

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

Petitions

MR SPEAKER Petitions. Honourable Members 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

MR BATES Thank you Mr Speaker. My first question is to Mr Adams, Minister for Industry and Forests. Of the approvals for cattle to pasteurise on the commons, would the Minister enquire about the number of disks issued but not in use at the present time, that is, not presently attached to an animal on the road and would he take this into consideration at the time of the next allocation

MR ADAMS Thank you Mr Speaker, my understanding of the situation is that when somebody is allocated a quota for grazing cattle on public lands, a corresponding amount of tags is supplied to that owner to be duly attached to the cattle. I'm not aware if there is any delay or hiccup in the actual matching the tags to the cattle but I'll certainly look into it and enquire into the why's and wherefore's of the matter and if there is any hiccup in the system I'll certainly look into it and advise Mr Bates accordingly

MR BATES Thank you Mr Speaker. A question for Mr King the Minister for Tourism and Finance. Has a final decision been made regarding the location of the new electricity storage shed and if so, could the Minister inform the House where that is

MR KING Thank you Mr Speaker. As I informed Members recently at an informal meeting, a final decision in this matter was taken by my predecessor Mr Bennett. I continue to receive representations about the siting of the electricity shed. At this stage I can say no more that I have given an undertaking to go and have a look at the site but at this point in time if I was pressed for a firm decision I would have to say that that decision has been taken, to be sited on the corner of Ferny Lane and Douglas Drive. There are some reasons which are floating around in my mind as to other reasons which have not as yet been brought out, that it may not be suitable but I will go and have a look at the site in the next couple of days

MR BATES Thank you Mr Speaker. Another question for Mr King the Minister for Tourism and Finance. Sometime ago the Minister was canvassing the possibility of building an international class hotel. Could the Minister advise if he is still pursuing the this project

MR KING Mr Speaker, thank you, I am personally still interested in pursuing that. I have indicated on early occasions that I would not progress that matter any further until the outcome of the review of the tourism policies which is consequent upon the survey forms being returned. So that's where I am at at

this point in time. I'll not progress it any further. I remain keen to introduce that somewhere along the line but I certainly wouldn't be making any decisions without consulting with the wider membership

MR SPEAKER Thank you

MR BATES Could I ask a supplementary question. Could I ask Mr King to inform the House where he is with that survey, and what the state is at the moment

MR KING Mr Speaker, we have commenced the process of collating the responses. I hope to be able to give it some attention in the very future. A reasonable timetable might perhaps be two weeks, the results of that survey being made available in at least rough form to Members and the commencement of the policy review process at the next meeting

MRS ANDERSON Thank you Mr Speaker. I would just like to pick up on that question from Mr Bates with regard to the survey on tourism. Can you please advise Minister, who is doing the collating of the responses from the survey and who will prepare the Report that will be presented

MR KING Mr Speaker, at this point in time I have only had at my fingertips the resources of the Secretary to Government. I am hopeful that there will be a role to play for the new Commercial Director who will be commencing duties soon, and there are other sources of advice that are available to us I guess off shore, external advise, but certainly all those people and Members as well, it will be a process in which all Members will be included

MRS ANDERSON Thank you Mr Speaker. I have a question for Mr Christian, the Minister for the Environment. Mr Christian, now that you have responsibility for both the environment and public works can we expect to see some positive progress towards the beautification of Burnt Pine and if so, what

MR CHRISTIAN Thank you Mr Speaker. In short, yes there will be progress. In the next few days I will be having a meeting with the Managers of the sections of the Administration who will be directly involved and with a view to possibly starting the main part of the upgrading of Burnt Pine in the centre of the business district and radiating back towards the airport end of the burnt Pine area. That's one suggestion that is being tossed around and in the next few days it will be considered and a decision made if that's the way to go or not but work is imminent

MRS SAMPSON Thank you Mr Speaker. This one is to Mr Adams, the Minister for Shipping. Can the Minister advise what effect the proposed boycott of french products and services in the wake of the resumption by the French Government of nuclear testing on Mururoa atoll is likely to have on the shipping service from Sydney, and more specifically the Capitaine Wallace

MR ADAMS Thank you Mr Speaker. I'm not aware of any direct proposal to actually suspend operation on the Capitaine Wallace in regard dockside workers. If that does eventuate, if it does occur it will obviously have some infringement on us regarding our cargo services but Mrs Sampson and other Members are no doubt aware that there are other ships that run from Australia to here and no doubt any shortfall by the Captaine Wallace will be picked up by the other services

MRS SAMPSON Thank you Mr Speaker. A further question on that subject. According to reports in the Norfolk Islander a new service from Sydney is to be commenced by a local company, Norfolk Sealink, using the MV Harishnarka. I ask the Minister, is it a fact that the Administration has been directed to use the Norfolk Sealink service for shipment of goods imported by the Administration in preference to the Sofrana service, and if so, why

- MR ADAMS The short answer to that, or the direct and complete answer to that is "no"
- MRS SAMPSON A supplementary question to that, is the Minister comfortable that one of the Directors of the company purported to be receiving the preferential treatment is in fact a Minister in the Government of Norfolk Island
- MR KING Point of Order 104 Mr Speaker
- MR SPEAKER Whilst I am looking at this, any further questions without notice
- MRS SAMPSON One for Mr Christian. Now that the Minister has responsibility for civil works, does he intend to issue a new roads programme, and if so, what steps will be taken to seal the unsealed roads on the Island instead of ripping up sealed roads that still retain useful life
- MR CHRISTIAN Thank you Mr Speaker. I don't think I need to change the programme. Prior to Mr King relinquishing responsibility for roads he had in fact conveyed to Members of the Assembly a modified roads programme in which priority was given to sealing not all of the unsealed roads on Norfolk Island but certainly the ones that representations had been made about and I have a meeting with the Works Superintendent on Thursday morning to further discuss that programme
- MRS SAMPSON I have one now for Mr King. Now that the Minister has responsibility for Postal and Philatelic Services he no doubt is aware of the Australian Stamp Dealers Conference on the Island in November of this year. The previous Minister for Finance favoured waiving the duty that would be incurred from bringing to the Island for the purpose of this conference stamps, coins, bank-notes and phonecards. As add ons to these commodities there are brochures, albums and advertising material. Does he intend to exempt these as well and what would be the repercussion from the stationery and philatelic retailers based on the Island
- MR KING Mr Speaker quite frankly I haven't turned my mind to it. Certainly earlier decisions that were taken by my predecessor will remain in place but if there is any further approach to me in respect of the waiving of duty on any other items then I first and foremost will be taking advise from the public service. Until I take that advise I'm not in a position to talk about any repercussions of any decisions that might be taken about some proposals which might be put
- MR SPEAKER Thank you. I will respond to the Point of Order raised by Mr King. Standing Order 104. That Point of Order is sustained. Order 104 item 5, Mrs Sampson
- MRS SAMPSON Then I withdraw the remark
- MR SPEAKER Yes, thank you. Further questions without notice
- MR BATES Thank you Mr Speaker. Just a supplementary question to Mr Adams on the subject of shipping. Does the Minister have any concerns regarding the future employment prospects for those employed in local shipping resulting from recent change in circumstances
- MR ADAMS The answer to that is essentially "no", Mr Speaker. There is a regime I understand to ensure that the concerns raised by Mr Bates are basically allayed and I see no further cause for concern if these normal procedures are adhered to, thank you

MRS ANDERSON Thank you Mr Speaker. I have a question for Mr Adams as Minister for Emergency Services. Did the planned hijack emergency scheduled for Monday, in fact, go ahead

MR ADAMS Yes, I understand that it did

MRS ANDERSON I have a supplementary to that please Mr Speaker. Is the Minister aware that at the time of that exercise the Acting Co-ordinator for Welfare on the Emergency Relief Management Committee was not advised that the exercise was in place

MR ADAMS I'm unaware of that Mr Speaker because I have not had a full brief on the subject but I'll come back to Mrs Anderson on that when I'm more informed myself, thank you

MRS ANDERSON Mr Speaker I have one further question for Mr King as Minister for Airports. Can the Minister please advise what the current situation is with regard to the construction of the new airport terminal and does he intend to proceed along the same lines as the previous Minister

MR KING Thank you Mr Speaker. Again, I won't be proceeding along any lines without the concurrence of the majority of Members. I am yet to be fully briefed on the situation, I have a meeting scheduled to take place this afternoon. As I understand it, and I'm sure as Mrs Anderson understands it as well, that there has been a process of consultation taking place in recent times with local tenderers and the outcome of that process has not yet been informed or given to me but consequent upon my being briefed up this afternoon on that particular issue I'll be talking to Members further about it in the very near future. I'm certainly keen to see the project progressed, in fact I'm annoyed that it has taken so long to get nowhere frankly and so I do want to stir it along a little bit but how I might stir it along is not quite clear to me yet

MR BATES Thank you Mr Speaker. A question for Mrs Cuthbertson who has responsibility for legal matters. Recently the Minister discussed the possibility of introducing bankruptcy legislation. Is this proposal proceeding or has it been shelved

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. No the proposal is not proceeding right at the moment. I'm looking at various options of introducing such legislation without Norfolk Island going to the expense and the difficulty of bringing in its own voluminous laws and I will be going back to Members very soon with the various proposals and consult them on what they would favour

MR BATES Further question for Mrs Cuthbertson. Did the Minister ever receive the conceptual plans for the new hospital which were being prepared by her predecessor and if so, do any buildings encroach on the adjoining land

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. Yes I did receive the conceptual plans from the architects in Sydney that were commissioned by my predecessor. The conceptual plans were to say the least, disappointing. There were three options. One of the options certainly encroached on land owned by other people at the moment. It is the opinion of the new Director of the Hospital that to staff a hospital designed along the lines of the three conceptual plans would certainly necessitate a great many more people because it has so many corners and so many indirect ways of getting from point A to point B. We have paid a lot of money for these plans, they really do not amount to anything much more than sketches, we will certainly file them for the moment. We are proceeding with making the present building as functional and as easy to keep clean and useful to the present patients

and to the staff as possible and quite frankly I do not think that we will need a new hospital for a few years yet and by that time we will have to make a decision whether we build on the same site or whether we need extra land. I favour building on the same site, but I may well not be the person making the decision by that time

MR BATES Thank you Mr Speaker. A further question for Mrs Cuthbertson as Minister for Education. What is the Minister's intention regarding the school fees which remain unpaid after the school fees were abolished

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. At the moment there are a number of legal questions that are outstanding on the matter and I've been seeking advise from the Crown Solicitor and from the Finance Manager. If Mr Bates would like to put that question on the Notice Paper I will have the opportunity to answer it by next time

MR BATES Question for Mr Christian, the Minister for the Environment, does the Government have any plans to deepen the Kingston seaway which remains dangerous to lighterage operations and other users during low tides

MR CHRISTIAN Thank you Mr Speaker. In short there are no plans in place to deepen the seaway but there has been ongoing discussions with members of the Fishing Club about removing a couple of bumps in the area adjacent to the steps in the pier and when a concrete proposal comes forward I'm not sure that it rests in my area now or in Robert's but appropriate consideration will be given to the proposal

MRS ANDERSON Thank you Mr Speaker. I have a question for Mr King. Mr King at the formal sitting of the House in March you tabled the report of the Joint Standing Committee into freight and passenger services to Norfolk Island. At that time you undertook to prepare a formal response to the Committee. Has this been done and if not, when will this be done

MR KING Thank you Mr Speaker. Yes it has been done and cleared at the executive government level and I'm happy to circulate that this afternoon

MR BATES Thank you Mr Speaker. A question for Mr King with responsibility for liquor sales. What is the position regarding licence fees for those private organisations and clubs selling liquor to the public and their members but not from licensed premises

MR KING Mr Speaker let me give a short answer because I'm not quite sure of the ins and outs of it entirely but I'll tidy up the edges of the answer a little bit later on. I understand there have been some concerns expressed by people that certain organisations in the Island who appear to be conducting licensed premises without a licence. That concerns me a little bit. Some of it has been sanctioned for a long time I might add based on the nature of the activities undertaken by those organisations but I'm not sure in my mind that that is sufficient justification for waiving any licence fees for those organisations whilst they continue to serve liquor paid for by members outside their own organisations and I understand that is the case. It is a matter that I'll be giving some attention to in the near future

MR BATES A supplementary to that Mr Speaker. The background is that the licence fee relates to licensed premises and these are being sold outside licensed premises and no premises to licence and I just wonder if the Minister doesn't think it should be at least a level playing field for all those in the game of selling liquor to the public

MR KING Oh well it's dear to my heart Mr Speaker that all taxing

measures should be fair and equitable

MR SPEAKER Yes, thank you. Further questions without notice

MR BATES Thank you Mr Speaker. To Mr King, responsible for customs. Recently the Government approved the establishment of a bonded warehouse for the purposes of importing and exporting cigarettes. Does the Minister intend to make similar concessions to those other businesses conducting mail order services

MR KING Mr Speaker I have no policy on that matter myself. Let me say that I will look at any proposal on its merits, particularly if such proposals were of a new business, in other words a new industry for Norfolk Island and obviously you have to look at the economic benefits for the entire Island and the benefits to the public purse and I think those are the two over-riding factors that I would apply with any similar applications from outside. If anyone is interested in establishing a new business or a new venture over here or making an investment of any nature in the Island please come down and see me

MR BATES Thank you Mr Speaker. Final question for Mr King with responsibilities for quarries. What is the present situation regarding royalties on rock removed from the cascade cliff face area

MR KING Thank you Mr Speaker. The arrangements for the removal of rocks from the existing area include a basis for paying a royalty to the Administration. I can't recall how much that royalty is although I do understand it is greater than that royalty which applied when we were quarrying or when the private operators were quarrying Portion 5A although that did include a basis for payment of a royalty. Whether it's been paid or not of course is another question

MR SPEAKER Thank you. Any further questions

MRS SAMPSON Thank you Mr Speaker. I will direct this question to Mrs Cuthbertson. How many people are waiting in the queue to immigrate to the Island

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. If you mean people waiting on the quota queue, at the moment to my knowledge there are applications for any of the positions on the quota cue. A few people are discussing putting in applications but to my knowledge there are no real applications here with us at the moment. We do have about eleven places vacant on that queue

MRS SAMPSON A supplementary question if I may Mr Speaker. Does the Minister intend to review the Immigration Policies taking into account the lack of interest in people coming to the Island

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I don't know whether we have to review the policy as such. From my general reading of the policy and of the Act so far it seems to me what is required is perhaps to get the message out to interested people that we do have a quota which has vacant places and that we will consider applications but because for a long time it has been almost impossible to get onto the quota for coming to Norfolk Island, so many people have put it out of their mind so if we can get the information about the new situation out to interested people I think it will make a difference but I don't think the policy itself at this point needs to be reviewed but I may change my mind after I understand it better

MR SPEAKER Thank you. Further contributions Honourable Members

MRS SAMPSON Thank you Mr Speaker. These are to Mr Adams as the Minister responsible for commerce and industry, what steps is the Minister going to take to

revise the floundering economy

MR ADAMS Thank you Mr Speaker. I think I will just wave my magic wand and it will all be fixed. For my part Mr Speaker I intend to begin a process, particularly in the rural area, of an enhancement scheme which will add to viability of the rural situation which has in my opinion has been basically left in a state of dormancy I think it would be fair to suggest. There are a number of letters flying around all over the place at the moment. Nothing concrete for Mrs Sampson at the moment but I will be bringing forward a package in the future

MRS SAMPSON Thank you Mr Speaker. A supplementary question. Has the Minister any particular rural industry in mind and to carry on from that, is he aware of this letter from the Norfolk Island Growers Co-op which is dated the 27th June this year, who have obviously tried to do the best with their endeavours but have been obviously frustrated by bureaucratic bungling. Has he got any solutions to this type of problem

MR ADAMS Thank you Mr Speaker. As Members may be aware that letter has been around for probably two months and I believe Mr Bates has already asked the question something along those lines, the question therefore reads I guess, what am I going to do about it. Well to that end Mr Speaker I've contacted a research body in New Zealand with a view to getting around the apparent difficulty we have with the Ministry of Agriculture and Fisheries in New Zealand regarding the health status of the fruit and I believe they we are very close to a solution, thank you

MR SPEAKER Any further Questions Without Notice? Then we are concluded on Questions Without Notice. We will proceed

Presentation of Papers

MR SPEAKER Any Papers for presentation this morning?

MR KING Thank you Mr Speaker. I formally table the current Administrative Arrangements consequent upon Mr Adams elevation to ministerial portfolio and my recent change of designation

MR SPEAKER Thank you Mr King. Are there any Regulations to be tabled this morning? No. Thank you. Any further Papers?

MR KING Thank you Mr Speaker. I was asked a question earlier about the response to the Joint Standing Committee in relation to the Passenger and Freight Enquiry and I am happy to table that response now, thank you

MR SPEAKER Thank you any further Papers?

MR KING I'm sorry Mr Speaker I have lots and lots. Mr Speaker I table the monthly financial indicators for the month of June 1995 and move that that Paper be noted

MR SPEAKER Thank you, the question is that the paper on financial indicators be noted

MR KING Thank you Mr Speaker. Just a few short words in relation to these monthly financial indicators, it is the normal practise to table them in each month for the purposes of discussion. They have been previously circulated to Members although I will appreciate if Members are loath or reluctant to debate the content now in view of the fact that they are in interim form and I am required by the Public Moneys Ordinance in due course to table a complete set of financial accounts for the revenue fund and indeed the Government Business Enterprises. I

think by the end of the year I suspect Mr Speaker. What I am able to do is to provide the unaudited financial statements by September 1995 for the purposes of debate and given that the audit won't be completed by that time but will be in a position to debate more intelligently the final outcome rather than a set of interim figures. Let me make some very brief comments however Mr Speaker in relation to these, and those comments are these, that the indications are that the net outcome of the revenue fund for the end of the financial is a restoration to the revenue fund of some \$340,000 odd. Now that, very thankfully follows on from two years during which there was a deficit to the revenue fund both in 1993, a reducing one in 1994 and a further reduction to a positive outcome in 1995 so that's an outcome which will be welcomed I'm sure by the Members and by the community. I mention that these figures are however, of an interim nature. There are some things which are not terribly clear at the moment, for example it will take some months before the final returns come in from, for example, the crown agents for our philatelic sales, or other agents, crown agents in England and agents elsewhere to send in the final outcomes, it will be some time before we receive the final position in relation to creditors in a lot of the undertakings, so those are the reasons why we can't get a more precise picture now. Mr Speaker these are the best set of figures for several years and figures which I'm sure Members will take some heart from and I hope the community take some heart from the fact that there's been a replenishment of some of the funds in the revenue account.

To some extent, although it's not quite clear to what extent, that outcome is partly as a result of an increase in tourism numbers for the year and in that respect and as part of this debate Mr Speaker I would also table the inbound passenger statistics for June 1995. Those figures show that the outcome for the year has been increased to 4.7%, just short of 5% in total tourist numbers to the Island and a consequent increase although not as great, in the public accommodation area which is an area of activity that we have had some focus on over the years because they are paying customers as it were unlike those who stay privately who don't pay for accommodation but who do however, inject some money into the community. Mr Speaker, earlier on in the financial year there was an indication that the year would have been a booming year, an all time record year as it were. I indicated from time to time that I wasn't quite sure that rate of increase or regrowth was going to be sustained during the year and that prediction proved fairly correct although I would have liked a better outcome than a 5% increase for the year but I'm hopeful that that sort of increase will at least be sustained in the coming year and am confident that it will have again a similar effect on the performance of the revenue fund in this coming financial year. I think that's all I care to say now on those papers Mr Speaker, thank you

MR SPEAKER Any participation

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I am heartened by these figures, not just because the revenue flowing to the Government is increasing but also by the increased figure customs duty collected because it does reflect that importers, our traders in Burnt Pine, are obviously bringing in more goods and some of them must be being bought by our visitors. I am conscious of the fact that duty has gone up by 1% so certainly that is reflected in the 13% increase and obviously some of that 13% increase is also taken up by the fact that certain goods we are importing have also increased in price but not all of it is reflected in that increase. It does mean that people are selling more than they were selling last year, in the financial year before and it does mean that some sort of revival, some sort of improvement in our economy is taking place and it's good to have objective evidence of that, thank you Mr Speaker

MR BATES Thank you Mr Speaker. I just wanted to comment on some of the remarks made by Mr King. He did mention that over recent years our reserves of our revenue fund has been depleted and I would say depleted to almost a dangerous level but I think it also proves that it played the part for which it was intended over

the last few years and being able to prop us up through that bad time but the facts are, and I welcome this surplus in building those reserves back up again to something towards what we should be aiming a comfortable level of reserves, but the real facts behind this are that we have taken an additional \$340,000 out of the community by way of taxes and revenue and we haven't put it back, we've just simply taken it out of the economy and I think we need to think about these things, we need to think about just what our reserves should be because I don't believe that any government has the right to tax people or to raise revenue just to put it in the bank. I don't think that's part of it, that certainly is not part of my thinking so we should be concentrating on what level we think our reserves should be and we should be aiming at attaining that level, but we shouldn't be aiming at just congratulating ourselves because we've made surpluses because I don't think we have the right to continue just doing that, thank you Mr Speaker

MR SPEAKER Thank you. Further contributions Honourable Members

MR KING Thank you Mr Speaker. Mr Bates spoke some very wise words, in fact, during the budget debate Members will recall that there were certain utterances by Members around the table here which suggested at least by the majority that we were at odds with the then Minister for Finance in his approach or his philosophy to budgeting. Most of us spoke about taking a wider view of the economy and having a very close look at the economic impact of the expenditure from the public purse and that is one of the philosophies which I will try to inject into my job here. And I hope that other people will join me in a thorough review of our thinking with a view to producing some sort of economic policy, some direction against which we can attach our decisions of a fiscal nature. One of the wisest things said in the budget debate on the last occasion was Mr Bates who said that we do not have the right to take money out of circulation and I think that is quite right although that should not indicate that I'm going to empty the public purse overnight. In fact I can't do that of course, without the sanction of the Members around this table so anyone out there who is concerned about Kingie's radical approach or radical philosophies about these things, ought not to be concerned too much because there are eight Members in this House who can slam me down if they have a mind to do that, but I think that was a very important comment to make and I applaud Brian for saying that. I want to make one more mention Mr Speaker, that I should have made earlier, and I didn't want to hide from it was that one of the most concerning aspects of the financial indicators, although not indicated in these, but indicated in some notes that I have to these indicators is the gross reduction in the estimates on postal services revenue. That is an area which concerns me greatly and that concern has been heightened in recent times as a result of my being briefed by the individuals in the public service who has some responsibility there, but that is an area, the philatelic sales, which is going to receive some very close attention. That was down \$125,000 on the estimate which of course in turn reflected on the amount of money or dividend we could withdraw from the postal philatelic area, so I didn't want to hide from that fact, so it's not all good, there are some indicators which are down and which obviously have got to receive more attention than other areas of revenue, thank you Mr Speaker

MRS SAMPSON Thank you Mr Speaker. I take slight exception to Mr King's remark about saying there are eight Members around this table who will look at his ways of looking at finances. I take exception because there are two of us who have different ideologies to private enterprise against public service, and he knows he has the numbers but if he wishes to go to deficit budgeting he can present something and I would imagine it would be a whitewash. He stated when we were debating the budget that he would prefer deficit budgeting. I am strongly opposed to it because I think with deficit budgeting you borrow and then have to service your debt and you will get further into debt and to say that there are eight Members around this table that can take him to task, I think is a little bit of a glib remark

MR KING I fear I must respond in very brief form Mr Speaker. I haven't said anywhere at any time that I have a preference for deficit budgeting, for heavens sake. I said, as a tool available for us in our economic or fiscal tool bag, which we shouldn't ignore but certainly expressing a preference for it, for heavens sake I didn't say that at all. As for injecting my philosophies into things and having been guaranteed of a whitewash and majority support around this table well I'm not quite sure about that. In fact, I'm positive that I don't have the support for my philosophies around this table. How Mrs Sampson made that assessment is totally totally beyond me. I simply don't have that level of support around this table. It is regretful that we aren't in party political situation, so I can't be confident in doing anything at all and that is the nature of our system of government so Mrs Sampson there is room for you to contribute. There is room for you to contribute in a responsible, reasonable and intelligent fashion after all

MRS LOZZI CUTHBERTSON Thank you Mr Speaker, I'm concerned that Mrs Sampson has come to this conclusion and I wish to reiterate and if she checks what I said on the occasion of the last budget debate, although I did not agree with some of Mr Bennett's ways of doing things, I said at least three times that I favour a balanced budget, that I'm against a deficit budget and I assure you I certainly stand firm on that and it would take almighty pressure to change me from that

MR SPEAKER Thank you. Further debate? The question is that that Paper be noted?

QUESTION PUT
QUESTION AGREED

The ayes have it, that Paper is noted thank you. Are there any further Papers for presentation, Mr King

MR KING Thank you Mr Speaker. In accordance with section 32(b) of the Public Moneys Ordinance I table a list of direction for virement between money votes given since the last regular meeting of the Legislative Assembly on 28th June 1995

MR SPEAKER Thank you. Further Papers, Mr King

MR KING Thank you Mr Speaker, in accordance with subsection 32(a)(ii) of the Public Moneys Ordinance I table a list of suspense account entries for moneys which have been set aside from the revenue fund to the head of the trust fund known as suspense account for the year ending 30th June 1995 and I'm happy to accept a motion of adjournment of those if Members want to have a closer look and join in debate on the next occasion

MR SPEAKER Thank you. Did you move that that Paper be noted

MR KING I will do so Mr Speaker and at the appropriate time I will move an adjournment

MR SPEAKER Thank you. The question is that that Paper be noted? Are there any participants in the debate? Do you want to adjourn that or settle it now?

MR BATES Mr Speaker there are some aspects of this suspense account which I think do need reviewing because items that are suspended at the end of the year show as actual expenditure when the year is finished and I we find now that a certain amount of this actual expenditure is returned to the revenue fund each

year, I think it is somewhere in the vicinity of \$50,000 so what we are doing each year, we are overstating our expenditure in one year by some of these amounts which never come to fruit and I think although the suspense account was meant to head towards some sort of accrual accounting of our expenses in the revenue fund in a particular financial year, the opposite does occur in circumstances where this money is suspended and then put back into the revenue fund because I think it has to be spent within two or three months, I'm not sure of the exact time but there is a time limit on it and I'm wondering if I could give a hyperthetical case of what I'm talking about. I always use bathing sheds at Anson Bay as a hyperthetical case, if there was money in the budget to build bathing sheds at Anson Bay and they didn't get off the ground and that money was suspended, it would show up in that years expenditure as bathing sheds at Anson Bay and somebody looking at the financial statements in five years time might well be pardoned for saying - I'm assuming that the sheds never were built from the money that was suspended - they could look at the financial statements five years hence and say now, back in 1990 we built bathing sheds at Anson Bay, where are they. Well it's just a figure that is shown in there as expenditure which never happened. So there are some aspects of the suspense account which I disagree with and I'm just wondering whether we need to talk about it during the coming months or whether we need to adjourn this debate or if others have some views along those lines

MR KING Well obviously Mr Speaker, all I'm doing is complying with an existing provision of the law. I'm quite happy to talk about it. I'm not entirely happy about the processes that are followed here, either, and maybe there's room for us to talk about the provisions of the law but there is no need for us to do so in this House until a firm proposal comes forward

MR SPEAKER I will then put the question that that Paper be noted?

QUESTION PUT
QUESTION AGREED

The ayes have it, that Paper is noted thank you. Are there any further Papers to be presentation, Mr King

MR KING Finally Mr Speaker although there is no legal requirement for me to do so, I table the budget proposals, the income expenditure estimates for the Government Business Enterprises for the year ending, this coming financial year, to 30th June next year and move that they be noted

MR SPEAKER The question is that that Paper be noted

MR KING Thank you Mr Speaker. The exercise for which this is the culmination is one which commenced under my predecessor Mr Bennett and the final proposals which I've just tabled reflect those processes of discussion which have taken place and the views of Mr Bennett which I haven't substantially changed. These are areas of expenditure and income which can or are capable of being very closely monitored on a month by month basis. I intend to adopt that view and to be watching each area very closely in accordance with those estimates, however, again I've only circulated these in their final form in the last week and I would be happy if anyone wanted to adjourn that and speak again on the next occasion

MR SPEAKER Thank you. Participation?

MRS SAMPSON Thank you Mr Speaker. If I may ask Mr King, the commercial director who is about to start employment with us, from what I gather from Mr Bennett, was expressly brought into the Island to look at the running of the commercial enterprises. Is his remuneration going to be divided up between them or is it just going to be a public service salary within the public service without

being actually divided up between the Government Business Enterprises

MR KING Mr Speaker as I understand the budget papers as they were put to us there is a division between enterprises, which is right and proper of course

MR SPEAKER Thank you. Further participation in the debate?

MR KING I would now move adjournment Mr Speaker

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

QUESTION PUT
AGREED

The ayes have it, that matter is adjourned for a subsequent day of sitting thank you. Any further Papers? No

Statements

Are there any Statements this morning Honourable Members?

MR ADAMS Thank you Mr Speaker. Part of my portfolio includes the transport area and I wish to make a statement on some information received yesterday from Ansett and it's along the lines that there is going to be a substantial upgrading of services by Ansett to Norfolk Island and they are as follows - the airline will introduce Boeing 737 aircraft from Sydney to Norfolk and back to Sydney route from October 29th replacing the F28 aircraft which presently serves this route. Initially the 737's will operate Saturday and Sunday services between Sydney and Norfolk Island and they will be then introduced on Tuesday and Thursday from December the 23rd. This will provide almost a doubling in capacity between Sydney and Norfolk as well as enhancing service arrangements. From the Brisbane end Mr Speaker, Ansett has made a statement that it will upgrade its services between Brisbane/Norfolk with the introduction from October the 29th of BA 146 aircraft on the weekend services. The weekday services between Brisbane and Norfolk will continue to use the F28 4000 series aircraft presently on the run. So all in all, Mr Speaker, a good result for Norfolk Island. Thank you.

MR SPEAKER Thank you. Further statements.

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I would like to make a sought of personal statement by way of information to everyone in general. I have lately arranged for the Hospital Enterprise to utilise the storeroom under my shop Scruples in town at no cost to the Hospital Enterprise. This will enable the Hospital Enterprise to save some thousands of dollars per year in storage rental until they can make other arrangements. I want to explain that in exchange for this usage, I will only ask the Hospital Enterprise to cut the grass around the shop once a fortnight. So I have checked the legal points of this to make sure I was not breaching any rules and I was not obtaining an advantage that was made illegal by law by this and I'm assured that I am perfectly safe in this respect. But if anyone sees anybody from the Hospital Enterprise cutting the grass around Scruples they will know what it's all about and I want to make sure there is no fiddle thought. Mr Speaker, I have another statement that I would like to make and something much more serious. I have had a number of complaints and questions lately to me with regard to the letting of cleaning contracts for Administration property and since I sit on the Tenders Committee I think it's fair to mention to people out there that the reason that so many employees of the Norfolk Island Administration have been successful in receiving, being awarded contracts for cleaning Administration buildings is because in some cases only tenders from people

matter just dies as it were with the 7th Legislative Assembly and that was the reason why certainly was my involvement in setting up the Committee it was put into place very early in the term of this House so I would ask the Committee that they would keep in mind that fear and I think it's a legitimate fear given that some of the amendments which might arise from the deliberations could need changes to the Australian legislation which takes considerably longer than changes to ours. Thank you.

MRS ANDERSON Thank you Mr Speaker. If I may respond to Mr King's comments. The Committee are very keen to get this report finalised as soon as possible. It has been going on for a very long time. One of the reasons for it being so protracted is that despite the feelings within the community at the time of the last election we received very few responses to our call for submissions. It only in more recent times having I suppose because of the new by-election that people have again got renewed interest in the subject and have made approaches to me and other members of the Committee with their views and we felt that it was important that these should be included in the report. Much of the material that we have in the report at the present time has been gathered through the offices of the Clerk and the Secretary of Government and other members of the Administration here as being the experiences of other nations rather than the feelings of the local population and we feel that we would like as much local content as possible to go into this report because after all that's what it's about. Our voting system, not that of other countries. So although I am inviting further submissions at this time I would urge that they be sent to the Committee within a week or two at the outside so that we can finalise the report by the September sitting which is the present target date. Thank you Mr Speaker.

MRS SAMPSON Thank you Mr Speaker. I agree with Mrs Anderson. I just wanted to make the comment that perhaps Mr King might have slightly misjudged the community that there were not as many people here on the Island that were interested in Electoral reform as might have seemed from that meeting that took place before the last elections. I think after the elections happened and the Members were elected I think alot of interest died and it's only with the good efforts of Mrs Anderson as the Chairman and Mrs Graham as the Clerk that interest has been kept going by actually asking people on the Island that who had been Members of previous Assemblys or have an interest to put their submissions in. It certainly needed alot of urging and that urging has taken quite along time. Thank you.

MR SPEAKER The question is that the report be noted.

QUESTION PUT
AGREED

The ayes have it. That report is noted thank you.

NOTICES

MR SPEAKER We move to notices Honourable Members.

NOTICE NO. 1 - TOBACCO BILL 1995

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I present the Tobacco 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.

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. The purpose of this Bill is to control the sale and distribution of tobacco products to minors. The Bill is based

intent of this Bill I believe is to stop youth smoking and apparently that is the underlying intent I don't believe it's going to work. If anything it will work in reverse and I believe it will work in reverse by increasing the aura surrounding smoking. It will be seen as more desirable with regarding pier group and how you are seen in your pier group and more impressing if you have accessed cigarettes at an age of less than 16 whereas now it's not really any big deal. Mr Speaker, I think there is one sure way of giving something an inflated value and that is to have big brothers regulatory foot crashing around in the issue. Mr Speaker, I agree with Mrs Lozzi-Cuthbertson that there's no doubt that smoking is harmful, I don't believe there is any doubt about that. In the explanatory page that comes with the Bill, the extensive evidence that states of the harmful effects of smoking. Damage of tobacco smoking is too significant for us to ignore it states.

Then I fail to see Mr Speaker, why the Bill only applies to 16 year olds. Is the damage only below the age of 16. Again if so much evidence why does the Bill only target less than the 16 year olds. The questions that arise out of that Mr Speaker are perhaps less than 16 year olds don't vote therefore there's no electorate reaction at the next pole. Is it perhaps the Government's quite happy to pocket the revenue derived from the sale of this recognisably dangerous product. Is it because older smokers do vote and if we remove their right to smoke there may well be a vote to backlash. Is it because the Government feels the need to appear to be doing something, probably rather more like a Clayton's initiative. An initiative you appear to have when in fact initiative I think it would be fair to say probably worsen the situation. I suppose the question health wise which is one of the underlying concerns in this Bill is how many less than 16 year olds have we seen with emphysema. How many less than 16 year olds have we seen with lung cancer. How many less than 16 year olds have we seen short of breath. On the other hand, Mr Speaker, how many 50 to 70 year olds are inflicted with lung cancer, how many with emphysema, how many are short of breath due to lung damage or rather tobacco related nasties. The answer, Mr Speaker, to the first one is none and the second one many. We simply can't blame the fact that old ones with problems because they commence smoking at a younger age so therefore that is the only area we need to target. The issue, Mr Speaker, is that such a dangerous product is available at all. That's the one that needs addressing. A point worth noting, Mr Speaker, Mrs Cuthbertson eluded to it is the alcohol prohibition to less than 18 year olds. Mr Speaker, the results, reports come in rather, less than 18 year olds access alcohol at functions be they indoor whether they are outdoor, licensed clubs from time to time, probably, generally I would say they probably would be bought on their behalf by someone else and also the party situation. Lets reflect, Mr Speaker, on how many convictions have resulted from the less than 18 year old alcohol access prohibition. I can't remember any. Have there been any. So looking at this alcohol record is an indicator. We can be reasonably sure that this tobacco prohibition will not result in any action. I think, Mr Speaker, would be naive to think that because of this Bill tobacco transfer will cease, if anything I think it will probably increase. This Bill I think has affects both real and implied. I'm convinced that smoking, if this Bill comes to life, Mr Speaker, I am convinced that smoking by less than 16 year olds will increase. It implies that there is a significant widespread smoking of an age of less than 16, a problem in those areas which will vanish when this Bill emerges. I think that's fantasy Mr Speaker. It implies also that the shop keepers who sell this tobacco product indiscriminately sell tobacco products to all and sundry to make a quick buck. It implies that the community, including parents, are uncaring about whether or not the less than 16 year olds smoke. In other words the Bill implies that there is no self regulatory system in place. The reality, I believe, Mr Speaker quite firmly is different. Overall I am disappointed that so much time has been put into creating restrictive legislation either to tie something up, make something more difficult and generally to regulate our lives more tightly. This effort, Mr Speaker, would be much better utilised by being involved in the restricting processes by bringing in things, processes, activities that will for instance better our standards of living. I suppose, Mr Speaker, in summary I mean what about doing something essentially to

MADAM DEPUTY SPEAKER Thank you Mr King. Further participation.

MR BUFFETT Thank you Madam Deputy Speaker. I have got a number of questions which I would really like to raise but also some views to put forward. It has been said that one of the initiators, one of the areas of initiation of this piece of legislation has been the area of the Police. In other words I am assuming that the Police had brought to their notice that some retailers are in fact selling this product to people who are under the age of 16 and their disturbed about that and they are having difficulty in being able to prevent it. I think we all, and if that is the case I would appreciate some confirmation of that. If it's desired to prevent those people having access to that product this piece of legislation is not going to do it. I think that's quite clear. They will find another method to access cigarettes. That doesn't mean that I am saying that they should continue to impair their health but I am very hesitant to think that a piece of legislation like this is going to be the tool to achieve it. I think what is needed is more an Island wide educational program with much more force than we have been exhibiting to date. To point out in the Schools for example the difficulties of these and if in fact this activity continues to go on in the Island then we need to increase our efforts in those particular areas because I don't think just coming and slamming a piece of legislation on the table is going to be the effective thing. I do know that in parents, the efforts of parents, to endeavour to bring to notice with their children the difficulties, the health difficulties, and other difficulties that relate to smoking and I think if people are implying that parents are not doing this they are underestimating the strength of some families in trying to ensure that their family has good and continuing health, not only now as youngsters but in their later life, if they take on this smoking habit at this early time. Families do try and bring that message home and it does require some reinforcement by we people here who are elected Members. But I don't think just slamming a piece of legislation on the table is the way to achieve it. I think we need to be more out in the market place so to speak with methods that come home to people who are in this situation. By opposing this legislation and I am not saying that I will at this moment but I have grave hesitations about it I don't think abdicates our responsibility at all. It does mean that we might need to give greater effort in other areas and I would invite Members to think about those other alternatives which I think will be more meaningful and I'm sure would be more successful than just saying fine we have done our bit, we have put a piece of legislation on the table and there it is. I think the responsibility if we are serious is much wider than that and we should be doing those other things and not just leaving it to a piece of legislation cause it will not work in the ways that I have mentioned. If people want to do this, a piece of legislation on the table is not going to stop them. It needs to be a process of convincing them, their minds that it would not really do them any good now or in the future and to convince their peer group that it's not something that is valuable for them or they might see it at this stage to be rather great but really it's not, but really it's not and there is an educational process to achieve that. I don't think a piece of legislation is going to achieve it.

MR BATES Thank you Madam Deputy Speaker. I certainly have no difficulty with what Mrs Cuthbertson is trying to achieve here but I do have lots of doubts as to whether she is going to achieve it with this piece of legislation. Legislation as I see or the little bit I have read of it really prohibits the sale of tobacco products to children under 16 and that's about all it does and that is not really, on the mainland we have the deterrents of packaging, where packaging has to have certain notations on it. It doesn't say anything about it here and the supplier could remove those packages under labels that don't say smoking is a health hazard or these things. We passed legislation to protect our young children from things, things like driving vehicles on the road and we say if you are under 16 you can't get a licence to drive on the road. When you are 16 you can. I am wondering how many kids are going to look upon this bit of legislation as a

likeness to smoke when they turn 16. I am wondering if they won't be looking forward to the day when they are 16 and when they can legally buy a packet of cigarettes and where they won't be saying to mum and dad when they are 16 that mum and dad will be saying you shouldn't be smoking you are too young, they'll be saying ah but the Government says I can buy cigarettes at 16. I am now the legal age to smoke, gee mum you know you are a bit tough on me. I am just wondering, it may not back fire. I think probably there hasn't been enough thought go into it. I have doubts really that it will achieve that it is desired and as I said it may have the opposite affect but certainly what the Minister is trying to achieve I think Mr Buffett's spoke lots of words of wisdom there. It is education and it should be more to it I think than just what's in it. Thank you Madam Deputy Speaker.

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. Like Mr King I founded that things that are taken absolutely as normal in other parts of the world, bar the legislation, are considered so peculiar here. I think this legislation has a beauty to set standards and any Legislative Assembly has. Norfolk Island derives a very healthy profit out of duty from the sale of cigarettes. So we could be seen to actually benefit from the ongoing poisoning of our people. I am personally against the restriction, the banning of any drug. I think there is alot of evidence out there in vary situations throughout the world and I have actually made a study of this some years ago that banning any product has a contrary effect. Controlling its sale, controlling its circulation is essential. We have already controlled the sale and circulation in use of alcohol because we have recognised right from the beginning that it can have an effect, not only on everybody that uses it, but particularly on young people who get involved in its usage early in their life. Yes, like Mr Adams, I know that many young people obtain alcohol below the proper age at parties but they still cannot go and buy it of their own accord.

Somebody else procures it and of course there will be no prosecution for that because there are no restrictions from the people's usage of the alcohol as far as I know. Now there will be no restrictions on this Bill on young people smoking. All we are doing is saying and giving a very definite message to the community that as a Legislative Assembly we do not think that people should make money by selling tobacco products to children, to people under 16. We think this is bad. We think this could be, have a very negative effect on the health of these young people. We know it will have an effect and it really is a remarkably silly to say how many young people have emphysema, lung cancer and so on. We know from evidence that is circulated by medical people and researchers that all those diseases are long term diseases, that develop by the abuse and use of tobacco over many years. So of course under 16 will not have. Even the ones that start smoking in the womb will not have it under 16 years of age. It takes a little longer than that but as an Assembly we should be doing something. We should be setting a base line and just like Mr Buffett said we recognise this as a base line and I've already started discussions with various people to set up a Committee that will conduct an anti-smoking campaign. Let us be clear about it. Whatever anti-smoking campaign we conduct on this Island will certainly not have the wizz bang effect that any anti-smoking campaign conducted in a place where you can hire a competent advertiser and you can use the mass media to get your message across. We just don't have that kind of impact. All we can have is a few talks, we can have a few posters, we can have a little ad in the local paper and we can go on ensuring that the education program that is already offered at the School about drugs will also emphasize tobacco products. That part is already in place. We can jazz it up a little bit.

It certainly is out of that program that the Police has been involved in talking School kids about smoking and they certainly are very well aware that many School children immediately as School is out or even in the playground, if they can get away with it, do smoke and they are concerned at the access they have to cigarettes directly. They are directly able to buy them now. Not for one moment as I said my introductory debate do I think that this Bill will do it all and I assure you I have better things when I sleep at night or sleeping at night to dream up Bills

the two young 10 or 11 year olds found a cigarette lighter that morning. They are interested to do what mum and dad do with it or what Jo Blow next door does with it and they got the money to buy a packet of cigarettes so they contemplate after School, lets buy a packet and lets just try it and if we stop that one child from doing it then it's achieved something. The important things to consider in this legislation is that any effect arising from this legislation will be harmless and if for no other reason you got to support it. Forget cabinet solidarity, it doesn't exist here. Let me also point out that we, it is true that we have placed too much accent on cigarettes as a revenue item for the public coffers it's quite true and we shouldn't do that. It's an irresponsible attitude and maybe the answer is to triple the price of it, ten times the price of it. That will fix up cigarettes coming into the Island to some extent, and to see what's happened to some of the States in Australia just at the moment because the price cutting war that's going on between Philip Morris and those other people, where they have put their prices down by \$2 or \$3 per pack of cigarettes and some of the Governments in the States are wanting to join the fray now because they recognise that the effects of that will be greater consumption of cigarettes. Their excise, their revenue hasn't changed and won't change, their concern is greater cigarettes. What are we going to do to fulfil our obligation given to the Commonwealth about tobacco advertising prohibition. We said to them, no, we don't want your laws, we will do our own thing. We haven't of course. How are we going to deal with that. We don't even have the basics. This is the basics. So if it stops that one person, wonderful thing, wonderful thing. I fully agree with what Mr Buffett has said about the education programme. There is a great deal more that we can do with education and more we can do in the area of funding these things. We don't even think about these things at budget time, about how much money we ought to be putting into advertising, public education on these things. As I said, Madam Deputy President, if it stops one person it's succeeded. The other over-riding factor is that any result, any effect, can only be harmless, thank you

MR BUFFETT Madam Deputy Speaker I think one thing that Mr King has said has demonstrated that really the emphasis and the priorities that we are endeavouring to accord by bringing this Bill forward is open to question. He has mentioned the matter of the banning of tobacco advertising. What are we doing about that. Now that process obviously entails an educational process and indeed that should be the priority that we are giving this matter if we are concerned about this matter and we should be using the resources and the time that we may have allocated to this or are allocating to this to in fact go through that process to ask people to understand the difficulties that relate to this particular substance that we should not be pursuing the matter of advertising its availability and in fact we should be advertising its deleterious effects in lieu of the opposite and I think that should be the priority that we should be giving to this matter if we are concerned and genuinely concerned about it. The matter of just putting a piece of legislation here and maybe passing it and saying we can now go home with a clear conscience is inadequate, totally inadequate and the priority about solving it in peoples minds should be the emphasis, that it is not a good thing. It is something that is harmful to people's health, both in the short and long term. Two interesting points were made in debate. One was that this thing is normal in other parts of the world and it is peculiar that it might be different here. We have many peculiarities here. I'm not saying that this is necessarily one of them but just because it is normal in other places does not necessarily mean that we have got to have it and that it will work for us. Maybe we've got to handle things in a different way here in this place. The other one was the healthy profit made from cigarettes. I seem to recall when we were going through some part of the budgetary process, not necessarily at this time because there have been no increases this time, but when we did I think we doubled, tripled, significantly increased the duty imposts in respect of cigarettes. Now people are implying that the reason for that was to earn a great deal more money. In fact, one of the reasons for doing that was to try and deter people because it was a huge price

increase from necessarily going to buy them, now whether that's effective or not I don't know, and the other point was that if they continued to buy the additional profits that may be made from duty would be additional profits that could be made available in the health area because eventually those people may well find themselves in health needs at another time so just to think that it was purely profit motivated is not a correct understanding of the situation of the application of the duty increases of an earlier time

MR KING I just wondered why Mr Buffett when the price went up wasn't raised at budget time when we approached a massive deficit in the budget, but I guess he may have had health in the back of his mind Madam Deputy President

MRS SAMPSON Thank you Madam Deputy Speaker, I have listened to this debate with great interest. Most of it has been relevant, some of it has been irrelevant. I think Mrs Cuthbertson, like the Fire Control Bill is using a sledge hammer to drive in a tack. I do feel that Mr Bates' comment about the Bill is only relating to the sale of cigarettes to 16 year olds. As a mother of three children I know they started a long time before 16, probably 11, 12, 13. They were the ones who persuaded me to give up smoking which I did 15 years ago, so you can't really blame the parents for encouraging the children. Mr Buffett made the point "why should we do something just because it's done on the mainland", I think the Bill needs to be adjourned, I think we need alot of rethinking. I still agree with Mr Adams, I wasn't going to support the Bill because I think it's irrelevant to what we are trying to do and there's been alot of odd arguments caught up at the moment but I would suggest that we have an adjournment

MRS LOZZI CUTHBERTSON I think it is anticipated that debate will be adjourned until the next sitting, I certainly anticipated nothing else. If I may take up some of the points that have been made, on the debate where the impost on tobacco was increased. Mention was made that some of the profits or the money that was made by increasing that impost should go to financing the hospital and the healthcare service, certainly there was no mention in what I read, about deterring people from smoking. Really there is no indication on this Island that any effort has been made to deter people from smoking. There has been very little thought given to the effects smoking has on the people, certainly no indication of it that I've seen anywhere with regard to this Assembly. Parents of course, many very responsible parents have tried to stop their children from smoking and I don't underestimate the value of that for one moment, I think this is most essential the influence parents have on their children but unfortunately many parents actually smoke and they have a very negative effect in turn on their children as well because they set a different kind of example, and many of those parents I'm sure, wish that they had never taken it up but the important thing is the point that Mr Buffett made about what is appropriate elsewhere and what is different about this Island and yet there are many things about this Island, there are very much in common with what is done in other places and I think that the differences are probably very greatly outweighed by the similarities of the way we live here and the way most people in similar societies live in other places. Have we no responsibility for example about the age of consent, the drinking age, the rules of the road, all of those things are in common with many other places, so to think what is common with regard to standards of the selling of drugs, and it is a drug we are talking about let's not play around with that, and a very insidious and very addictive available, certainly much more additive than heroin, cocaine, or any of those other substances which are so easily eliminated and made legal and we are talking about something that effects far more people in the community than any of those terrible drugs so we have responsibility in that regard. We have to set some standards, and say what is acceptable and what is not acceptable. If we have any doubts about whether 16 is too low in age to allow people to make a decision I suggest that Mr Bates move an amendment the next time we discuss this bill, to bring that up to the age of 18. I certainly would have no problem. I thought 16

was a reasonable age as it fitted in with so many other standards set, but if we are going to make it higher I certainly would not oppose it. What I'm trying to sum up is that we do have some responsibility, we have a lot of concern, we should have a great many concerns about what is happening to our young people and we should be setting some standards for them to look at. Yes, this Bill will not achieve it all, and if you remember I opened the debate by mentioning it will not achieve it, it's just part of one of the tools. I certainly intend to go on to the educational part that goes hand in hand with this bill, for without this bill the educational part is going to be less effective, less useful. I think the two things have to be considered together but as far as an education campaign it doesn't have to come to this House, I can set it up and proceed with it without having a formal vote of the House on it. I hadn't imagined that anybody would oppose it but after today I certainly have some questions, thank you Madam Deputy Speaker

MR ADAMS Thank you Madam Deputy Speaker, Mrs Cuthbertson mentioned in her debate that she had actually done a study sometime ago regarding an area that has relevance to this and I've certainly read that and I think it is a commendable document, it's 150 pages long and was actually a Churchill Fellowship as I understand, and it was the development of probation practices with relation to social trends. Madam Deputy Speaker the over-riding theme that runs through that entire book is that drug regulation does not and is not working. Mrs Cuthbertson I understand covered an amount of prisons in the USA how they are in a number of States, how their system works and how she then went to England and the net effect was that she was able to compare the differences in the two systems. The English system is far more relaxed, there is less regulation and the facts are there is less of a problem in the UK and as I have said, the over-riding thing is that drug regulation is not working

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. Then Mr Adams cannot read. My thesis, to which he referred to clearly made the point the regulation works, it is prohibition which doesn't, there are enormous differences

MADAM DEPUTY SPEAKER Thank you. Is there further participation? Mrs Cuthbertson, perhaps you would care to move the adjournment

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

MADAM DEPUTY 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
AGREED

The ayes have it thank you. We move to the next Bill

NO 2 - DANGEROUS DRUGS AMENDMENT BILL 1995

MRS LOZZI CUTHBERTSON Madam Deputy Speaker I present the Dangerous Drugs Amendment Bill 1995 and move that the Bill be agreed to in principle

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

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker, the purpose of this Bill is to amend the Dangerous Drugs Ordinance 1927 to bring the provision of that Ordinance into conformity with a 1988 United Nations Convention against illicit

traffic in narcotic drugs and psychotropic substances. The Commonwealth Government is as signatory to the convention and is responsible for ensuring that the laws of all Australian jurisdictions comply with the obligations of the Convention. Early this year, the Commonwealth advised the Norfolk Island Government that our legislation did not fully comply with the obligations imposed by the Convention. The Bill I'm introducing today will bring Norfolk Island's law into conformity with those international obligations and will close a potential loophole in a regime of drug enforcement which includes Norfolk Island. Madam Deputy Speaker, the principle change to the Dangerous Drugs Ordinance is to change the list of narcotic drugs and psychotropic substances specified in the Ordinance so that that list directly reflects the drugs and substances specified in the Commonwealth Act and the International Convention. To achieve this end, the 5th Schedule to the Ordinance has been repealed and a new schedule identical to that in the Australian Act substituted. At present there are only offences of making an exporting of dangerous drugs. The Bill therefore creates the offences of selling, possessing or purchasing a dangerous drug other than in accordance with the licence issued under the Ordinance. The Bill also specifies that there are more severe penalties in relation to the offences of selling and supplying a dangerous drug to persons who are under 18 years of age. The Bill also sets out factors that a Court may take into account in determining the severity of an offence when sentencing a person convicted of an offence under the Ordinance. These factors include the involvement of an offender in organised criminal activity, whether he or she used arms or violence in committing an offence, or whether the persons held a public office and the offence is connected with that office. Madam Deputy Speaker this Bill tightens up our legislation dealing with dangerous drugs. Not only to ensure Norfolk Island complies with international convention obligations but in response to a commitment made to the Legal Regime Enquiry in 1991 that our law needed renovation. I commend the Bill to the House

MADAM DEPUTY SPEAKER Thank you Mrs Cuthbertson. Participation Honourable Members

MRS SAMPSON At the risk of being facetious that would include alcohol and nicotine

MRS LOZZI CUTHBERTSON Mrs Sampson, the lists of drugs covered are set out in the schedules attached to the Bill itself and I don't think alcohol and nicotine are mentioned but I could check it out

MADAM DEPUTY SPEAKER Is there further participation? Mrs Cuthbertson, I believe it is your intention to have the matter adjourned.

MRS LOZZI CUTHBERTSON Yes thank you Madam Deputy Speaker. I move that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

MADAM DEPUTY SPEAKER Thank you Mrs Cuthbertson. 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
AGREED

The ayes have it thank you. We move to the next Bill Honourable Members

NO 3 - POISONS AND DANGEROUS SUBSTANCES AMENDMENT BILL 1995

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker I present the Poisons and Dangerous Substances Amendment Bill 1995 and move that the Bill be agreed to in principle

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

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. The purpose of this Bill is to amend the Poisons and Dangerous Substances Ordinance 1957 to remove from that Ordinance substances that also fall under the Dangerous Drugs Ordinance 1927. The two enactments serve different purposes and have differing penalties and a different enforcement regime. It is therefore not appropriate that possession or sale of the same substance should be an offence under two different pieces of legislation. Madam Deputy Speaker this Bill is also consequential on the Dangerous Drugs Amendment Bill 1995 which I have just introduced. Its main purpose therefore is to streamline the law by making the Substances Drugs and Poisons under the Ordinance completely separate from those under the other law. I commend this Bill to the House

MADAM DEPUTY SPEAKER Thank you Mrs Cuthbertson. Is there further participation Honourable Members? There being no further participation Mrs Cuthbertson would you like to move the adjournment

MRS LOZZI CUTHBERTSON Yes thank you Madam Deputy Speaker. I move that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

MADAM DEPUTY SPEAKER Thank you Mrs Cuthbertson. Honourable Members 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
AGREED

The ayes have it thank you Honourable Members

ORDERS OF THE DAY

NO 1 - ROAD TRAFFIC AMENDMENT BILL 1995

We move now to Orders of the Day and the Road Traffic Amendment Bill. We are resuming debate on the question that the Bill be agreed to in principle and Mrs Cuthbertson, you have the call

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. Over the last month since I introduced this Bill it has been scrutinised by a number of interested parties including the local magistrates who yesterday advised me they had no difficulty with its contents. During this scrutiny three minor drafting errors were discovered and they were corrected in amendments 1, 2 and 5. In addition amendment 4 altered the number of demerit points a holder of a learners licence may accrue before suspension occurs. That is altered from 8 to 4 to make it consistent with other jurisdictions and reflect the fact that a driver is still inexperienced. Amendment 3 includes New Zealand in the definition of corresponding offence so that an offence accruing demerit points in another State or Territory or in New Zealand will be counted on a Norfolk Island licence. Madam Deputy Speaker as I said in June this Bill establishes a reasonable regime for traffic infringement notices and demerit points. It does not effect any drivers right to have his or her day in court, if that driver so elects but it will allow a person who accepts liability for a minor traffic infringement to settle the matter by payment of a fine and accrual of specified demerit points for a period of time. I hope this Bill will lessen the trauma faced by people who today have no choice in Norfolk Island when charged with a minor offence but to go before the Court of Petty Session. I also

hope it will lessen costly court time involved in dealing with traffic matters where the offences are not denied. I commend the Bill and the detail stage amendment to the House

MADAM DEPUTY SPEAKER Thank you Mrs Cuthbertson. The question before us Honourable Members is that the Bill be agreed to in principle. Participation

MR ADAMS Thank you Madam Deputy Chair. I've had a great deal to say about this Bill in the last sitting. Mainly concerning the negatives surrounding this Bill and I feel there are many. Overall I feel it would be fair to regard this Bill as another bash the youth Bill because they are the ones who will feel the big stick from this one, but as the Minister for Education said, let's not focus on the youth. It is quite annoying Madam Deputy Chair to have such Bills thrust upon one with little or no consultation as this one originally was, as Members may understand, yet the Bill is to be finalised today and as late as last Friday yet another change appears out of the woodwork with the object of ensuring that anybody coming from NZ to Norfolk Island having committed a similar offence in New Zealand in the last three years will have that offence recorded in the demerit points register to be put together here. Disappointing Madam Deputy Chair to note that virtually no consultation has taken place with anybody other than the Police about the effects of this Bill or if they have it certainly has not been apparent.

Madam Deputy Chair let's not forget what some of these effects will be if this Bill passes. If a person is landed with a traffic infringement notice and the person is unhappy about it in a legal sense one has to take on the system in the courts to rectify the unhappy situation. Most unlikely Madam Deputy Chair if you are intimidated by the Court process. Probably not a lot of use anyway after listening to the Minister for Police who in a statement in the House recently said something to the effect that your defence really depended on how good an excuse you put up, in other words apparently implying that anyone before the bench was guilty but it depended on the quality of their excuse as to whether or not they would slip out the door unscathed. Madam Deputy Chair the demerit point system contained in this Bill is portable, joy of joy's, so when a person who has driven only on Norfolk Island goes to live in Australia with a licence that's already low on points due to the ease of being booked now at home, after fronting a motor registry in the State of their preferred choice and producing their Norfolk licence and passing the eye test will duly receive an Australian license with, Madam Deputy Chair I might add, the flow on effects of the low points level. As I understand it Madam Deputy Chair, there is no mention of requirement of traffic rule knowledge, one can easily be nailed for transgressing the myriad traffic rules that abound there and there goes a new licence and therefore the ability to commute. Madam Deputy Chair, in other words it is difficult for someone from Norfolk, particularly a younger one, to get a chance to make a new start, but again Madam Deputy Chair, the Minister for Education has stated let's not focus on the youth. Madam Deputy Chair, this Bill is a major change to Norfolk's traffic regulation. In light of this perhaps the Minister could indicate how widely she has canvassed this issue and which bodies she has canvassed it with, anything in the paper, any explanatory notices in the paper, keeping in mind the pre-election promise by the Minister of regular and informing letters to the newspaper. My major concern Madam Deputy Chair is that the Minister is somewhat unaware of the impact, and I mean the negative impact, that this Bill will have on the traffic community. There are many negatives, the only advantage apparently being for the police by making it easier to administer their Act, in other words, book people. Thank you Madam Deputy Chair

MRS LOZZI CUTHBERTSON Thank you. I'm really sad that Mr Adams doesn't seem to be able to quote me in context and I wonder whether that is deliberate or accidental, Madam Deputy Chairman. When I said let's not just focus on the youth, that was because Mr Adams had gone on and on about how this Bill would effect the youth and I had actually followed that statement up by making the point of how this Bill would effect older people as well and how in fact, I believe it would have a major

impact on all the people so please, please, let's try to be fair when we make scoring points of each other. There was consultation with the police, the local magistrates and the Chief Magistrate. Notice of the Bill was published in both the Gazette and the Norfolk Islander and it was done twice. It lay on the table since the last ordinary meeting of this House and public comment was invited. No-one has come forward to me to comment adversely against this Bill. I wonder how many people have commented to Mr Adams adversely about this Bill, not to anyone else. I certainly have not had one single phone call, one single comment, negative of this Bill and I think that's important. For many years, I have actually worked in courts. I was in court houses all over Sydney for all sorts of reasons, I was a Probation Officer as Mr Adams mentioned, I have seen innumerable people come in before the Courts for traffic offences and I can categorically say that in most cases these people were quite senior and that they put forward the most lamentable excuses for what had happened and the quality of what happened to them really was affected by the quality of the defence they could afford to pay for and how the defence presented those reasons. One of the other important things that made all the difference to what happened to people before the courts, and I'm not suggesting this happens here of course, but certainly that is my experience. One of the most important things that made a difference is how well behaved these people had been in other respects. If you had a good record your chances of getting let off lightly for the offence before the Court was so much better than if you were a young person without any track record of good behaviour. That's what I said last time, that in fact the demerit point system in this Bill will actually act more seriously against senior drivers, people who normally find it easier to get a much lighter deal out of the Court. Now I think what will happen is that both categories of people, seniors and young people, middle aged people etc will be treated more similarly for the same kind of offence, and after all, that is what justice is supposed to achieve. A fair deal, a similar deal for the same kind of behaviour. I'm surprised, again, that a Bill which is basically making the whole system work less clumsily, less traumatically as to force people to come to court and gives the people an opportunity, for admit they have done wrong when they've been caught, to in fact probably get off more lightly than if they went to court, by paying a fine and having the whole matter settled and not having the embarrassment of not having it published in the paper afterwards, that this is causing such concern to Mr Adams. I really don't believe for one moment that this Bill will attack the young people any more than it will attack anyone else. This Bill is aimed not at young people and not at people in general but at people who infringe the traffic rules, who cause problems, who cause accidents, and we do have a great many accidents on this Island. As I said last time, I think I quoted some statistics of just how many car crashes that there had been and how many people had actually become injured in those car crashes. I frankly do not see that this Bill is in any way heavy handed, I do not think that it will cause anybody any more concern, any more angst than the present situation, and in fact I think it will reduce it. The amendments that we propose that Mr Adams took offence to, that will carry on a record now to New Zealand as well as to Australia could also be considered in the opposite direction, as the people who visit the Island will carry their records with them to Norfolk Island. It makes them more responsible while they drive on Norfolk Island. Surely what we do and how we behave towards other people is something we do carry with us, it is our responsibility, you can't shirk your responsibilities and this Bill simply extends it to the way we drive. Anyway, for the moment I think I will leave it at that. Thank you Madam Deputy Speaker

MRS SAMPSON Thank you Madam Deputy Speaker. I, apart from the perception around this table that I'm agin the Government, I'm not really, I'm all for this Bill, I commend it. I can see no problems with it. I think a young driver who is given a legal licence at fifteen or sixteen on this Island has probably been driving legally or illegally for some years before that anyway. You see them going around paddocks on little motor bikes or old cars or things like that, they are probably quite capable of driving. I'm just wondering if Mr Adams' objections come

from perhaps a very good memory of stupid things which he did when he was a teenage driver, fortunately I suffer from selective amnesia and can not remember mine, but no doubt I did the same things, but I feel that the younger driver if given a licence, put him behind a wheel, he should be subject to exactly the same laws as the older driver and I support the Bill

MR BUFFETT Thank you Madam Deputy Speaker, I think there are curious aspects about this piece of legislation. Some I would say not necessarily readily mentioned in the Bill at all and I will come to that towards the end of what I've got to say. As I see it, this proposal includes these sort of things which are considered important by the proposers. That it would streamline the process of traffic law infringements, and of course the answer to that is yes it would, it would streamline the process there. Another thing that would be included is that it would save the time and the costs of the Courts, and yes it would I would assume. I think we've got to take into account however that the Courts are not swamped or overburdened. As I understand it, the Court that normally would handle these sort of matters would meet on an average of one a day per month, may be more in some instances. Another factor is that it may well save the time of the Police, and yes I'm sure it would, but it is my interpretation that the Police are not necessarily being worked beyond capacity in the Island. For offenders, it would take the infringements, that is the traffic infringements, away from the Court environment and therefore not bring it to a criminal court atmosphere, say. And it would do that but by doing that it appears that it would also reverse the onus to initiate approving process, that is, in a sense, assumed guilty unless initiative taken to go to the court and others not only today but when this Bill was first introduced, made some considerable explanation about that and I don't necessarily want to repeat it except to say that it has been said and is relevant to what I've just mentioned now. But in going through that process of reversing the onus, I question whether we yet need to put aside the time honoured process of clearly being innocent until the legal processes initiate and are able to prove guilt. Now it must be said that in other places this has been done because the process that has been talked about here, does operate in other places, in Australia and New Zealand just to quote the two closest places, so yes, it happens there, but these are places where Courts, to a significant extent are clogged, the Police are hard pressed, their roads and highways are congested with traffic and regimentation of motorists is helpful to a free flow of traffic and prevention of accidents. But, none of these factors are really demonstrated difficulties here in Norfolk Island, and that's a big point that I think we should consider. We have been talking in earlier times this afternoon about it might be normal in other parts of the world, even places quite close to us, and therefore if it has worked for them it has to be workable for us. I made the point then, and I make it again now, that just because it does work in another place, does not automatically mean that it will work for us. We need to assess whether our needs are the same and whether the same remedy will necessarily be helpful to us here. But having said those other things, it leads me to make this point which I think is really the principle point why I'm not going to support the Bill, I don't really think we have the community with us in pursuing these amendments to this Road Traffic legislation. If that can be demonstrated otherwise then of course I will think it again but it is not clear to me that that is the case at this moment. If times progress to clearly demonstrate that our system here does need streamlining then that too means a rethink but they are not apparent as yet. We've had quite a few pieces of legal and social legislation made here in this House over the past few months. Much of it flows from how things are done elsewhere. I'll just give you a couple of examples, legal aid for example, domestic violence another example. Now I've supported those legislative means and measures. There have been demonstrated needs, but I've got to also say that they have created uncertainties as to how they would be administered in the community, uncertainties in the community, and also uncertainties about the effect upon some elements of the Norfolk Island fabric, from the financial to the personal. Whilst some would say that we should have

moved on some of those things a long time ago, really in practice, say over the past few months, we have moved quickly on some of those matters and because we have moved quickly they have brought uncertainties with them. People have been a bit unknowing about some of them. Now this road traffic arrangement is another import.

Maybe the fire control one was. Maybe the tobacco bill may be one. The Fire Control Bill has been settled, the Tobacco Bill we are still talking about but this particular road traffic arrangement I think the needs are not substantiated for Norfolk Island and I think some in the community are saying let's move at a pace that we can manage and we can absorb and let's not be burdened with legislative constraints that are considered good but considered good solely on the basis that it has worked for others elsewhere. I'm not too sure that it has reached a stage in those areas that I've endeavoured to demonstrate that we need to do this. It may come in time, but it needs to come when the community are comfortable with the pace that we are moving, and I prefer not to progress this piece of legislation at this time

MADAM DEPUTY SPEAKER Thank you Mr Buffett. Further participation

MR CHRISTIAN Thank you Madam Deputy Speaker. I don't intend to support the Road Traffic Amendment Bill in its existing form, I am however, conscious of what Mrs Lozzi Cuthbertson is attempting to do and I will dwell for a few short moments on some of the points of the Bill. Firstly, the aspects that I do not support. I do not support the introduction of a demerit point system. I think it would be administratively burdensome to have to keep track of that, both locally and for incoming people who have foreign licences, mainly New Zealand and Australian ones, neither do I think foreign jurisdictions would be interested in what a Norfolk Island person has or does not have on their licence in the way of lost points. I don't think there is a demonstrated situation out there where we have tourists from Australia or New Zealand coming here and driving in a deliberately negligent manner. We've had a few old ladies run through the front wall of the Bowling Club and things like that but they were accidents, no amount of legislation would have prevented it. I also believe that in the event that a Norfolk Islander happened to lose his licence and he was able to make a fresh start in New Zealand or Australia and keep his nose or her nose out of trouble, they should be given that opportunity. I don't think you should tick a black mark against them and hold it against them forever, however, one aspect of the Bill that I do support is the creation of infringement notices. I support the introduction of traffic infringement notices. I am aware as Mr Adams has said that they can be open to abuse by the Police but the existing judicial system that we have now is open to abuse by the Police. The infringement system still allows an alleged offender to have his day in court. He can come down and argue his case and take whatever the magistrates hand out and in fact if he doesn't agree with it, he can appeal to higher court. There is no doubt that it will be consistent with other pieces of legislation that we have in place now where I think the Dog Registration Bill is one, where we have moved to infringement notices. I can't say whether the court system at the moment is overloaded or not overloaded but I do believe that there is a fair case to say that it will reduce the workload within the court system. Madam Deputy Speaker, having said that I don't support the introduction of a points system, I note that the system of infringement notices can be used as a de facto demerit point system whereby a predetermined number of infringements committed within a prescribed time will automatically result in the offender appearing before the local beaks and dealt with according to law and that this may result in a person losing the privilege of their drivers licence irrespective of the number of points a person may or may not have on that licence and it allows a court to take into account circumstances surrounding the traffic infringements and I think a system like that would give us the best of both worlds but the Bill as it stands today, if it is not adjourned and notice given of forthcoming amendments, I'm sad to say that I cannot support it

MADAM DEPUTY SPEAKER Thank you Mr Christian. Further participation

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. To answer some of the comments made by various people, Mr Buffett is not in favour of the infringement notices and yet was in favour of those for the Dogs Act. Absolutely the same principle, absolutely the same effect. The argument was used there that it would reduce the work before the Courts but that is really not the essential part. The essential part is, why should a person who admits and accepts that they have committed an offence have to go to Court. They should be given the option to pay a fine if they want to. I think the trauma that most people have in facing a court is certainly far more serious than anything else regarded to paying a traffic fine.

The guilt still has to be proven. All a person has to do is to raise a challenge then the onus is on the police whether they will proceed with a charge or not. Now the Police under this Bill will still retain the option of either issuing an infringement notice or taking action against the person who has committed the traffic offence according to them and taking them to the court so the requirement that Mr Christian was raising is still there in the present form of the Bill. They, the Police, will have that discretion. We can't take that kind of discretion away. Mr Buffett says that we are out of tune with the community but I really am surprised and would like to know on what he basis this assertion. The Bill was published twice in the gazette, or the indications of the Bill and certainly the debate last time probably was listened to very widely as it was fairly colourful. Nobody has come forward to complain about the Bill. Nobody has asked for copies of the Bill. Nobody seems concerned at all about the Bill or has Mr Buffett had submissions and complaints that he has not made known to us. Other legislation has come forward. He makes the point and is causing uncertainty and this Bill will increase uncertainty in the community. The legislation, the only legislation, social legislation, which may have caused some uncertainty in the community to which has referred to is of course the Domestic Violence legislation. There was considerable reaction to that legislation an incredible amount of support. I have something like twenty volunteers giving up their Sundays four or five times already to be trained to help other people undergoing a difficulty of a domestic kind. Now that is a tremendous amount of commitment in a small community like this. I have a Committee again made up of some ten people who are all volunteers who regularly attend meetings to discuss what else we should be doing about that, how else we could be helping people, how else we could be providing support and making sure that the legislation is not oppressive, but helpful. That people are not encouraged to separate, but encouraged to sort out their problems and that systems are there to help them sought out their problems. This legislation is similar in that it gives people a choice to drive more sensibly, be aware of the fact that as they drive the consequences of their driving badly and driving with irresponsibility will go with them. They do go with them now and in fact what happens to people if they infringe the law and are brought before the court is much more serious than what will happen to them by enlarge under this legislation. If you keep track of the kind of fines and the kind of punishment metered out to people who are brought before the courts for infringement of the Traffic Act, it really is quite serious. The fines are really quite large. The fines under the infringement notices will be considerably easier on the people concerned. They will serve more as a warning rather than a heavy stick. Mention was made of the Fire Control Bill and it was suggested that perhaps it was something from outside and as I am an outsider that I somehow brought it in. The fact the Fire Control Bill was very much the work of the Administration in consultation with probably the Emergency Services outside but it certainly all came from Norfolk Islanders with some input from outside but it certainly was a manifestation what people that have to deal with fires thought was necessary. As I have said in this place before I really know nothing about fires, I had to depend on advice from the experts and it made very good sense. The first problems with administering the demerit points, I don't imagine that's going to be a very complex administrative problem and certainly the relevant administrative body, people in the Administration have not

complained that this is going to cause a lot of problem. As to foreigners being interested in what goes on in Norfolk Island or not, it might surprise Mr Christian to know every month the Police makes quite significant number of inquiries, and I'm talking about between 10 and 30 varying, inquiring with the Police services overseas as to records, as to the behaviour of other people. I imagine that some inquiries are also directed back to Norfolk Island. Reciprocal arrangements exist, reciprocal arrangements will continue to exist and information as a result of improved information channels will continue to flow very freely between ourselves, New Zealand and Australia and other countries I'm sure. I again reiterate that so far nobody in the community has demonstrated any concern about this Bill. I am surprised that what has worked with regard to the infringement notice with the Dogs Registration Act should be suddenly found to be so onerous in regard to traffic. I also would like to close by making the point that the merit points expunged after a certain period of time. They do not exist in perpetuity. People who sought themselves out to, you know, stop driving irresponsibly and take a little more concern will get the benefit of that just like they get the benefit of sorting themselves out in other regards. It is not something that will follow you to the grave. Within three years the merit points are wiped. Thank you Madam Deputy Chairman.

MADAM DEPUTY SPEAKER: Thank you. Further participation Honourable Members. As there is no further participation. Mr King.

MR KING: Thank you Madam Deputy Speaker. I mentioned on the last occasion that I would most likely support this Bill and I haven't changed that view. I don't think it is an oppressive piece of legislation. I don't think it represents a degree, any degree, of unacceptable change in the community. I wasn't sure that it was a major objective of the Bill to lessen the load or on our courts, on our judicial system. I agree that they are probably not swamped with work but we recently acknowledge that because of increased work load tribunals and other statutory functions that they perform, we acknowledge that increase work load by providing them with an honorarium. Now, you know, to suggest that they are not swamped may be the case but to suggest that it's an unacceptable work load placed on them is an entirely different thing. The feed back from the community, well, it's very difficult situation we find ourselves in. Madam Deputy Speaker, you've experienced it in relation to your Select Committee. I mean there was very little input from the community. It's a simple fact of life that we, unless we go out and canvass opinion we just don't receive enough of it, enough feed back from the community. I haven't had any feed back one way or the other about this particular Bill but I haven't been out asking about it either. I was aware, some few years ago, when I attempted to commence the process for introducing the traffic infringement notice system that there was a level of support for it. I don't know what the community is thinking now. Mr Buffett suggested that if he thinks there is some degree of community support out there that he might rethink it, well than maybe we ought to adjourn today to allow him to see if there is that level of support out there. I don't know that is just a suggestion at this point in time. He seems to suggest that there is a message from the community saying that we have been a little bit hasty here with law reform in the Island, that maybe we had better slow down while the community digests the changes that have occurred in recent times. I suggest that if we slow down any further with Government business we will fall over backwards quite frankly. I know that there is some difficulty with this, I have some difficulty in my mind with this demerit system and the referral system, but I understand from past experience that I can draw on that there have been people who have come to this Island, not so much to get away, not so much to find employment, come to take employment whilst there here, but to get away from a system which is taking their licence from them because of poor conduct by them on the roads in their communities and they have come over here and secured a licence locally. Abided their time for a year and gone back to their own community. Now if we introduce this system, we might prevent that from happening,

then maybe I'd support that system. The administrative difficulties associated with it is, of course, is another question and I'm not quite sure whether we can be successful. But I can assure you that there are those people who want to escape penalties and sanctions that have been put on them by their own communities by escaping to Norfolk Island for a while. It's a TIN (Traffic Infringement Notice system) is an acceptable option in my view. I suspect that there would be probably be more people formally fined under a TIN system than there would currently be under a judicial system that we have. I think that is a fact that we are just going to have to come to terms with. But I think it arises in this fashion without any criticism on the Police there is often a reluctance which is borne out of some familiarity for people to, for the Police to deal with offenders on the road in a satisfactory manner. Now I suggest that that reluctance ought not to be there but it's a fact of life that it does come into play from time to time and I think that if they have the facility to say someone well look this will keep you out of court then here is a fine for you. Now as a deterrent against future misconduct on the roads I think that would be a satisfactory outcome. But there have been a number of, a few doubts, raised in my mind about the operation of the demerit points system and how this referral system might work and I see that there might be nothing, Madam Deputy Speaker, if we were to adjourn this today to allow to sit on the table for a further month while Mr Buffett and anyone else goes out into the community to find out what they think by asking pointed questions about it and to perhaps at least me to clear up in my mind some of the difficulties that Neville has referred to, some of the difficulties that still exist in my mind and at appropriate time I would move adjournment.

MR BATES: Thank you Madam Deputy Speaker. Yes, I think what Mr King says makes a lot of sense. I certainly would support an adjournment. I know it has been on the table for a month but I certainly remain undecided. I'm uncertain about it. I wonder why I am undecided and I am uncertain about it because I can see a lot of benefits in it and I try to weigh up with these benefits with the individuals concerned and weigh it up against the inconvenience to those concerned and it certainly there is a big productivity loss when people have to take the day off and attend court. You walk past the courts here and you see people hanging round outside waiting to come on and just waiting round with their hands in their pockets probably having a cigarette or whatever. And I think one of the most frightening things about courts is the cost of legal representation. If you really need to fight an action in court then you can run into a lot of expenses. So I really do remain uncertain about this. Personally I see little wrong with it. I think I remember one person has actually told me they think it's a good thing but there is the uncertainty as to just how the public out there feels about it and I think the adjournment concept may give us a little bit more feedback from the community. It certainly gives those that are really opposed to the chance to stand up and put their hands up and I would support the adjournment.

MR ADAMS: Thank you Madam Deputy Speaker. I certainly support Brian and Mike in the suggestion that we should adjourn it. I would also suggest that perhaps the Minister could put some letter of education, if you like, in the local press as to explain the for and whatever the perceived benefits of this Bill. I know the Minister has stated that sure it has been in the gazette and a few other forums. It doesn't tell you a lot of information in the gazette. It probably says something along the lines of Road Traffic Amendment Bill. It doesn't tell you a lot. I mean, Madam Deputy Speaker, quite often legislation comes to the House, it's herded on through and out the door and people, the only realisation of what happens, or how it was is after it's in place. It's rather late for them to have their say then. So I would ask that the Minister perhaps undertake in that the month, if it progresses that way, to undertake a public education program, be it whatever form, radio, newspaper. Thank you.

MRS LOZZI CUTHBERTSON: Thank you Madam Deputy Speaker. I have no objection for

an adjournment but I would ask that the people who maintains there is a position in the community should also go and check it out, not just me because what weight will it carry if I come back and say I've checked it out and really nobody has expressed any objections. I have no objection at all to writing a simple summary of what this Bill will achieve and putting it in the Norfolk Islander, no problem at all. I will do that with pleasure but I don't think Mr Adams should underestimate just how widely the debates are listened to and how informative the debates have been and if he hasn't received any support for his point of view, I certainly have received quite a lot of support for the fact that I am working on all these things.

Everytime I go into Foodlands people say good on you, you are working well and, you know, nobody said to me that I am going to fast for doing a thing like that. Perhaps we are getting the wrong kind of messages. Perhaps the messages we get are specialised to the individuals receiving them. But certainly I have no objection to having the debate adjourned and letting the Bill sit on the table for another month.

MADAM DEPUTY SPEAKER: Further participation Honourable Members. Mr King do you wish to move the adjournment.

MR KING: I will so move the adjournment thank you.

MADAM DEPUTY SPEAKER: Thank you. Honourable Members the question is that the debate be adjourned and the resumption of the debate be an Order of the Day for a subsequent day of sitting.

QUESTION PUT
AGREED

The ayes have it thank you.

FIXING OF THE NEXT DAY OF SITTING

Honourable Members we come now to the fixing of the next sitting. Mr King.

MR KING: Madam Deputy Speaker, I move that this House and its rising adjourn until Wednesday 23rd August 1995 at 10.00am.

MADAM DEPUTY SPEAKER: Thank you. Honourable Members the question is that this House and its rising adjourn until Wednesday 23rd August 1995 at 10.00am. Participation.

MR BATES: Thank you Madam Deputy Speaker. I am just wondering if it should be pointed out at this stage that the normal day of sitting which is the third Wednesday would have been the 16th August and that the 23rd has been chosen because the election takes place on that particular day and that would give the new Member, the new elected person, the ability to join us at our August sitting.

MADAM DEPUTY SPEAKER: Any further participation. There being no further debate I put the question.

QUESTION PUT
AGREED

The ayes have it thank you.

ADJOURNMENT

We now have the adjournment, Mr Adams.

MR ADAMS:
do now adjourn.

Thank you Madam Deputy Speaker. I do move that the House

MADAM DEPUTY SPEAKER:
I put the question.

Participation Honourable Members. Being no further debate

QUESTION PUT
AGREED

The ayes have it thank you. This House stands adjourned, Honourable Members, until
Wednesday 23rd August 1995 at 10.00am thank you.

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