

**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 SPEAKER                   Honourable Members I firstly ask if there are any Condolences this morning

MRS ANDERSON               Thank you Mr Speaker it is with regret that this House records the death of Norah Jane Mitchell Bishop, who passed away on Tuesday, 9th May. Known to all as Jean, she was very much a home person, and although a frequent traveller to all parts of the world Jean was always delighted to return to Norfolk Island. Born of Andrew Johnson Nash Christian and Sarah Emily Quintal in 1916 at Tanna in the New Hebrides where her parents worked, Jean grew up on Norfolk Island and worked as a nurse at Bishop's Court. After her marriage to her first husband James Frederick Mitchell, and following his death in 1947 Jean lived in Melbourne until 1965. She returned to Norfolk Island where she ran "Aunt Em's guest house for about twenty years. Jean's children from her marriage to James - Patricia and James and her grandchildren David, James, Toni, Christopher, Gregory and Susan, received from and gave to her much love and happiness. Jean's two brothers Allen and Alex had pre-deceased her, but her sister Mildred and her family formed with Jean and her children and grandchildren a close-knit, loving and happy group. Jean married Keith Millard Bishop some five years ago after a long friendship. Keith gave new meaning and joy to Jean's life, with his humour and his kind and gentle consideration of her well being and happiness. Jean lived her life to the full. Her sense of humour, her concern to see that everyone was cared for and looked after, her love of nature and her garden and the company and happiness of others were all very marked in her life and people were enriched by her presence. To Keith, Patricia, James and Mildred and their families, to the many relatives and friends of this much loved and respected Norfolk lady this House extends its deepest sympathies

MR SPEAKER               Thank you Mrs Anderson. Honourable Members, as a mark of respect to the memory of Jean Mitchell Bishop, I would ask that all Members stand in their places for a period of silence. Thank you Honourable Members

**Petitions**

MR SPEAKER               Petitions. Are there any Petitions this morning ?

**Notices**

MR SPEAKER               Notices? Are there any Notices?

**Questions without Notice**

MR SPEAKER               Questions without notice. Are there any Questions without Notice this morning

MRS SAMPSON               Thank you Mr Speaker. A very brief one to Mr Bennett which is my usual question. Could he please advise us of the mail situation and the backlog if any

MR BENNETT               Mr Speaker as I advised Members on Monday, the backlog as at Monday, 15th May of air parcels was 75 bags. Disappointingly, a great number of these bags date back to the 4th May so we have a situation where some of the air

parcel post for which the higher rates of postage have been paid, have been backlogged for a fortnight. I have received advise from the post office that they are in the process of attending to the matter by representation should this backlog continue to be at this level, I certainly will become very much involved myself

MRS SAMPSON Thank you Mr Speaker. Two to Mrs Cuthbertson on hospital matters. The first one, could the Minister please advise the state of Healthcare Private and when can we expect to review the proposals

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. The major work on Healthcare private has been and gone. There was a need for some final statistics which have been provided and I am advised by the Healthcare Manager that we should have the final portion of the proposal so that it can be circulated to all members within two weeks

MRS SAMPSON Thank you Mr Speaker, and the other one to Mrs Cuthbertson. Could the Minister please inform this house if the Hospital Enterprise, which now seems to be entering a period of stability, has a forward plan for say the next five years

MRS LOZZI CUTHBERTSON Thank you Mr Speaker, no, at the moment we do not have a forward plan for five years because that will be the job of the Board to start putting such a plan together. We do have a plan for the next twelve months and some of the intentions that we have over the next twelve months will certainly be carried forward. If I could mention some of these things that are planned, with the assistance and the guidance of course of the new Director a training programme is being put together for the staff at the hospital. We had a budget for a training programme for the staff in previous years but certainly no programme has been put together before. He is also going to introduce a client satisfaction assessment sheet which will be circulated to all patients as they come to the Hospital and which they can return anonymously and indicate just what good and what negative things had happened to them at the hospital. We don't want to concentrate on the negative but we want to know what people think so that we can improve matters and services. As a result of the changes that this House passed last month, we now have a medical superintendent and a deputy medical superintendent at the hospital. Those positions did not exist as a result of the changes that occurred to the Hospital Act in 1993. The positions now swill have the responsibility and the management of maintaining professional standards at the hospital. There was a very serious lack in not having anyone responsible for professional standards before. We are looking at the provision of sessional services to people in the community who might be interested in such matters as stress management, family problems etc. This will depend on what happens to our budget but we certainly plan to offer that over the next year and if it all works it will be an ongoing service. We will be repainting the hospital this year, it certainly needs a new coat of paint, and there will be a finalising of various works that have been going on at the hospital at the moment. We also will be reconstructing and refurbishing two geriatric bathrooms. Instead of following what the architects had advised us in this respect which in the practised eye of our staff and the new Director, really emerged as not particularly practical and sensible, the Director has had a consultation with the staff and the new proposal certainly make much better use of space and will give us much more applicable services in bathroom areas for the geriatric patients. I am also preparing a list of matters to refer to the new Board of Management which in due course hopefully, will improve efficiency and will lead to better services, thank you

MRS ANDERSON Thank you Mr Speaker, I direct my question to Mr Christian, as Minister for the Environment. I remind the Minister that Section 13(3) of the Plant and Fruit Diseases Ordinance 1959 prohibits the importing to Norfolk Island of any fruit other than potatoes, onions, edible nuts or wheat. Given that

quarantine procedures in Australia and in New Zealand and on Norfolk Island have improved remarkably since this law was enacted and given the acute shortage of fresh fruit and vegetables in the Island, will the Minister consider bringing to the house at an early opportunity a Bill amending the Ordinance to provide that specified fruit and vegetables satisfying quarantine requirements may be imported

MR CHRISTIAN Thank you Mr Speaker, there is an options paper being developed for the consideration of members in the near future. Mr Speaker this paper will explore the possibility of allowing certain fruits and I stress certain fruits, not vegetables, to be imported from selected disease free production areas into Norfolk Island. Mr Speaker I would hope to be in a position to get that paper to Members within a time frame that would allow some preliminary discussions to take place on it on the meeting on the 14th June thank you

MR BATES Thank you Mr Speaker, my first question is also to Mr Christian, Minister for the Environment. In view of proposals to provide facilities to burn all waste including household scraps what consideration has the Minister given to recycling and composting methods as a more environmentally friendly solution to this long term problem

MR CHRISTIAN Thank you Mr Speaker, again there is an options paper being developed for waste management in Norfolk Island and composting certainly will be playing a significant part in that and in fact part of the budget bids for this year or for the next financial year includes a chipping machine for forestry which will hopefully be the first stage in more efficient methods of disposing wood and clipping waste rather than burning

MR BATES A question to Mr King, responsible for transport. In view of the opinion that some of the findings of the Joint Standing Committee enquiry into transport are based on mis-information has the government formulated a response

MR KING Thank you Mr Speaker. A response is presently in the process of being prepared. I know that there is an undertaking given to the House on the last occasion that it would be done within the month but unfortunately resources have been thin on the ground but a response is currently being prepared and hopefully will see the light of day in the near future

MR BATES A further one to Mr King, responsible for tourism. Is the Minister still investigating the possibility of backpacker accommodation and if so, would any such accommodation come within the limits now placed on beds and units

MR KING Thank you Mr Speaker, I'm not currently active in that area. I would have to say firstly that I've tried very hard to avoid using the word backpacker on past occasions given that it has certain connotations and certain meanings to people here on the Island which don't appear to be acceptable to them for one reason or another, even though that segment of the industry is one of the fastest growing segments throughout Australia. What I have said in the past is that I am disposed towards a budget type accommodation in the Island given that that follows my belief that we ought to be catering for all segments of the market and broadening our appeal but I don't intend to do anything else in that area until I see the results of the current review of tourism policies which is out circulating in the community for comment now

MR BATES Thank you Mr Speaker, a question for Mrs Lozzi Cuthbertson, responsible for employment. Has the Minister any knowledge of when the Remuneration Tribunal will hand down its decision on wage adjustments

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I only have a very vague indication as I imagine everybody else who attended the Tribunal received, that Mr Justice

Morling will be handing down his decision or his recommendations towards the end of the month of May

MR SPEAKER Thank you. Before you go on, that is an area also that Mr King has a responsibility for and I'm just wondering whether you want to ..

MR KING I have nothing further to add to that Mr Speaker

MR BATES Thank you Mr Speaker, my final question to Mr King, responsible for roads. Is the Minister aware of the problems encountered by residents at the end of Stockyard Road recently due to the condition of this road

MR KING I think, like every other Member around this table I am as much aware of the problems of Stockyard Road Mr Speaker, in fact there has been some ringing of telephones and some lobbying done of the last couple of weeks following the onset of seasonal rain and I've made certain concessions that indeed, that road needs some attention. I had in fact made those concessions earlier on and earmarked that for some attention. Unfortunately the roads programme has been running a little bit behind time. In recent times however I've received a costing in respect of the Stockyard Road exercise. I haven't yet considered it closely but I will be doing so in the near future with a view to having some more long lasting treatment done on the road, possible a full construction but I can't be sure at the moment. I can say that there are other dirt roads in the Island which require attention and which experience the same degree of problems the residents of Stockyard Road experience during wet weather. Those people however have not lobbied as much as the residents of Stockyard Road. I in fact received a letter in recent times Mr Speaker signed by the residents of Stockyard Road petitioning for attention to be given to the road. It was quite surprising actually that the letter revealed people living out in Stockyard Road I thought had residences elsewhere on the Island but it could be I guess that it's perhaps their summer residence out in Stockyard Road and their permanent residence elsewhere

MR SPEAKER They are looking to move to better parts of the Island

MR KING ...I'll be examining that matter with a view to making some decisions in the very near future, in fact we are getting that close to budget time now that I'm sure all Members can take part in the consideration of what sort of construction or work we will do on that road

MRS SAMPSON Thank you Mr Speaker, if I could perhaps follow on from Mr Bates. I have a question for Mr King on roads. Could the Minister please advise if the reconstruction of the roads in the Kingston area was a decision made by him, was it in consultation with KAVHA, did the money come out of the Norfolk Island budget or was there a contribution from KAVHA and finally, knowing the state of the other roads on the Island was this project necessary at the time

MR KING Mr Speaker, there are a whole host of questions in that area, some of which surprises me that Mrs Sampson doesn't have the answers for since she was involved in the consideration of the exercise. Those roads were clearly set out in a list of priorities which were agreed by all Members at the time of the last budget. Equally so it was shown that the cost of those exercises would be borne from the Revenue Fund and not from the KAVHA area. Equally it will be shown that the roads weren't a full reconstruction method but a partial rotary hoeing and recycling method of construction and the full cost was shown in all the budget papers on that occasion, but I can understand given the number of budget papers that we have to consider if Mrs Sampson overlooked those details

MRS SAMPSON Two more for Mr King while I'm here. In a recent copy of the Norfolk Islander Mr King made mention of the fact that he had been congratulated by

others on his approach to tourism policies. Could he please inform this House the names of the people who did this congratulating

MR KING Did I say that

MRS SAMPSON Yes you did

MR KING Mr Speaker, I'm sorry I've had a lot of contact with a lot of people from elsewhere, particularly over the past ten days or so, I've had a lot of contact with wholesalers, airline people, Ministers and Chief Executives of the various tourism commissions throughout Australia and none of them have had a word of opposition or surprise or nothing but support for the stance that I've taken in recent publicity campaigns. I'm not sure if it is necessary for me to detail the names of all those people who have given me some support in that area. I must say that I'm a little bit disappointed that I didn't get more support locally but I can understand that

MRS SAMPSON That brings up my supplementary question. I didn't particularly want to know the names of the overseas people but perhaps Mr King could give me the names of the business people on Norfolk Island who were enamoured of his utterances

MR KING Mr Speaker I'm not going to put anyone on the spot there but I have to say that if there were those who were totally opposed to the stance that I had taken or the campaign that I had pursued then there would be more signatures attached to the petitions which were circulated in the community in recent times, seeking to throw me out of office. Now at the last count I understand there were only about three signatures on the petitions but I guess there's an answer in that somewhere

MR ADAMS Thank you Mr Speaker, a question for the Minister with Cultural responsibility, Mr Christian. Can you give an explanation why a representative from the Norfolk Island people was not invited to attend the recent 1995 Cultural Diversity Conference held in Australia

MR CHRISTIAN Mr Speaker, I'm not in a position at this stage to give an explanation

MR ADAMS Supplementary Mr Speaker to that one. Could you enquire as to why not and report to the House on your findings

MR CHRISTIAN Certainly Mr Speaker, at the conclusion of this meeting I can have a few words with Mr Adams and take it from there

MR ADAMS This is a question to the Minister with responsibility for shipping, Mr King. Can you give an explanation as to why the lighter towing operations are still costing the public purse on average around \$250 a week yet suitable Admin vehicles are available

MR KING Mr Speaker, I must confess to be totally surprised at this question. It's a matter which has been tidied up and it will obviate the necessity for Mr Adams to ask the question again in the future I hope. Only in recent days the matter has been finally tidied with a view to having put in place a process which will utilise internal plant to tow the lighters to and from the various piers and to move them around the working spaces so I hope that finally puts the matter to rest

MR ADAMS Thank you Mr Speaker, this is a question for the Minister for the Environment Mr Christian. Can you give a progress report on the Phillip Island

issue

MR CHRISTIAN Mr Speaker I can't give an in depth one at this stage other than to say that Phillip Island plays a significant part in the transfer of land discussions that will take between the Assembly and Ministers in particular with Warren Snowden when he's here next week, at the conclusion of those discussions Mr Speaker I'll be able to give a full account to the House

MR ADAMS A final supplementary question to the Minister for the Environment, can you please explain why considering the fact that you've had the services of a research officer available, coupled with clerical and typist support that in the last six months you have been able to achieve little progress on the expansion of the Forestry Service and the Phillip Island issue

MR CHRISTIAN Mr Speaker that's quite easy to explain. There are a number of issues as well as Phillip Island that are on the boil, the recent Alpaca one drew upon massive resources within the Administration, that's been soundly tossed out by the people of Norfolk Island so now I can turn my attention to Phillip Island but I must point out Mr Speaker that I am not massively resourced from within the Public Service

MR SPEAKER Thank you, further Questions Without Notice

MRS ANDERSON Thank you Mr Speaker, I have a question for the Minister for Emergency Services, Mrs Lozzi Cuthbertson. Is the Minister aware of a tsunami or tidal wave warning issued for some parts of the Pacific Ocean this morning following an earthquake in the Loyalty Islands

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. Yes. A warning was received from the Met office here on Norfolk Island and the Emergency Services Co-ordinator, Mr Toon Buffett has been looking into the matter. Bulletins have been sent to the radio station to warn people and emergency services people are all on standby. It would appear that from the time scale published on the bulletin that was received, that perhaps Norfolk Island may or may not be affected because Norfolk Island is not mentioned in the list of the areas that should be on standby. However we have placed an information list in the interests of safety and recommend the following. That the Public stay away from the foreshore areas for the rest of today. We have been advised that there will be hourly bulletins and if the need arises we will contact the Public through the radio again

MR SPEAKER Further Questions Without Notice

### **Presentation of Papers**

MR SPEAKER No further Questions Without Notice we move on. Presentation of papers. Are there any Papers to present this morning Honourable Members

Maybe I could commence this part of the proceedings Honourable Members and just report that I have received a letter from the Returning Officer, in respect of the referendum conducted on the 3rd May 1995. It reads, "Further to your letter of the 20th March 1995 and the instrument of direction of a referendum in accordance with Section 5 of the Referendum Ordinance 1964, I now advise that polling in the Referendum was conducted on the 3rd May 1995. Enclosed please find a copy of the declaration of the poll setting out the results of the voting, Yours sincerely, David Rodgers, Returning Officer, and for formality and for recording purposes of the referendum that was determined that should be had by Members of this House I report them formally. Referendum Ordinance 1964 Declaration of Poll. The results of voting on the question "Are you in favour of a quarantine facility for alpacas being established in Norfolk Island subject to conditions reflected in the

resolution of the Legislative Assembly on the 15th March 1995 are as follows votes cast in favour of the question 264, votes cast against the question 764, votes rejected as informal 6 and the total votes cast including informal 1034. As the number of votes cast in favour of the question did not exceed the number of votes cast against the question by not less than 10% of the total votes including informal votes cast, I declare in accordance with Section 24 of the Referendum Ordinance 1964 that the electors are deemed not to have expressed their opinion in favour of the question submitted to them, Dated this 4th day of May 1995, D J Rodgers, Returning Officer. And I table that paper Honourable Members. Thank you.  
Further Papers

MR BENNETT Mr Speaker, in accordance with paragraph 41(2a) of the Interpretation Ordinance 1979 I table the Airport Charges Amendment Regulations 1995. Members should be aware that the formal passing of that occurred in recent months in this House.

Mr Speaker, the second Paper I have to table is the list of virements that has occurred since we last met and I table that Paper. In tabling it, Members will note that there are seven or eight items on there. It is not unusual at this time of the year with a tight budget, that there are slight adjustments to be made amongst votes and the changes or the virementing in this list includes such things as additional money for electricity consumption in the New Military Barracks and Customs Office, some plumbing fittings for the water stem pipe at the Works Depot, materials for the construction of seating for the music festival, fork lift hire for the tanalith plant, and some miscellaneous items

MR KING Thank you Mr Speaker. In accordance with section 12 of the Public Sector Remuneration Tribunal Act I table Rules of Procedure made by the Tribunal on the 4th May 1995. I advise the House that in accordance with Subsection 12(1) of the Act, these Rules have been made after consultation with employing authorities and representatives of public sector employees undertaken by Judge Morling during his recent sittings in Norfolk Island. Judge Morling of course constituting the Remuneration Tribunal

MR SPEAKER Thank you. Further Papers this morning

MR KING Thank you Mr Speaker. I table the inbound passenger Statistics for April 1995 in the event that anyone wants to discuss them

MR SPEAKER Thank you. Further Papers this morning

MR BENNETT Mr Speaker, I table the financial indicators for the month of April and move that that Paper be noted

MR SPEAKER The question is that the paper be noted

MR BENNETT Mr Speaker the indicators have been circulated to Members and included with it of course is the ten months progressive performance of the Revenue Fund. Members will have noted that the results are substantially the same as it has been for the last couple of months, that is, that revenue is running at 99% of its budget and expenditure at 91%. There has only been a 1% shift over the last three months in that. Perhaps I could just focus and make a couple of comments about revenue items. We are now in the eleventh month of the financial year and I have absolute confidence that the revenue forecast will meet its budget and we will achieve 100% of budget before the years end. I say that for a couple of reasons. Traditionally June is a very big collection month, particularly for customs duty. Currently customs duty is running at 98% of budget, it is some \$41,000 behind its revised budget estimate and I would expect that that would be made up if not this month, with the number of ships that are in, certainly by the end of June. The only other revenue item in the groupings that is below the 100% is other taxes and

for Members interest I will just highlight four of the ones in that group that are running below budget at this time. I have the answers to some of them as to why but not all and maybe an executive might add some comments to it. Other taxes are those groups that include vehicle registrations, liquor licence fees, departure fees, absentee landowners levy and fuel levy amongst a few others. It is running \$70,000 behind budget which isn't a great deal. The principle shortfalls occur in tourist accommodation levy which currently is \$35,000 below budget but I'm told that that should right itself before the end of the financial year. Departure fees are down slightly, down \$17,000 and vehicle registrations and licences and company fees are down slightly, only \$7,000-8,000 between them. As I said when I opened the discussion, the revenue for the financial year, I expect to reach budget and if the expenditure side of it retains its performance as we have had in the last three or four months then the surplus that we had anticipated will be achieved, thank you

MR SPEAKER Thank you Mr Bennett. Any further comments

MRS SAMPSON Thank you Mr Speaker. I'm just wondering if Mr Bennett could perhaps enlarge on the fact that in the expenditure the community services seems to have taken a jump from one year to the next year around \$90,000 jump. Is there an explanation for that

MR BENNETT Mr Speaker I noticed that one twelfth of the budget for community services is \$183,000 when \$223,000 was in fact spent that month and this month. I don't have the spending figures for the last few months but it is not unusual for expenditure items not to flow exactly as one twelfth of each of the twelve months. Whether Mrs Sampson is referring to the quantum that is the fact that we had budgeted \$1.83m worth of expenditure in the area of community services for this year, but last year \$1.48m. If that's the question I can't answer it right now but will look into it. I haven't got my papers here to be able to explain that

MRS SAMPSON Thank you. I'll get back to Mr Bennett on that later

MR SPEAKER Any further participation on the question that that Financial Paper be noted?

QUESTION PUT  
QUESTION AGREED

The ayes have it, that Paper is noted thank you. Are there any further Papers to be presented this morning

### **Statements**

Are there any Statements this morning Honourable Members?

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I have a very brief statement. As Members will recall when I presented the Financial papers for the Hospital for the year 1993-94 last month, I thanked a number of community organisations for their contributions to the hospital. I regret to say that I missed a couple of people and I would like to address that situation now if I may. First and foremost, I would like to thank Mrs Mawson who made very significant contribution to the new ambulance and I should not have missed her out. I am very sorry about that. I also unfortunately, missed out mentioning how much Quota has done towards making the hospital more comfortable and a better place. They also contributed to the ambulance, they raised funds towards the intensive care room, they bought new beds for the maternity ward and they always provide care bears for children who are sick in hospital which is a very nice warm touch. I would like to thank both Mrs Mawson and quota and regret that I didn't do so last month

MR SPEAKER Thank you Mrs Cuthbertson. Any further Statements this morning?  
No. Then we are done with Statements

**Messages from the Office of the Administrator**

MR SPEAKER Messages from the Office of the Administrator. I have received the following message, No 79 from the Administrator which reads "On the 21st April 1995 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the Fair Trading Act 1995 which was Act No 2 of 1995, the Norfolk Island Hospital Amendment Act 1995 which was Act No 3 of 1995, the Police Amendment Act 1995 which was Act No 4 of 1995, and the Airport Amendment Act 1995 which was Act No 5 of 1995. Dated the 24th April 1995, Alan Kerr, Administrator"

**Reports from Standing and Select Committees**

This morning are there any Reports from Select or Standing Committees

MR ADAMS Thank you Mr Speaker. A short report from the Select Committee on Youth Employment and Opportunities. Mr Speaker the Committee at the moment is progressively working its way through a considerable amount of information on our way to bringing forward recommendations on this matter. The Committee's focus is on education and employment issues generally but not exclusively, centred around the ages of fifteen to twentyfour years. The issues that we are enquiring into however, do have ramifications outside this band of age and will by nature of the subject be a somewhat wider enquiry than was at first thought. Mr Speaker we are at the stage of asking for public comment on any concerns or input they may have this is relevant to the Committee's focus. I wish to convey to the public the importance of providing feedback to the Committee to enable us to better address and bring forward recommendations that will bring improvement where improvement is deemed to be required. Mr Speaker, in the near future we'll be asking a number of people who are involved in areas relevant to the Committee's attention to come and put forward their views on particular matters. This may begin to occur as early as next week. Thank you Mr Speaker

**NOTICES**

MR SPEAKER We are now at Notices Honourable Members

**NO 1 - NORFOLK ISLAND HOSPITAL ACT 1985 - APPOINTMENT OF MEMBERS OF THE BOARD OF MANAGEMENT**

MRS LOZZI CUTHBERTSON Thank you Mr Speaker, I move that, in accordance with section 12(1) of the Norfolk Island Hospital Act 1985, the Legislative Assembly recommends to the executive member the appointment of -

John Swinnerton Duke;  
David Wayne Evans;  
Gordina Ivy Hancherow;  
Margaret Elizabeth More;  
Kevin Ransford Pereira; and  
Beverley Trix Simpson

as members of the Board of Management for the period 17 May 1995 to 16 May 1998. Mr Speaker the Norfolk Island Hospital Amendment Act 1995 passed through its final stages in this House last month. As Members will recall it provided for the Norfolk Island Hospital Health Advisory Council to cease to exist and in its place it re-established a Board of Management very much along the tried and true lines of the Hospital Boards which used to exist before the Hospital Act was amended in 1993. The people I have just nominated to be Members of the newly established Board of Management of the Norfolk Island Hospital Enterprise have all been members

of the Health Advisory Council. They worked well over the past year in a situation that allowed them little scope. In that time they had the opportunity to familiarise themselves with the administrative and managerial aspects of the Norfolk Island Hospital. It could be said in effect, that they have had eleven months to prepare themselves for their new role and to understand the problems and responsibilities they are assuming. Therefore I am grateful and very pleased that they have agreed to serve in this new and demanding capacity

MR SPEAKER Contributions Honourable Members in respect of this motion

MRS SAMPSON Thank you Mr Speaker. I commend Mrs Cuthbertson for bringing this forward. The names there are familiar to me. I feel that although she and I have had our disagreements in the beginning over hospital management and everything, I feel that she is doing a good job trying to bring it together and having had a couple of quick trips in and out of there over the last month I can only appreciate what the workers at the Hospital are doing and I feel that this can only be for the good of the Hospital and for the Assembly to put together an efficient and working healthcare scheme for the hospital and overall system on the Island, thank you

MR SPEAKER Thank you Mrs Sampson. Any further contributions? The question is that this motion be agreed to

QUESTION PUT  
QUESTION AGREED

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

**NO 2 - TOURIST ACCOMMODATION ACT 1984 - INTRODUCTION OF "ISLAND HOME ACCOMMODATION"**

MR ADAMS Thank you Mr Speaker I move that this House - (a) agrees the establishment of a new category of tourist accommodation, to be known as "Island Home Accommodation"; (b) requests the Minister for Tourism and Works to bring forward necessary amendments to the Tourist Accommodation Act 1984 to provide for the new category; and (c) requests that the Minister bring forward any other legislative or administrative measures required for the introduction of "Island Home Accommodation"

MR SPEAKER Mr Adams

MR ADAMS Thank you Mr Speaker. I am moving this motion today principally because I think it is certainly an area of visitor accommodation that's been missing from the Norfolk scene for too long. Mr Speaker this motion if successful will allow a wider number of residents to Norfolk Island to participate in tourist accommodation and to inject their personalities and lifestyles toward improving the quality of visitor stay on Norfolk Island. Mr Speaker the concept of island home accommodation is not a new one. It is one of the original forms of tourist accommodation on Norfolk Island. The motion itself is not a new one having been moved as far back as 1991. The unusual thing that happened in 1991, even though I believe the motion by itself was approved by the House, it was however combined on a ticket with two other items which were defeated and sank subsequently, taking island home accommodation with it. Mr Speaker, staying in host homes is a social experience similar to staying with friends and relatives. It will be unlikely to appeal to everyone but to those who it does appeal to it allows members of the community to directly participate in the tourist accommodation industry, albeit in a small way, on Norfolk Island, without being effectively barred by the present requirement of massive amounts of capital. As a result, island home accommodation will provide these people with a very welcome income supplement, at the same time

providing visitors to Norfolk Island with a style of accommodation that has not been available for many years. Mr Speaker, an interesting statistic, the visitor numbers at present to Norfolk Island is around 10% of them already stay in residents homes. Island home accommodation will also have the effect of allowing interested older Norfolk Island residents to participate in the tourist industry which gives visitors an opportunity to meet and involve themselves with the older people of Norfolk Island as well as the broader community. Mr Speaker I consider it important that competent and recognised standards are adopted to regulate such an island home accommodation industry on Norfolk Island and as a result the guidelines that I'm proposing go hand in hand with this motion to ensure proper standards of accommodation are maintained will be the Australian Automobile Association National Classification Guidelines for bed and breakfast, guest house, and private hotel accommodation. Mr Speaker the guidelines will ensure proper standards and have the effect of easing the task of grading as NRMA inspectors, whilst here to grade other tourist accommodation can proceed simultaneously to island home accommodation establishments and use pretty much the same guidelines that they use at home. Mr Speaker, the guidelines as mentioned are well put together I believe, possibly the only significant cost to some people on the Island will be a requirement to have separate washing and toilet facilities for the host family. I believe that those are necessary requirements however, I'm aware Mr Speaker that many homes on Norfolk Island already meet this requirement and if interested in homestay will in fact, incur little or no monetary cost to participate as a homestay or island home accommodation establishment. Mr Speaker I propose that draft legislation and administrative guidelines for the proposal be as follows-

1. the licences to be issued on a twelve month non transferrable period, the licences be of a size up to and including a four bed capacity and then as I've previously mentioned, the Australian Automobile Accommodation guidelines to determine eligibility of an establishment for the issue of a licence and further that island home accommodation to be limited by assessment according to the adopted guidelines. Mr Speaker looking at island home accommodation implications in important areas, I believe it is fair to say that the concept does not transgress into any areas of concern. I think it fits neatly inside the present tourism policies, by this I mean that only residents will be able to participate in the industry, hence the benefits will stay on Norfolk, the Island Home Accommodation is unlikely to generate accommodation bed numbers in excess of the 1981 numbers when tourism policies were put together, for instance, in 1981 the bed numbers I believe were around 1326. Presently they are down to as low as I think, 1256. As for the compatibility with present planning and development policy I've researched the Norfolk Island Development Plan put together in 1985 by Harrison and Grierson and which is generally looked to for guidance in these matters. It may be easier for members to reach a conclusion on this point if I read a section of this plan which is the Development Plan. "General Development Area - as implied by the title there are a wide range of uses within this area. It is anticipated that about 150 houses are likely to be built by 2001 and will be located in this area. Most on lots and existing subdivisions. Provided that the siting of these houses is sensitive to the natural character of the landscape there should be no problems with this. At present there are many boarding houses in the area providing an alternate style of tourist accommodation. Small scale boarding houses, motel and the like (accommodation not for more than 10 guests will be acceptable in the future). Mr Speaker, I commend the motion to the House.

MR SPEAKER  
Mrs Cuthbertson

Thank you Mr Adams. Further debate Honourable Members.

MRS LOZZI CUTHBERTSON I commend Mr Adams putting together the proposal. I think it fills a niche in the market which will be taken up by many people. It is a very popular form of holiday in other parts of Australia and New Zealand. It is certainly widely advertised in both places this kind of accommodation and I can think quite a number of people on Norfolk Island would be ready to take up this

opportunity and then this part about it is to widen the scope of the benefits of tourism going to a wider proportion of the community in the future. I support the motion

MRS SAMPSON Thank you Mr Speaker. I also support the motion. I have always been of the opinion that the accommodation should be deregulated. This would break the nexus between those that have a strangle hold on accommodation whilst being an entirely different type of accommodation, probably not upsetting those people too much. Perhaps I wonder if Mr Adams has thought about this in the way of the previous question we had which was backpackers. Could there be some type of connection between the two. I haven't given it much thought myself. The question only came up today

DEPUTY SPEAKER Further participation Mr Adams

MR ADAMS At this stage Madam Deputy Speaker, I envisage will or although not be a totally budget accommodation will certainly fill an area in the accommodation industry that I believe has been missing for a number of years and is certainly not available now and I believe one of the indications in the public at the moment that is required, an indication is certainly given for the desirability for this part of tourists by the runaway success of the progressive dinner facility. I see the response to Island home accommodation may well be in the same vein as the reception of progressive dinners to the Island. Thank you Madam Deputy Chair

MR BUFFETT Madam Deputy Speaker, this motion really does deserve support in my view. Tourism has been a principle industry here in Norfolk Island now for some 30 years plus and of course accommodation is an essential component of that industry. To date, or today in general terms we have hotels, we have flats and units or apartments, and we have guest houses, those three basic categories. And the introduction of homestay which is Mr Adam's proposal really does introduce another category and it also introduces another dimension to the industry. There are a number of pluses that I see or advantages. It of course does provide a wider choice for the visitor in addition to those choices that I have just mentioned to you. It does provide the visitor with an opportunity to see and experience the Island's lifestyle in a way that isn't presently available in the hotels and apartments or a guesthouse situation. Because the lifestyle, the food, the people and their homes are really powerful attractions in this place, in addition to the beauty, the history and the get-away from it all. Homestay does offer a greater opportunity for a genuine Norfolk Island experience and that has been already emphasised by Mr Adams. Thirdly homestay offers an option for the direct benefits of this principle industry of tourism to be shared more widely amongst householders within the Island and across a broader spectrum of income brackets that might be experienced at present. To enter the accommodation industry at present you need to make a real capital investment of some hundreds of thousands of dollars and that capital isn't widely available which means being part of the accommodation industry has some limitations to it and its limited to those of a certain financial standing. Now this proposal of homestay as I read it allows a householder of more modest means to share their house with visitors, enhance the quality of that visitor's visit or for an appropriate charge of course and thus gain a direct income from the tourist industry and I see those as powerful advantages in a small place like this where there should be an effort to spread the dollar that is imported into the Island by each visitor. Should it proceed of course, there must be safeguards and these have been mentioned also. There should be standards as I see it of both space and size of sleeping and leisure rooms, facilities and toilets, kitchen and cooking. I've got say here that kitchen practicality has been raised a number of times when this proposal has been put forward and I think a lot of people have said to date that if you wanted to enter the homestay arrangement you need to therefore install a commercial kitchen. I've got to say that's not my

interpretation. You will know that there are apartments now that don't necessarily have commercial kitchens but they are certainly very smart and practical arrangements for visitors and so household kitchens as we know it is how I understand this matter might proceed. There of course would need to be ensured as I see it that there would be fire prevention and precautions and cleanliness and waste disposable. For it to be a genuine homestay, of course it would be seen to me not to be a separate building, cause if you did that it would be a unit or a flat and we have that category already. I wouldn't see that it would be in huge numbers in one home because then that would be a guest house which we already have a provision for. Guests I see it, as I see it should share the home and the basic household facilities and I am assuming they will be licensed. What hasn't been mentioned is to whether this particular category of visitors stay would be also part of the revenue raising regime. Mr Bennett hasn't spoken yet but I am assuming when enters the list he will be making some mention of that. It hasn't been mentioned by Mr Adams at this moment but I think before the matter is finalised, that to needs to be identified as to whether the people who participate in this process might also participate in the revenue raising regime as other accommodation houses do. But whether or no that is the case it appears to me that this is something that is worthy of consideration by people who live in the Island to participate in and obviously for us in our capacity to give some authorisation that it might be pursued by people who want to so pursue it. It has my support

DEPUTY SPEAKER

Thank you Mr Buffett. Further participation. Mr King.

MR KING

Thank you Madam Deputy Speaker. It also has my support. I mentioned earlier in response to a question by Mr Bates that I believe that we ought to be catering for all segments of the market place. It certainly would broaden our appeal. I agree that there would be demand in the market place for such facilities and a couple of the speakers have mentioned a number of reasons why. Mr Adams mentioned the popularity of the progressive dinners and indeed they are popular. I would mention that the most commented upon feature of any visitor's holiday to Norfolk Island has been their contact with the people. They have enjoyed the Norfolk Island people and indeed they are a charming lot. I happened to have married one and even people like Mr Bennett and myself develop similar characteristics so there is charming over the years, long years of residents. So yes I believe it would have some appeal and there would be some demand in the market place. I'm not quite sure how many local families would want to participate in such an arrangement and I'm not sure whether Mr Adams has done any research in that respect. I think perhaps a former Tourism Minister did, perhaps Mr Smith did seek some interest from the community, yes I see a nod of the head. I'm not quite sure what the outcome of that was, but it would be interesting to have a look at that. Those who are interesting in participating in this fashion should be very clear in their minds that it's simply not a matter of opening up the doors of their homes as they exist now and that's not to suggest that their homes are not clean and don't have the necessary facilities but there will be standards as Mr Adams has suggested and they would have to be administered fairly closely. I commend Mr Adams for the degree of research that he's done on this matter. I know he's been ferreting around both here and overseas on this matter for some months. He's brought it together here now in a fairly comprehensive motion which is pressured me in the right direction and I'm quite happy to pursue that direction, but I want to make a point that I made the other day that I'm a little bit uncomfortable in making decisions of this nature now while there is currently a debate going on within the community on matters of tourism and where it's heading and matters infrastructure, numbers, sharing of commercial benefits etc etc. I firmly believe that we ought to be waiting until the results of that review are known. I don't believe that there is going to be any change or anything come from that policy review that is going to alter the direction that this appears to be heading but nevertheless I believe it to be inappropriate. Perhaps a touch irresponsible to be proceeding in making decisions of this nature while that review is taking place in

the community. So that's my contribution at the moment Mr Speaker

MRS ANDERSON Thank you Mr Speaker. Mr Speaker, I fully support Mr Adam's motion. I think the concept of homestay mends itself exceptionally well to the Norfolk Island environment. I believe that there are a number of people already in the accommodation industry who have invested a significant amount of capital and time into the industry and I would like, I would not like to see the opening of homestay without the same soughts of controls and the same sought of standards and the same sought of levies being applied as are already applied to the accommodation industry. I would like to take this opportunity to open up a slightly different area with regard to the accommodation industry. I believe Mr King will support me when I say that one of the problems we have on Norfolk is our size. We are very small and economies are found in scale and we don't have a scale on Norfolk Island with the smaller accommodation houses. The larger ones who have several units, several premises can promote them all together. The smaller accommodation proprietors find it exceptionally difficult to get their properties advertised in the wider market because they are so small and the costs of being supported by wholesalers are very high when you only have a few units to advertise. I would like to suggest that a special effort be made within the community should this homestay go forward for people to group together, to work together within this industry. United we do have a bit of a chance of getting somewhere. If people are trying to sell their accommodation with just four beds in it I think that they will find that on their own they are awaging an uphill battle that the wholesalers won't want to know about them except by word of mouth they will get very few bookings and word of mouth isn't always sufficient. Thank you Mr Speaker

MR BATES Thank you Mr Speaker. I certainly support the concept behind Mr Adam's motion. I think that there is a little bit of work to be done yet on it but the concept I certainly support. I also believe that this should not be regulated by numbers. I believe that anybody that has the facilities, that fit in with the category should be allowed to enter into the lists. I don't think it should be restricted by certain number of beds. I think there should be some authority, or some authority where people can go to and say well look you know, I am supposed to have hot water and I haven't got hot water or the husband comes home at 10 o'clock after being out at the club and wakes everybody up and starts throwing things around the kitchen and things like that. I think there should be some place that these people can go to and make complaints and I think that authority should have some control to de-licence places which prove to be unsuitable through those types of things. But certainly I think it is a marvellous opportunity for the everyday person to get into the, to share in the tourist industry at a small level and I certainly commend Mr Adams for the initiative he's taken in this area and I will support the motion

MR BENNETT Mr Speaker, I listened with great interest and I know that I'm probably greatly out numbered again. I'm not wanting to throw a wet blanket over this but I do want to sound a note of caution. Mr Adams has put a lot of work into developing this concept, the concept of homestay. During that research he would have noticed that other Legislative Assemblys before this one have also tried and been unsuccessful with homestay. In fact on one of these occasions there was a prolonged debate that spread out over eight or nine meetings of the Legislative Assembly over a period of almost two years. Why the reluctance to support the addition of homestay. Well there appear to be many reasons, firstly perhaps it's surrounded by the Select Committee report of 1981. The only time that the industry has ever been thoroughly examined. Perhaps the reluctance acknowledges this fact, a reluctance to tamper with something which has stood the test of time. The fact that there has been, I believe, only two departures from policy in ten years is testimony enough to the Select Committee report. Others it seems, were concerned that such a departure from the act was simply the thin edge of the wedge or perhaps the crumbling of the foundation stones of the tourist accommodation act. Some of

this concern was a reflection of fear that the concept of homestay was really and simply the beginnings of a serious of guesthouses. Those who reflect upon this may well remember the transitions which occurred over time from the early beginnings of a house first having a granny flat which later, during the amnesty on such accommodation, became registered accommodation becoming a bit like a guesthouse then, later becoming serviced apartments and later some of these have since been sold or amalgamated into other units, other properties. Members will note that in the few short weeks of discussion about this current concept, what began as five by two bed Island home accommodation with an option of four beds after twelve months has become what I think is general agreeance to four beds from the outset to cater for families. It doesn't take much imagination to see how quickly pressure could well be applied for third bedroom to cope with say a family of four who had two adult children of different sexes and they wanted separate bedrooms for example. Hey presto we then would have what I think is a fully fledged guesthouse. I wonder if that is the objective. Finally there are many who see homestay as unworkable in the present circumstances and any encouragement of the concept may cause people to expend money to reach compliance with the regulations only to find that it was all a poor investment. We must be most careful not to build up an unachievable expectation. Many people I have spoken to who appear learned about the accommodation industry point to some obvious difficulties that will arise and some observations. The fact that in most other places, the concept of homestay is for short and unplanned stopovers of one or two days duration. The fact that to wholesalers would be unlikely to include homestay in their packages because of the degree of difficulty in securing a reservation for an intended traveller. Lets examine this point a little further. Travel agents are no different to other businesses and time and money means a lot. Imagine you have a customer who has come in and wanting to come to Norfolk Island and becomes interested in homestay accommodation. Unless the agent has got a free sell component on one or more homestay accommodations, he would need to communicate by either telephone or fax to try and secure a booking or the client. Now his objective is to secure a deposit or wrap up the booking at that one sitting, not to have to tell a client to return in a couple of days when he's found out whether accommodation is available there or not. The industry is very competitive and the danger for that travel agent is the interested client may walk out the door, see a flashy sign about 5 days in Fiji and walk in and be sold the tour there and then. Now earlier somebody mentioned the need to address that bike a cohesive group. I'll come to that in a minute. There also was a question raised by someone as to whether the demand in the market place is real or imaginary. Mr King I think referred to there being demand in the market place. I've not seen evidence of that. One of the other difficulties is that the disproportionately high costs per bed of advertising the property. Now perhaps that could be lessened by the homestay people drawing together as a cohesive unit but that's not altogether guaranteed. The perceived difficulty, and we've seen it in the industry at present is that the industry cannot always be cohesive about objectives for the industry. There was a suggestion that the concept of homestay may well cater for the spillover of over booked accommodation houses. That's an interesting point, however intending visitors would need to know that if over booked they may be located in a family home. Now that won't suit everyone. That's simply not the case that if an over booked guesthouse or accommodation unit now can't simply just say well there's a homestay accommodation house available, we'll pop them in there. The visitor would need to know that that might be a possibility before he's left the shores of wherever they came from. Mr Speaker, I'm attracted to the notion of visitors becoming more exposed to the Island residents and history has shown that this is one of the most positive aspects of visiting Norfolk Island. I'm also attracted to the notion of more people being part of the industry but I remain uncertain that this is the way forward. I understand from informal discussions that Mr Adams is intending to adjourn the debate today and I would hope that that would be the case. Thank you

MR SPEAKER

Thank you. Further participation, Mr Bates

MR BATES                                    Thank you Mr Speaker. I just noted that a lot of the things that Mr Bennett has just said that he doesn't think it will work. That's what his summary is that he doesn't think it will work and he has given a lot of reasons and I think that it is up to the owners that want to get into the industry to make it work. There will be some that will have difficulty in obtaining bookings and there will be some that will fall by the wayside but I don't think that is a great concern of ours. I think we should be encouraging this initiative and giving these people a chance to make it work. It will probably be slow to start but who knows it may become one of the greatest things that has ever happened here in the long run and I think just because a Member really has many reasons why he doesn't think it will work is no real reason to support it

MR CHRISTIAN                                Thank you Mr Speaker. I support Mr Adams motion and I would hope that Mr King will ensure its speedy implementation. It will allow a greater number of Norfolk residents to share directly in the benefits of tourism and will it also visitors the ability to absorb a unique Norfolk experience which is not available to them at this time. Whether the benefits will be or the experience will be enjoyable to all the parties involved, time will tell. Mr Speaker, I do not share Mr King's view that it would be improper to implement homestyle accommodation before the results of his tourism policy review is complete and I see this as a first positive part of that review and I would have no problems if it was to be implemented without undue delaying. Thank you Mr Speaker

MR SPEAKER                                 Thank you. Further participation, Mr Bennett were you signalling again there

MR BENNETT                                 Mr Speaker, I just wanted to make the point that the question of unworkability was only of four points and perhaps Mr Bates missed the other three points. That unworkability was one of the things that was prompted to me by people who are in the industry or know the industry and I didn't expect the view whether that's my view or not

MR KING                                     Thank you Mr Speaker, I'm not quite sure what I'm going to say here. I want to make sure I'm not contradicting myself but let me say that Mrs Anderson and Mr Bennett make some very very valid points, very valid points. I'm in support of anything which will broaden the appeal of Norfolk Island which will result in a greater sharing of the economic commercial benefits of tourism throughout the Island. I am in fact a supporter of deregulating the accommodation industry entirely. But Mrs Anderson and Mr Bennett make some very very good points. I have not as clear a recollection of the beginnings of, well I wasn't here of course at the time that the tourism industry commenced but I didn't arrive that far after but everyone knows the history as Mr Bennett has recounted it, the back, the sheds out the back which housed tourists before regulation commenced. It turned into another unit added here and another unit added there and resulted monotoriums put on it, put on the accommodation industry, what do we call those things, not a monotorium, amnesty an amnesty situation which resulted in all those things being regularised by being properly licensed. And that was as a result of pressures. Now people who go into this industry or this expansion of this industry as Mr Adams is proposing must be fully aware of the things that Mrs Anderson and Mr Bennett have raised. It is difficult to market and sell your product if you are a small operator and those are the kinds of difficulties that the small operators of the present type accommodation are currently experiencing and will experience more of in the future. It is an increasing difficulty. People who go into this industry ought to be aware that it caters more as Mr Bennett says for the passing trade, the one or two night stayers, people with the bed and breakfast signs out the front of a highway or where there is major passing traffic. I mean that sought of situation doesn't exist here on Norfolk Island, so if we ultimately we approve this proposal and we go ahead with the legislation, we want to be committed to



visitors stay then is now possible and a point continually remarked on by visitors to Norfolk Island is the hospitality and friendliness found here. Mr Speaker, Island home accommodation can only add to this scenario. Thank you

MRS SAMPSON Just a small point. I agree with Mr King about people making a commercial decision to enter into this but I feel that this is no different from making a commercial decision to start another shop, start another restaurant. I mean if the Assembly gives approval to this type of category of tourist accommodation, they must be aware of the amount of money that they are going to outlay as well as being aware of the amount of money that they are going to get in from it and I just feel that it would be just another commercial decision by somebody that wishes to get into their business of their own. I just make that comment

MR SPEAKER Thank you. Further debate. I think debate has concluded then Honourable Members. Mr Adams

MR ADAMS I move that this matter be adjourned to the next meeting

MR SPEAKER The question is that this matter be adjourned and resumption of debate made an Order of the Day for another day of Sitting

QUESTION PUT  
AGREED

The ayes have it. That matter is so adjourned thank you

**NO 3 - LAND REVIEW WORKING GROUP - ENDORSEMENT OF REPORT AND ESTABLISHMENT OF JOINT LAND TASK FORCE**

MR CHRISTIAN Thank you Mr Speaker, I move that the Legislative Assembly endorses the recommendations contained in the report of the Norfolk Island Land Review Working Group of May 1995 and to facilitate the implementation of the locally based land administration regime.

- a) support the establishment of a Joint Task Force to oversee the implementation of necessary administrative changes and draft required legislation and
- b) agrees that the Joint Land Task Force be given legislative drafting, project management, policy advising and clerical support capabilities and
- c) agree to the Norfolk Island and Australian Governments provide resources to the Joint Land Task Force to enable it to carry out its responsibilities

MR CHRISTIAN Mr Speaker, at the outset I make clear my intention that I do not want to deal with this motion to finality today and I would want it sit on the table of the House for at least a month. Mr Speaker, the report of the Norfolk Island Land Review Working Group dated 9th May 1995 and distributed to Members late last week was one of the most significant documents to be received by this Assembly since Self-Government in 1979. The Report comes as a result of the work of the Land Review Working Group which was set up in late 1994. The Group consisted of representatives of both the Norfolk Island Government and the Commonwealth, and its independent Chairman was Mr Ray Gallagher, an expert on land administration. The Report deals with a number of significant areas and the Group undertook extensive public consultation, including the mail-out of two discussion papers to all addresses on Norfolk Island, radio broadcasts, a public meeting at Rawson Hall, a range of meetings with individuals both privately and using a vacant shop in the Norfolk Mall, and consideration of written submissions. In addition, Members will know that the Group Chairman has given the Assembly progress reports on each of his visits to Norfolk Island. The Report is, I believe, a very readable document. The most significant elements are of course the recommendations and the

endorsement of the separate Crown Land Review, which appears at Attachment "C". I note, Mr Speaker, that Mr Adams has a minor amendment on the programme today in relation to a recommendation contained in that Crown Land Review which will widen community consultation in regard to assessing areas of heritage value. I foreshadow my agreement with that amendment. Mr Speaker, the endorsement by the House of this Report will be the first step in an intensive twelve months of work by a Joint Land Task Force. They will be charged with bringing in a new computerised system of registering land titles, establishing the new role of Registrar of Titles and assisting in the drafting of new planning, titles, roads and reserves legislation, for consideration by the Legislative Assembly. One of the important features of the approach taken by this Working Group is that the implementation of guaranteed land titles will be voluntary. No one will be compelled to have their title guaranteed, unless they decide to deal in the land. This is a very different attitude than that taken by earlier so-called experts and I believe it reflects the Group's better appreciation of the Norfolk Island circumstance and the historical importance of land to Norfolk Islanders. Mr Speaker, Members will be aware that earlier this week we received a letter from the Parliamentary Secretary for Territories offering a financial split of 2 thirds Commonwealth to 1 third Norfolk Island Government. With the full cost at around \$390,000 that will see a commitment by us of around \$130,000. I consider this will be money responsibly spent if the end result is Norfolk Island control over land matters. Although it was not part of the Working Group's brief and is a matter yet to be finalised between the two Governments, I earnestly hope that, provided the Joint Land Task Force can get underway soon and keep to the timetable of deadlines set out in Attachment "D" of the Report, there is every prospect land matters will be transferred to the Norfolk Island Government and this Legislative Assembly in the middle of next year. I commend the motion to the House Members. Mr Bennett.

MR BENNETT

As Mr Christian said the significance of this shouldn't be underestimated. If it could represent as he said the most significant arrangement that's occurred since Self-Government in 1979 the transfer of power of land. The power over land is integral and inextricable to self-government in my terms. There has been an aspiration for a long time by the people of Norfolk Island to have more control over their land. When you read the Report and understand the issues that were raised it is quite easily to see why there was some reluctance to have the matter transferred before now. For example there was a need to have proper land use development planning and zoning controls. We have had some of an informal nature but you can well understand the Commonwealth not wanting to transfer it until those sought of steps were taken. Some of the points made was for the Island as long past the point where it can continue without the effected planning. The significant increase in population and visitor numbers over the past thirty years is but one factor evidencing the change in circumstances. It went on to say in the Report that these changes have placed great pressure on the resources of the Island, particularly on environment, land use, primary production, water resources, waste disposal and even the Island's cultural identity and many of those points made are issues that this Assembly have before them right now. Water conservation, waste management and the like. The final point I was to make, the Report goes on to say unless any extension of the Island's tourism and other activities occurs in a controlled way it could endanger the Island's environment, placing in jeopardy the very feature in which much of the appeal of the Island rests. The current arrangements, those arrangements prior to this Report were not well placed to meet this challenge. But I think that there are in the question of land and the discussion of land some very sensitive issues. I think the Land Group has worked through those sensitivities very well. There was the old issue of the Queen Victoria titles. This has been addressed by the Group and I having been along time supporter of the retention of those titles and fairly satisfied that the way they have gone around addressing those to retain their significance to the holders has my support. Mr Speaker, I was pleased to hear that Mr Christian wasn't going to deal with this to finality today. I think there are a number in the community who

would benefit by accessing the Report and reading it. As Mr Christian said it is a very readable document, very well put together and I think it will serve to allay any remaining fears by people in the community. Having said all that, I am aware of the amendment that Mr Adams is proposing and I also support that. But as a document I think it's great. As a concept, the very question of the imminent transfer of land to Norfolk Island is a very significant event

MR CHRISTIAN Thank you Mr Speaker. I just wish to table the Report of the Norfolk Island Land Review Working Group

MR SPEAKER Is it more widely available than just being tabled at this moment. You might just advise me

MR CHRISTIAN Copies are extremely limited at this time Mr Speaker, but Mr Morris advises me that additional copies will shortly be available

MR SPEAKER Thank you. That copy is so tabled. Thank you Mr Christian. Further contributions

MR ADAMS Thank you Mr Speaker. Generally I think it's a good Report. It gives a good and practical base of future land administration on Norfolk including such things as guaranteed land titles. It provides a path for change and also a basis for the transfer of responsibility for leasehold land administration in Norfolk Island. However Mr Speaker, there is one glitch that I believe in and that is recommendation 15. Recommendation 15 is prohibitively narrow in its focus and at an opportune moment Mr Speaker, I will move a listed amendment to tidy up and I believe improve this section. Thank you

MR SPEAKER Thank you. Further contributions. Mrs Sampson

MRS SAMPSON Thank you Mr Speaker. I endorse what Mr Christian says. I found that the Report was extremely readable. It was concise, it was precise. So many Reports land across our desk that you get a hundred pages of waffling and you can't really work out what's in it and this I felt was a particularly good one and I commend the Land Review Working Group for putting it together. I also have problems with recommendation 15 and I will just make notice that I will be supporting Mr Adams when he moves the following amendment to recommendation 15. Thank you

MRS ANDERSON Thank you Mr Speaker. I agree with the previous speakers. I think it's an excellent Report but I think it's far too important a matter for us to read the Report once. We haven't had it for very long and I think that to adjourn the matter today is essential. I will support Mr Adam's amendment

MR SPEAKER Thank you. Further contributions. No further contributions at this time. Maybe Mr Adams it would be appropriate for you to move that. Whether you would want to vote upon that or whether you want to have all of the matters on the table and then adjourn it and then come back to the totality is a matter that you would give me some advice upon

MR CHRISTIAN Mr Speaker, I would be happy to deal with Mr Adam's amendment to finality and then we could adjourn the amended motion

MR SPEAKER Okay then. Mr Adams

MR ADAMS Thank you Mr Speaker. I move that the first paragraph of Recommendation of Attachment 'C' be deleted and the following words substituted. It is recommended that the Minister agree to the development of inventory of significant environmental features on crown leasehold, in consultation with the

community, and that special lease covenants be developed and included in leases to ensure conservation of those significant environmental features. Mr Speaker, Recommendation 15 is I believe, too narrow and restrictive in its application to proper land management in its present form. Mr Speaker, to have a register put together that will effect significant volumes of land in Norfolk Island and therefore people should by right allow as wide a possible consultation with the community. The level of environmental awareness in the community is now higher than it's ever been. I think that would be a fair comment, and many of the community, with a concern for the environment would want to have an input. Mr Speaker, the present drafting of recommendation 15 excludes these people from having an input, and in fact may serve to cause considerable concern, exacerbated by a feeling of exclusion. Mr Speaker, Recommendation 15 as we look at it now, prioritises input on a matter that has potential for affecting a large area of land management for people on Norfolk Island. We I believe, Mr Speaker, as an Assembly, should not be in a position where we enshrine in policy and legislation exclusion of input by as wide a community membership as possible. Acceptance of Recommendation 15 as it stands now will do just that. Mr Speaker the amendment I am proposing will allay that issue, or will prevent that issue from becoming a problem, it will still allow the intent of Recommendation 15 to go forward. It will allow a wider community perspective to be brought to the issue and that's as it should be. I commend the amendment to the House

MR SPEAKER Thank you. The question is that the amendment be agreed to. Further debate upon that motion? Then I'll put that motion. The motion is that the amendment be agreed to

QUESTION PUT  
AGREED

The ayes have it, that amendment is agreed to. What we have in front of us Honourable Members is an amended motion which I am now looking for a motion to adjourn until a subsequent day of sitting

MR CHRISTIAN Mr Speaker I so move

MR SPEAKER The question is that the debate be adjourned and that resumption of debate be made an order of the day for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it that matter is so adjourned thank you

#### **NO 4 - LEGAL AID BILL 1995**

MRS LOZZI CUTHBERTSON Thank you Mr Speaker, I present the Legal Aid Bill and move that the Bill be agreed to in principle

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

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. The object of this Bill is to establish a scheme to provide legal assistance in appropriate and specific circumstances. The legal assistance provided under the Act will be conducted through a providing agency, the Legal Aid Office of the Australian Capital Territory who have wide experience of providing this service already. The costs of the legal assistance will be paid out of the Legal Aid Fund, to be established under this Bill. A person granted legal assistance will be required to make a contribution of an amount, determined by the executive member, towards the cost of providing such legal assistance, though in cases of acute financial hardship this

contribution can be waived. Mr Speaker, any application for legal assistance will be first considered by a Legal Aid Advisory Committee to be set up under the Bill.

The Committee will operate under guidelines determined by the executive member and tabled in the Assembly. The guidelines will be a disallowable instrument. The guidelines will also set out the criteria for granting legal aid and the types of matters in respect of which it may be granted. After receiving a recommendation from the Committee, the executive member will then determine whether legal aid will be provided and the conditions upon which it will be provided. A person who is dissatisfied with either a recommendation of the Committee to the Minister, or the Minister's ultimate decision, can ask that the decision be reconsidered. Where legal aid is granted subject to a condition, the applicant will be notified of that condition and a short statement of reasons why it has been imposed. Mr Speaker, the Bill sets up a Legal Aid Fund within the Public Account and that fund will be subject to the Public Moneys Ordinance 1979. The Fund will consist of monies appropriated especially to provide legal assistance from the interest on trust accounts maintained at Norfolk Island banks by legal practitioners, accountants and real estate agents. The money in the Fund will in effect be 'quarantined' and may only be used for the provision of legal assistance. Mr Speaker, this Bill has received wide public exposure. Apart from circulating a draft to Honourable Members for their comments, I arranged for copies to go to all legal practitioners practising in Norfolk Island and also had the provisions relating to the trust accounts sent to both banks and to persons operating as real estate agents and accountants. I have had positive and co-operative response from each of these quarters, and even some expressions of genuine pleasure that bank interest which hitherto could not be utilised will now benefit the Norfolk Island community. The Bill contains provisions relating to the payment of costs in proceedings by legally assisted persons as well as provisions relating to the protection of members of the Committee, the confidentiality of information given by an applicant for legal assistance, makes it an offence to provide false or misleading information in relation to an application for legal aid. The Bill also provides for reports to the Legislative Assembly on the operation of the scheme. This last point is very important Mr Speaker, as it gives the Assembly a "watch dog" role over the operation of the Act and expenditure of money out of the Fund, and it will minimise any opportunity for bias in the consideration of applications for legal assistance.

The Bill fulfils an outstanding commitment by successive Assembly's. It establishes an option for persons who cannot afford legal representation or help, or who feel for specific reasons the legal assistance they require is not available. It is hoped that the cost of the scheme will be neutral to the Public Account, given the sources of money for the Fund and the Bill ensures that, in granting legal assistance regard must be had to the money in credit in the Fund or likely to be paid into the Fund. This will prevent any "blow out" in the budgetted expenditure for legal assistance and I think that is a very important provision. I plan that this Bill should remain on the Table until the June sitting to invite public comment and I hope the remaining stages can be progressed next month so that the Norfolk Island legal aid scheme can be operational from 1st July 1995. Thank you Mr Speaker I commend the Bill to the House

MR SPEAKER                    Thank you.    Further debate Honourable Members?

MR KING                    Thank you Mr Speaker.    I'm so glad that in Mrs Lozzi Cuthbertson's debate, she didn't make mention of the fact that this completes an outstanding obligation that we had made arising from the Legal Regimes Inquiry, or Islands in the Sun Report, because to do so of course would suggest, as such a mention has suggested before, that we are only undertaking this legislative exercise because of that obligation and belies the fact that we as a government or as an Assembly, also have a social conscience and a genuine desire to address the access to justice issue of those who may not be in a sufficient financial position to afford legal representation. That is a genuine concern of the Norfolk Island Government and a genuine concern of many in the community. I commend Mrs Lozzi

Cuthbertson in her efforts to bring it to fruition. It has been a long exercise and I am hopeful that it will be effective in its administration

MR BATES Yes, Mr Speaker. I commend Mrs Lozzi Cuthbertson for bringing this bill forward. I'm just a tiny little bit concerned that somebody who really needs legal aid and fits all the criteria for receiving legal aid may not get it because the fund is broke or it doesn't have sufficient moneys there and I think that if somebody is in a situation where they really deserve to have legal aid I think they should have it regardless of whether the fund is flush or not. It is just an observation and I'm wondering if Mrs Lozzi Cuthbertson has any comment on that or whether I misunderstood what she said, or whether it could be clarified a little bit

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I do understand Mr Bates concern and I am torn between two situations. Other legal aid services in Australia have blown out their costs out of all proportion to what is allocated ahead of time and we have to be conscious of the fact that the Norfolk Island budget is limited. We do have controls on the expenditure and we are trying to address that within it, but certainly there are ways and there are clauses within the bill that allow you a little discretion. It just depends on the kind of expenditure that would be involved in providing legal aid in certain cases. Those are the kinds of matters that really have to be taken into consideration. The fact that we are just not in credit in itself will not stop us. We will anticipate a certain amount of monies coming in on a regular basis and that can be taken into consideration but I hope that the people who will be involved in the committee that will assist the legal aid, if I know anything about them, will certainly be concerned to ensure that the legal assistance is made available where it is necessary and that they will look at applications in a compassionate way and I promise that I will try to do the same

MR SPEAKER Thank you. Any further contributions? The question before us is that the Bill be agreed to in principle. No further contributions?

MRS CUTHBERTSON Thank you Mr Speaker. I move that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

MR SPEAKER Thank you. The question is that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

QUESTION PUT

QUESTION AGREED

The ayes have it thank you, that matter is adjourned for a subsequent day of sitting. Now just before we move on I assume Mrs Cuthbertson that you have tabled the explanatory memorandum for this matter, thank you

**NO 5 - FIRE CONTROL BILL 1995**

MRS LOZZI CUTHBERTSON Mr Speaker, I present the Fire Control Bill 1995 and move that the bill be agreed to in principle

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

MRS CUTHBERTSON Thank you Mr Speaker. This Bill is in many respects similar to the exposure draft I tabled in the Assembly at the last meeting of the House. However, over the last month I have had extensive consultation with Members and I really would like to thank them for their varied input. Major changes to elements of the Bill have resulted as a result of these consultations, especially in regard to the penalty provisions and the powers and duties of the Chief Fire Control

Officer. I believe that the resultant Bill is improved and will provide a fire control regime appropriate to Norfolk Island circumstances. The object of the Bill is to establish a system for co-ordinating the fighting of fires and the prevention of fires. The Bill provides for a Fire Advisory Board that will make recommendations to the executive member in relation to the prevention of fire, control of fire and the protection of life and property from the effect of fire. Mr Speaker, the Bill creates the office of Chief Fire Control Officer, who must be an officer of the Administration. This officer's job is, in the event of fire, to extinguish or to prevent the outbreak or spread of fire. The Chief Fire Control Officer is given certain powers to enter onto land, close a road, shut off electricity and direct persons employed in fighting a fire. I must emphasize these powers can only be exercised in situations of fire emergency. The Chief Fire Control Officer is assisted in performing his or her functions by fire control officers appointed under the legislation. They may be either Administration employees or members of the volunteer brigade. The Bill provides that the executive member may, in periods of acute fire danger, declare a fire danger period or a total fire ban. In a fire danger period the executive member may warn of the likelihood of fire and of weather conditions conducive to the spread of fire. In total fire ban periods the lighting of fires in the open air will be prohibited. The Bill also creates offences for tampering with fire fighting equipment, including vehicles, or fire protection equipment. It also provides that nothing in the Act affects the common law rights of a person to sue or recover in relation to negligent or reckless use of fire. Mr Speaker, at present the imposition of a fire ban in Norfolk Island is a piecemeal process. The Administrator declares a fire ban on commons and public reserves and the Superintendent of the National Park declares one for the Park and the Botanic Gardens. There is no power for the Norfolk Island Government to declare a fire danger period or a fire ban in respect of other land in Norfolk Island. This Bill will rectify that situation and place that responsibility in the hands of the Administration and the community's elected representatives. I believe the Bill is tailored to the Norfolk Island situation and closes a gap in our legislative regime. I commend it to the House.

MR SPEAKER Thank you Mrs Cuthbertson

MR CHRISTIAN Thank you Mr Speaker. Whilst I could possibly be convinced that there is a requirement of some form of fire control in Norfolk Island, I can't support this bill in its existing form. Mr Speaker, I have some difficulty with the creation of another Board. Boards on Norfolk traditionally are voluntary exercises by the participants and at times it is quite difficult to get people to serve on Boards. I think in a situation like this the board could be substituted for the executive members. It is quite easy for a group of executive members to meet at short notice and receive advice from the Fire Control Officer. Mr Speaker, whilst I'm on the subject of the Chief Fire Control Officer I do not believe that we need to create another title, even though this Bill doesn't give effect to creating another position I've got no doubts that it would lead to eventual claims for higher duties allowance and things of that nature which would increase the financial burden on the public purse. I would like the Minister to explore the possibility of having the existing emergency co-ordinator assume this responsibility and I would be happy to hear some words from her on that regard. Mr Speaker, some of the clauses through here are quite draconian. Clause 22 reads "The prevention of fire. This clause empowers the Chief Fire Control Officer during a period of acute fire danger to direct the owner of the land to take such measures as are reasonable to prevent and inhibit the outbreak and spread of fire on that land. It is an offence to fail to comply with such a direction". Mr Speaker when you turn to clause 22 and you see what the clause actually says, it says that "a person shall not without reasonable excuse fail to comply with a direction given under the subsection" and you can be fined five penalty units or sent to prison for six months if you don't comply. The circumstances referred to in the subsection Mr Speaker include the following, the amount and type of litter,

timber or vegetation on the land, whether that timber or vegetation is alive or dead. Mr Speaker, that clearly gives the Chief Fire Control Officer the ability to tell you to get rid of your garden. Surely that is not what we want in Norfolk Island. Mr Speaker, he can determine with no ability for review, the amount and type of other flammable material on the island. He can determine, with no experience the climatic conditions affecting the island. He can determine, again with no experience the location and the use of the land and nearby land and Mr Speaker, he can also determine himself, the possible effect of the fire on the land and nearby land. Mr Speaker these are all circumstances which could have a contrary or alternative view but it vests a whole heap of power in that one officer. Mr Speaker, there are a number of other clauses that I find difficulty with. Clause 25 is another one and it relates to the extinguishing of fires Mr Speaker. It reads "during a period of acute fire danger a person shall not leave a fire in the open air unattended". Mr Speaker, this again has dramatic consequences for the public purse of Norfolk Island, because at the moment we have an open burning pit at Headstone, at both the top and bottom tips, and if the operators of those facilities went home after work and left the fires burning, which happens now, they would be liable to five penalty units or being stuck in jail for six months, so Mr Speaker what that means is that the Norfolk Island public purse will possibly have to incur the costs of twentyfour hour supervision of all fires lit. Surely, that is not good thinking. Mr Speaker there are a number of other things. Clause 27, the liability for payment of costs and I shall look at that clause. What Clause 27 says is "a person who is convicted of an offence against this Act is liable for the cost incurred as a result of the offence in extinguishing a fire or in storing fire fighting equipment or fire protection equipment which are a debt due and payable by the person to the Administration". Mr Speaker it becomes blatantly obvious that if you don't like your neighbour, and you'de like to put him away for six months, go and light a fire on his property and there's a fair chance that he'll be prosecuted and sent away. I think this is a ridiculous piece of legislation Mr Speaker and I don't intend to support it

MRS LOZZI CUTHBERTSON I'll thank Mr Christian for his colourful comments. The composition of the Board, it is intended that the Board be comprised of the two authorities which at the moment have the opportunity to declare a fire ban, and the Administration. Sure, we could involve the executive members in this but it seemed appropriate to co-ordinate matters such as the declaration of the fire danger period amongst the authorities that actually do it now and the Administration which hopefully will be able to do it in future. With regard to the title of the Chief Fire Officer. It is certainly intended that the Emergency Services Co-ordinator be that person but at the same time, at some stage in the future, the Emergency Services Co-ordinator may not have the qualifications that our present Emergency Services Co-ordinator has with regard to fighting fires and we really need a person who has experience in the fighting of fires to be that person to co-ordinate and carry the responsibility but I certainly have no strong feeling about not creating another name. I will be prepared to look into that by the time we have a look at this Bill the next month. With regard to clause 22, it is very clearly spelt out that the Chief Fire Control Officer may direct the owner to take such reasonable measures. Now the kind of measures Mr Christian so colourfully put to us were anything but reasonable and the courts on this Island are made up of reasonable people who will consider all the facts put before them, rather than just what the fire control officer, if he is such an unreasonable person, will put to them. It just seems so extraordinary to assume that we will have a combination of such negative attitudes all around as to create the kind of consequences that Mr Christian has alluded to. The comments he made with regard to the burning tips in clause 25, has he ever heard of water dowsing fires. Is it so difficult to douse a fire before you go off duty. Why can't that be happening especially in times of acute fire danger, at the tip as anywhere else. This is just commonsense. I don't think it is likely that Norfolk Island will have acute periods of fire danger often, but we should be prepared for those periods. We

should have a system of protecting the Island, the property and the people. This Bill doesn't set up a system of commanding unreasonable situations, it's for the protection of people who live here, just in case we have such acute periods of danger and we should bear that in mind. At those times we will need those kind of clauses and conditions. With regard to clause 27, it is only a person who is convicted of an offence against the act that is liable for such costs and again, the courts of Norfolk Island have proven themselves very reasonable in their verdicts up to date. There are provisions to appeal decisions by courts as well, and the Supreme Court that sits on Norfolk Island is also a very reasonable court, but in the unlikely case, and I really do consider it a highly unlikely case, that somebody causes danger, there is a firebug here on Norfolk Island comes to visit from somewhere else, that person should be held responsible for damages caused. That's all that this clause does. Thank you Mr Speaker

MR ADAMS Thank you Mr Speaker. When Mrs Lozzi Cuthbertson tabled her explanatory draft of this, I must confess I had significant concerns. Since that time, however, I suppose it would be fair to say that I've been hammered into submission to a large degree on this. I still have, however, some reservations about this, and again Mr Christian indicated one, it's a similar one to his. Clause 6, it seems unusual to me that we are asking for Assembly endorsement on a Bill here to create a Board that's not appointed by the executive member. I think that's somewhat unsatisfactory, I believe it should be the executive member who's actually putting that Board together and putting the names and numbers up. I understand the executive member has a function in appointing deputies. I think one of the executive member's roles should be to appoint people on the Advisory Board, not perhaps on the recommendation of somebody else. I've seen the revised Bill and alot of what we previously regarded as draconian applications in the former draft, have been reduced to an area where they only apply in total fire bans and I think that certainly is an improvement. I see that the Chief Fire Control Officer still has a function of determining levels of fuel and combustible material on land. It still begs the question Mr Speaker, if the Administration or the Board or the executive member are in a position to indicate to somebody that your land is essentially unsafe, where does it leave the question of the gum forest and the nearby National Park. In the gum forest, as members well know, there's tonnes of quantities of combustible material. In a National Park in some areas, some of the depths of palm leaves are over six feet deep and palm leaves are very flammable things. Where does that question go. Thank you Mr Speaker

MRS SAMPSON Thank you Mr Speaker. I am in fact in 90% agreement with Mr Christian. I feel that this Bill is a sledgehammer trying to drive in a tack. Mrs Cuthbertson mentioned commonsense. Now I think that in all cases commonsense would prevail. I feel that these measures are draconian and I'll probably save some more comments for when it comes up again in the next meeting, but I also feel that perhaps Mrs Cuthbertson hasn't been on other Assembly meetings when we have spent many happy hours and tens of thousands of dollars arguing about the word "reasonable". I just leave that comment

MR CHRISTIAN Thank you Mr Speaker. Coming back to clause 25, Mrs Cuthbertson has said to me that when these people go off duty, the commonsense thing to do would be to douse the fire and put it out. It may not have occurred to Mrs Lozzi Cuthbertson that at the top tip in particular, no water is available to douse it and neither is dowsing the necessary course of action that's required. The intention of lighting them in the first place is to reduce the mass of what is there. You want it to burn. You do not want to put it out. Mr Speaker, a major shortcoming in this bit of legislation before us is that it totally fails to define what a fire is and coming back to that clause 25 again, you may well leave a fire that has no external flames and comply with the intention of the legislation but a month or so later after thinking the fire has been extinguished and you have a change of wind and some blowing embers re-ignite, who is liable for that. It takes

none of that scenario into consideration and I think it sets a rather dangerous precedent for people to be able to be charged, have to go to court, you may have to go to the Supreme Court to have your name cleared for something you didn't intend doing in the first place. Mr Speaker if we didn't have this bit of legislation before us now, you wouldn't have to worry about all those things. I'm not aware of any house in Norfolk Island that has been burnt down because of someone's negligence. I think that we are a very commonsense driven society and if the need for legislation is driven by requirement there is definately no requirement in this situation

MRS CUTHBERTSON Thank you Mr Speaker. With regard to the executive member appointing the Board, if that is the preference of the Members it is certainly to be included, but as I mentioned, it is intended that the Advisory Board will comprise as I indicated a representative of the Administration which is intended to be the Community Services Manager, the Conservator of ANCA who now declares the periods of fire ban in the National Park and the Botanic Gardens and a representative of the Administrator who now has the right to declare periods of fire danger and no fire to be lit in public in the commons and public reserves and of course the Chief Fire Control Officer. It is such a commonsense Board that it really is difficult to think of any other appropriate person to be appointed on it.

But apparently I do appoint it, that concern has been covered. With regard to the National Parks, I do agree with Mr Adams, it is a major concern, that over the last few years of drought the kind debris that has accumulation in some parts of the National Park, but more so in the gum forests out towards Duncombe Bay is a major concern. If the present period of drought does continue next year and the year after, and God forbid that that will happen, we will face a much more increased risk of fires happening and certainly this Assembly and its Members and this Island will have to consider advise from experts about what we need to do about we need to do with regard to that debris, whether we have to take action and what action we should be taking. Just like everybody else, we certainly should be doing our best to reduce the risk of fires on this Island in times of fire danger. With regard to the term "reasonable", and the hours that it has been debated in this Assembly I am glad to say that it will not be up to this Assembly to decide what the term "reasonable" is going to mean in the context of this Act. It will be up to the Courts and I really have great faith that they are reasonable. With regard to fire dowsing, so we don't have some water up at the top tip. Great deal of effort in getting a container of water up there and utilising it, only in such periods that we have a total fire ban because there is a danger. It just is unbelievable. Alright, Norfolk Island has avoided a major danger until now, but we've also had five years of drought one after the other in which there has been a possibility of fire danger. We do not have the weather conditions which make fires in the open as dangerous or as likely as in other parts of the world but at the same time, that can happen. The climate of the world is changing. It's not just my idea. It is being demonstrated by all sorts of studies all over the world and we might be affected by that change in a negative way and we should have some protection in place. Thank you Mr Speaker

MR CHRISTIAN Thank you Mr Speaker. It is interesting to note that Mrs Lozzi Cuthbertson has mentioned changing weather patterns as a reason for introducing this bit of fire legislation when I think it is widely acknowledged by most experts that changing weather patterns over the next few hundred years could probably see Australia cease to be an exporter of wheat because the country will simply become too wet to grow wheat. I think in fact, Mr Speaker, the way the weather is going it is pointing towards no need for this sort of legislation. The amount of fuel in the eucalypt forest out there at the Anson Bay part of the Island could well be the subject of professional dissension. As the relevant Minister for that area, I have been given advise that whilst the level of fuel there is significant, it is nonetheless not dangerous. There are also some people of the view that if we get a fire out there, the best thing that we can do is to stoke it like hell and get rid

of the eucalyptus and that could be a point for consideration. Mr Speaker I could debate this thing for days, but I intend keeping quiet now if Mrs Cuthbertson intends adjourning it

MRS ANDERSON Thank you Mr Speaker. I would just like to remind Mrs Cuthbertson that Mr Christian is looking at the acquisition of a batch incinerator which will possibly obviate the need for dowsing the fire at the tip

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I move that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

MR SPEAKER Thank you. The question is that the debate be adjourned and the resumption of debate be made an order of the day for a subsequent day of sitting

QUESTION PUT

QUESTION AGREED

The ayes have it thank you, that matter is so adjourned

**NO 6 - STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 1995**

MR KING Thank you Mr Speaker, I'm a bit reluctant to get into this given the mood that Mr Christian's in but I'll nevertheless present The Statute Law (Miscellaneous Provisions) Bill 1995 and move that the Bill be agreed to in principle

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

MR KING I must also table the Explanatory Memorandum Mr Speaker. The object of this Bill is to make minor or technical amendments to a number of enactments. Bills such as this are periodic housekeeping measures which contain small amendments to legislation which are not substantial or contentious. This is the fifteenth such Bill since Self-Government in 1979. One of the reasons for this bill is the amendment on 6th April 1995 of the Norfolk Island Act 1979 of the Commonwealth by the Environment, Sport and Territories Legislation Amendment Act 1995. This Act deleted references to the offices of "President" and "Deputy President" of the Legislative Assembly and replaced those titles with "Speaker" and "Deputy Speaker" respectively. Certain Norfolk Island laws refer to the "President", notably the Legislative Assembly Ordinance, the Referendum Ordinance and the Public Sector Remuneration Tribunal Act. Accordingly all these references are changed to "Speaker" by this Bill. In addition clause 4 provides that, in any other legislation which refers to the President of the Legislative Assembly, that reference is deleted and "Speaker" substituted. Mr Speaker, The Bill amends thirteen enactments and I will endeavour very briefly to outline the relevant changes. The Absentee Landowners Levy Ordinance 1976 is amended to remove difficulties with the calculation of unpaid annual levies and making clear that interest is to be calculated on the total amount owing, including previous unpaid levies and interest. The Dogs Registration Ordinance 1936 is amended to provide that police officers are inspectors under that law ex officio. This is a suggestion from the Officer-in-Charge of Norfolk Island Police and will remove the necessity to appoint Police Officers as they arrive on the Island, and terminate the appointments on completion of duty. A minor correction is made to the Employment Act 1988 where a cross-reference to the Public Service Ordinance refers to the "Administrator" when in fact that section of the PSO was amended in 1991 to delete "Administrator" and substitute the executive member. Two changes to the Interpretation Ordinance are made. The first provides that a vacancy on a statutory body does not affect the exercise of functions by that body. The second provides that disallowable instruments are subject to the same regime as regulations in regard to tabling in the Legislative Assembly and disallowance. The

Justices of the Peace Ordinance 1972 is amended to provide that all Magistrates are Justices of the Peace ex officio during their term of office. This was a suggestion by the Chief Magistrate and removes any doubts over magistrates' functions in issuing warrants, etc. Secondly, this Ordinance is amended to make the Administrator the appointing authority, rather than the Federal Minister. This is in line with the transfer of the "Law and Order" power to the Norfolk Island Assembly. As I have mentioned, the Legislative Assembly Ordinance 1979 and the Referendum Ordinance 1964 are amended to reflect the new title of Speaker of the Assembly. Technical amendments to clarify the appointment of the Returning Officer and a person to act in that role are also proposed. The Liquor Ordinance 1960 is amended to provide that a person may request a voluntary order precluding them from being served alcohol on licensed premises for a period longer than twelve months. An involuntary order may still only be imposed for a twelve month period. The Norfolk Island Government Tourist Bureau Act 1980 is amended to remove 1st July as the anniversary date for the Bureau and allow appointments for up to one year at any time during a year. The appointments will still be by resolution of the Legislative Assembly. The Public Sector Remuneration Tribunal Act 1992 is amended to provide that the Tribunal shall convene as often as necessary for the efficient conduct of its duties. This gives the Tribunal more flexibility in timing hearings and the amendment is made with the present Tribunal's, that is Judge Morling's agreement. The Schedule to the Tribunal Act is also amended to remove references to "President" and substitute "Speaker", and also to reflect changes in both the Public Service Ordinance and the Norfolk Island Hospital Act. The Schedule makes clear the Speaker is the nominal employing authority in regard to the remuneration of the Members, Presiding Officers and other office-holders of the Assembly, and that the executive member with responsibility for remuneration is the nominal authority for members of the Executive Council. Mr Speaker, This Act also makes a minor change to the Norfolk Island Hospital Amendment Act 1995 to clarify a potential technical doubt in a transitional provision and to the Social Services Act 1980 to provide that, where a person is unable to sign a claim for a benefit, for example owing to infirmity or sickness, a person with knowledge of the claimant's circumstances may sign on his or her behalf. The penalty provisions for false or misleading information in making those claims are unaffected and an agent will be subject to these provisions if they provide false or misleading information in regard to a claimant who is unable to sign. Mr Speaker, The Bill is expressed to commence from the date Assent is notified except for the amendments to the Legislative Assembly Ordinance and the Referendum Ordinance which are deemed to commence from 6th April 1995, the day the title "Speaker" came into being. This ensures there is no doubt about actions taken by the Speaker under Norfolk Island enactments since that date. As this Bill includes matters which are not in the Schedules to the Norfolk Island Act 1979, on passage through this chamber it will have to be reserved for the Governor-General's Assent. Mr Speaker I commend the Bill

MR SPEAKER                   The question is that the Bill be agreed to in principle. Further debate?

MRS SAMPSON                Thank you Mr Speaker. I have no problems with the Bill at all, but I was just going to make a query on page 2, under the amendment of the Absentee Landowners Levy Ordinance, the seventh line down says "...interest at the rate of 10% is payable from the levy day". Now could that 10% be altered to make it "10% per annum". The "per annum" has been left out. Now knowing what one does with bank cards as to whether the interest is per month or per annum, I think it should be spelt out that the 10% is per annum. The Secretary to Government has just pointed out that it is on the actual Bill, so any comments there I shall withdraw

MR SPEAKER                Any further debate? No further participation

MR KING                    Thank you Mr Speaker. I move that the debate be adjourned and

the resumption of debate be made an order of the day for the next sitting

MR SPEAKER Thank you. The question is that the debate be adjourned and the resumption of debate be made an order of the day for a subsequent day of sitting

QUESTION PUT

QUESTION AGREED

The ayes have it thank you, that matter is so adjourned

#### ORDERS OF THE DAY

#### NO 1 - CUSTOMS ORDINANCE 1913 - EXEMPTION OF SPECIFIED GOODS FROM DUTY

We move to Orders of the Day Honourable Members. Order of the Day No 1. We are resuming debate on the question that that motion be agreed to and Mr Bennett, you have the call

MR BENNETT Thank you Mr Speaker. Just to refresh your memories the motion was in two parts. The first part dealt with headstones, gravestones and associated base stones and I gave just a brief history of where we had been with that and the desirability of having that as a standing exemption. The second part related to coins, stamps, paper money and phonecards, not for circulation. At the time, I mentioned that coins and bullion and paper money for circulation in Norfolk Island, those three categories are already exempt but the purpose behind my recommending that these be included as a standing exemption, arise as I mentioned, from the report of the consultants on marketing the strategic plan for collectibles for the next five years and to take account of the strategy which was to enhance the return on collectibles, that is, stamps, phonecards and in time, coins, it also had a particular reference to the first time meeting in Norfolk Island of the Australian Stamp Dealers Association and the advise that there would be a fair here at the same time. If we are serious about enhancing the return on collectibles then we have to do a fair amount of work with the dealers of these products. It may be of interest to members to know that for decades Norfolk Island has used selected authorities to act as an agent, distributor for a whole region. For example, Australia Post has the distributaries for Australia, or had until a short time ago, the sole arrangement. Crown Agents had the large agency for many of the Commonwealth country stamps in the UK has quite a large territory including Europe and other places, the IGVC in the Northern hemisphere as well and the sterling group in New Zealand. Now as a result of that policy which stood, has stood the test it's on rather well but as a result of that the dealers have been left largely out in the cold. I mean the dealers had purchased their products from us at the retail price and that's the way it's always worked, but dealers are treated quite differently by other stamp issuing authorities and they do are entitled to discounts on purchases and that provides an added incentive for them to get behind a particular notions products. In recent times the larger of the agents, people like Australia Post and to a lesser extent Crown Agents have had a diminishing interest in Norfolk Island product. I mean obviously they've got plenty on their plates and we become one of twenty or thirty little issuing nations whose stamps are in their portfolio of that agent. It's been suggested that we should review the approach and to ensure that a different attack is taken whereby there will be more than one agent in the area, perhaps agents in each state so that they to can become more aggressive in selling our product. The disincentive as I've said now is they have to purchase our products at retail prices. Turning to the conference and the importance of that in trying to realise the ideal, the Stamp Dealers Association has never met in Norfolk Island before and it's an opportunity to give them the best look at what we've got, where we've been, where we intend to go and to hopefully give us time to woo the dealers on our side. To get them here to Norfolk Island and to in fact have a Fair means that we have to address the current

position of import duty applying on imports of stamps and coins and the like. Now it would be entirely possible to exempt that Fair for the period covering that Fair but the downside of that is that by doing so you really disadvantage or discriminate against the two or three local dealers that are involved who would purchase stamps or product on the same day. Three local people would have to pay duty and the dealers not. That was one of the reasons why the argument was broadened to include a standing exemption and I became convinced that was the way to go when I saw the returns from, the returns of duty on these particular products. You may remember I did circulate those to Members and in fact since that time received the figures for the 1994 year where the total imports for the year ending 30 June 1994 \$1,694.00 worth of stamps and \$170.00 worth of phonecards. A very small amount of duty in relation to the huge amount of benefits that could derive out of this approach. Also at the last meeting I undertook to further investigate the element of the motion relating to a standing exemption for coins not for circulation in the respect of what other our surrounding nations do. I can advise the House that such a standing exemption that is proposed by this motion would bring our customs procedure in line with that followed in Australia. Stamps and coins from Norfolk Island are admitted into Australia free of all duty. Phonecard from Norfolk Island are admitted free of duty if the cards have been manufactured in Australia which is indeed the case. As I have advised the Assembly in April, the amount of customs duty receipted from coins and stamps over the last few years has been minuscule. While I'm aware that a standing exemption will provide a minor benefit to local stamp and coin dealers it will importantly provide a significant boost to the planning of the ASDA Conference in Norfolk Island which should bring in tens of thousands of dollars to the Island. Mr Speaker I don't have anything further to add to the debate today but commend the motion

MR SPEAKER Thank you. Further debate Honourable Members. No further debate. Then if there isn't any further debate I'll put the question which is the motion be agreed to. I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it. The motion is agreed. Thank you

Order of the Day No. 2 will not be called on Honourable Members. There have been some additional factors in the last day or so and that will be held over until the next Sitting

#### **ORDER OF THE DAY NO. 3 - HEALTHCARE AMENDMENT BILL 1995**

Mrs Cuthbertson. We are resuming debate on the question that this Bill be agreed to in principle and you have the call Mrs Cuthbertson

MRS LOZZI CUTHBERTSON Thank you. The object of this Bill that Members will recall is to amend the Healthcare Act 1989 to make minor changes in relation when a financial report is to be submitted and the definition of an eligible person. Now this particular last amendment has been made necessary by amendments that were put forward with regard the Healthcare Levy Amendment Bill 1995 which will be discussed next, therefore I commend the amendments as they are on the Healthcare Amendment Bills for the House

MR SPEAKER Thank you. Honourable Members I will ask if there is any further debate on the matter that the Bill be agreed to in principle in the first instance and we'll vote upon that. Any further debate upon that stage. Then I put the question that the Bill be agreed to in principle

QUESTION PUT

AGREED

The ayes have it. The Bill is agreed in principle and we now move to the detail stage and those amendments of yours Mrs Cuthbertson. Would you like to move them all together or did you want to handle them separately?

MRS LOZZI CUTHBERTSON Certainly Mr Speaker, I would like to move all the amendments together with regard to the Healthcare Amendment Bill that they be agreed to in detail

MR SPEAKER Thank you. Did you wish to make any further comment about them

MRS LOZZI CUTHBERTSON No thank you

MR SPEAKER No. Other there any other Members who would care to comment upon those. Then I will seek your agreement or otherwise that those amendments be agreed

QUESTION PUT  
AGREED

The amendments are agreed. Do I have your agreement that the balance of the Bill is agreed

QUESTION PUT  
AGREED

The balance of the Bill is agreed. Therefore we have in its final stages Honourable Members an amended Bill. Could I just ask whether you want to debate that particular situation. Mrs Cuthbertson first

MRS LOZZI CUTHBERTSON I would like to just mention a couple of things. These amendments bring into the Healthcare Act 1995 under the umbrella of the Public Moneys Ordinance 1979. At present subsection 7(2) of the Healthcare Act provides that the PMO does not apply to the Healthcare Fund and certain provisions of the Healthcare Act are inconsistent with the PMO. At the April Assembly Meeting I undertook to consider a suggestion by Mr Bates that amendments could be included in the bill the House is presently considering to provide an oversight by the PMO of Healthcare. I am pleased to advise that has been done and I'm glad the House supports it

MR SPEAKER Thank you. Any final debate on the motion that the Bill as amended be agreed. Then I will put that question. The question is that the Bill as amended be agreed to

QUESTION PUT  
AGREED

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

**ORDER OF THE DAY NO. 4 - HEALTHCARE LEVY AMENDMENT BILL 1995**

We are resuming debate on the question that this Bill be agreed to in principle. And Mrs Cuthbertson you have the call to resume on this matter

MRS LOZZI CUTHBERTSON Much of what I said Mr Speaker applies to both Bills, very awkward to go in detail as outlined in the last Meeting the Healthcare Levy Amendment Bill changes the dates of when the healthcare levy will become due and

has a few consequent other changes as a result of it attached to it

MR SPEAKER Thank you. I am aware that this was, these were two Bills to be operating in tandem but we are now coming to the matter of finally agreeing them and so they are divided for that purpose. I am now asking you Members whether you wish to agree this Bill in principle

QUESTION PUT  
AGREED

The ayes have it. The Bill is agreed in principle. Do you wish to suspense with the detail stage. We will proceed on that basis. Therefore I seek a final motion be agreed to

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I move that the Bill be agreed to

MR SPEAKER Final debate. I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

The ayes have it thank you. That Bill is agreed to. Fixing of the next Sitting day. Mr King

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

MR KING Mr Speaker, I move that this House and its rising adjourn until Wednesday 14th June 1995 at 10.00am

MR SPEAKER Thank you. Any debate. Prospectively Honourable Members this will be an introduction of the Budgetary Session and that we will then come again together on about the 28th June to finalise what is introduced on the 14th June. There is no proposal for the 28th at this time except that I just put out the plan for the month of June so that you will know what it is. This motion is proposing the 14th June to be our next Sitting. Is that agreed amongst us

AGREED

Yes, any opposing, any abstentions. That matter is agreed. Thank you. Adjournment Mr Adams

#### **ADJOURNMENT**

MR ADAMS Mr Speaker, I move that the House do now adjourn.

MR SPEAKER The question is that the House do now adjourn. Any adjournment debate. Mr Bennett

MR BENNETT Mr Speaker, one of the privileges to Members of this Assembly is by virtue of our parliamentary systems being modelled upon the Westminster model is the privilege of speaking and raising issues without fear of legal challenge. Mr Speaker, it is a special privilege which protects Members from deformation, suits, suits of slander etc, but it is a privilege which should never be used unwisely or deliberately to create fear or to harm people either individuals or organisations, for such action would be a gross abuse of this special privilege. At the last Meeting one of our Members during the debate on the Alpaca Referendum issue made some unfortunate but ill formed remarks about the import of products which could be a public health risk to users in Norfolk Island.

