I'm not sure of the exact date but it's in the near future

MRS SAMPSON And, quite a brief one. Would Mr Christian as the Minister for the Environment please fast forward a roadside weed control programme as the weed growth has accelerated amazingly after the last few weeks of good rains

MR CHRISTIAN Thank you Mr President. Yes, I share Mrs Sampson's concerns about the rapid growth of weed on the roadside so I suppose we've been sheltered a bit for the last three or four years from drought conditions and now that we have had a bit of rain the weeds are really prolific and I'll be talking with the Community Services Manager and the Forestry Head to see if we can develop a more effective weed control programme which won't have catastrophic effects on Mr Bennett's budget

MRS SAMPSON Thank you Mr President and one brief one which I forgot for Mr Bennett. Could the Minister please advise this House if the proposed coinage issue is to take place in July this year as arranged with the Royal Australian Mint

MR BENNETT Mr President, the short answer is no but I need to say why I guess. Mr President there's been a change in the upper echelon of the Royal Australian Mint and the gentleman to whom we had quite some negotiations is now not the controller of the Mint and the new chap has a different approach to marketing and production. Members will be aware that there were three options in the proposals put to them. One was a distinctive set of Australian coins to be purchased at face value and sold exclusively by the Norfolk Island Government at an agreed premium, the second was a collector coin series to be purchased at an agreed price and sold also exclusively by us and the third was a collector coin series to be sold by the Mint with an agreed royalty payment for each coin sold going to the Norfolk Island Government. Now whilst we had a leaning towards options one and two the Royal Australian Mint had a leaning towards option three which is the collector coin series and the negotiations were moving along that track. We believed that if we got that going we could develop or hopefully develop other options over a period of time but there is a snag to that and it is that whilst it is the most likely option the Mint now considers that the royalty payments to Norfolk Island should not occur and briefly their thinking is this, that they find that they can sell all they produce in their own marketing arrangement with their own things and to produce something for Norfolk Island and only get two thirds or half of the take didn't appeal to the new man at the top. Now of course, it doesn't suit us at all to be faced with a coin issue that we only get the profits of if we sell them locally or to visitors on the Island and the huge numismatic collecting market is shut off to us so things have ground to a halt, Mr President on that unfortunately, and things have slipped down a bit in my lists of priorities. I hope that towards the middle part of the year to have cleared myself of other things and will raise it again and try and have it developed. I've worked very closely with the Administrator on this who is also very keen to see us develop this arrangement but between us we've drawn pretty much a blank

MRS ANDERSON Thank you Mr President. I have one last question for Mr King. On the 19th December the members requested the Minister to write to ANSETT expressing concern at the number of technical faults and breakdowns that appear to be occurring in the F28's used on the Norfolk run and the growing public perception that the aircraft are unsafe. Can the Minister please advise if and when this was done and what response was received from Ansett

MR KING: Mr President I can confirm that it was done, I can't remember

when it was done. It certainly wasn't done the day after or even within probably a week or ten days after but it was done. A response was received from Ansett. I think that I have circulated a copy of that among Members and certainly if I haven't I will certainly do that. I don't regard the response as being entirely satisfactory. It didn't really address the points that I had made about the comments regarding safety of the F28's although obviously I'm not in a position to be able to be making any technical points about that particular area. Ansett did stress that it was the F28 1000 series which had aged to the point where they are due to go out of service sometime this year, but went on to say that it is the F28 3000 which is used here to Norfolk Island and that they are not scheduled to go out of service until well after the turn of the century. It sounds a long time but is only five or six years away. They made no comment about any proposals to replace the F28 3000 with 146 or any other type of plane so I was a little disappointed on the two scores there Mr President but I'll continue to search for little bits of information which I'll pass on to my colleagues as I receive them

### **Welcome**

MR PRESIDENT Thank you. Extended time has expired Honourable Members. As the meeting has progressed I've noted also in the public gallery this morning Mr Ray Gallagher, Chairman of the Land Review Group who is here and has visited on a couple of occasions but is undertaking a public consultation process in respect of that review and I also note that the new Crown Solicitor is in the public gallery this morning, Mr David Hinchey, a new senior officer of the public service, and so may I acknowledge and indicate to you that we also accord you a warm welcome in this House this morning, and my apologies indeed for not having noticed that you were also there earlier

### **Presentation of Papers**

MR PRESIDENT Presentation of papers. Are there any Papers to present this morning Honourable Members

MR BENNETT Mr President I have a few but I'll deal with a couple at a time. Firstly I'm required under the provisions of the Public Moneys Ordinance to table a list of virements and funds that are done since the House last met and I do so. There was some \$11,000 viremented, principally \$6,000 of that went to the Assembly requisites and general expense vote and a further \$5,000 to the management plan of the quarry and I table that.

Mr President it may be appropriate if I deal with them all because they all are related to finance. The second paper that I would like to table is the Budget Review for the Revenue Fund for 1994/95 and I move that that paper be noted

MR PRESIDENT The question is that the paper be noted

MR BENNETT Mr President traditionally at the end of six months trading we review the budget and make adjustments to the Revenue Fund following the receipt of further submissions for additional spending or identified savings along the way. I'm please to say that whereas we had from the budget we tabled in June of this year, budgeted for a surplus of some \$60,000 we are now expecting a surplus of some \$355,000. We are round about \$300,000 better off then we anticipated six months ago. I'm also pleased to say that at this time of the year you can often get quite large additional expenditure proposals and I'm pleased to say that these were kept to a minimum, there were some \$90,000 worth of additional expenditure proposals which were agreed and at the same time we identified savings on current supplies of some \$341,000. The net result to all that Mr President should the revenue continue to flow in and the identified savings really become savings, the estimated balance in our reserve fund will rise from \$249,000 which is pretty low to

\$604,000. Mr President the budget review papers have been tabled and also they were circulated to all members. I don't intend to spend a lot of time talking in any detail about them but perhaps I might just identify a few of the additional expenditure proposals and mention a few of the savings that are being identified. In the \$90,000 the larger amounts are the \$40,000 for preliminary advice about the offshore finance centre, there's an additional \$12,000 for the tourist promotion fund which was for a specific exercise in the New Zealand marketplace and the balance of the bids Mr President are all under \$10,000 and they deal with such things as protective clothing, replacement of tools, remuneration tribunal and a few other sundry matters. Of the identified savings and the current supply there are savings estimated in salaries and wages vote of \$50,000, land acquisition and quarrying vote a saving of about \$40,000 and road reconstruction \$50,000 and in the beautification of Burnt Pine area, \$50,000 and I should say on that particular point that many of the Members felt that the savings that had been identified in the beautification of Burnt Pine, weren't in fact savings, it's just that the plan for the area has yet to be finalised and Members were concerned that if they let that through as savings it might disappear and never be revoted. There was interest by members in the establishment of a trust fund so that that \$50,000 in fact could be saved and I did undertake to give some consideration to that and at our meeting on Friday I indicated that I hadn't concluded my thoughts, however, Members had got until the 30th June this year to formalise that should it become necessary and it might be prudent to wait a little until we've had at least the preliminary advice of the university about the beautification plan and an indication of what the total cost to the project might be. Thank you Mr President, that's all I have to say right now

MR PRESIDENT            Thank you. The question is that the paper be noted, any further debate?

MRS SAMPSON            Thank you Mr President. I wonder if Mr Bennett or perhaps he could pass it over to Mrs Lozzi Cuthbertson, the \$100,000 estimated savings on the subsidy to the Norfolk Island Hospital

MR BENNETT            What is your question

MRS SAMPSON            the \$100,000

MR BENNETT            Did I not mention that

MRS SAMPSON            No, you didn't mention that. Could you enlarge on it please

MR BENNETT            Mr President there were identified savings also of \$100,000 in the subsidy to the Norfolk Island Hospital and Members will recall there was also quite a lot of discussion about some activities that might occur both at the Hospital and at the school and the question was whether that should be reduced and reallocated to another area. I think I indicated at that time, perhaps not too clearly that it is possible to do that by virement anyway and once the projects had been costed and Members agreed to it, then yes it could be done by virement. Just one other point for clarification. Because this budget review doesn't anticipate additional supply over and above what the original budget supply was, there would be no need to have a supply bill, the additional expenditure can be effected on advise by virement. It is yet to happen but it can

MRS LOZZI CUTHBERTSON: Thank you Mr President. I think an explanation to the \$100,000 that's been identified as a possible saving in the health subsidy budget to the Norfolk Island Hospital needs some clarification and if I may I would like to do that now. First and foremost we had a windfall at the hospital of some \$44,000 from the Department of Veterans Affairs, paying some back money that they

have owed us for some considerable time which probably should have been refunded to the social services vote but which was generally agreed by the Finance Minister and members could be held over by the Hospital to complete its rebuilding programme. In the meantime however, it has become clear that people have been paying their debts at the Hospital much more readily than they have last year. Finances in the community are obviously considerably better than they were last year and our total debtors bill has gone down from approximately \$180,000 to about \$110,00 in the last six months which has made a considerable difference to the cash flow of the hospital enterprise so we've been able to operate with funds that are flowing in from services rather than drawing on the subsidy which has been able to remain in the accounts of the Administration and earn some interest. However, we do have a situation at the school where we are terribly short of classroom space and the Headmaster and the staff as well as the Parents and Citizens Association have been looking at alternatives as to just how that shortfall of teaching and classroom space could be remedied. We've looked at the bean shed as one of the possibilities and one of the ways of providing that extra space reasonably quickly and reasonably cheaply. We are now waiting on some costing to be done as to how much it would take to refurbish the bean shed into various classrooms and provide the badly needed space for our children at the school. When that calculation is available I certainly will be submitting it to my colleagues and the rest of the MLA's as one of the ways that some of the savings from the Hospital budget should be employed to provide better facilities at the school

MR PRESIDENT Thank you. Further contribution? The question is that that paper be noted which is the budget review paper

QUESTION PUT  
QUESTION AGREED

Thank you the ayes have it. That Paper is noted

MR BENNETT Mr President, I table the monthly financial indicators for the month of January which incorporates the seven months of the financial year. I don't propose to have much to say about it I think that it is reflected in the positive results that are continuing and are reflected in the budget review that I've just tabled and the paper on the Government Business Enterprises that I'll talk to in just a moment. In short, revenue is running at 99% of budget and expenditure at 88%, thank you

MR PRESIDENT Thank you. Further Papers to be presented this morning?

MR KING I don't mind if Mr Bennett carries on

MR PRESIDENT I'm sorry Mr Bennett. Did I interrupt you halfway through?

MR BENNETT The final Paper in that collect Mr President is the budget progression report for the Government Business Enterprises for the six months ended 31st December 1994 and I table that document and move that it be noted

MR PRESIDENT The question is that the paper be noted.

MR BENNETT Mr President, this is a budget progression report of the Business Enterprises operated by the Government and Members will be aware that it is an indicative arrangement, they are simply not balance sheets and profit and loss statements for each of those Business Enterprises but it's a very good indication of how they are going. In short, on the revenue side all the Government Business Enterprises except workers compensation and the Healthcare Scheme are ahead of budget. The Workers Compensation scheme and Healthcare are only marginally below budget. Interestingly, all the Government Business Enterprises

except Healthcare have generated more income than in the corresponding period in the previous financial year. Now the Healthcare would have also been in that category but the subsidy paid to Healthcare was reduced by \$50,000 and if they had had that subsidy we could have said that all the Business Enterprises had increased their revenue compared to the corresponding period last year and some of them have improved their revenue or income quite substantially. Mr President, on the expenditure side all of the Government Business Enterprises except Telecom, Lighterage and the Bicentennial Museums are below budget for expenditure for the first six months of this year. Just to talk about those three. Telecom - the reason that Telecom's expenditure is showing in the progression report as being above is that they have absorbed in the first six months the full cost of the Foenkaad development project including the capital acquisitions of the new phones.

If you take that out, all other recurrent expenditure is too below budget. In the Lighterage area, it appears that the Lighterage people have purchased a full years supply of ropes, wires etc in this period because all of the costs are in line with budget and I think at the end of the financial year you will see no great increase in the expenditure for the whole period of a year. In the area of the Museums I am unable to ascertain whether any special factors were the cause but perhaps Mr Christian as Minister might be able to shed some light on the matter. Mr President I had a look also at the comparative data between expenditure for the first six months of this year compared to the first six months of the previous year and it looks pretty good. There are a few that are spending more this year than last year and in each of those cases there is a solid explanation but I think in short, the expenditure has been contained quite well and stacked up against a very strong revenue performance by them it augers well for the final budget result at the end of the year thank you

MR PRESIDENT: Thank you. Any final contributions to the question that the Paper be noted

MR KING Thank you Mr President. I'm glad that Mr Bennett took a little time to present an analysis of the Business Undertakings. We've often mentioned over the years that far too much emphasis have been put in this forum on the management or operation of the public purse rather than the wider economy and of course the operation of our business undertakings are really our only clear indicators to commercial activity generally in the Island and I think it is worthwhile to make some points and to perhaps make a little bit more fuss without being critical of Mr Bennett, perhaps show a little more enthusiasm about what these figures might mean regarding the total economy of the Island. I like to think, hopefully not too optimistically, that if the Government Business Enterprises and other indicators which are at our fingertips show a reasonably good improvement then that improvement is mirrored in the commercial sector. To what extent I can't say, I'm not an economist nor am I an analyst but I think it is safe to say that there should be some reflection of these indicators or the GBE indicators out in the economy generally, for example, in the workers compensation area Mr Bennett mentioned was below budget, it nevertheless indicates that for that corresponding period of six months there has been an increase in the number of hours worked of some 15% and that has got to be a clear and positive economic indicator. If you take the number of hours and worked it out, perhaps not to that extent but perhaps people can afford to pay the levy more than they perhaps paid it in the past but nevertheless it is worthwhile. So I'm encouraged to hear Mr Bennett's analysis of them and I am encouraged to think that these mean positive signs and positive growth in the wider economy

MRS SAMPSON Thank you Mr President. I asked a question in the House some time last year about the shifting of the Lighterage gear and I note that the year to date actual expenditure is \$6,642 and the note on page 13 says "the Lighterage Manager advises that this budget over-run is due to the Lighterage Service not having at its disposal a suitable vehicle for the towing of launches and lighters.

It has been necessary to employ an outside contractor for this task". Now I was under the impression that the Expenditure Review Committee was going to look at the distribution of vehicles owned by the Administration and this problem was going to sort itself out by borrowing a vehicle from within the Administration rather than put the work to outside contractors

MR BENNETT            Mr President the matter hasn't been overlooked, in fact as recent as Friday I was talking to the Administration about the options and there aren't many options for making available a four wheel drive vehicle. One of the ones that's in the frame is whether we can pinch one off the airport, but you can imagine the reaction to that from the airport. We have to really assess the needs of the airport before we can touch any more vehicles, so it is something that is ongoing. It's not something you put in the too hard basket. The Lighterage use a vehicle for a very small number of years and we have to make sure that we don't spend too much funds on getting one that simply just sits around and is not well used afterwards. We can do the cost benefit analysis against the cost of the vehicle sitting around, not being used and compare that with what we are paid in towing charges but unless Mr King's got a miracle up his sleeve about a four wheel drive vehicle we didn't know he had the matter is I think, soon to be resolved

MR PRESIDENT            Any further debate? The question is that that Paper which is the Budget Progression Report on the GBE's be noted

QUESTION PUT  
QUESTION AGREED

Any further papers

MR KING                Thank you Mr President. I would simply table the visitor arrival figures for the months of December 1994 and January 1995 and move that they be noted

MR PRESIDENT            The question is that those papers be noted

MR KING                Mr President, I think in Questions Without Notice we dealt to some extent with the matter of visitor statistics but I'm perfectly willing to further the debate now if people wish to but I will just make some brief comments I think on these papers and move it over for Members. Members will not see the significant change in format from December 1994 paper to the January 1995 paper and that's as I foreshadowed some several months ago that we were working on a different way, a more meaningful way of presenting the statistics and Members will recall that the earlier format referred for example, or indicated, for example, we had no-one coming here from Adelaide or South Australia or from Victoria and a closer examination of the earlier format, the figures were talking more from the port of embarkation rather than where the actual visitor was domiciled. Obviously for marketing purposes etc it is far more meaningful to understand where your people are coming from so that you can direct your marketing effort and similarly there was a new statistic included in the format now which will show the various contributions from each of the major markets with which we deal, so hopefully Mr President the new style of statistics will be more helpful to both Members and those in the community who use them. I should also remind the listening public that there is a whole host of statistical information other than this which is available for their marketing use and I'm sure that the tourist bureau would be happy to talk to those people. Many in the community know about those figures of course and they have various analysis concerning where people come from and what occupations they follow etc etc. Mr President, I'll let my contribution go at that thank you very much

MR PRESIDENT            Further discussions Honourable Members. No further

contributions? The question is the paper on tourist arrival figures be noted

QUESTION PUT  
QUESTION AGREED

The ayes have it thank you. Any further papers?

### **Statements**

Honourable Members we are at Statement time

MR CHRISTIAN Thank you Mr President. Over the past couple of months some Members have expressed certain concerns about my personal business activities. Those concerns have ranged from whether my business interests were in conflict with my duties as a Member of Government, concerns about whether I had used information gained as a Minister of Government to further my own personal business interest. Mr President, Members are entitled to be concerned about, concerned that these things do not occur in the Norfolk Island Legislative Assembly and Government. For my part, I am willing to comply with reasonable requirements and I had been under the impression, perhaps mistakenly, that I had done all that was necessary for me to do. As I understand it, there is no question of my personal business interests being in conflict with my ministerial duties. The concern of Members appears to stem from my involvement in Norfolk's sea link and the development of a shipping service, and apparently also from my interest in the carriage of mail to Norfolk Island. Neither of these matters are, or ever have been, in my ministerial portfolio during 7th Assembly. Shipping is held by Mr Mike King and carriage of mail by Mr Geoff Bennett. I do concede however Mr President that my personal business involvement in both areas may have given the impression to some Members that it was only because of information gained by me as a Minister of the Government that I proceeded with those personal business plans. On the shipping matter Mr President, everyone I have had any contact with in Norfolk Island over the past eight or nine years will know that I have maintained an active interest in the development of shipping services for Norfolk Island. This is not an interest that I have developed just because I became a Member of the Legislative Assembly.

Looking back Mr President, it was probably a mistake for me to accept the position on the Assembly's working group looking into shipping matters. Perhaps Mr President it was a degree of arrogance on my part to think that I had something to offer the working group but it could hardly be seen to be a move by me to just find out where the Assembly was heading on the question of shipping. Mr President, on 7th September 1994 I did what I thought was the right thing. My own personal plans for shipping were moving ahead more quickly than I had expected and I felt that it was only proper to resign from the working group. When I did resign, Mr King acknowledged that as a member of the working group I hadn't received any information which was not also available to anyone else in the community. Mr President I'm sure that Mr King will be able to confirm this. Apparently Mr President, further concerns emerged a little later when it seemed that as a private individual I had entered into negotiations with Mr Stuart Ballantyne, a naval architect, while the working group was still negotiating with him. By way of explanation let me say that I was personally very keen to ensure that Mr Ballantyne's services were retained. His plans and ideas matched my own and I had come to the conclusion, despite what was written in a file note following Mr Ballantyne's meetings with the working group, that the working group was at best only luke warm about doing business with Mr Ballantyne. I concede that while ever the working group remained in negotiations with Mr Ballantyne I could have refrained from any personal involvement with him, Mr President. However, I should point out that in the final wash it was Mr Ballantyne who agreed to run with Norfolk's sea link rather than with the Government, because he too had concluded that business with the Government was unlikely, or at best to be drawn out. Mr President, one other matter which has troubled some Members is whether information



given to him as an elected representative of the community. I do however note that Mr Christian has acknowledged that on a couple of occasions he has pursued things in a manner which could have caused concern and which could have been done in a different and perhaps more acceptable way. Mr President I have nothing more to say on this matter, except to add that the exercise of scrutinising the conduct of executive members of the House must of course be an ongoing one. It is in my view in any event an ordinary part of Members' responsibility and one in which there should be no reluctance in talking out. Thank you very much Mr President.

MR SAMPSON I would take Mr Christian to task by saying that 28,000 per annum is a meagre living. I assumed that when that amount was voted for an Executive it was to, for an Executive to have a reasonable standard of living and do 30 to 40 hours work in his ministerial duties. I didn't feel that it was put there as a fringe benefit or a perk while a Member went off and did their own private thing. So I would feel that 28,000 say, was a meagre living was rather an insult. I'll leave it there.

MR PRESIDENT Thank you. Further contributions Honourable Members.

MRS LOZZI CUTHBERTSON Thank you Mr President. I will not go over some of the remarks Mr King has made but I would like to generally support the stand he has taken and the points he has just outlined. But I really am delighted that Mr Christian has finally made his position clear and particularly with regard to the dates when certain events occurred. I think those dates were really critical for us to be able to judge whether in effect that has been a conflict of interest or whether there has been the utilisation of insider information. Over the last few weeks I've made it my business to check and talk to Mr Christian and check certain information out and I am now satisfied that certainly the information he utilised at various points was available freely to many other people, so that he certainly was not making use of information that was just coming to Executives or to MLA's. But this public statement he has made today was needed. The public was entitled to have an explanation, full and detailed as he has submitted it and for us all to learn to be much more cautious in situations like that in future.

MR PRESIDENT Thank you. Further contributions Honourable Members.

MR BENNETT Mr President it is regrettable that the matter was allowed to fester on. These issues have got to be nipped in the bud quickly because they become, once they fester all sorts of side issues become involved. I guess what angered most Members, and even those who hadn't really reached a position on the matter was the apparent unwillingness to honour what I thought was an agreement to make a substantial statement in December. Instead we were treated to a fairly cute approach to it, and that in itself raised the ire of those who were absolutely certain there was a conflict of interest and it really got others thinking that perhaps there is more to this issue than meets the eye. Mr President I guess I'm pleased that he has, Mr Christian has made this statement today and I take on board a point that Mrs Cuthbertson said, we should take heed of what has happened - I think Mr King also mentioned it. I don't think that necessarily means that tomorrow we've got to get out and create a Pecuniary Interest Register because I think that we know in this Island the activities of most people and despite there being no Pecuniary Interest Register the fact is that there is very little activity in a commercial sense that we don't know about Members who hold high office. I think the parliamentary system has dealt with questions of conflict of interests for years. There are volumes written about it. I think it's clear if you read some of it that you really don't need to have laid down rules or your own register all the time. There are common sense things that are required to be followed. I think it behoves on all of us who have responsibilities to always exercise due care, and if in doubt then a decision should be taken at an early stage. The matter of a Pecuniary Interest Register and registering interests and everything

has been around for a long time and I don't know whether it will ever be progressed. I don't have anything in particular against it, it's just a model that we saw some time ago really went quite over the top. We were registering just about everything and I think some of it went far too deeply into personal issues. But if Members think that the Register will in fact be the answer to an activity or an instance like this arising again then perhaps we ought to pursue it. I'm comfortable with the traditions of Westminster. The fact that we don't have a Register doesn't mean that we just disregard the fact. There are parliamentary principles that go way beyond simply just a Register. Mr President, as Mr King said, he felt that here endeth the issue, I think that for my part that is where I sit as well. Thank you.

MR BATES                    Thank you Mr President. The issue of Mr Christian's involvement with the ship is one that I was very concerned about, especially when on the committee I expressed openly to him as a member of the committee, of the Shipping Working Committee, as to just how I saw Island involvement with the ownership of the ship itself to be of a huge benefit to the Island community. I've got to say that he didn't indicate to me at that point in time that he was seeking otherwise than government ownership of the vessel to benefit the community as a whole. It was at that same meeting that after that I saw him with his head down speaking to the Burns Philp representative, Mr Ballantyne, after the meeting, outside here in the car park. Certainly those matters caused me a lot of concern and then I found out how upset Mr Bennett was when he found out about the offer to Australia Post to carry our mails. At the November meeting I said some words in the Adjournment Debate because I'd come to the conclusion that as a Member of this Government I certainly couldn't continue not saying something these issues because they were of great concern to me. The issues of integrity and things have been aired here today. I think that Members, when they are elected to the House, should be prepared to make that their number one. If they're not, if they wish to make number one their own personal interest, then they shouldn't stand for election in the first place. I think that Mr Christian, as a Member and a Minister, was clearly committed to help the government any way he could and not move out in a private capacity. But also, after the December meeting, I went home concerned that the unavailability of the Minister, he didn't appear to be spending enough time on the job for his remuneration, he didn't appear to be pulling his weight, that there was a chance that all other Executive Members may resign if he didn't, and these were rumours that were coming to me, these were things that were concerning me greatly, and they were the things that I had a lot of self analysis over as to whether I would say any more. It would have been easy just I think to turn my back and hope it would all go away. But part of those issues are what prompted me to give notice earlier at this meeting that I would move a motion that his position as Minister be terminated. I accept the explanations he has made on the shipping, I accept the explanations he has made on the airport. I am still a little concerned that in receiving \$28,000 per year, which I'm sure the Remuneration Tribunal and even the case the Government put up for that amount of money, indicated that Executives would be on the job down here practically full time. I don't say they'd be here every hour of the day but they would be available here in Kingston for consultations with each other, the public, and that they would be available here basically five days a week, almost full time. I don't think that's happening in this case. So that is still an area of concern which I have. I'll give some thought between now and the next meeting as to whether I'll go ahead with my proposal for a motion, but I'll be interested to see what the community has to say over the next few weeks and what the views of the other members are, thank you Mr President

MRS ANDERSON                Thank you Mr President. I'm pleased that this matter has been aired as Mr Bennett suggested, it does cause a festering sore. If somebody is found with his hand in the cookie jar and it's a serious matter it seems very strange that it can take three months for us to do anything about it. I think

perhaps there's been a little bit of personal ego involved on the part of some Members. I don't believe that Mr Christian had inside information with regard to the ship. It is my understanding that Mr Ballantyne came initially to Norfolk Island to sell his concept and he was quite prepared to sell it to anybody who was prepared to purchase it, but obviously the government would be the people with the fattest cheque book so he made his initial approaches to us. I am pleased that this matter can now be put to rest because I think this issue has clouded our original concern, which was, what is Norfolk Island going to do about a shipping service when the Moana II and the Capitaine Wallace go out of service. Well we've already lost the Moana II. The Capitaine Wallace is due to go out of service at the end of this year as I understand so I hope that now that we've clarified this matter, the business of shipping to Norfolk Island can now be pursued in a normal commercial manner and that Mr Christian can be involved on the same basis as anybody else who might wish to offer shipping services to Norfolk Island, thank you Mr President

MR KING                    Mr President, some things take the breath right out of me. I don't take great issue with the things Mrs Anderson has said but there are some things that clearly she has gotten wrong. Let me say quite categorically that whilst I retain shipping in my executive portfolio and Mr Christian retains a personal interest in the development of a shipping service he will not play the same part in the deliberations as other members. It is simply not on as far as I'm concerned. Having said that, let me say that I don't have any difficulty whatsoever in Mr Christian pursuing as a commercial operator, an individual his own personal interest and I wish him every success with his shipping line if it works out. I have absolutely no issue to take with that whatsoever and I would want him to be 100% sure that that's the case. I wish him every success but it would be totally inappropriate that Mr Christian be involved in the consideration of an issue in which he has a private personal pecuniary interest

MRS SAMPSON                Thank you Mr President. I have some notes here which are garbled, which I will try and pick a few bits out of them. I have a few problems about the way the whole business was handled from the beginning and on the conflict of interest issue I can see the conflict arising between the executives ability to properly carry out his many and varied duties as defined in his portfolio whilst getting his new venture up and running. Now to take on an entrepreneurial project as a shipping line is going to take a lot of ancillary operations and its going to take all the executives, Mr Christian's time, energies, finances and business acumen to manage that successfully. Now, I'm all for private enterprise and like Mr King, I wish him well, but I feel as an executive he is fettered from carrying out his entrepreneurial skills properly and I think the Government having him as an executive is fettered from helping him. I was wishing to present a debate to Mr Bates's motion in the next meeting but as it may not come to that I thought that I had better say that. I'm disappointed that the Government didn't get up and running on its original thinking but if Mr Christian wishes to carry on with the entrepreneurial thoughts that he has I wish him well with it and would give him every help as somebody who has always supported private enterprise

MR PRESIDENT                Further contributions Honourable Members?                No further contributions? I put the question, the question is that the Statement be noted

QUESTION PUT  
AGREED

The ayes have it, that Statement is noted

MR CHRISTIAN                Thank you Mr President. I wish to make a short statement on the export opportunities for Kentia palms. Mr President following representation from the Norfolk Island Government and interested local persons the United States

Government has reconsidered its quarantine regulations and has agreed to permit importation of two palm varieties into the United States. The new regulations are effective from the 24th January 1995 and allow both the forsteriana palm and the belmoriana palm plants from Norfolk Island to enter the United States. The palm plants must be accompanied by a Certificate with an additional declaration stipulating that the palms are free of the lethal yellow pathogen and the cadang-cadang pathogen as well as any other plant pathogens based on visual inspection. Both species of these palms will remain prohibited by the United States from all countries other than Norfolk Island, New Zealand and Australia, and Australia includes Lord Howe there Mr President and this reflects the vigorous quarantine standards maintained by all of those countries. This approval will allow a foothold in a potentially lucrative market to Norfolk Island and I strongly urge anyone involved in planting or exporting palms to seize this opportunity, thank you Mr President

MRS LOZZI CUTHBERTSON Thank you Mr President. I would like to advise that following the advertisement appearing in the Norfolk Islander of the 7th January 1995 for a Director at the Norfolk Island Hospital Enterprise, eight applications were received, three from people residing on Norfolk Island, five from overseas but four of those people almost residents of Norfolk Island at some stage or another. They have very strong links with the Island. The standard of the applications was excellent and subsequent to receiving them I invited the Chairman of the Health Advisory Council, Dr John Duke, and the Chief Administrative Officer, Mr Roy Mitchell, to form a selection committee with me. Together we went through the applications and decided to interview five people, three locals and two from overseas. All interviewees performed very well but after careful discussion and checking of referees, the selection panel unanimously decided that Mr David McCowan should be offered the position. Mr McCowan has the most relevant experience and very impressive qualifications. These include a certificate in general nursing, a certificate in midwifery, a diploma of applied science in clinical nursing, a remote area radiographer certificate, a diploma in medical hypnosis, a certificate in disaster management and a Bachelor of Health Sciences in Management. He is currently the director of nursing at the Gympie General Hospital which comprises 128 beds and he has under his control a staff of 117 people. He controls a budget which covers wages and salaries of over \$4m but the budget of the whole hospital amounts to \$10.8m. From that you will see that we have a very competent candidate with really great experience behind him. I will not go into the details of his previous experience in other parts of Australia but I want to say how delighted I am that we were able to attract a Norfolk Islander with such excellent qualifications and experience for the position of Director of the Hospital Enterprise. Unfortunately as rumours always will, they are already flying around about what Mr McCowan's salary package is and although I'm reluctant to do this I think it is important to scotch some of those rumours and since the salary was advertised and everybody's salary who works for the Government is known I would like everyone to know that after negotiations Mr McCowan accepted a salary package of \$34,000 per year, not \$10,000 above the advertised salary as has been claimed. He is also going to receive the usual removal expenses, the rent of a car for one week when he first arrives, rent subsidies and air fares which are paid to all staff which are recruited from overseas. These are normal conditions and there is nothing special about what Mr McCowan is being offered. He is due to take up duties on the 20th March and will work with the present Director for a few days. Her term of employment will finish shortly after that and we will be recommending to the Administrator that Mr McCowan's formal appointment will commence on the 22nd March 1995. I would like to take this opportunity to thank the present Director for her many contributions to the Hospital and to wish her luck in her future undertakings and to acknowledge the contribution of the other members of the panel in the selection of Mr McCowan and to thank them

MR PRESIDENT

Further Statements this morning Honourable Members

MR KING                    Thank you Mr President. I have to make a statement in respect of Immigration Mr President. I report, pursuant to subsection 34(2) of the Immigration Act 1980 that there were 22 declarations of residency granted under section 33 of that Act during the year ended 31st December 1994, and that is a statutory requirement Mr President and I will table the formal report

MR PRESIDENT            Anything further Mr King

MR KING                    Not on that matter but I have another. Again, an Immigration matter Mr President. I have to inform the House of an action taken under the Immigration Act 1980 in relation to the deportation of a prohibited immigrant. The individual Mr President who was Iranian national, arrived in Norfolk Island from New Zealand on 19th October 1991. He was granted a Temporary Entry permit in June 1992 but this was deemed to be cancelled within fourteen days by the operation of the Act because of a breach of permit conditions. Since that time the individual applied, among other things, for refugee status, for general entry permit and a student visa to enter Australia. All of these were rejected both at primary decision level and on appeal. He also applied for Australian citizenship, but was deemed ineligible and his application was rejected. In January 1995 I issued a deportation order against the person and, as required by the Act, furnished a copy to the Administrator. On the 18th January 1995 I wrote to the person informing him of the decision to issue a deportation order and advising him of his review rights. The person sought a review against the order to the Parliamentary Secretary and the result of that application, was received on the 6th February 1995, and it confirmed my earlier decision. On the same day the person was brought before a Magistrate of the Norfolk Island Court of Petty Sessions who ordered he be retained in protective custody, treated as a deportee and not as a criminal, and allowed to finalise his personal affairs, up until the point of deportation. This was done on the 7th February 1995 the prohibited immigrant was deported from Norfolk Island to his home country of Iran. The Norfolk Island Immigration Section received valuable assistance from the Australian Department of Immigration and Ethnic Affairs in carrying out this order. Mr President, it is important that I make this statement to the House to formally place on notice that the Norfolk Island Government will not countenance illegal immigrants attempting to use Norfolk Island as a staging post to enter Australia. Administrative procedures are already in place to ensure no airline or shipping company carries to Norfolk Island a person, other than an Australian or New Zealand passport holder, who does not possess a valid Australian multiple entry visa. The sole exceptions are persons with permanent residency rights of Norfolk Island. The Immigration Visa Amendment Bill which was passed by the Assembly last year which imposes extremely stiff financial penalties on airlines and shipping companies who do not ensure the bona fides of their passengers being brought to Norfolk Island. Mr President it is very much regrettable that this deportation had to occur but I place on notice that the Norfolk Island government will not shirk from its immigration responsibilities and in fact it cannot shirk from its immigration responsibilities. People throughout the world must be clear that we are not a soft touch, nor are we a backdoor to enter Australia or any other country. Carriers must of course, also be aware it is in their interests to make sure the persons they bring to Norfolk Island carry all the necessary travel documents required by law according to the citizenship of the person wanting to travel to the Island. Thank you Mr President

MR PRESIDENT:            Any further Statements this morning. Then Statements are concluded this morning Honourable Members

**Messages from the Office of the Administrator**

There are no Messages this morning Honourable Members

**Reports from Standing and Select Committees**

There are no Reports from Standing and Select Committees

**NOTICES**

MR PRESIDENT: Thank you. We are at Notices Honourable Members

**NO 1 - FAIR TRADING BILL 1995**

MR CHRISTIAN Mr President I present the Fair Trading Bill 1995 and move that the Bill be agreed to in principle

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

MR CHRISTIAN Mr President I have pleasure in presenting The Fair Trading Bill 1995. The purpose of this Bill is to prevent as far as possible, unfair or undesirable Trade Practices. The Bill makes clear what constitutes acquisition and supply in relation to goods and services and has detailed definitions of certain pertinent words such as "services" and "supply". Part two of the Bill gives examples of conduct that constitutes an offence, for example, misleading conduct, false representation and harassment. Under part three the Minister may appoint a person to be an authorised person under the Act. An authorised person may enter a place where he or she believes on reasonable grounds where a person is engaging in conduct that constitutes or may constitute an offence against the Act. The Supreme Court may, on application by the Minister grant an injunction as it thinks fit including restraining a person from supplying goods or services. The Court may also declare a contract which breaches provision of the Act void and requires a person to repair or provide parts for goods supplied. A person who suffers loss or damage owing to the behaviour of another person who is in contravention of the Act may recover the amount of the loss or damage. There are standard clauses to provide that the executive member may delegate his or her powers under the Bill and for the making of regulations. Mr President this bill is based on elements of the Act, Tasmanian and New South Wales Fair Trading Acts to provide Norfolk Island with comparable legislation but which is tailored to our local circumstances and resources. The Bill is a slightly revised version of legislation introduced into the Sixth Assembly by Mr John Brown but which lapsed and honours a commitment given by the Norfolk Island Government to the Legal Regimes Enquiry in the late 1980's. Mr President, I am confident the vast majority of the Norfolk Island community will welcome this measure. It provides a regime to prevent false or misleading practices in trade and commerce which I hope may be rare, and rarely if every necessary as most of our business people are honest and fair minded merchants and service providers. It is important that Norfolk Island fulfils its responsibility as an autonomous and responsible jurisdiction to give our citizens, whether they are consumers or businessmen and women proper protection. This Bill fills that need. Mr President I propose to adjourn debate this morning and the bill will lie on the table of the House for one month. As always, I urge all interested people to obtain a copy of the Bill from the Administration's legal unit and make any written or oral representation regarding the Fair Trading Bill. Mr President I commend the Bill to the House

MR PRESIDENT Thank you. Contributions on the question that the Bill be agreed to in principle. No further contributions?

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

MR PRESIDENT Thank you. The question is that debate be adjourned and resumption of debate be made an Order of the Day for the next Sitting

QUESTION PUT  
AGREED

The ayes have it. That matter is adjourned until our next Sitting Day thank you

**NO 2 - PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1987 - RE-APPOINTMENT OF MEMBERS OF THE NORFOLK ISLAND CULTURAL HERITAGE COMMITTEE**

MR PRESIDENT Notice No 2, Mr Christian

MR CHRISTIAN Mr President I move that the Legislative Assembly recommends to the executive member, under section 9(1) of the Protection of Movable Cultural Heritage Act 1987, the reappointment of : Neil Alexander Tavener; Beryl Phyllis Evans; Nancy Jocelyn Smith; and Roy Andrew Smith to be members of the Norfolk Island Cultural Heritage Committee for the period 26th August 1995 to 25th August 1999. Mr President this motion re-appoints a committee established under the Movable Cultural Heritage Act 1987. The committee has a statutory responsibility to consider applications for the export of certain valuable artefacts from Norfolk Island. The Act defines categories of artefacts and includes objects relating to the convicts, free settlers and military and naval personnel associated with the first and settlement and also cultural objects relating to Pitcairn Islanders and their descendants. Mr President, the members mentioned in this motion are all proposed for reappointment for a four year term. While the committee only meets on a periodic basis, its decisions are very important and I thank the Members for agreeing to continue. Under the Act the Minister must appoint one of the committee as chairman. Should this motion be passed Mr President, I will reappoint the current chairman Mr Neil Tavener. I commend the motion to the House

MR PRESIDENT Thank you. Contributions to the debate? No further debate. Then I will put the question. The question is that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is agreed members

**NO 3 - SELECT COMMITTEE ON ELECTORAL AND CONSTITUTIONAL MATTERS**

We move to Notice No 3 and Mrs Anderson you have the call

MRS ANDERSON Thank you Mr President. I move that the Assembly resolves to extend the time for the Select Committee on Electoral and Constitutional Matters to report on its recommendations and conclusions until the September sitting of the House. Thank you Mr President. On the 13th January this year the Select Committee on Electoral and Constitutional Matters was most fortunate to meet with Mr Ian Faulks, Director of Staysafe, the New South Wales Joint Standing Committee on Road Safety who was visiting Norfolk Island. Mr Faulks has extensive experience of Parliamentary Committees and their procedures and offered valuable assistance to our committee. He has also agreed to furnish us with a number of works pertinent to our deliberations. Furthermore Mr President, several additional submissions have been made to the Committee since the New Year and new avenues of investigation have presented themselves. The Committee wishes to make its report as comprehensive as possible and for these reasons seeks an extension of the time in which to hand down its findings. Mr President I commend the motion

MR PRESIDENT Thank you Mrs Anderson. Any further contributions

MRS SAMPSON Thank you Mr President. As a member of that Committee I

commend Mrs Anderson for asking for the extension. It appeared absolutely necessary as we found that our deliberations were too narrow. We had tried to base our judgements on only a few submissions and Mr Faulks suggestions were well taken for us to extend it and he also pointed out the ways in which we could extend it, matters which we hadn't even considered. One of the ones which came up was the fact of, what would Norfolk Island's constitutional position be if Australia declared itself a republic which was something that hadn't occurred to us so that also will come into our deliberations and hopefully we will finish by September but if not, we'll keep going, thank you

MR KING Mr President I wonder if the Select Committee will keep in mind, if as a result of their recommendations there are legislative changes, or changes to Commonwealth pieces of legislation, that it is likely to take some time. You could count on well over a year, so there ought to be a reasonable target to have everything done as a result of the report by the completion of this Seventh Assembly which is two years from now

MRS ANDERSON Thank you Mr President. I would also just point out that the third member of our Select Committee, Mr Robert Adams, is currently off the Island, pursuing his Churchill Fellowship and it is opportune that we are able to extend the term of our committee so that his opinion can be sought

MR PRESIDENT Thank you. Further contributions Honourable Members. No. Then I'll put the question that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it, that motion is agreed

#### **ORDERS OF THE DAY**

#### **NO 1 - DOMESTIC VIOLENCE BILL 1994**

MR PRESIDENT Order of the Day No 1, the Domestic Violence Bill. We are resuming debate on the question that the Bill be agreed to in principle and Mrs Cuthbertson you have the call and you have also given me notice as to your desire to withdraw that piece of legislation but I will leave that in your hands to make the appropriate proposals

MRS LOZZI CUTHBERTSON I seek leave of the House to withdraw the previous Bill Mr President and substitute it with a slightly amended Bill and I would appreciate it if that was granted

MR PRESIDENT Is leave granted? Thank you. Leave is granted. Mrs Cuthbertson it might be appropriate now if you make a formal proposal that the new Bill as amended be agreed to in principle and that will commence the process there

MRS LOZZI CUTHBERTSON I move that the Bill be agreed to in principle

MR PRESIDENT Thank you. You have the call now to address that matter

MRS LOZZI CUTHBERTSON Mr President, I present the Domestic Violence Bill 1995. Members will be aware of the long gestation period of this legislation. This is not a bad thing as it is a very significant piece of law and exposure has allowed a wide group of interested parties the opportunity to critically comment on its provisions. Since our last Sitting in December a new Legislative Counsel has joined the Administration and our bench of local magistrates have provided extensive and valuable comments on the Bill I introduced on that occasion. These

two events have meant a necessity for me to present a revamped Bill to this February meeting. The Legislative Counsel has streamlined the style of the proposed law and has made certain of the clauses follow a more clear and logical format. The only substantive changes are to part four of the Bill which relates to the registration of Foreign Orders. The previous Bill provided that the respondent didn't need to be served notice of a variation in the order which was registered and varied by a Norfolk Island Court. The Magistracy felt that this could lead to a person not being aware that he or she had committed a breach of that order. I agree with their concerns. Consequently the new part four requires notice to be served to a respondent of any variation. Provisions allow notice to be by personal or substituted service. Mr President this legislation will bring Norfolk Island into line with other contiguous jurisdictions and will provide a much needed regime of protections for persons who experience domestic violence or have a reasonable apprehension of such violence. I thank the magistrates, the police, legal personnel and others who have provided valuable suggestions on this law and I commend the revised Bill to the House

MR PRESIDENT Thank you. Debate Honourable Members on the question that the Bill be agreed to in principle

MR KING Mr President, I gather from the lack of vocal opposition to it that this Bill is about to go through its final stages and I take the opportunity to again congratulate Mrs Lozzi Cuthbertson on her efforts with this. She has been somewhat tenacious with it. She has been faced with some adverse comments and criticism in the community. The Minister recognises the fact that Norfolk Island is a modern society, not free from the stresses, that run through other modern societies. I'm hopeful that this is not going to be one of those Bills which gathers dust on the shelf but which has the proper administrative machinery put in place to make it a workable and meaningful bill. Once again I congratulate Mrs Lozzi Cuthbertson on her efforts

MR PRESIDENT Thank you. Further contributions? No further contributions, then I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The ayes have it. The Bill is agreed to in principle. Do you wish to dispense with the Detail Stage. The Detail Stage is dispensed with. Therefore Mrs Cuthbertson I look to you for a final motion

MRS LOZZI CUTHBERTSON Mr President I move that the Bill be agreed to

MR PRESIDENT Thank you. The question is that the Bill be agreed to, is there any final debate? No final debate then I put the final question

QUESTION PUT  
AGREED

The ayes have it and the Bill is agreed to thank you. Honourable Members that concludes our basic listing of substantive matters this morning

#### **FIXING OF THE NEXT DAY OF SITTING**

Honourable Members we come to the fixing of the next sitting day

MR CHRISTIAN Mr President, I move that the House at its rising adjourn until Wednesday the 15th March 1995 at 10.00 am.

MR PRESIDENT Thank you Mr Christian. That is reverting to our normal third Wednesday system Honourable Members which is unlike the one which we have experienced today. Any debate? The question is that the motion be agreed to.

QUESTION PUT  
QUESTION AGREED

The ayes have it thank you, that is our next Sitting Day determined

**ADJOURNMENT DEBATE**

Honourable Members we are to Adjournment debate

MR KING Mr President I move that the House do now adjourn

MR PRESIDENT The question is that the House do now adjourn. Any adjournment debate? Then I will put the question Honourable Members that this House do now adjourn

QUESTION PUT  
QUESTION AGREED

The ayes have it thank you, therefore Honourable Members this House stands adjourned until the date we have just determined, Wednesday the 15th March 1995 at 10.00 in the morning.

--ooOoo--