

Prayer

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

Condolences

MR SPEAKER Thank you Honourable Members. Madam Deputy Speaker I would ask if you would be kind enough to take the Chair

MADAM DEPUTY SPEAKER Honourable Members I call on Condolences

MR BATES Thank you Madam Deputy Speaker. It is with regret that this House records the death in Auckland of Olive Winifred Randall on the 15th September. Olive was the step-mother of Wilfred Metcalfe Randall whom Members will recall was a long serving member of the Advisory Council and Chairman of Committees for many years. Olive was born Olive Winifred Hulse in Auckland on 23rd December 1890 and would have reached the age of 105 years this December. She had one brother William and attended Newton West school in Auckland. Later she became a child nurse and worked in Hobart and Nyngan in Australia and Waipawa and Auckland in New Zealand. On 3rd December 1916 she married Albert Randall and became the step-mother of twins Wilfred and Ronald and also Bert and Frank. Olive and Albert had two children of their own, Ian and June. Early in her marriage Olive lived on Norfolk Island until the family moved to Nelson in 1925. For the last eighteen years Olive was a resident of Selwyn Retirement Village in Auckland. There are sixteen grandchildren and thirty-two great grandchildren from Olive's adopted and natural children. Wilfred, Ronald and Frank predeceased her. To Olive's family and friends this House extends its sincere sympathy

MADAM DEPUTY SPEAKER Thank you Mr Bates. Further condolences, Mr Buffett

MR BUFFETT Thank you Madam Deputy Speaker. It is with regret that this House records the death of Betty Lorking who passed away at the Norfolk Island Hospital on 15th September after a period of illness. Betty was born in South Australia in 1928, and she was the youngest of a large family of eleven children. As a member of a close farming family, she spent a great deal of her childhood in the Adelaide hills. She left school at the age of fourteen to work her way around Australia and across to New Zealand. Some twenty-five years ago she came to Norfolk on a working holiday, met and married John Lorking. For the last fourteen years, Betty operated the second-hand shop "This and That". It was a great meeting place for Betty's many friends who used to call in to see what interesting items had found their way to her shop and to chat with the bright and happy owner. Betty always had some interesting and commonsense answers to discussions on the many topics that were talked about. She was a completely honest person and stated her truth without fear or favour. Betty performed many kindnesses to those who were troubled and always found time to help the elderly in the community and those who were in need in the community. After major surgery Betty made every effort to regain normal use of her arms and every day around lunchtime she would go to the beach to swim and exercise in the water. Betty showed a wonderful spirit in coping with such a traumatic episode in her previously active, healthy life. To John, Diane, Coral, Marie, Brett and Kellie, to her five grandchildren and to her many friends in Norfolk Island and elsewhere, this House extends its sincere sympathy.

It is also with regret that this House records the death of Estelle Evelyn Buffett on the 2nd of this month of October. Estelle Buffett was a Norfolk Islander, born here on the 14th January 1915, the daughter of Andrew Evans and Phoebe nee Bataille. Estelle had four brothers and three sisters, all of whom have

predeceased her. She attended the Norfolk Island School and was an excellent student. She was a Queen Victoria Scholar. In February 1939 she married Gustav Ephraim Buffett, who died at a very young age leaving his wife to care for their young family of June, Harry, Charles, Norman, Lynnette and Leonie. This was a challenging task in difficult times, for earlier days on Norfolk Island were based on an agricultural economy. Estelle Buffett did a wonderful job in raising her family and playing both the Mother and Father role to her young children and to her grand-daughter Darlene. Estelle was always interested in the world around her and especially in her beloved Norfolk Island. She followed Island politics with interest and with a sound knowledge of the subtleties of the play. Estelle was interested in all sports and especially football, encouraging her sons and grandsons to participate in the game. She was devoted to her home in New Cascade Road which was a family haven to all who visited her. Estelle was noted for her cooking and she enjoyed nothing more than to watch as her family and friends appreciated her efforts. Estelle leaves a loyal family of loving sons and daughters, grandchildren and great-grandsons. A truly gracious Norfolk Island lady she will be sadly missed by her family and many friends to whom this House extends its sincere sympathy.

It is with regret that this House also records the death of Fay Norma Bataille who passed away on Friday morning the 13th of October after suffering from a major illness for some months. She too was a Norfolk Islander, the youngest daughter of Louis and Emma Bataille. Miss Bataille had three sisters, Iris, Joan and Cibby and her brother Richard. She commenced her education at the Norfolk Island School in 1932 and on completion she joined the faculty as a junior teacher. Miss Bataille spent a year at Haberfield Demonstration School in New South Wales and on her return taught a variety of classes ranging from Kindergarten to Year 4. In 1967 she spent another year overseas returning to continue to teach Kindergarten until her retirement in 1986. But on her retirement the school did not lose her services, she continued to teach Scripture and importantly, the Norfolk Island language. In that time Miss Bataille taught over 1400 students and in several instances, three generations of Norfolk Islanders. All told, she had been with the School for sixty-two years, a real record of association and service. Also she spent over sixty years to the Girl Guides Association commencing at the age of four as mascot when the troop was first commenced here in Norfolk Island and she continued throughout the years until this year as Commissioner. She received two of the Guiding movements highest awards, the Wattle and Emu Awards. Miss Bataille was also very active in the Royal Norfolk Island Agricultural and Horticultural Society. She was Vice President at most recent times and was for over thirty years Secretary to the Church of England Parish Council. She taught continuously at the Sunday School. She was a foundation member of the Sunshine Club, a foundation member of the Bounty (Anniversary Day) Committee and a member of the Silver Jubilee Trust. She was appointed a Member of the most excellent Order of the British Empire in recognition of her outstanding and continuous contribution to the Norfolk Island Community. In 1986 was invested by the Administrator, with the Medal of the Order of Australia at a memorable occasion at the school, sharing her honour with the pupils and the parents that she had worked amongst for so long. Miss Bataille really gave her life to the community in Norfolk Island and particularly to the youth of Norfolk Island and she emphasised a number of things. A number of things that were said during the eulogy at her funeral. Emphasising that there are standards to be set and standards to be met, encouraging individuals to strive. She had a remarkable sense of what was needed and she could guide unerringly, whether it be with a kind word, a lending hand or firm encouragement and she did all of those things for the betterment of her community and she did it with humour and with a smile. She deeply loved her family and particularly over the last few months that love was returned in large measure to her during her difficult period of illness. She moved through this final part of her life with great courage and dignity. To Lorraine Bataille, Jodie and Shawn, to Mildred Bataille, Alan, Emma and Sarah, to her sister Cib and to her many friends, we in this House extend our

sincere sympathy

MADAM DEPUTY SPEAKER Thank you Mr Buffett. Honourable Members as a mark of respect to the memory of the deceased, I would ask that all Members stand in silence. Thank you Honourable Members

Petitions

MADAM DEPUTY SPEAKER Honourable Members we move to Petitions. Are there any Petitions? Gentlemen, if you would like to remove your coats please feel free to do so

Notices

We now move to Notices, are there any Notices? There are no Notices. Mr Speaker would you care to resume the Chair.

Questions without Notice

MR SPEAKER Questions without Notice Honourable Members. Are there any Questions without Notice? Mr Smith.

MR SMITH Thank you Mr Speaker. I have a number of questions here that I would like to direct to the Minister for Education. First one is if a member of the Public Service feels they have been treated improperly or harshly, do they have any right of appeal through say the Public Service Board to get a fair hearing of their treatment.

MRS CUTHBERTSON Thank you Mr Speaker. I presume that you mean if the members of the Public Service feel they have been treated unfairly by the CAO or somebody who is superior to them. Yes they certainly may appeal to the Public Service Board for a hearing and have the matter considered again.

MR SMITH Thank you Mr Speaker. Is it possible for a member of the Public Service who is contracted to the Administration to have their contract revoked by a member of the Legislative Assembly.

MRS CUTHBERTSON Mr Speaker, I do not believe that is so but I really cannot give you a categorical answer. I have to consult the Crown Solicitor on that and it would depend on the circumstances I imagine.

MR SMITH Thank you Mr Speaker. Should it be possible for a person who is contracted to an outside agency or department which is in turn contracted to the Norfolk Island Administration to have their contract terminated directly by a Minister of the Norfolk Island Government.

MRS CUTHBERTSON Thank you Mr Speaker. In generality as you are speaking Mr Smith, again I cannot give you a categorical answer. I could give you a more specific answer if your question was more specific. It would just depend so much on the circumstances.

MR SMITH Thank you Mr Speaker. This will all make sense in the end. If a Minister of the Norfolk Island Government makes an executive decision, carries out that decision then changes their view on the matter due to an oversight or by community opposition to the matter, does the Minister require majority support of this House to review the original decision or can they simply make another executive decision to reverse their original decision.

MRS CUTHBERTSON Mr Speaker, I will take that question on notice. It has

ordinator that I had appointed and hopefully in the next few days I'll be having or be in receipt of a detailed plan. Preliminary indications are that there is a significant level of support out there for the Airshow. The New Zealand Defence Departments have indicated that they will be providing a number of aircraft if the Show proceeds for that ANZAC day week, if I could call it that. They will also be providing a full brass band for the duration of the activities for that week and it looks like they may be able to also provide the Royal New Zealand Airforce's display or formation display parachuting team and as more information becomes available, I will certainly pass it on to Assembly Members.

MR SPEAKER Thank you. Further questions without Notice? Mr Bates.

MR BATES Mr Speaker, I have a couple of questions for Mrs Cuthbertson with responsibilities for Immigration. Has the Minister approved any GEP applications outside of policy or not in keeping with the advice of the Immigration Committee.

MRS CUTHBERTSON Thank you Mr Speaker. I have not approved any GEP application outside of policy but certainly one application different from the advice from the Immigration Committee, but it is well within policy.

MR BATES Mr Speaker, a further question for Mrs Cuthbertson. Does the Minister intend to review Immigration policy, and if so does she intend to seek advice from the Immigration Committee.

MRS CUTHBERTSON Thank you Mr Speaker. Yes, I certainly intend to review Immigration Policy and I certainly intend to seek advice from the Immigration Committee. In fact I already signalled that to the Immigration Committee that I will be consulting with them as soon as I have some firm proposals to put to them and I have asked for any suggestions that they may wish to make in the meantime.

MR BATES A subsequent question. Does the Minister have one Immigration policy for Government employees and another for other employees.

MRS CUTHBERTSON Thank you Mr Speaker. I think that the question should be changed around, because in fact what was proposed by the Committee was to have one Immigration policy for outside employees and a completely different one for Government employees and that is why I went against the recommendation of the Committee. The recommendation they made to me I felt was discriminatory.

MR BATES Another question for Mrs Cuthbertson in her responsibilities for law and order. Has there been an increase in instances of break-ins over recent weeks and if so has the Minister does anything about it.

MRS CUTHBERTSON Thank you Mr Speaker. No the increase in break-ins has not been over recent weeks. It occurred about six weeks ago and spanned a period of a couple weeks and it seemed to co-incide with the School holidays and it seems to co-incide with that period of time. There has been some suggestion certainly from the Police officers that perhaps it might be linked to the activities of some of the School children coming back to the Island for School holidays, but of course nothing can be proven. Unfortunately the break and enters are discovered after the event. The evidence left behind is certainly not conducive to finding who might be carrying out the break and enters and it's very difficult to pin point any action that can be taken because usually what is broken into are unattended places. The Police increase the patrols around those places certainly in a place where there were two break and enters within a very short time. But it's so easy to notice if the Police is actually there patrolling and to wait until they have gone. So it really is a problem unless a place experiencing more than one break and enter takes more restrictive measures to protect itself, there is really very little that we

can do at the moment. But if anyone from the community should observe anything that could lead to taking action against individuals, the Police and I would certainly be grateful. Thank you Mr Speaker.

MRS SAMPSON Thank you Mr Speaker. Two questions to Mr Adams. It was noted that at the beginning of this Assembly that there was to be a review of the Firearms and Gun Import Ordinance and it was classified as high priority. Has anything been done about it and I just add that this question has come about by the increasing use of firearms in crimes on the mainland.

MR ADAMS Thank you Mr Speaker. Thank you for that question Helen. I'm not aware of any increase need, if you want to put it that way, to review the Gun Ordinance. I don't think, in spite of what's happening off shore, I don't think the same factor at present here and therefore I don't think that the same priority perhaps at this stage, at least anyway, should be given to amending or changing legislation in this area. Thank you.

MRS SAMPSON The second question to Mr Adams. Could the Minister please advise how the discussions with the Fishing Club are proceeding in regarding the replacement of the fishing cranes.

MR ADAMS Thank you Mr Speaker. The discussions with the Fishing Club are fairly well been completed. The issue that Helen is speaking of has arisen over a period of time and its given life to by the concern that the cranes which are, to my information, probably over twenty years old are now, because of the heavy environment that they are used in, have reached a position where they are unsafe. The Fishing Club has some concern over this and in recent times they called the survey to be conducted on these cranes and using a process of ultrasound, the cranes were tested and were found to, in some areas, have reduced from a thickness of 7.5mm wall thickness to a thickness of approximately 2mm over 50% of the entire area of the crane. With that information it was concluded that replacement was the only policy and they are now proceeding along those lines. Two cranes have been ordered in New Zealand, deposits been paid and in this process the Government has assisted financially and my information at present regarding that process of the cranes are their construction's being completed. Once that's done they will be shipped to Norfolk and the cranes will be erected.

MRS SAMPSON I thank Mr Adams for his answer. One to Mr King as Minister for Finance which encompasses Philatelic matters. There used to be a Stamp Dealers Conference here in November. It was very dear to the heart of Mr Bennett who was heavily involved with Philatelic. Has this Conference been given due publicity.

MR KING I can't answer that in precise terms Mr Speaker, but I'm happy to take it on notice and research it and give Mrs Sampson some information. It's certainly proceeding.

MRS SAMPSON Thank you for that. And two for Mrs Cuthbertson. Has there been any progress on the compulsory third party motor vehicle insurance and this problem has been around in forum at least twelve years from my recollection.

MRS CUTHBERTSON Thank you Mr Speaker. No I must admit there hasn't been any progress in that regard. Mainly because I have been concerned that if we introduce compulsory third party policy it might force a great many people who could not afford it to upgrade some aspects of the vehicles. I'm torn by the fact that third party insurance at a reasonable premium is very important but at the same time some drivers could be up for hundreds of dollars in upgrading their vehicles. I do realise that it is important and I shall follow it up in the very near future.

MRS SAMPSON And the last one for Mrs Cuthbertson. Has there been any progress on a proposal to form a credit union taking into account some of the seemingly excessive charges imposed by some banks and transactions on some of the transactions and other services available.

MRS CUTHBERTSON Thank you Mr Speaker. Yes we have held the first meeting of the Committee and we referred a number of questions mainly with regard to banking regulations and controls that might effect a potential credit union to be formed here on the Island to the Crown Solicitor and we are waiting on his replies before we have the next meeting.

MR SPEAKER Further questions without notice? Mrs Anderson.

MRS ANDERSON Thank you Mr Speaker. I have a question for Mr Adams. Could Mr Adams please advise if there has been any progress on the importation of fresh guavas to New Zealand.

MR ADAMS Thank you Mr Speaker. I thank Monica for the question. In recent times the Members will be aware some problems that the Norfolk Island Growers Co-op have experienced in achieving import into New Zealand of fresh fruit. Again in recent times I travelled to New Zealand and during that time undertook to take a 10kg batch of frozen guavas which had been processed according to maths regulations and requirements into New Zealand. These duly passed through the maths gates, if you like, into New Zealand. They have been collected by a processing firm in New Zealand with an interest in processing the fruit and having a look and to see whether the resulting product is of such a standard to require perhaps an on-going relationship with Norfolk as regarding the import of the fruit. The stage we are at up to now is the processing organisation has received the guavas, the testing underway and as soon as we, as soon as they achieve some sought of result, they intend to let the Guava's Co-op know and myself included and at that time I'll keep Members aware and posted of the outcomes. But that's where it is at the moment.

MRS ANDERSON Thank you Mr Speaker. A supplementary if you like to that question. Has any consideration been given to the processing of the guavas here on Norfolk Island and having the value added here rather than overseas.

MR ADAMS Thank you Mr Speaker. There has been considerable consideration given to that. One of the things against it perhaps is the cost of importing things like sugar and glass jars etc then exporting that again. That implies a great degree of cost to the point where our economy of scale may not make it worthwhile to do all that processing here. But it's certainly one of the things that are being looked at in detail and also in the early days perhaps of a business starting on Norfolk, perhaps a rural one, one of the problems will be the availability of cash. Now one of the ways of easing that problem is exporting a product that requires little handling and resource and processing requirements in the early days and while that is going on put together some sought of income and capital to be able to take on part two of the process. Thank you.

MR SMITH Thank you Mr Speaker. A further question to the Minister for Education, Mrs Cuthbertson. Minister in considering your answers to my earlier questions and considering that the fact that you have stated that the Principal of the Norfolk Island Central School is a public servant what right of appeal will you give John Walsh of his contract being revoked for the next twelve months.

MR KING I raise a point of Order.

MR SPEAKER Yes, point of order Mr King.

MR KING I don't know the number I'm afraid Mr Speaker, but I'm sure if you look in your book you will find a standing order relating to raising the matters where individuals can be identified.

MR SPEAKER You are referring to Standing Order 72(a).

MR KING Indeed I am Mr Speaker.

MR SPEAKER And you are correct. If in fact we want to refer to conditions of service or conduct of an identifiable person then we need to go through certain procedures provided by Standing Orders. If you don't want to go through those procedures then you must take a definite step with the Sidestanding Orders. So I just want to point out to you what the arrangements are. If you want to arrange to proceed with the question and answer that has been made to date then we would need to exclude strangers and suspend broadcasting. So what do you want to do.

MR SMITH Mr Speaker if I may speak I think really it should be the Minister making a decision on whether we should exclude strangers and stop the broadcasting.

MR SPEAKER No it's not, that isn't the situation. The situation is that if you want to proceed then I must take immediate steps to do as I have indicated.

MR SMITH I think under those circumstances Mr Speaker, I'll leave that question. I won't pursue it any further. No I'll leave it at that. Thank you.

MR SPEAKER Further questions without notice? Mr Bates.

MR BATES Thank you Mr Speaker. A question for Mr Adams, Minister responsible for Shipping. Is it true that a second stevedoring Company has been formed and if so is the Minister satisfied that stevedoring by inexperienced operators will not increase the risks for Lighterage operators.

MR ADAMS Thank you Mr Speaker. It is rumoured. My knowledge is that it is rumoured or it is alleged that another or a second party of stevedores may well be in the forming. As to whether or not the experience of these people is up to a standard where will cause the Minister some concern, from a point of view of safety, I'm simply unable to answer that until I know exactly whether (a) this team has been formed and (b) who is actually in it. Thank you.

MR SPEAKER Thank you. Further questions without notice? No further questions without notice. We have concluded questions without notice. Thank you Honourable Members.

Presentation of Papers

MR SPEAKER Are there any papers to present this morning? Mr King.

MR KING Mr Speaker I table the inbound passenger statistics for September 1995. No debate Mr Speaker.

MR SPEAKER Thank you. Any further papers to present. Mr King.

MR KING Mr Speaker thank you. I table the unaudited version of the financial accounts for the financial year ending June 1995. I move that they

Speaker, we'll look quickly at some of the major expenditure items and make some comments on trends. Costs in our major areas of expenditure have relative to total expenditure being contained reasonably well. In the administrative area costs of have risen marginally by 1.8% to a total of 1.648 million and have been contained in relative terms to approximately 21% of total expenditure. It is important to remember here and the picture I am trying to paint here is and I am asking people if they would care to keep in mind the trends that I'm referring to. Wages in the Revenue Fund have risen by 6.7% during the year to a total of 3.844 million dollars which represents some 49% of total expenditure in the Revenue Fund but as a proportion of expenditure, a proportion of total expenditure, wages has fallen progressively since the early 80s. Expenditure in the general works area rose by 33% to 1.013 million dollars. The increase, however, represented by additional expenditure on general maintenance of \$70,000 and plant replacement for \$176,000 major item being the big piece of road building plant that we purchased. General works expenditure represents 12.8 of all expenditure and has remained a very constant proportion in recent years. Health costs while experience an increase of some 3 1/2% during 1995 have nevertheless fallen dramatically from the expense levels of the early 90s. Costs were \$506,000 during the year representing 6.4% of total expenditure compared with the average during the 5 years of 9.7%. Welfare costs fell a little during the year to \$691,000 but relative to the past 10 years or so remain an increasing cost item. Education costs as a proportion of whole expenditure have increased from 15% to 70% in the last 10 years or so. Expenses during 1995 totalling 1.345 million up 89,000 on the previous year. Tourism costs increased by \$111,000 during the year to a total of \$555,000. The increase funded as Members will recall by the increased accommodation levy receipts. Whereas the tourism expense represented some 4% of total expenditure 10 years ago, it now constitutes 7% reflecting I imagine its economic value to us as our single industry. Mr Speaker, I want to focus just a little on capital costs. During 1995 capital costs, capital expenditure was some \$677,000 and represented some 8.6% of expenditure. The relative cost of capital expenditure has fluctuated wildly and widely over the past 10 years or so, indeed over the term of self-government. Whilst there appears no discernable pattern or trend to capital expenditure it does appear to be a possible explanation for the wide fluctuations. Certainly in the Revenue Fund capital expenditure appears to be driven almost entirely by politics, almost entirely by a desire to avoid a repeat of the previous years budget deficit.

In other words, we blow out our expenditure one year, we duck for cover behind reduced capital costs the following year. Mr Speaker that motivation for us to avoid a repeat deficit may well be admirable but I don't believe that it reflects responsible government to hide as it were from needed capital works or capital investment. We can of course defer some of those capital expenses for a short time but they simply won't go away. Mr Speaker, to summarise in respect of the revenue fund let me say that the present position is reasonably stable but unless, I believe, there is some significant shift in policy or attitude the future is not clear. I place some focus on our major revenue items to demonstrate their decreasing value or contribution to our coffers, customs as I say reducing its contribution from 63% to 48%, FIL receipts losing 42% of their real value in five years. Side by side with those figures I've sought to demonstrate how some of our major expenditure items are slowly but surely increasing in cost and overshadowing all this, is in my view an erratic and almost totally unplanned capital expenditure. Mr Speaker I hope that I haven't painted an entirely gloomy picture but I felt that I had to trot out the facts. Maybe there's a little speculation in some of what I've said but there is certainly not much. None of this I believe is beyond redemption but I hope that Members can join with me over the next six months, I know Mr Smith is particularly very keen to look very closely at figures and patterns and trends and maybe together we can analyse where we are going to head. Without taking up too much more time Mr Speaker let me turn quickly to the Government Business Enterprises. Members have been provided with some worthwhile briefing notes on the performance of the Government Business Enterprises during the year and I don't want to repeat that information, rather to just make some general

comments. Overall the undertakings have performed on line and satisfactorily. In fact, in all the major Businesses except, postal I believe, performance has been beyond expectations and in all cases performances has exceeded that of the previous year. An analysis of each of the Businesses Mr Speaker, which I have to say is in its early stages, indicates that in the majority of cases major component costs have been satisfactorily contained. This exercise should be completed within a few weeks and I'm sure Members will be interested to see the results of that. Obviously Mr Speaker, as the Businesses continue to be called upon to contribute more and more to the revenue fund it is increasingly important that they perform well. That income is maximised and the costs are minimised. The indications are that this is occurring Mr Speaker and I wanted to particularly extend a thank you to the Managers and staff that are involved in those Business Undertakings for their efforts during the year. Again Mr Speaker I'm sorry that I've taken so long - that's my contribution at the moment thank you

MR SPEAKER Thank you Mr King, the question before us is that the Paper be noted, any debate?

MR BATES Thank you Mr Speaker. I thank Mr King for his summary of the situation and I think there is a lot of wisdom in a lot of the things he's said. I would like to focus just a little bit on the total picture and its effects on the economy of the Island. I think sometimes we get lost in Administration revenue raising and Administration expenditure and we don't marry that to the effects that it has on the economy as a whole and I think we must give me consideration to what it does. Now if you look at the consolidated balance sheet on page four, it is a fact that we have withdrawn \$1.3m in cash from the economy. Our cash reserves, or the cash that we have in the bank has increased by \$1.3m in the twelve months. Is that good? I suppose we can say we've done a good job but what has it done to the economy. If you look at it a little bit further we have in cash reserves sitting in the bank, some of it certainly has a purpose, I don't think it is all earmarked for a purpose, but there is \$5.7m sitting in the bank. What is that doing for the economy. While it sits in the bank it will do nothing for the economy. I am pleased that the reserves of the revenue fund have increased, I think when there was only \$214,000 that was a little bit skinny, a little bit dangerous. It has increased to \$565,000 and I think that probably still isn't quite enough, I think we are quite justified in building that fund up a little bit more, but we should be saying, what do we think is a safe balance for that fund and we shouldn't be aiming to build that fund up over and above what that safe balance might be and sure, we've accumulated an extra \$600,000 or \$530,000 in the airport fund. We are putting that aside for the day when we have to resurface our airport or when we build a terminal building and that is sound, I have no problem with that but if we look at our cash reserves through there we should be looking at what if these cash reserves are serving no purpose. What do we need to have for a rainy day and what of those can really be of some benefit to the community and of some benefit to the overall economy because I don't believe that any government has the right to raise taxes, to charge for services, simply to put those funds aside in the bank and say we have done a good job. That helps no-one. I just make that point and I think we must look at these things in relation to the total economy and just say that we've had some surpluses here and there and we've done a good job, thank you Mr Speaker

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I'm heartened by some of Mr Bates comments because I also wonder what we are doing with so much cash in the bank and I know that Mr King is also very much looking at that question. I'm not in favour of running down reserves willy nilly, but I certainly would feel much happier if the reserves were consolidated in one fund so we may look at exactly what our commitments for the future were and then just how much money could be liberated to carry out programmes which would benefit the community and stimulate the economy. Certainly Mr King has indicated something to that effect as he was examining the

results for last year and Mr Bates is also concerned by it and I'm fairly sure that some of the other Members are but if we do consolidate all our money instead of keeping it in separate pockets and allocating so much for the various business enterprises or various areas that raise surplus it can create a false picture in our own mind as to just what we have available to do something that is constructive for the economy and for the people of Norfolk Island and I hope that in due course Mr King will look at doing just that and that the Assembly will have an opportunity to make an input in the planning of activities which will be of benefit and stimulate the economy further, thank you

MR CHRISTIAN Thank you Mr Speaker. Whilst I agree with some of the things that are being said by Mr King, Mr Bates and Mrs Lozzi Cuthbertson I think they need to be tempered Mr Speaker with a bit of realism. I don't think anybody should for one moment here or out in the community, sit back and think that we've got \$5.5m spare in cash. The fact is, we don't. That \$5.5m, if it were looked at properly, would be balanced by contingent liabilities. Now those liabilities may not appear this year or next year or the year after but they are there and they need to be accounted for so before people get too excited Mr Speaker I would just like to emphasise that whilst we do have possibly \$5.5m in round figures sitting in the bank, a fair portion of it is spoken for. The expenditure just may not take place for a few years yet, thank you

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I would just like to comment, I understand what Mr Christian is saying and I agree with him totally but if it were all listed together, I think it would give us a clearer picture of just what is surplus and what is committed to contingent liabilities

MR KING Thank you Mr Speaker. I quite agree. We don't want to get too carried away by the fact of our holding in our reserves, funds equal to 7.5% of expenditure, in fact more than that if we gathered up the surplus funds left in the airport undertaking which are committed totally separately and took out the surplus funds or the fat out of the other business undertakings maybe we would end up with somewhere round about \$2.6-2.7m in our reserves. But even that figure in absolute terms, in percentage terms sounds wonderful. Any government to have 7.5 or 15% of their annual expenditure in reserves is in a wonderful situation, but in absolute terms, when you look at it you could blow that money very quickly. I know one project on a point out here in our most precious asset which is the KAVHA area, is the horrible land degradation which should be addressed. It should be addressed somewhere in the near future, that would gobble up half the reserves. Half the \$2.5m as quick as a flash so we oughtn't to draw too much comfort as Neville points out and as others point out. We don't know what the appropriate level of reserves is but I just want to present the facts. Sure there's 7.5% of expenditure still in reserves and it's good, it's not as good as it was after self government when there was somewhere around 60% but I just want to make that particular point. I know the economy - I deliberately avoided making the sort of reference to the economic performance in the Island because public purse and the economy are two separate things. There are of course indicators in the public account of economic activity and there are positive signs. There are positive signs regarding the economic recovery and I know that this House took a decision a couple of months ago to declare the economy in a dismal state but there are positive indicators which suggest that it may not be the case and hopefully that those sort of positive signs can be sustained over the next couple of years or so and we can get our thinking together regarding policies. Whether our attitude towards tax gathering is going to be policy related or whether it is simply going to be revenue related. We have to make that decision and put our hands up and be counted. We have to then ask whether we are going to be taxed on a progressive basis or regressive basis. On a fair basis or unfair basis. Equitable or inequitable. I think we need to make those decisions and we need to put it all together in some sort of plan as Mr Smith is looking for for the next five or ten

years. Thank you Mr Speaker

MR BATES Thank you Mr Speaker. I'm not sure if I understood what Mr King was saying when he said that government spending and the economy are two separate issues. They are two separate issues but the government spending within the community is a major contributor towards the total economy of the Island and a very vital and important part of it and they were the issues that I was raising, we must give more consideration to that aspect of government finances

MRS SAMPSON Thank you Mr Speaker. I listened with interest to the discussions and debate around the table but in the many years that I've been involved either in or out of this forum I have not yet seen a concrete three, five, ten year plan which has got teeth in it and I think until such time as we can come down with that type of plan, we have our reserves but what are we going to spend it on. Where is the forward thinking for the next three, five, ten years

MR SMITH Thank you Mr Speaker. Firstly I compliment the Minister for the comprehensive report on the financial statements and I'm sure willing to work alongside Mike in the planning area which Mrs Sampson has just brought up. You will be pleased to know Mrs Sampson that the Minister and I spent two or three hours yesterday talking about this very same thing. We've come to some sort of realisation that we can work on the same thing together and other Members of the Assembly as well will be given the chance to participate in the planning thing

MR SPEAKER The question before us is that the Paper be noted, any further debate?

QUESTION PUT
AGREED

The ayes have it, that Paper is noted thank you. Are there any further Papers for presentation? No further Papers

Statements

Are there any Statements?

MR KING Thank you Mr Speaker. I've been asked whether I might re-open the debate on the Airport Terminal question, so I will do that. I will make a short statement if I may. It might not only serve to re-open the debate in this forum but to bring the listening public up to date on perhaps my or the governments attitude towards the project. As Members will be aware the project has its roots in the formation of a Terminal Working Group in January 1993. The group comprised a mixture of public sector and private sector individuals who had some association with the Administration operation or use of the airport terminal. Further steps over the following nine months included a decision to engage a professional Project Manager and an early indicative budget cost of \$1m was established. That figure of \$1m appeared to be a ballpark figure suggested by the then Minister for Finance, based on an estimate of \$830,000 odd which was given him in 1986/87 regarding major terminal upgrade so as a starting point and based on that historical fact, Mr Bennett chose a figure of \$1m as a ballpark figure. In December 1993 the Project Manager Airplan delivered a concept which although could have been completed within the \$1m limit, was widely rejected. Assembly Members of the time supported a change in direction and understood that a cost increase might result. So the first concept by the agreed Project Manager was rejected in the knowledge that increased costs would probably result. By March 1994 some three months later, a new concept had been accepted. By the end of June 1994, design plans had been received for the consideration of the Working Group. After ironing out some concerns with the Project Manager, tenders were finally called for in December 1994. Given the size

of the project the tender process took until March 1995, this year, and it was only at this point in time, in March, that it became evident that there was a 30-40% potential cost over run. Mr Speaker when I assumed political responsibility for the project, I guess I'll throw this on the table as an excuse for not working quicker over the past couple of months, but when I assumed responsibility for the project three months ago it was already two and a half years old. Since then, I think that I have fielded questions in this House on a couple of occasions, at least once anyway, and I've said much of what I've repeated in this statement today. I have endeavoured to emphasise that I am personally keen to see the project commence and that, as has been stressed right through the two and a half years, the objective remains to ensure that as much local economic benefit as possible flows from the project. I mentioned that I had some discussions with local builders about cost saving measures in an effort to bring the project back closer to budget. Now Mr Speaker, in recent times I've been pressured to set a commence by date for the project but I regret that I am not in a position to do that. At the present time I have only one plan, that is the Airplan one, which has been through a detailed process of examination and comment by the Terminal Working Group, the community and other users of the terminal. If I were to set that plan aside I imagine Members would want to be convinced that it is unachievable in cost, unworkable in design or unacceptable in concept. What I can do Mr Speaker is to endeavour to get all the relevant facts together, over the next short period so that Members can responsibly address all those issues and it is not unrealistic to suggest that that might take place over the next three or four weeks. It is simply not an easy task and I'm not comfortable with any of us, me or any of us making decisions unless we have all the facts on the table so if I can ask for Members indulgence for a period of time so I can get all those facts together and lay them out properly on the table I would be grateful, thank you

MR SPEAKER Thank you. That concludes that Statement thank you. Are there any further Statements?

MR SMITH Thank you Mr Speaker. I move that that Statement be noted

MR SPEAKER Thank you Mr Smith, the question is that the Statement be noted, any debate?

MR SMITH Thank you Mr Speaker and thank you too Minister for bringing forward that Statement about the Airport Terminal. I had a motion that I put in last week to ask the Minister to commence work on the extension of the Airport Terminal. I withdrew that motion because Michael did say he was going to make a Statement. I think now we know where we are at, I didn't know whether the original motion to spend money on the terminal was still active or not, and I guess it still is. I had a different view to perhaps what Mr Bennett had with the Airport Terminal. My personal view is that the Airplan designed terminal should be put on a long term plan, it shouldn't be built where the existing terminal is, I think it should be placed out near the runway where the original terminal used to be and just make a short term adjustment to the terminal there to handle the extra flights that will be coming in as from the end of this month in the size of Boeing 737, but as the Minister said he is going to put some things together in the next few weeks. If he is going to do that and if Members are still happy with the original proposal, I'm quite happy to sit and listen and see what the result of that is, thank you Mr Speaker

MR CHRISTIAN Thank you Mr Speaker. It is heartening to hear that Mr King will be furthering the project over the next few weeks and we should take heart Mr Speaker from the fact that at least five of the members sitting around the table today have first hand experience in the design construction and implementation of significant capital works projects in Norfolk Island. Myself, Mr Buffett, Mr Bates, Mr Smith, Helen Sampson in previous Assembly's have all taken an

started to register their objections about the concept, when it had been in train, and Members knew it was in train, for the entire previous year. The tender process, design plans being done etc etc. Again, I'm quite happy to have a look at it, I don't have any firm views about this. As I explained to Mr Smith yesterday, if people who know better than me can tell me better things, and come up with better ideas for airports I'm happy to readily accept it because I don't know much about it, but we can discuss all these things at the appropriate time

MRS SAMPSON Thank you Mr Speaker. I take Mr King's comment about this Assembly didn't squeal, if I may use that word, until March 1995 and we got prices in, but when we were elected in April or May 1994 there were repeated questions asked of Mr Bennett both in this House and outside of the House, Committee or privately, about how the airport project was going and I now regret to say that probably we were sort of fobbed off with platitudes like, it's going okay, or there's a few hitches, would you like to come and read a foot high documents on my desk but everything's okay, and I think we accepted Mr Bennett's comments at face value that there were hiccups in the procedure but it was going according to plan and it was only when prices came in that we then complained that there was \$140,000 spent and we hadn't seen much for it. I think at that stage was when the plans were then taken out and we went on inspection of the airport and saw for the first time what a massive building it was going to be. When I say massive, the verandah section was going to take up at least one third of the car park and there were no contingency plans for having an alternative car park although we had lost all the bus parking space plus the private parking space which was going to add again to the final price of the airport and I think this is one of the reasons why this Assembly decided why at this stage, we had to call a halt to it. Yes, I agree that we may have been at fault for not asking Mr Bennett previously for documentation on the table or for not reading through his foot high files on the project but I can see no point in saying that perhaps this Assembly was at fault for not calling a halt sooner. But I do take Mr King's point that until the \$140,000 cost was dropped on our lap we didn't really have any idea what was going on

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. Mrs Sampson has said some of the things I wanted to say. I do not recall exactly when we actually saw the plans but it was fairly late and it was after the quotes came in. We did get regular updating reports but certainly not enough to enable us to notice exactly some of the exaggerations of the present building. Looking at a mock up design of what the building would look like, we may not have been delighted with it but it looked like a reasonable sort of building. Quite frankly, until we visited the site and we started to look at the dimensions, I don't think it takes half the car park, but a very large slice of it, and people with expertise in building, such as Mr Christian started to raise significant questions, personally with my lack of expertise in building I felt uncomfortable about the cost but I could not point out what aspects of the building did not seem right. We needed that kind of input and I think Mr Christian did a very good job in making us aware of alternatives and ways that prices could be reduced if we had an alternative plan. It is expensive to think of throwing away the present plans, and I certainly would not consider it until Mr King puts to us alternatives to the present situation. But it certainly is something we will have to consider when that time comes

MR CHRISTIAN Thank you Mr Speaker. I feel that I must say some words in defence of Mr Bennett because Mr Bennett acted quite responsibly. He was working within the terms of a motion passed by the House that the project was not to exceed \$1,050,000. Now I think I'm correct there, however, where he had been let down was by the Project Manager's who could not give him an estimate for what they had planned. Instead they preferred to have the industry cost the project and the only way you can get the industry to cost the project is to tender the project out and it was at that time after tenders closed and were evaluated that it became very apparent that there were going to be massive cost over runs in the project.

It was at that time that I became concerned and I think Mr Bennett took the correct action in giving Airplan the flick and putting the project on hold. I just clarify the situation there Mr Speaker

MR SPEAKER Thank you. Further contribution Honourable Members?

MR KING Thank you Mr Speaker. I know I am seen as somebody who always likes to have the last say Mr Speaker but I don't mean it like that. I'm not going to sit here and criticise Mr Bennett or the Project Managers. I see that as just all old hat that we just get on have a look at where we are going to go with this thing. I don't think Members are doing themselves any great service by saying that they didn't see the plans until such and such a time. A great many people in the community were interested enough to go and have a look at the plans which were all set up in the Post Office, and Mrs Cuthbertson, if you didn't go to see them but it was made reasonably clear to the existing Assembly when the first concept was rejected that there would be major cost over runs. We didn't know what they were. It was explained to the community, maybe not explained sufficiently to the community, I don't know, I would have to look at the press releases and what not at the time perhaps, but I have to stress that point, that we didn't know the extent of the cost over runs until the tendering process had been completed in March this year, but it was one year prior to that when the first concept was rejected that Members of the time and the community were made aware that there would be cost over runs. I'm sorry Mr Speaker but I'm happy to get on with this. I think we ought to forget about Airplan and Mr Bennett and what he did, and what I've done and let's just get everything back on track

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I have to advise Mr King that I actually did go to the Post Office and I did look at the plans and I did look at the design of the airport, but quite frankly, unless you understand building plans you cannot tell what a building is going to be like. You can only look at the mock up of the design, what it looks like, I thought it was alright, it wasn't wonderful but it was okay. I couldn't think of any major reasons why I should object so I just let it go, but unless you do have building knowledge you cannot make any constructive comments

MR SMITH Thank you Mr Speaker. Just a clarification please from one of the Minister's. It's been stated that the estimated cost for the project was going to be, or the amount that the Assembly allowed for the project was \$1,050,000. When you both talked about a 30-40% increase or over run is that on that price. Are you talking of \$1.4-1.5m for the project or were you talking about the ...

MR CHRISTIAN Thank you Mr Speaker, I can respond to that from my perspective, and I'm not speaking on behalf of Mr King. That was the cost over run George in regards to the \$1,050,000 but, there were significant contingent works that were not costed that would have been brought about as a result of the terminal project going ahead, for instance, alternative arrangements for the car park and furnishings. There were no seats in the building and things like that, no baggage arrangements. So if we were going to put in, or spend what was looking like being \$1.3m I think from round figures, on an airport terminal that provided no actual improvement in passenger processing capabilities, or seating arrangements well you then had the question whether it was worthwhile proceeding with, and I think Members at the time put the view that the review was needed and I think what we are doing now is getting that review kicked along

MR KING No further contribution thank you Mr Speaker

MR SPEAKER Thank you. Honourable Members are there any further contributions to this debate on the question that the Statement be noted with

regard to the airport

QUESTION PUT
AGREED

The ayes have it thank you. Are there any further Statements this morning? No. Can I just clarify, did you table that Mr King. You didn't. No, no I was just really seeking clarification. I wasn't trying to prompt anything

Messages from the Office of the Administrator

There are no Messages from the Office of the Administrator, we move on

Reports from Standing and Select Committees

Any Reports from Select or Standing Committees

MRS ANDERSON Thank you Mr Speaker. I table the Report of the Select Committee on Electoral and Constitutional Matters and move that consideration of the Report be made an Order of the Day for the next Sitting. Mr Speaker it gives me great pleasure to present the report of the Select Committee on Electoral and Constitutional Matters. This Report is now a public document and a copy will be made available for perusal at the public library. Copies may also be purchased from the legal unit of the Norfolk Island Administration at a cost of \$5. In April 1994, because of the factors which had led to an early election, there was a heightened political awareness within the community and many expressed the opinion that the present electoral system was unsatisfactory. It was therefore deemed appropriate to canvas the views of the electorate and this Select Committee was established for that purpose by motion of the House in May 1994. The Terms of Reference of the Committee were, to enquire into and report on the provisions of the Legislative Assembly Ordinance 1979 and the Norfolk Island Act 1979 relating to

- 1. Elections to the Legislative Assembly
- 2. The term of the Legislative Assembly
- 3. Requirement for candidates for election
- 4. Requirements for membership of the Legislative Assembly; and
- 5. the present voting system

In addition the Legislative Assembly directed that the Select Committee -

- 1. May consider any other matter relevant to its enquiry
- 2. Shall have the power to send for persons, papers or records
- 3. Shall invite submissions from members of the public
- 4. Shall report to the House on its conclusions and recommendations within six months unless the House otherwise orders; and
- 5. Shall comprise Monica Anderson, Robert Adams and Helen Sampson.

Despite the keen criticism of the electoral system voiced in the lead up to the election, this level of dissatisfaction was not evident in the response to the Committee's call for submissions. A total of thirty-four written submissions and six oral depositions were received. The Report tabled today has been compiled from the views of those respondents and from research undertaken by the Committee but does not claim to reflect the views of the whole electorate of Norfolk Island. In addition, the Report contains a brief history of voting on Norfolk Island and the Committee is indebted to Mrs Merval Hoare for providing much of the background material used in this chapter. In all, the Committee has made 27 recommendations which we submit to the House for its consideration. Mr Speaker it's not my intention to read these recommendations out in isolation. It would be essential to give at the same time the Committee's reasoning for arriving at its conclusions which would mean reading a substantial portion of the Report which runs to 44 pages. However I will flag, Mr Speaker, that the Committee has recommended the establishment of a new electoral act to cover all procedures and regulations for

the conduct of elections to the Legislative Assembly including eligibility to vote and eligibility to stand for election and a separate and distinct Legislative Assembly Act to cover the domestic management of the Legislative Assembly, to provide for the office of Clerk and other parliamentary officers and to enhance the independence of the Assembly. The Committee has also recommended that at the time the new Acts are drafted the opportunity be taken to tidy up a number of anomalies under the current legislation. The primary focus of the report is on review of our current voting system and several alternatives were suggested and researched. The majority preference was for a return to the first past the post system as being the fairest and most easily understood. The Committee has also recommended that the qualifications for enrolment be amended to allow native born Norfolk Islanders to participate more readily in Island affairs. Mr Speaker I submit the report to the House.

MR SPEAKER Thank you Mrs Anderson. Are there any further reports this morning. I'm not too sure if somebody is trying to signal me in respect of the report that has just been tabled. If you wish to make comment upon it we need to note it at this stage but you will also record that Mrs Anderson has already indicated that it will be made an Order of the Day for a subsequent day of sitting. Any debate. Okay before us we have the motion that consideration of the report made Order of the Day for the next sitting.

QUESTION PUT
AGREED

The ayes have it thank you. Thank you Mrs Anderson. We are at the stage of considering Notices Honourable Members. Mr Adams.

NOTICE NO. 2 - WASTE MANAGEMENT COMMITTEE

MR ADAMS Thank you Mr Speaker. Mr Speaker I move that a Waste Management Committee be established comprising Neil Alexander Tavener, Helen Victoria Sampson, Dean Andrew Fitzpatrick and Lester Reid Semple for a period of two years. Mr Speaker, the objective of the putting together this Waste Management Committee is to provide recommendations, review and advice on ways of improving Norfolk's waste management situation. The Committee will base its recommendations and review essentially on the report produced for us by Unimelb in recent times. It will form a general guide, Mr Speaker, for the Committee. The members of the Committee commencing with Mr Neil Tavener, he is in the Public Service Health and Building Inspector, waste management is in his area and is somebody with significant knowledge in this field. Dean Fitzpatrick is a younger member of this community and is a very capable person whose interests range generally across issues that need to be addressed in this area. Mrs Helen Sampson is a Member of this House so not necessarily on this Committee as such. Helen is a committed community person with strong environmental ideas and will make a very positive addition, Mr Speaker, to this new Committee's make-up. Finally Lester Semple, Mr Speaker, needs little introduction where waste management is concerned. Lester's a committed person where waste management is concerned and he is very much a forward thinker in this field and I don't think, Mr Speaker, this Committee would be complete without somebody of his drive and experience in this area. I commend the motion to the House.

MR SPEAKER Thank you Mr Adams. Debate Honourable Members. Mrs Sampson.

MRS SAMPSON Thank you Mr Speaker. I thank Mr Adams for not only making waste management a priority issue but putting together a Committee to progress the matter speedily and as efficiently as possible and I look forward to working with the other members. Mr Semple and Mr Tavener I know well and Mr

Fitzpatrick is a welcome addition to the process of "official" Committee's organised by this House as it's vital to get input from the younger members of the community as it is in their future that is at stake. Although we all have different ideas of how to achieve results, I confident that the four of us together with suggestions from the public can come up with some solutions that will find acceptance both by the Government and the people. Thank you.

MR SPEAKER Thank you Mrs Sampson. Further debate. Mrs Cuthbertson.

MRS CUTHBERTSON Thank you Mr Speaker. I wish to congratulate Mr Adams for bringing together this Committee, to progress the issue of waste management which is very important part of looking after our environment and ensuring that it is left in as pristine and excellent condition as possible for the future. I particularly congratulate him on his choice of members for the Committee and I have full confidence that at the end of two years the situation of waste from this Island will be quite different.

MR SPEAKER Thank you, Mr Bates.

MR BATES Thank you Mr Speaker. Yes I certainly support the motion. I think the choice of people on there is quite good. I feel that the motion itself is lacking something, it seems to be a little bit bare, it doesn't seem to spell out any guidelines or objectives for the Committee as to what direction we should be pointing them because I certainly have some very strong feelings on a world wide basis that the world is eating up its resources very quickly and that the main emphasis on any waste management should be in recycling and you know things are vastly moving in areas in Australia to where a city like Newcastle by the year two thousand and something will be virtually recycling a 100% of its waste with things like worm farms for compost and disposal of grey water, and you know that we all know that plastics and glass and aluminium are all recyclable and I would like to suggest that the Committee focuses more on recycling than just simply waste disposal but nothing like that is spelt out in this motion and I just feel that it's lacking some little direction. Thank you Mr Speaker.

MR SPEAKER Thank you. Further contributions, Mrs Cuthbertson.

MRS CUTHBERTSON I probably should have left this to Mr Adams but I did not see him signal. The Unimelb report to which he referred and which the Committee is going to look at implementing covers all of these issues, in particularly the importance of the question of recycling and reducing waste. That's the other important aspect that it covers and dealing with waste which cannot be recycled or reduced in an environmentally friendly way as possible. The report is excellent. I doubt if we could think of other additional ways that we can improve our situation and if we go any way toward implementing that report here on Norfolk Island I think we will be doing really well.

MR SPEAKER Thank you, Mrs Sampson.

MRS SAMPSON Thank you Mr Speaker. May I assure Mr Bates that recycling is on top of my list as regards woodchipping, grey water, newspapers and anything because even the name of the Committee is Waste Management not Waste Disposal so can I put his mind at rest that this will not be put down the bottom of the list.

MR SPEAKER Thank you, Mr Adams.

MR ADAMS Thank you Mr Speaker. I'm afraid Mrs Cuthbertson has somewhat stolen my thunder in this one. Although not spelled out totally in this motion, Mr Speaker, the idea is that the Committee proceed along the lines as put

together in the Unimelb. Not exactly as put together, there needs to be some flexibility to allow for local conditions. As has been said by Mrs Cuthbertson recycling is a large part of the Unimelb study and there is a great deal of other issues involved there as well. Not least of which is public education. To put that into the motion, Mr Speaker, would have resulted in a motion running to many, many pages. So the idea of the Committee is really to adopt and implement as much of the recommendations in the Unimelb Study as is realistically possible in our scenario. It will be addressing, this Committee will be addressing many issues, including some of the wands that probably have been given too little priority in the past such as the end result of articles or items that are potentially of damage for our environment and of that I speak of CCA treated things, CCA treated timber Mr Speaker. There are a number of other areas that have received partial emphasis in the past or priority that's too low according to their possible risk to the environment. In that area I speak of batteries, Mr Speaker. The Committee will be putting together policy and will be coming up with ideas as to way of implementing means of reducing these impacts to the environment and as I said public education will be a kick off at starting point and after that time they will be coming forward with ideas on how to actually implement recycling things and to reduce basically the impact of waste on our environment. Thank you.

MR SPEAKER Thank you. Mr Bates.

MR BATES Thank you Mr Speaker. I find the words of both Mrs Sampson and Mr Adams very reassuring and they have added quite a bit of public information and really described the things that I was saying that the motion lacked, I think has come out in the debate and I thank those two for their input.

MR SPEAKER Thank you. Further debate. There is no further debate, the question is that the motion be agreed to.

QUESTION PUT
AGREED

The ayes have it thank you.

NOTICE NO. 3 - TOURISM PLAN ADOPTION IN LIEU OF EXISTING TOURISM POLICIES

MRS ANDERSON Thank you Mr Speaker. Mr Speaker, I move that this House adopt in lieu of existing Tourism Policies, the following tourism plan. Plan for Future Development of Tourism in Norfolk Island. Preamble - It is recognised that tourism forms the basis of the Norfolk Island economy and as such must be nurtured and enhanced. In the development of the tourist industry due consideration must be given to the protection and conservation of the Island's unique ecology, environment and lifestyle. Mission - To improve the economic health of Norfolk Island and the quality of life of its residents. Goals - (1) To conserve the unique qualities of the Norfolk Island lifestyle and environment. (2) To generate needed employment activities and investment opportunities for present and future generations of residents. (3) To increase economic activity. (4) To develop the level of visitors necessary to sustain a viable tourism industry and optimise tourism's contribution to the above mentioned goals. Objectives - Conservation (1) To implement the plan in a manner that protects the natural environment and cultural heritage of Norfolk Island. (2) To ensure tourism and related development is in keeping with the style, scale and mood of the Norfolk Island lifestyle. Community - (1) To develop an ongoing community relations programme that keeps the community informed in respect of tourism development. (2) To encourage residents to work in tourism and tourism related activities. (3) To introduce and encourage training programmes that will provide residents with the skills needed for such employment. Economy - (1) To increase the benefits of tourism to the local

community by developing sources of supply on Norfolk Island. (2) To increase the per diem expenditures of visitors to Norfolk Island. Tourism - (1) To maintain, through liaison and negotiation with carriers, adequate and appropriate air services from major markets to achieve the stated goals. (2) To bring tourist accommodation up to today's competitive standards and strengthen the competitive position of the tourism product generally. (3) To achieve balanced growth in tourism activity to a target level of 340,000 bed nights by the year 2005. (4) To focus marketing on visitors from Australia and New Zealand and on developing new segments such as the stressed executive and special interest travel from these markets. (5) To take advantage of the potential of information technology to improve the reach and effectiveness of Norfolk Island's marketing. Mr Speaker, Norfolk Island's Tourism Policies as they currently exist were formulated at a time when there had been rapid growth in tourism and it was feared that if growth were to be allowed to continue unchecked the Island could be over-run with tourists to the detriment to the Island and its residents. Since that time we have had the recession that Paul Keating said that we had to have; the pilot's dispute and the general down turn in the economy. The plan which I'm proposing today to replace the existing policies may appear on the surface to be a radical change of direction and focus but it does, in fact, encompass many of the policies couched in different terms. The plan has its basis in the wishes of the residents of Norfolk Island as they were expressed in the recent survey on Tourism Policies. The love of the residents for their homeland and their desire to see it protected came through loud and clear, so to did the call for a boost for the Island's economy and increase in economic activity which will allow those who love the Island to remain here, to work and to support themselves and their families in dignity. An unsigned article in last Saturday's edition of the "Norfolk Islander" suggested that the Assembly is losing sight of the fact that Norfolk Island is first and foremost the home of its residents. Mr Speaker, the proposed plan recognises this indisputable fact and goes beyond just making such a statement. It further defines what the term home means to Norfolk residents by setting as one of its goals to conserve the unique qualities of the Norfolk Island lifestyle and by having as an objective to ensure that tourism development is in keeping with the style, scale and mood of the Norfolk Island lifestyle. Norfolk's existing Tourism Policies were formulated in the early part of the 1980s. We are now in the second half of the 1990s, rapidly approaching the year 2000. Times have changed, people's aspirations and priorities have changed and our policies must keep abreast of these changes. If any members of the community believe that I am advocating turning Norfolk into a concrete jungle with topless bars and flashing neon lights let me set their minds at rest. Norfolk is my home, it's verdant, tranquil, beautiful and I want it to stay that way, but Mr Speaker Norfolk is not prosperous. It is not thriving as one would wish. The community at large recognises that a buoyant tourist industry is essential for the future economic well being of the Island in both the private and the public sectors. Current activity needs to increase if the Administration is to maintain and improve services. By enhancing our tourist industry we can hope to improve the financial viability of Norfolk Island and the quality of life of its residents. Mr Speaker, I would first like to expand on some of the proposals in the plan. Let's start with the one which I think will probably illicit the most criticism or disquiet. I refer, of course, to the proposal to increase the number of bed nights to 340,000 by the year 2005. Shock, horror we've gone from a proposed ceiling of 30,000 to 340,000, 340,000 Mr Speaker, all those tourists trampling our forests and wearing out our roads but is it as horrific as it sounds.

In the report the Past, Present and Future Population of Norfolk Island March 1987 drafted under the Chairmanship of Mr Ed Howard which advocated a curb on tourists numbers following a period of rapid growth in the early 1980s, it was suggested that the desired level of tourism should be set at 1,350 tourists per day for the Christmas and Bounty Day period, that is for six weeks per year, 860 per day for the remaining forty six weeks. Surprising as it may seem Mr Speaker, this equates to a total of 333,620 bed nights. In March 1987 the average length of stay was 9.2 days so this number of bed nights would have resulted in some 36,200 visitors per

year. In 1995, the average length of stay has reduced to 7.6 days. If we divide the number of bed nights proposed in the 1987 report by the current day average, this results in just under 44,000 tourists for the year. In 1987 this figure was put forward as a limit. Under the new plan the proposal is that this figure would be a target. A target of 340,000 bed nights for one year by the year 2005. Mr Speaker, it will not be easy to achieve. One of the objectives of the plan is to bring tourist accommodation up to today's competitive standards and strengthen the competitive position of the tourism product generally. Mr Speaker visitor expectations are constantly increasing and Norfolk is not keeping pace with the trends. Some accommodation proprietors are ploughing their profits back into their businesses and keeping them up to the mark but other accommodation houses are run down and old fashioned. If Norfolk is to remain viable in an increasingly competitive market we must be prepared to offer what visitors expect in terms of accommodation. We must actively encourage the construction of a first class hotel or the upgrading of existing facilities to first class level. Limited overseas participation in such a venture should not be prohibited if sufficient local capital is not available and any such accommodation complex must be sympathetic to the Norfolk environment and lifestyle and blend in with its surroundings. Once the standard has been set other properties must follow or fall by the way side. This does not mean that they have to upgrade to first class but they will have to offer facilities commensurate with their grading and prices. Norfolk should pride itself in offering the best two star accommodation, the best homestay, the best value for money. Mr Speaker I'm promoting the construction of an international standard hotel but first before any project can be considered strict building codes must be set in place governing the location, standard and type of any new accommodation and any other tourist oriented construction. Setting specific requirements with regard to water storage, waste disposal and other environmental considerations and suitability for the Norfolk scene. It is essential that any construction on Norfolk, whether or not destined for the tourist industry, should be in harmony with the Island's surrounds, style and lifestyle. In addition as visitor numbers increase so to must our vigilance with regard to the protection of our fragile environment. No tourist accommodation can be envisaged without first addressing the very real problem of inadequate water storage and I believe that Mr Adams is taking this question on board. Mr Speaker, we are today looking at a plan for the future development of tourism on Norfolk Island, to replace the existing tourism policies. The purpose of this plan is to set out guidelines on which our future tourism strategy will be based. This is only a first step. Once this premise has been agreed upon we shall have some very serious work ahead of us. Mr Speaker I would like to take this opportunity to raise some additional points for consideration. Tourism is Norfolk's principle industry. It brings in more revenue than any of the government business enterprises. The burden of running this business falls on the shoulder of the Norfolk Island Government Tourist Bureau. An advisory Board comprised of members of the community, all voluntary, which is required to meet once a month. This Board is currently expected to take responsibility for the whole of Norfolk's tourism industry. This is totally unreasonable. There also appears to be a lack of direction and very ambiguous lines of responsibility under the current arrangements. To my mind it's imperative that a qualified Director of Tourism be appointed to be directly responsible to the Minister. The Director will be responsible for formulating and implementing a marketing plan and would have day to day responsibility for all aspects of tourism and tourism marketing. All personnel engaged in the tourism sector of the Public Service and all representatives, consultants, media agents and such like would be under his direction. The NIGTB which should be representative of the accommodation and other industries directly involved in tourism would thus be able to fulfil its advisory role as was originally intended. Mr Speaker, we are now firmly in the age of information technology. Through the use of faxes and computers, the barriers of time and distance have been swept away. Consumers now don't just want fast food, they want instantaneous information and nowhere more so than in the tourist industry. I propose that we should investigate and implement the establishment on

Norfolk Island of a centralised data base and a computer reservation system to service the whole of the Island's tourist accommodation network and other related industries. Some of our accommodation houses and tour operators are linked into computerised reservation systems through mainland wholesalers but this can be a costly exercise, especially for smaller business. Many of the properties are too small to be able to cost effectively market through the existing wholesalers and advertising rates increase substantially each year. Under a Norfolk based system the Island would become one single holiday destination with different categories of accommodation, first class, self catering, bed and breakfast etc. I understand that a similar scheme was mooted some years ago but did not get off the ground. Principally, I understand, because of the fear of big brother knowing what each business is doing through the computer network. My suggestion is that participating accommodation proprietors would not necessarily be linked into the computer but would make available to the reservation system a certain minimum percentage of their units, say 25% for free sell. They could make all their units available if they so desired and then buy back from the system whatever they might get direct bookings for. The usual commission would be paid to the reservation system and this would be used for advertising the holiday destination as a whole. This centralised system would also be used to access the availability of tours, areas of special interest, shopping opportunities, forthcoming events and so forth.

This does not have to be government sponsored. It's a unique opportunity for private enterprise. For collaborative effort between business people with similar interests and aspirations. In addition to this we must actively investigate the potential of the global inter-net with a view of having Norfolk directly linked into the system. Mr Speaker, this could be Norfolk's answer to the tyranny of distance. It has far reaching possibilities, not only for tourism promotion but for the School, Mail Order businesses, the Off-Shore Finance Centre and a host of other applications we don't yet know of. Mr Speaker, the time has come for Norfolk Island to take a serious look at its future as you recognised in the motion which you introduced at the August Sitting and which we will further consider today. Until some alternative comes to light Norfolk's future is firmly linked to tourism.

Through tourism and a balanced growth in tourism activity, we shall be able to conserve and preserve Norfolk Island and the well being of her people. Through tourism we can ensure that Norfolk remains first and foremost the home of its residents. Mr Speaker, I commend the motion.

MR SPEAKER Thank you Mrs Anderson. Debate Honourable Members. Mr Adams.

MR ADAMS Thank you Mr Speaker. I commend Monica and Mike for the effort that went into this mission. There's alot of work here. It seems, however Mr Speaker, this maybe just my perception but it seems to be part one of a two part document, keeping in mind that this is put forward as a plan and has replaced all other tourism policies, particularly the ones concerning local ownership and the home for the residents of the Island. It seems to be great deal of sweeping statements in the air. Perhaps for my benefit though, Mr Speaker, I would prefer to actually get in behind the sweeping statements and see what they actually mean and how the intent is to implement and make these things work for the Island or basically to quantify these sweeping statements. Looking at this plan, Mr Speaker, it gives rise to many questions, areas where I think more information is needed. At least for my benefit. Just having a look at it from the start Mr Speaker, for instance the goals. I mean it says here, the goals to conserve the unique qualities of Norfolk Island lifestyle and environment. Mrs Anderson has indicated that this is ensuring a continuation of a former policy where Norfolk is a home for its residents. If that were the case Mr Speaker, why change the policy, why not if that was thought reasonable and apparently is because she indicated that the essence of that has been retained why change it. Moving on to objectives, Mr Speaker, Objective number one to implement the plan in a manner that protects the natural environment and cultural heritage. Well it doesn't tell me exactly what is

to be implemented Mr Speaker, particularly what's to be implemented over and above what's now available. It's perhaps silent on how it intends to reach that objective. In the community area, Mr Speaker, community paraphrase two, to encourage residents to work in tourism and and tourism related duties. What mean would Mrs Anderson see as to actually promote this process coming about. Does she mean or is the intent of this to ensure that local people are given a position or an opportunity to work in the high levels of the tourist industry or is it perhaps just only an encouragement at the lower level. So I would perhaps like to see an indication of how that one is to be brought about and following on from two, three, again Mr Speaker loosely connected with the intent I assume of two and its says "to introduce and encourage training programs that will provide residents with the skills needed for such employment." Mr Speaker, as I have indicated to the Tourism Minister at length over the time that I have been down here, I have a basic difficulty with a non-local heading up the Island's front line tourist office and again, Mr Speaker, I hastened to indicate that's no reflection on the incumbent, merely the fact that I don't think it's correct to have a non-local person be selling the Island product. Now if the idea is to encourage and introduce training programs, one of the suggestions that I have made over a period of time and I continue to make is to select a particular person, perhaps from the Tourist Bureau staff, actually put them through a recognised course or a course that the Minister and perhaps the Tourist Board think is necessary to give that person those skills and therefore have a local person with qualifications leading up our tourism effort and I would suggest the funding for that be made available from within the Tourist budget areas. I put that forward perhaps as a proposal to give some teeth to community paraphrase 3 which seems I think to general it doesn't tell me and doesn't indicate what is actually meant and how it's going to be done. Following on from that, Mr Speaker, the economy part of it in paraphrase 1 in economy says to increase the benefits of tourism to the local community by developing sources of supply on Norfolk Island. Mr Speaker, I'm left with the thundering question of developing sources of supply of what. It's unclear to me and I prefer more information on that and following that it says too to increase the per day or dm expenditures of visitors to Norfolk Island. What plan, what does this tell us or as to or give an indication as to how this is to be achieved. Again, an unclear area. Mr Speaker, the tourism part which is coming towards the end of this plan, two reads to bring tourist accommodation up to today's competitive standard and strengthen the competitive position of the tourism product. Mrs Anderson has indicated the idea behind this one is to bring the available accommodation at this time up to a first class standard, well I'm simply left wondering how that is going to come about, particularly it seems as she's suggesting that deregulation only be achieved by putting up a first class hotel. That then makes it difficult for one of the objectives is this and that is to have real local input into the accommodation. Either we have a first class hotel and/or we do up the places that are presently available. Where does that allow more locals to be involved in the industry. With tourism, section 2 again, you know I am curious as to see what strategy that Mrs Anderson's proposed to actually bring about, to make it work. And 3 is to achieve balance growth again in the tourism areas to achieve balance growth in tourism activity to a target level of 340,000 bed nights by the year 2005. How does Mrs Anderson propose that these balance growths to that number be achieved. Does it mean further unit flexibility, does it mean some sort of regulation. One of the concerns, one of my prime concerns, if this in fact is the intention to increase beds and therefore impact on our resource, one of my prime concerns is the impact on water resources and as I have indicated personally, Mr Speaker, in the last few days that I'll be working with relevant members of the Public Service or sections of the Public Service to bring about some water policies/legislation in the very near future and will be addressing such things as reducing pressure on the water table, addressing such things as storage to catchment ratios with an overall objective of assuring basically that our water supplies are at least as much as we are realistically able, we assure those supplies. Now given that fragile water situation I hope substantial pressure on

MRS ANDERSON Thank you Mr Speaker. I will respond to Mr Adams criticisms. The basis of this plan we are looking at today is a blue print, a basis as I say. I am not proposing in this document to set out our strategy, our marketing plan and other things that Mr Adams is looking for. They are as he suggests a Plan B. I don't think Mr King would have taken very kindly to me sitting in the House today and telling him how to do his job but I look forward to working with him and further implementing our tourism strategies on the basis of these guidelines. Yes, maybe we do repeat ourselves about protecting the natural environment of Norfolk Island but isn't that one of the fundamental matters of importance for us. We don't want to do anything that is going to in any way harm Norfolk Island as it is, as we know it and love it. Its uniqueness, its culture its heritage. They are the things that are of paramount importance and they are one of the things that tourists come here to see. How different we are, how beautiful Norfolk is. We would be crazy to change anything in that regard because they just wouldn't want to come again but I would like to think that we have this basis on which we will build our tourism strategy. I suggested that we have got alot of work ahead of us. We do need to revitalise the tourist industry. If we are going to prosper at all on Norfolk, that's the only industry we've got. It's stagnating at the present time but we need to do it within clear guidelines and I believe that the policies that I am proposing today will be those guidelines. I would just like to pick up on one point that Mr Adams mentioned about water conservation. I did, I believe, make clear reference to that, that we cannot have additional accommodation unless adequate provision is made for water storage, the protection of our water. We get an awful lot of rain on Norfolk Island but how much of it goes over the cliff. We have got to look at water conservation and I look to Mr Adams to lead us in that direction.

MR SPEAKER Thank you. Further debate Honourable Members. Mr Bates.

MR BATES Thank you Mr Speaker. Yes I hope that this paper has been tabled today will be fairly circulated amongst the industry and the public so that the time we meet again we can have the benefit of the public reaction and the industry's reaction to this. My first reaction was exactly as Mr Adams put it. I think if Norfolk is to remain first of all a home of its people and secondly a tourist destination well why don't we say so that leaves any doubt. I think that those phrases are well accepted, a few words amongst the community and I know that the goals in here and parts of it say that but they don't say it in so many words. It doesn't stand out that that is one of the goals we should do and I would like to see that incorporated in here so there is no doubt, so that it does stand up. I think the editorial in the last paper put it probably much better than what I can try to put it here today. My second reaction and Mrs Anderson did cover this and I was glad to hear it but it's not spelt out on the paper itself. Unless you've heard her debate, you might well miss the point but my reaction was that there is nothing in here to give much hope to the fringe operators. Those operators whose scale of operations do not fit easily into the wholesaling package type of deal that the majority of our tourist these days seem to come on. Mrs Anderson certainly mentioned a computerised data base which would, I think, would go along way towards taking care of those fringe operators and it's something that I think alot more time could be spent on because there is no doubt that the wholesaling

operation, the package deals is how tourism in world wide basis is handled these days and it all has to do with commissions and monies and if you are not in a wholesaling or a package situation well then you are certainly on the fringes. I would just like to have seen some hope for those people that are on the fringes in this plan. I thank you Mr Speaker.

MR SMITH Thank you Mr Speaker. I think there are is couple of things that we have got to be a bit careful with here. Firstly there's the plan for the future development which Monica tabled. Mrs Anderson also went on to give her views what can develop after this has been put in place. I think we should first actually debate this paper first. I think people may get the idea that what Mrs Anderson said is all in part of this document which it is not but it gives us the ability to carry out other things. I don't think we should get them confused. Going through this paper myself, I'm quite happy with it, it's great to see the old policies which have developed in the 80s being reviewed. That's very important that they do and I think this is the best thing we've had since then. With a couple of changes and I take on board the concerns of Mr Adams and Mr Bates about Norfolk being the home of its residents and I think that should be in there. I think there is no problem doing it but as for the rest of it, it's a, what did we call it the other day, philosophical document for us to work to which we need, we really do need that.

As for what we want to do after this has been accepted, if it is accepted which I hope it is, is a different matter. You know if we are talking about accommodation systems or whatever that's a different issue to what is here. The other thing I would like to point out to from in my own mind that we have got to be careful why, why we are doing anything with tourism. I mean we don't just have tourists just for we can see how many people we can sit on the Island.

The whole thing is, well I don't intend to anyway, but the whole thing is developed from where tourism has developed over the years to support infrastructure of Norfolk Island. I've been talking a lot about planning to the point where some people don't even want to talk about it to anyone. I think but it's so important in this issue of tourism that we get a general plan, not unlike this one here for the Government and the Administration of Norfolk Island. The Minister for Tourism and I talked about this at some length yesterday and I think we agree on a lot of points with it. Basically, the planning thing is about looking at the whole of the workings of the Government and the Administration/Public Service, finding out what we want to do with each entity as Michael pointed out yesterday, whether it be roads, telecom, whatever it is, find what we are wanting to do with each of those areas, how much it's going to cost, put that into a general plan so we know this year, next year, as far as ten years what the Island is going to cost to run and the only way we can fund that at this time is with tourism. I think that's very important to keep in mind, that if the amount of tourists that we have or the type of people we have, has got to be considered in that light first. I don't think we should make up the numbers. I'm not criticising what you have in there Mrs Anderson but I don't think we should make up numbers because that seems to suit the times. I think that was done with the policies in the '80's, the numbers were used at that time suited that time but they don't suit us now. Things change.

Like the 340,000 bed nights I think in the '80's it was 820 persons per night or something. But as you say, they stayed for 9.5 days. That's now dropped down by two nights per person and that has made a very big difference in the amount of people who come here. For example I think, and correct me if I'm wrong Minister, but roughly 28,000 people visited Norfolk Island from July to

the whole Island. Conservation, community, economy and tourism. It tells the Government of the day to be mindful of those potential repercussions in those areas and to tread fairly carefully. The important thing I want to talk about at the minute is the growth factor which has been injected into this plan, platform, framework, whatever we are going to decide to call it, and I have to say that I'm not uncomfortable with that aspect Mr Speaker although I have to qualify myself as others have done. Over the past few years I've often responded to criticism about flagging tourism numbers by pointing to the rapid rise in tourism activity in the twenty years through to the mid eighties and I've said that it was inevitable that pressure would arise once that rapid growth was curtailed or levelled out. Okay, in the past few years we've seen a slight decline but relative to the rapid growth of that twenty years I can assure you the decline of the last six years has been somewhat negligible and I think that we have to understand that in these present circumstances Mr Speaker that if we re-introduce a growth factor to tourism then pressure will arise once again as soon as those target levels are achieved. It doesn't matter what target levels are set, as long as we are a single industry economy there will be continuing pressure for improvement, particularly from the commercial sector, those who have made the bigger dollar investment in the Island. Perhaps Mr Speaker, or most probably, the answer for the long term future lies in industry diversification which we have spoken about from time to time at some length, not with any success at the moment, but we are aware of it and we are aware that it is something we have to look at. The challenge at the present time is to determine whether we can safely grow our existing economy by stimulating our only existing industry tourism, and I say safely grow it. I'm worried as everyone else is about the conservation and resources of the Island and we ought not overdo it. I think that we can safely grow our existing industry. I believe that over the past few years I've developed a reasonably sound understanding of the tourism industry, not only here but in the region. I've been particularly interested in what happens in other places, particularly of the same size. I've had a great deal of exposure to key commentators and key players in the travel and leisure industry and almost without exception those people have remarked that Norfolk is relatively untouched by tourism. I also believe, or have come to that belief. I drive down here every day and I would need to be armed to the teeth with shotguns to be able to hit any visitor through the Kingston area because they are simply not here and I think that if we have assets like the National Park and our Kingston area, they are there to share with the rest of the world, particularly with our visitors. We should be showing them. I'll come back to that a little later. So, I don't believe that the fabric of Norfolk Island has been touched to any great degree. In fact on balance it's fairly clear to me that tourism has been the major contributor to the survival of Norfolk Island as a homeland for its people and as a unique and fairly special environment. It has already provided investment and job opportunities. It has already provided cash for restoration and conservation programmes which have been extremely successful in enhancing the assets of the Island. What we need to do is ensure that these benefits are spread more widely through the community, particularly if we are to re-introduce that growth factor. I don't believe that it is simply a matter of setting a target figure and moving along towards that target. As others before me have pointed out, there is a great deal of other acknowledgements to be made by this Assembly. We need to acknowledge for example that if there is a growth factor, particularly of the proportions mentioned in this motion then the present quantity of accommodation is simply not sufficient so it would follow that if

this motion was agreed then someone will be returning to this house with certain motions regarding the quantity of accommodation on the Island and at that point I imagine we start the debate about what type of accommodation or how much etc etc and we have regard then to some of the peripheral matters perhaps that Mrs Anderson has raised today. So that will be a natural follow on from this type of motion and further to that as Mr Adams has sought some clarification on how will things come about and how will things be achieved, well if we accept things like, for example, a particularly important one to me is in the economic area, the objective to increase the benefits of tourism to the local community by developing sources of supply on Norfolk Island. Now not enough attention, no attention I believe has been paid to promoting industry like the rural sector. Why can't we supply more in the way of vegetables and fruit to the Island. Do we need to provide some stimulus to that rural sector.

Maybe in terms of waiving of import duties or subsidies like other countries do to stimulate various industry segments. We don't use that tool here in Norfolk Island enough. I can recall it being used once or twice over the past sixteen years but certainly not enough. So a step like that to be taken, would be consistent with a plan or a broad philosophical framework that we have adopted and you can say that and you would reasonably expect, that if everyone around this table agrees to this plan when someone came back with a proposal like that everyone would put their hands up and agree with it because that is the direction that we have decided to head in adopting that sort of plan. Mr Speaker Members will need to accept as Mr Adams points out, the need for water conservation measures and quite simply, I won't be agreeing to any measures to implement or re-introduce a growth factor until all those matters are taken care of. Until there is a water conservation plan in place. It would be totally irresponsible for us to do that and I don't think we can hide from the fact that we are going to have to put requirements on existing accommodation proprietors as well. We can't hide behind the curtains. We all know that we are going to have to say to them, we not only want to stop the drain on the water table, we want to reduce it and to achieve that objective we are going to have to ask accommodation proprietors, those in direct benefit line of tourism, to ensure that they have proper catchment and not only the new ones. Land Use Plans will need to be firmly bedded down if we are going to look at additional accommodation, where it might be situated at that time. Mr Speaker, I believe that we are quite capable of doing all those things and achieving that balanced growth but not before putting all those proper plans in place. I think that's all I need to say at the moment thank you very much

MRS SAMPSON Thank you Mr Speaker. I note with interest Mr King's comments. I agree with them and very briefly may I make the comment that this Assembly has eighteen months to run. Now one of my own personal benchmarks in Assembly's is to be able to come up with an idea, discuss it and implement it within the terms of that Assembly. Now I would urge all Members around this table to think of the Tourism Plan and the comments that have been made, the suggestions that have been made for putting it in place and can we perhaps put aside our ego's, personalities and differences and get this going in the life of this Assembly

MR KING Thank you Mr Speaker. Could I move that the debate be adjourned and made an Order of the Day for the next Sitting

MR SPEAKER Thank you. 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 thank you

NO 4 - PLANT AND FRUIT DISEASES (AMENDMENT) BILL 1995

MR CHRISTIAN Thank you Mr Speaker. I present the Plant and Fruit Diseases (Amendment) Bill 1995 and move that the Bill be agreed to in principle. Mr Speaker this Bill seeks to remove the current absolute prohibition on the import into Norfolk Island of fruit. At present only potatoes, onions, edible nuts or grains of wheat can be imported and the amendments proposed by this Bill will allow the importation of fruit subject to compliance with permits issued by the Executive Member and subject to conditions attached to the importation by the Executive Member. As I have made clear in a memo I circulated to Members with an advanced copy of this Bill last week, if this Bill is passed, no import will occur unless the place of origin of the import is certified to be disease free to the satisfaction of the Administration and the packaging of the fruit if it has to pass through other areas is also classed by the Administration as capable of precluding the risk of disease. Mr Speaker Norfolk Island has a proud status as an island relatively free of plant and fruit diseases and no action will be taken to threaten that status. I am greatly concerned however that the increasingly steady smuggling of fruit into Norfolk Island will lead to the importation of disease. It is far better for us in my opinion to adopt a regulatory regime whereby our quarantine service in collaboration with the Australian Quarantine Inspection Service and the New Zealand Ministry of Agriculture and Fisheries establishes protocols whereby any person seeking to import fruit into Norfolk Island will have to satisfy a number of rigorous and objective tests before the import can be contemplated. Mr Speaker I plan that this Bill should lie on the table of the House for discussion and I commend it to the Honourable Members

MR SPEAKER Thank you Mr Christian. Any debate?

MR KING Thank you Mr Speaker. I'm pleased to see this come forward again. I say again because I think the last occasion was in 1992 when I introduced a similar type Bill which would pave the way for importation of apples and pears. I did that for a number of reasons, I thought there were vitamin deficiencies, I thought there was a scarcity of fruit. I failed on that occasion, I was ambushed by the fruit growers in this Chamber and the Bill failed so I'm quite pleased to see this come back but I'm not terribly comfortable with the idea that the easing of restrictions will apply to all types of fruit. In 1992 apples and pears were chosen because, well for a start, there was a proposed importer and imports of quantities of fruit is only viable in large quantities and at that particular time it was Foodlands who were seeking to import and there had been rigid protocols established in respect of apples and pears and other regional type countries had eased their restrictions in the light of those protocols and it was because that protocol was so rigid and because it was available and because it was tested in respect of apples and pears that I chose to take it along in that direction. Now I'm not comfortable that the same can be said about other types of fruits and over

the next month I'm hopeful that Mr Christian can talk to me and maybe ease my concerns in that area. If I was called upon to vote for the Bill today I would probably vote against it for those reasons

MRS SAMPSON Thank you Mr Speaker. I've put some notes down here which is either relevant now or when the Bill comes up next time so I might as well state them now and I shall read them. Ten years ago I would have had no trouble supporting this Bill but I now have doubts about its wisdom. Who is it who complains about the Island's lack of fruit. It's not the Island's long term residents and the short term residents soon accept the fact that there are limitations imposed by supply and seasons. The vegetable situation has improved by 1,000% over the last ten years as more growers and people wishing to earn extra money have entered the market and this applies in a lesser degree to fruit. Due to the efforts of a few people, and one in particular fruit trees are available albeit at a price, and if a fruit tree has to get to a size and condition whereby someone actually is willing to pay money for it, this usually takes between three and four years and has to have tender loving care for that time. I know, I've been there. Quite a few people here have attempted to grow citrus, avocado and deciduous fruit trees for sale because they could not see any return for their time and effort after about six months or did not master the budding and grafting procedure, abandon the process and return to cash crops, that is, vegetables. I recognise the lack of certain fruits at certain times but if our tourist brochures carry the notation that "fruit to which you may be accustomed is often not available due to restrictions on importation of fruit by Australian Quarantine requirements", this would surely be acceptable. We surely can somewhat redeem the situation by pointing out what a wonderful flavour our homegrown bananas, pineapples and citrus fruit have, free of grubs, not to mention strawberries, pears, custard apples, guavas etc all of course in their right season. I do not support the Bill, regardless of the smuggling aspect which will always take place

MRS LOZZI CUTHBERTSON Thank you Mr Speaker. I generally support the Bill in principle but like Mr King I have many hesitations about the controls that will be put in place and it will depend upon those controls and being reassured by seeing and examining and really studying the controls that Mr Christian proposes to put in place as to whether I could possibly vote for it. Blanket removal of controls off fruit in general worries me. I would like to see categories of fruit taken up one at a time and the controls applicable to each category tested and found to be actually working before we do anything as general as the removal of all controls. I certainly understand what Mrs Sampson has said about the fruits being available in season and the improvement in the availability of vegetables. It has been wonderful in the last ten years, but we will always be short of fruit in certain seasons and I think that if we do produce our own fruit here the market will ensure that fruit is not brought in when fruit is available here because bringing in fruit will be expensive. Let's not be unaware of that. But there will be periods of the year when there will be very little fruit available, when it certainly would be handy to be able to bring in fruit but without really strict controls, controls which we know will work, controls with which we can feel comfortable, I have hesitations about this Bill

MR BATES Thank you Mr Speaker. Just taking up some of the comments made by Mr Christian where he said that one of the reasons he was

the Minister intend to put together protocols and product health assessment to be developed, much in the same way as I believe New Zealand, because New Zealand itself has extremely high regard for its plant health status. This is really something Mr Speaker, which before I could become more comfortable with it I would certainly need a great deal more information than has been presented today, thanks

MRS ANDERSON Thank you Mr Speaker. I support the Bill in principle. I think that we do need additional fruit on the Island. If I could be satisfied that we could grow sufficient fruit for our needs and for the needs of the tourist industry then I wouldn't support this Bill but at the present time there doesn't appear to be any indication of that. However, as other speakers have said, I'm a little reluctant to vote in favour of a Bill that is so open ended. I would like to see more definite protocols. I would also like to see specified fruits listed rather than just any fruits or any vegetables. I think that if we were to proceed along the lines of what Mr King attempted to do a few years ago and start with apples and pears and we had strict protocols relating to those apples and pears then possibly that would be the way to go forward. Thank you Mr Speaker

MR CHRISTIAN Thank you Mr Speaker. I need to reassure Members that this is not an open ended invitation to import fruit. What it merely does is put fruit on the same basis as the other things that we allow to be imported like bud stocks and things like that. They do need to go through an adequate quarantine procedure, they do have to be declared disease free, they have to be acceptable to regulatory bodies in the country of origin and I would only anticipate that they could only possibly be New Zealand or Australia. Protocols will be developed, there is no doubt about that, I'm in no hurry to have this piece of legislation dealt with and the protocol will be circulated to Members, but in addition to the protocol Mr Speaker I see it as important that some policy initiatives be taken with this as well. We have heard for a long time that a number of people in Norfolk Island are actively planting orchards but I doubt if any Member around this table could nominate one person in Norfolk Island who derives an income purely from his orchard. It takes money to establish an orchard. Information available to me as at today is that a number of these orchards would not be in full production for at least another four or five years. It means the Island is still starved of fruit. I don't believe any Member can sit around this table Mr Speaker and tell me that it is more beneficial to eat a bit of dried fruit or a bit of canned fruit than a bit of fresh fruit. I think if somebody wants to eat a bit of fresh fruit, and if that fruit has to be imported because its out of season here, so be it.

Some Members have spoken about exporting bananas to New Zealand. Well Mr Speaker to be quite frank if you put one of Norfolk's spotted bananas up against an imported one from Brazil in a supermarket in New Zealand today, I know which one would sell and it won't be the Norfolk one. There is no industry basis here at the moment for banana export, or for an export of any type. However, Mr Speaker if some of the people involved in establishing local food industries in Norfolk Island were given permits which allowed them to import fruit to supplement their income whilst they were developing the local industry that's a completely different thing. That gives them an income or a livelihood whilst they develop the local one. There are no subsidies that we hand out today. There are no industry assistance schemes, and alot of these people that are attempting to develop a fruit industry here on Norfolk today

are doing it largely as a hobby. You certainly can't get bank finance for it and that brings me back to policy, if the Assembly in its wisdom saw fit to allow the importation of certain fruits then there could be some policy implications there that the permits only be issued to people who are actively in the industry now or intend to be in the industry and make a commitment to it, so I'll leave that on the table for thought as well Mr Speaker and I won't say any more

18.10.95

MR ADAMS Thank you Mr Speaker. It is interesting to note Mr Speaker for the benefit of the House, some of the conditions that NZ MAF place on just such a topic as we are talking about. This is a letter here from which I'll quote a couple of excerpts out of Mr Speaker and it concerns the export of fruit and vegetables from Norfolk Island to New Zealand and it has some very relevant passages in there and it shows to what level New Zealand protects and safeguards its health status. For instance, in order for any fresh fruit of veges to be permitted entry into New Zealand it would be necessary for the NZ Minister for Agriculture and Fisheries, MAF, to undertake commodity risk assessments on a product by product basis. That must, Mr Speaker be a fairly lengthy process and such assessments are required to ascertain what if any phytosanitary measures will be required to ensure that no quarantine pests are inadvertently introduced into New Zealand so that just shows. It is not just perhaps as Mr Smith has indicated, a fear campaign, it is a real and genuine concern that you make a mistake there'll be economic ramifications. This letter goes on to say Mr Speaker, should any fruit fly species of economic significance, because there are a number of types, be associated with a product, NZMAF will require evidence from you that there is effective fruit fly treatment in place before allowing the entry of those crops into New Zealand. Based on the information in your letter the fruit fly treatment is likely to be country-freedom from fruit fly. If we accept NZMAF's general rulings and guidelines, to me that statement would therefore preclude any import of any fruit or vegetables from Australia, or generally a widespread of what is available so Mr Speaker, it is not so much a fear campaign that has been waged in the past. I know it's probably had it's characters in the past and they've been targeted for one reason or another but it seems to me it is based on the genuine concern that we may inadvertently, while trying to do the right thing, import if you like, some parasite or disease or something that may in the long run put you back further than where you presently are and Mr Speaker, again I would be alot happier if Mr Christian could come forward with developed protocol and basically tell us more about what he means in this calling for conditions etc subject to which the executive member may put on these permits which he is talking about issuing. I mean, this is a very wide open field and it needs I think alot more thought, if you like, and work to go into this and more explanation and more guarantee of safety, then perhaps as has been indicated in this amendment bill for the Fruit and Plant Ordinance. Mr Speaker the concept of an agricultural specialist on the ground as commented on by Brian is one that I certainly believe should be taken up by the Island. It's one that there are a number of rural sector reports of one form or another stretching back I believe to 1954 when the CSIRO in the form of Stevens and Hutton did a soil analysis and survey here. One of the recommendations from that report as far back as then, forty years ago, was that an Agricultural Officer be put onto Norfolk Island. Members may recall one Ernie Friend, that's the recommendation that originally brought Ernie Friend to the Island. There's been a number of reports since that have identified the requirements for such a person because this obviously will be as has been discussed in this, and also in Monica's tourism initiative, a requirement for supply and to assist in that process we need specialists on the ground and particularly to work through some of the processes that Mr Christian is moving here today to give us qualified advise and if there are areas in which we can do it better through what we have available, let this specialist develop these things and I think the sooner that we take that on board and develop that concept the better. It think it is not so much a fear campaign, but we have to identify that there is a substantial amount of risk here and we need for the Minister to properly identify the ways in which we will lessen these risks to the point where we can approve something like this. Because frankly, at this time I'm uncomfortable with what's being moved here today

MR CHRISTIAN Thank you Mr Speaker. All I need to re-emphasis Mr Speaker is that all this Bill will do is remove the legal block if you like, to

allow the importation of fruit. It doesn't of itself, set the standards. That's a separate bit of work, or document or protocol or however you wish to refer to them and I repeat, all it does is put fruit on the same basis upon which we allow other plant life to be imported into Norfolk Island, including onions, potatoes, wheat seed and things like that. It just seems rather funny to me that we would sit here and allow at this very time the importation into Norfolk Island the necessary budwood, bulbs and things like that, that fruit and vegetables and flowers can be grown from but you don't allow the actual importation of the fruit. It doesn't add up. You either allow them in or you shut it off for the lot and I'll leave it at that Mr Speaker

MR SMITH Thank you Mr Speaker. I will just comment on what Mr Adaml's said before about a fear campaign. What I was talking about Mr Adams is what Neville has just said there. We don't mind importing the root stock of an apple tree but this thing about not importing of fruit and that's what I mean about the diseases that come with fruit or vegetables. I mean where did it come from. Are we talking about a bug that's in an apple or are we talking about a disease that's in the root stock. I mean I have seen potatoes arrive here and they still do, they have got dirt all over them. Recently some potatoes arrived here they were over ripe. A lot of them are rotten, were they diseased. It's the same thing. That's been happening for years and years. Now whether that's good or not is a different matter but what I meant with the fear campaign is has it always been looked at in a proper sense that okay we are bringing part of the plane in but we can't bring the other part so that's where I see a problem with it and I agree with what Mr Christian is trying to do.

MRS CUTHBERTSON Answering some of Mr Christian's comments. I think he has a lot of support here but we need to see a little more of just how things will be controlled. In summary that is how I very much feel and I think a lot of other people have said the same. It maybe a fear campaign that has affected us but before we start changing something that seems to have worked well lets look at how it's going to be controlled. As for budwood and potatoes and so on they do go through a process of quarantine and screening before they are imported. So lets see how this other process is going to work.

MRS ANDERSON Thank you Mr Speaker. Mr Speaker, we are going round in circles. I move that debate be adjourned and the matter be made an Order of the Day for a subsequent day of sitting.

MR SPEAKER Is that going to cut Mr Adams off. Would you want to be tolerant for a few moments Mrs Anderson.

MRS ANDERSON Yes.

MR ADAMS Thank you Mr Speaker. Thank you Monica fear indulgence. From what Mr Christian and Mr Smith has just said, Mr Speaker, to my mind it really clarifies that the danger involved here, that one of the dangers is proceeding too quickly. One thing that hasn't been taken on board is the fact that of all the things mentioned by Mr Christian and Mr Smith, budwood bulbs, potatoes, none of those things to my knowledge are fruit fly host material. All fruit is and there is a major difference. If we just go ahead and say well we have got these things at Foodlands we'll bring in fruit it's the same thing. It's completely and utterly wrong and to me it clarifies the reason why we should be taking time in developing these things properly. Not just because we bring this in and it's a plant/vegetable type material and this one is exactly the same. It is not the same. There is substantially more risk and it seems to me quite concerning Mr Speaker that that fact hasn't been taken on board. Thank you.

MR CHRISTIAN Mr Speaker, I must respond to that. I mean Mr Adams is implying that fruit fly is the only pest that we are at risk of bringing into Norfolk Island. That's clearly not the case. It's far wider than that. There are a host of viruses and things like that that have been imported in budwood and bulbs and things like that and they are adequately taken care of at the moment by protocol that we have in place and I don't expect to see fruit being treated any differently and at that Mr Speaker I move that the debate be adjourned and made an Order of the Day for the next sitting.

MR SPEAKER I have in front of me now a motion that debate be adjourned. Resumption of debate be made an Order of the Day for the next day of sitting.

QUESTION PUT
AGREED

The ayes have it thank you. Honourable Members I would intend at this time that we suspend for lunch. It's just going on for 1.15pm. I suggest that we return at 2.15pm and we will do that now. We will suspend until 2.15 Honourable Members. Honourable Members we reconvene after an adjournment for lunch.

NOTICE NO. 5 - EMPLOYMENT AMENDMENT NO. 2 BILL OF 1995

We are at Notice No. 5 - Employment Amendment No. 2 Bill of 1995. Mr Adams.

MR ADAMS Thank you Mr Speaker. Mr Speaker, I present the Employment Amendment No. 2 Bill 1995 and move that the Bill be agreed to in principle.

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

MR ADAMS Thank you Mr Speaker. I table the Explanatory Memorandum that accompanies the Bill Mr Speaker. I also table at this time a reply from the Commonwealth with a call for some comment on the proposed amendments we have the reply here. I table that and I also table, Mr Speaker, our reply to the reply. Mr Speaker, this Bill is substantially the same as the exposure draft of the same name which I tabled in the Legislative Assembly on 23rd August. The object of the Bill is to amend the Employment Act 1988 to implement the recommendations of an ad hoc committee of Members of the Assembly and Administration officers which looked at the operations of the Act since its commencement. That committee called for submissions from employers, employees and other interested residents of Norfolk Island, and received a qualitative, if regrettably not a quantitative, response. Mr Speaker, the review identified several areas where the Act was felt to be inadequate. The Bill I am introducing today principally concerns amendments in the following areas: the application of the Act to apprentices; contracts of employment with persons who are not currently in Norfolk Island; clarification in relation to payment for public holidays; provisions relating to the employment of young persons; harsh, unjust or unreasonable termination of employment; injuries accrued in the course of employment; safety equipment; compulsory insurance and compensation for incapacity and the proceedings of the Employment Tribunal. Because of the broad number of subject headings, I will deal with them under headings. Mr Speaker, Apprentices - The Bill amends section 5 of the Principal Act to allow the Act to extend to apprentices and other employees whether or not there is a contract and whether or not any contract is entered into in Norfolk Island or outside of Norfolk Island. Mr Speaker, the Bill also provides that the sections of the Act relating to minimum rates of pay and the engagement of casual employees will not apply to apprentices. Public holidays - The Bill corrects an

inconsistency between section 9 of the Employment Act, which applies to public servants, and section 40 of the Public Service Ordinance. The specification of certain public holidays and provisions relating to public holidays generally will be dealt with in the same legislation. A new clause is added providing that if an employee has a rostered day off on a day that has substituted for a public holiday, the substitution of the public holiday will not apply to that employee. For example, Mr Speaker, if a public holiday fell on a Sunday, by virtue of section 9(2) the following Monday would be observed as a public holiday. If, however, an employee's work requirements were to be on duty on a Sunday and have a rostered day off on the Monday, the effect of new clause 9(4) will be that the substitution of the Monday for the new public holiday on Sunday would not apply to that employee. This was a change requested by several employers. Contracts of employment - The Bill includes new provisions relating to situations where an employer employs a person who is not currently in Norfolk Island. The Bill provides that an employer can only employ a person not currently on the Island if the employer has entered into a written contract in accordance with the prescribed form, has provided the person with a copy of that contract and has lodged a copy of that contract with the Administration. Mr Speaker, it will be an offence punishable by a fine of up to 20 penalty units to employ a person not currently on Norfolk Island otherwise than in accordance with this section. The Bill requires an employer to specify a minimum number of hours that a person will be guaranteed to work. This will prevent the situation of a person anticipating a certain income based on the hours to be worked on Norfolk but after coming here at significant expense, finding that the employer does not provide sufficient hours to generate the income. Mr Speaker, the Bill requires the person off-Island to lodge their copy of the contract with the Administration on arrival. If that copy is found to contain provisions less favourable to the employee than those set out in the copy previously lodged in respect of the engagement, the employer is guilty of an offence. Mr Speaker, the purpose of these provisions is simply to ensure that people brought to Norfolk Island to work are employed on the terms and conditions made known to them before they came. It is regrettable that these provisions are necessary because of isolated acts by a small number of employers. Minimum rates of pay - The Bill provides that an employee who works beyond the normal working hours shall be paid in respect of the time worked beyond the normal working hours at a rate that is one and a half times his or her normal rate of pay. This avoids the practice where some employers were misreading current subsection 14(4) and only paying overtime at one and a half times the prescribed minimum wage. This is a clarification, Mr Speaker, of the original intent of the Act. Payment of wages - The Bill adds new provisions to the Principal Act to make it an offence for an employer to deduct monies from the wage of an employee other than in accordance with a request from an employee or in accordance with a law in force in Norfolk Island. Payment for public holidays - The Bill clarifies the Employment Act so that where an employee agrees to work on a public holiday, the employee gets paid for the hours worked in addition to his or her normal rate of pay for that day. Mr Speaker, an alternative is for the employee to receive an additional day of recreation leave if he or she works on a public holiday. Sick leave - The Bill makes provisions for the entitlement of an employee to sick leave after three months' employment. The sick leave entitlement of an employee is calculated so that he or she receives 8 days credit after working for 3 months and then another 8 days on the anniversary of the commencement of employment. An employee will be able to accrue up to a maximum credit of 24 days sick leave. Holiday entitlements - The Bill clarifies that an employee is entitled to 3 working weeks' holiday each year. The employee accrues holiday credits from the moment he or she commences work and can take the holiday at a time agreed to between the employee and employer. Termination of employment - The Act is amended to make clear that where an employer terminates the services of an employee without written notice, the employer is required to pay the employee for that period of notice. Casual employees - Section 22 of the Employment Act is amended to provide that where a casual employee works on Christmas Day or Good Friday, that person

shall be paid twice the rate of pay that would have been applicable if that day was not a public holiday. Rest periods - The Act is clarified to ensure that an employer has an obligation to his employees to give them not less than 24 continuous hours rest period in every period of 7 consecutive days. The current provision requires a rest period of 24 hours in every week and is sometimes abused by employers who arrange for an employee to work up to 13 consecutive days without a break. That was not the original intention of the Act and this amendment, Mr Speaker, clarifies the matter. Employment of young persons - A new section is inserted into the Principal Act. It establishes a regime for the employment of young persons, who are defined as persons under the age of 15 years. Mr Speaker, the Bill makes it an offence for a young person to be employed unless the young person is an apprentice or the Minister has issued a special work permit in relation to his or her specific employment. The new Part provides that employment of young persons in certain light employment will not be regarded as a breach of the special permit provisions. Examples of light work, Mr Speaker, are baby-sitting, errands or a paper round, provided the employment does not exceed 15 hours in any one week. If the light employment does exceed 15 hours, Mr Speaker, the Minister must give written approval. The amendments also exempt situations where the young person is employed in a family business. The Bill provides that employment of young persons must not interfere with the health, safety, social development or education of the person, or where the employment is during ordinary school hours. The Part also provides that an employer has a special obligation to protect the health and safety of young persons working for him or her. Finally, Mr Speaker, these provisions make clear that Part II of the Act relating to minimum wages and working conditions does not apply to the employment of young persons, but that provisions of the Act relating to safe working practices and unjust termination do. Termination of Employment - A new Part is inserted into the Act relating to termination. An employer must not terminate the employment of an employee unless there is a valid reason connected with the employee's capacity or conduct or based on the operational requirements of the work that the person is doing. Subsection (2) in new clause 25H provides that a reason for dismissal is not valid if it is considered to be harsh, unjust or unreasonable. An employer must not terminate employment because an employee is temporarily absent by reason of sickness or injury, because he or she is participating in union activities, because he or she has lodged a complaint against the employer, or because of the race, age or sex of the employee. Mr Speaker, the Bill includes provisions to ensure an employer gives an employee an opportunity to respond to allegations before termination. Mr Speaker, the Bill provides that an employee may apply to the Employment Tribunal for a remedy in respect of termination. The Tribunal is not to consider the merits of an application so made unless the matter has been before the Employment Conciliation Board for conciliation or the Tribunal is satisfied that it is not appropriate to refer the matter for conciliation. The Bill also refers to remedies the Tribunal may grant. Work injury - The Bill upgrades and clarifies provisions relating to injuries sustained at work. It also makes clear that an injury arising out of the course of employment includes an injury sustained while the employee was temporarily absent in an ordinary recess in employment, while the employee was travelling to or from his or her place of work or while the employee was at hospital receiving medical treatment etc. However, an injury will not be regarded as being the course of employment if, while travelling, the employee takes a route that substantially increases the risk of sustaining an injury when compared with the more direct route, or the travel was interrupted in such a way that substantially increased risk of injury. An employee is also not covered if he or she voluntarily and unreasonably submits to an abnormal risk of injury. Mr Speaker, certain minor changes are also made by this Bill in relation to the process of assessing incapacity. The Bill tightens up sections relating to payment of compulsory insurance and allows the executive member to revoke an employer's membership of the public scheme if that employer has not paid the prescribed levies. If, however, membership is revoked, the Administration steps in

Mr Smith and other people. I have, I am aware there are benefits through enterprise bargaining, Mr Speaker, I am also aware that there's a number of problems brought about by enterprise bargaining through the application of the intent of it through various ways. Enterprise bargaining, Mr Speaker, takes a variety of forms. I'm not entirely sure, Mr Speaker, which form or type Mr Smith is actually alluding to but I am aware that the enterprise bargaining has found some favour in at least in Australia but I am also aware in our context there's probably equally as many problems that could be brought about by enterprise bargaining. I suggest, Mr Speaker, at this stage in a perfect world enterprise bargaining would have much to offer us. As we are not exactly in that state, the perfect situation, I suggest we can bring about problems, some quite severe problems over which we will have little control and Mr Speaker that was one of the intent of putting together these amendments. Is to attempt to reduce the amount of problems found through the operation of the Act and I don't really want to at this stage be moved into a situation where we will recreate a new class of difficulty. Thank you.

MRS SAMPSON Thank you Mr Speaker. Clause 15 - Holiday Entitlements, Robert spoke about 3 working weeks. Now in his subsequent discussion a working week can be 5, 6 or 7 days. Entitled to 3 working weeks holiday each year. Is a working week what the employer decides, is a working week 5 days, 6 days or 7 days. This seems to me to be a little bit ambiguous. Perhaps you could clarify that.

MR ADAMS Mr Speaker, would you prefer if I left this till later on or to address this as a, basically a clause by clause.

MR SPEAKER Well I'm comfortable as you respond as you would find it most convenient. If you would like to note them as they are made around the table and then respond to them collectively. That will be fine. Mrs Sampson you have the floor to make your comments.

MRS SAMPSON I would be quite happy for Mr Adams to give me a comment outside this House and perhaps clarify it from that point onwards. But three working weeks to me seems to be a little bit elastic.

MR ADAMS Thank you Mr Speaker. On the point raised by Mrs Sampson. The working week that's intended in this section 15(a) it seems quite explicit, Mr Speaker. It says 3 working weeks applicable to the employee. So whether it's 4, 5 or 6 days it's whatever the employee normally works. It certainly won't be 7 days because that is one of the problems that we have attempted to alleviate. With these amendments is to removing the 2 or 3 week, working week if you like. We have really intended to get a break in there. So it's a working week that is applicable to the employee i.e. the actual length of week they would normally work. Thank you.

MRS SAMPSON One other comment which you'd probably all shoot me down in flames about is Christmas Day or Good Friday. Now with multiculturalism we are talking about Christian holidays. Do we have any problems with other religions on Christmas Day or Good Friday. I am only throwing that hat into the ring to see if somebody wants to do something about. Are we discriminating on Christmas Day or Good Friday or are we not discriminating. I'll leave it with you.

MR ADAMS Thank you Mr Speaker. I don't believe we are actually discriminating. Mr Speaker, what we are doing here is giving credibility to at least, or recognising days that our community really recognises an important day. Until we are aware of that shifting in one way or another well we'll leave any changes away from those two particular days for that time. But at the moment they seem to be now general context. The priority days, Mr Speaker.

MR KING Thank you Mr Speaker. Just a few general comments. I too would like to commend Mr Adams on his efforts but also not overlook the fact that Mrs Lozzi-Cuthbertson as the former Minister responsible also had a great deal of input and took a lot of initiative in this particular area. I don't know whether that helps Mr Adams by making that statement considering Mrs Lozzi-Cuthbertson's not the flavour of the month. Indeed both those Ministers had a great deal of input into this and I commend both their efforts. I remember back in the mid 80s when this matter was set in train and I had a role in another area and so had a great deal of input into putting together of the current Employment Act. I recall making the observation then to a number of my that I wasn't entirely happy with the Employment Bill, the outcome of that particular time, but given that we were a hundred years behind in industrial reform I felt that it had closed the gap by about sixty odd years at the time, sixty or seventy years and we still had a bit to go. So on that basis I was happy with it then knowing full well that the appropriate time and the appropriate political climate would come around where a review was possible and I am glad to say that I have been able to be, I am glad to have been around to be part of that particular exercise and see this review come to fruition. Indeed we do have certain obligations we talk about it from time to time and our philosophical and broad statements that we make from time to time. There's another one on the paper this afternoon for consideration about employment opportunities and qualities of life and all that sought of thing. Sometimes we seem to forget those basics as we see our children or our friends or our friends childrens mistreated and maltreated in the work place. I believe that in some respects it is an embarrassment that here in 1995 in this part of the world we are now pursuing or we have to pursue some of the remedies, legislative remedies that Mr Adams sets out in this paper. But nevertheless I'm quite happy in general terms, reasonably happy with the progress that has been made and I think it closes the gap by about another thirty years maybe leaving ten or fifteen years behind the other parts. It's regretful as some others pointed out that we need to create offences and provide sanctions against employers. In a perfect situation it should have been only necessary to create basic entitlements for workers and provide a tribunal to adjudicate and ensure that these entitlements were carried on. It is really regretful that because of the conduct of so few employers in the Island it has become necessary to take a further step and impose offence provisions and sanctions. I too would have liked to have seen provision for enterprise bargaining in the statute but I take Mr Adams point only too readily that we are simply not sophisticated or far enough down the track to be able to introduce or hope that we can conduct ourselves in an enterprise bargaining situation like other jurisdictions do. Perhaps somewhere, not so much further down the track we might be able to introduce some sought of provision. Thank you very much Mr Speaker.

MR ADAMS Thank you Mr Speaker. I must apologise to two Members here for not thanking them for their direct involvement. Again I wish to thank Mrs Lozzi-Cuthbertson for her input into this. She was the relevant Minister at the time and very much involved in putting this together and supplying direction to this. I also would like to thank, Mr Speaker, Mrs Monica Anderson. She had provided valuable input into the number of meetings we had trying to better progress this thing and I would just like to register my thanks for those two Members input and into this. Thank you Mr Speaker.

MR SPEAKER Thank you. Further debate Honourable Members. I think we have concluded the debate on the introduction of that piece of legislation. Mr Adams.

MR ADAMS Thank you Mr Speaker. I move that the debate be adjourned and the resumption of the debate be adjourned and the resumption of debate made an Order of the Day for the next sitting.

MR SPEAKER Thank you. The question is debate be adjourned. Resumption of debate made an Order of the Day for the next day of sitting.

QUESTION PUT
AGREED

The ayes have it thank you. That matter is so adjourned thankyou. We now come to Orders of the Day Honourable Members.

ORDER OF THE DAY NO. 1 - CITATION OF LAWS BILL 1995

We are resuming debate on the question that the Bill be agreed to in principle and Mr King you have resumption.

MR KING Thank you very much Mr Speaker. I have very little further to say on this Bill. As I mentioned on the last occasion this is a Bill that is consistent with the pursuit of internal self-government in the Island. It has sat on the table for a month. I can't say that I have been inundated with community support or opposition for the matter and indeed I haven't particularly knocked back the Members from my door in their quest to talk to me about this significant Bill. It is noncontroversial and beyond that, Madam Deputy Speaker now, I have nothing further to add.

MADAM DEPUTY SPEAKER Thank you Mr King. Further participation Honourable Members. As there is no debate the question before us is that the Bill be agreed to in principle.

QUESTION PUT
AGREED

The ayes have it thank you. We progress now to the detail stage or is it the wish of the House that we dispense with the detail stage.

QUESTION PUT
AGREED

We dispense with the detail stage. Mr King.

MR KING Madam Deputy Speaker I move that the Bill be agreed to.

MADAM DEPUTY SPEAKER Further participation Honourable Members. The motion before us then is that the Bill be agreed to.

QUESTION PUT
AGREED

The ayes have it thank you. We move now to

ORDER OF THE DAY NO. 2 - ADVANCEMENT OF INTERNAL SELF-GOVERNMENT

Honourable Members we resume on the question that the amendments proposed by Mr Adams to Mr Buffett's motion relating to the advancement of internal self-government be agreed to. Mr Buffett you have the call to resume.

MR BUFFETT Thank you Madam Deputy Speaker. The matter technically in front of us at this moment is the amendment to the original motion and I'm wondering whether I could just endeavour to address the totality of the matter before that is put and then we could look at the overall motion whether it be amended or otherwise after that. Could I just refresh Members memories, Madam Deputy Speaker, by mentioning that this motion is designed to be a statement by us as the Norfolk Island elected representatives on behalf of the Norfolk Island community. A statement as to where we are going and where we want to do. Really it's a statement of a vision for the Island. A vision that is long term and that is continuing. The vision does cover, endeavours to cover, these areas. To determine and achieve the system of Government that we desire. To protect our heritage. To care for our natural environment. To maintain and improve our standard of living that is in the social structure as well as in the economic structure. It is designed to promote industry and employment and in respect of this last piece which is item 6 to assume land management in Norfolk Island. Members will know and the community will know that many of these things are not new but this is an effort to formally set them out as touch stones. I'm recommending that we accept this and formally state this as the way ahead. It's a serious look at the way we are going into our future. The achievement of this philosophical statement will provide, as I have said, the touch stone for a number of other things and the other things will really be the doing things. They will be policies, plans and other decisions that will come along on a day to day basis. These philosophies are designed to be the visionary things that will maintain us in the long term. I think we have had a good example at this meeting here today in what I mean by these two parts, that is the more visionary aspects, the philosophical aspects and in the doing aspects. The tourism policy is the commencement of a process for the doing of things and it in a normal sense would be measured against the basic

philosophies that we might determine and I will give you a further example. We might need to look, for example, as to whether the tourism policies lead us in the direction of Government we want to go, whether it is protective of our heritage, whether it takes into account the natural environment, whether it would improve our standard of living, whether it would promote industry and employment. I am not trying to pre-empt an answer of those things because they are in the debate of the other matter. I am endeavouring to try and just illustrate how the visionary things might connect with the practices and policies when they too, in their turn, are developed because it's not only the tourism things. They just happened to be the ones that we have touched upon this morning but there will be, there are, others as well. Again that is the overall picture that I have endeavoured to promote when I introduced the motion a couple of months ago and which I continue to try and promote with Members today. The amendment that is in front of us is one that we would assume primary management responsibility for public land in Norfolk Island and I've got to say that if we look at it realistically, Norfolk Island is a small piece of dirt and one of the prime things if we are to achieve those others, those other five points, is to be able to have prime management of that prime product in the total picture and I do see that that would be a handy and indeed essential addition to those other five items that I have mentioned to you and when that comes forward for decision amongst us in this house I will be in favour of that.

MADAM DEPUTY SPEAKER Thank you Mr Buffett. Participation Honourable Members. The question before us then is. Mr King my apologies.

MR KING Thank you. I suspect there is more to follow myself as well Madam Deputy Speaker. I don't know whether I felt annoyed or amused when I first saw this motion on the paper. I wasn't here and that's neither here or there I guess and no one will be surprised that I might have experienced those two particular emotions. I saw what looked like, as first glance, a number of empty words. I ask myself is this motion really what the community is looking for, particularly in times of economic recession as we have experienced in recent times. Is this meaty enough, is it substantial enough for them or is it just a bunch of empty words. I saw phrases which remain in the motion which spoke about adequate standards of living and asked myself what is an adequate standard of living. Indeed what might be an adequate standard of living to me may not well be an adequate standard living to someone else around this table. Is it adequate to eat mince and tala as a staple part of your diet. Is it adequate that your kids aspire to bits and pieces of jobs in the community. One which may or may not be accompanied by what are basic entitlements. I took it perhaps a little bit personal as well. I tend to do that. That it may be trying to flush out a contrary view about self-government in the Island. At the end of the day though I thought well it's fair enough. This is a direction which was established in the late 70s by the Norfolk Island community by agreement and statutes in two parliaments, ours and the Commonwealth parliament. That was the choice of the people. So at the end of the day I thought well I will support the motion. That is not the kind of motion that one would oppose in any event even though I may over react from time to time and may be a bit pedantic in this motion. I will support it but not without saying a few words, none of which will surprise Members because most of which I have said on previous occasions. I think that we owe it to our constituents and the community to not hide from the truth of the matter about the

performance of self-government in Norfolk Island. I mean the outcome hasn't been all bad, don't get me wrong, but I can focus very clearly on a number of areas where I don't believe that there has been adequate progress or adequate responsibility shown by the elected representatives, and the people out there in the community, whether we like it or not, are not blind to that particularly as I say in the wake of a somewhat prolonged recession here on the Island. I believe, Madam Deputy Speaker, that for example and I spoke this morning about the conduct of the financial purse and I spoke about the only area of expenditure which doesn't have any pattern or any plan or any program about it or any trend which is discernible is in the major area of capital expenditure.

I do not believe that to be responsible. I do not believe it to be a responsible reaction to a budget deficit to simply cull out or cut out your capital expenditure the following year. Like Mr Smith, I think like everyone around the table, there has been insufficient planning and it's wonderful to sit here sixteen years later and say in a motion such as this laid out before us that we will have a plan and this ought to be the basis of our plan to sixteen years down the track. Sixteen years after which we embarked on a process of acquiring self-government, internal self-government and undertaking to act in a responsible fashion in return for which we would be given more responsibilities. Maybe it's got something to do with the lack of planning, maybe it's got something to do with the fact that there's a lack of continuity in the political scene. We get thrown out with increasing regularity at the end of our terms. Only half of sitting Members appear to survive until the next Assembly. Worse than that I think it's something like less than 1/3 about 1.2 of the Government survive till the next election. This last election where two of us survived, I think myself and Mr Bennett, was the biggest survival of Government in the entire history of self-government. You have to ask yourself to take one or two steps back and ask yourself what does that mean. Over the sixteen years of self-government and I think Mr Buffett has referred to this fact in his debate in the August meeting. There has been a number of additional responsibilities for us to cross and I think the records will show that sixteen years down the track we have been given an additional fifty five significant responsibilities in the area of self-government which is quite an achievement I would think and consistent with the objectives of the Norfolk Island Act. We'll have to ask what we've done with those responsibilities and whether we've used them and used the proper legislative authority which the Norfolk Island Act gives us to deal with them for the betterment of the people of Norfolk Island. In a lot of cases, yes quite clearly we certainly have. In a lot of other areas we simply haven't. Personally I'm unhappy with the state of the land and the land degradation that occurs around us and quite frankly we have done very little to that. I know there is a piece of legislation that deals with infestation of weeds and noxious weeds and things in the Island which don't do much for us but I can't remember the last time that was implemented. I think it was about 1982 or something by Mr Sanders. He got carved up by the community for invoking a piece of law, how dare he do that. On the other side of things because we have developed a great deal of legislation and I haven't been happy with the way that that legislation has been administered. It's all well and good us fulfilling what we see as our obligations of making the laws but I don't think that we properly administer them. We have spoken about the Employment Act. Now I know full well that people out there are simply not aware of what their entitlements are and employers are not aware of what is expected of them to a full degree. Areas of immigration, what is one's basic rights of immigration, social services, social

welfare, where are the pamphlets, where is the education process that we must necessarily go through after we promulgate a piece of legislation to let the community know what their rights and entitlements are? It doesn't exist. I think there was a pamphlet done about the Employment Act. It's long since disappeared, I just wonder when the last print date of that was. I think there was one done in recent times about the Domestic Violence situation. I don't know how far that was circulated, but I hope I make that point reasonably well, that our obligations don't stop when we all sit around here and say by majority "Aye, we agree" a piece of legislation. Madam Deputy Speaker it seems to me that sometimes this march towards self government has been pursued or taken without a sense of responsibility by some of those involved in the legislative process to do anything about them. The process of devolution of authority is a two way thing. It wasn't simply a matter of us putting our hand up and saying "Hey Commonwealth, give us a few more responsibilities, a few more powers". It was on the other side of things for them to consider our performance and in deference partly, to that level of performance sure, you proved your worth. Here is another responsibility, here's another level of authority for you to invoke. And I suppose, I'm not jumping on their side, don't get me wrong, but I'm not going to see this as being an anti Commonwealth, or a Commonwealth bashing exercise. I'm simply not going to have it because I can see quite clearly from their point of view, they sit back in their office or on their thrones, all their powers to be and I know they change all the time and it's a darn nuisance. You have to deal with different individuals but they sit back and they have to make their assessments and in this year this Government has introduced and dealt with two pieces of legislation which in pursuit of self government and as a result of negotiations with the Commonwealth certain obligations and promises were made six or seven years ago. That is the Fair Trading Act and the Legal Aid Act. Six or seven years ago we made a promise to do that. I can recall the Federal Minister of the day, somewhere in the early 80's, I think 83, sitting up here addressing all the Members and demanding, demanding to have a look at five year plans of expenditure, five year plans of revenue, ten year plans of revenue. Tom Uren in about 1983, twelve years ago. Twelve years later, sixteen years down the road to self government we are still talking about it, and it is partly a reflection on me too. I've been part of the grand scheme of things for the past three years and I have to have a look at my own achievements or lack of achievements during that time, so I'm not picking on anyone in particular here.

I'm saying that it is a reflection of the system that we work with, it is difficult to get things done, but don't overlook the fact that there is a process of consideration and appraising on the other side of the ledger. Let me change direction for the moment Madam Deputy Speaker and say that despite what may be perceived by some who are listening, or even around this table, from this motion that nothing is being done about furthering self government, I want to say that (I believe anyway) this present government or the Seventh Assembly has taken some significant steps further along that road to self government and it may not be meaty or substantial things but they nevertheless are significant. The less meaty of course are the continuing discussions with the Federal Minister and the Commonwealth about the role of the Administrator.

I have mentioned from time to time my view that it is no longer appropriate I believe for the Governor General to be empowered to make ordinances for Norfolk Island, it doesn't happen for other territories as far as I am aware so why should it happen for Norfolk Island. I've felt that it is inappropriate for the Administrator in 1995, sixteen years down the track to have any obligation

to characterise proposed laws into Schedule 2 or Schedule 3 matters under the Norfolk Island Act and that his post ought to be more like that of a Governor General and those things are no secret to anyone. Now I also remind Members of course of the significant step that's been taken in the land matter. Quietly, very quietly and without fanfare and with significant work at officer level and indeed with extensive public consultation the Land Review has progressed very nicely under Mr Christian's leadership and if nothing unforeseen occurs, I would expect quite confidently that land matters would be transferred to Norfolk Island around the middle of next year. Unlike perhaps in earlier transfers, the transfer of land or the proposed transfer of land has taken account of the impact on the Administration and the ability for the attendant duties and responsibilities to be carried out here in Norfolk Island and much thought Madam Deputy Speaker has been given to those consequences. In closing Madam Deputy Speaker let me just reiterate, it is not my intention to oppose Mr Buffett's intentions. I have felt that I have a responsibility at least to my constituents to state in this House that not everyone is happy about what self government has delivered up to them. I believe firmly that we can do it better. I believe firmly that some very basic mistakes have been made in Norfolk Island. I'm not the be all and end all of the Legislative process or the political arena, no way in the world and neither is George Smith although he burst back onto our scene with a great flurry. We can only pursue these things together as a team but I think as we move further down this track to self government slowly and cautiously, I think that it's important for us to keep in mind that there are constraints in our small community as to how much more powers or responsibilities we can continue to take on board, and of course when we do that and take those things on board we ought to be taking them on on a scale that doesn't leave Mr and Mrs Average standing by the way in the dust scratching their heads

MRS SAMPSON Thank you Madam Deputy Speaker, just one thing I would like to take Mr King to task for. He made comment about the re-election of Assembly Members from one Assembly to the other. Now he also made this comment with our committee on electoral matters, and the survival rate. I don't think he takes into account, those who do not offer themselves for re-election. It does make a difference. One can offer oneself for three years and say that three years is the term that you are going to serve on the Assembly and you are not going to serve again. Now the fact that you don't offer yourself for re-election, you cannot put yourself in a survival situation. You're gone. You are not there again, so I don't feel that that is a particular percentage that you can pull out. Another problem which I will ask your direction on Madam Deputy Speaker is the amendment on No 6. Are we going to discuss that before we discuss Mr Buffett's motion or is the whole thing going to be discussed together because I do have problems with paragraph 6.

MADAM DEPUTY SPEAKER We are in fact discussing the amendment at the present time although Mr King has taken the opportunity to express his views as he wasn't at the previous meeting

MRS SAMPSON Thank you Madam Deputy Speaker. May I have your indulgence that I would have a problem with paragraph 6. Is it within your power to say that we will discuss paragraph 6 or we discuss the lot

MR ADAMS Thank you Madam Deputy Speaker, if I may be allowed. If

we are discussing paragraph 6 maybe I should be allowed to just give some clarification on that prior to everyone else contributing to the amendment

MADAM DEPUTY SPEAKER Mr Adams if you would like to enlarge on your amendment I think that would be appropriate. Thank you Madam Deputy Speaker. It would appear to make the process considerably cleaner. Madam Deputy Chair the purpose of this amendment is to establish as an objective, as I believe 1 to 5 are in this, that Norfolk Island through it's elective Members works toward prime management responsibility for public lands in Norfolk Island. Madam Deputy Speaker public lands management is, I certainly believe, one of the basic facets of self government and I think at this time it is timely that we establish as legislators, a need for us to have this responsibility embodied as a goal. I see it in totality, somewhat of a shallow shell of self government if public land responsibility does not go hand in hand. Madam Deputy Speaker I see this goal as a natural conclusion of the land transfer process and as Mr King correctly alluded to that is presently happening, and my understanding is that the target date for much of this process is June next year. Madam Deputy Speaker our ability in the public lands management area is increasing. People are being trained and are being trained in a number of areas. These areas are increasingly becoming one where career opportunities are becoming available. It is also an area where beginning as a community to give substantially more priority and I believe therefore Madam Deputy Chair it is timely in view of our self governing evolution and our increasing abilities in this particular area to establish our objectives in public lands and work towards it. With this in mind Madam Deputy Chair I am present in the process, this also provides more background to what my thinking is concerning paragraph 6 where presently I am in the process of putting together a basis for a better classification system for much of our public lands for presentation to the House at a future sitting.

This Madam Deputy Chair is to be known as a Preferred Management Priority System and the idea of this System will better enable us to classify certain reserves according to their prime values whether it be conservation, forestry purposes, recreation or indeed Madam Deputy Speaker a combination of all those values in a prioritised fashion. Madam Deputy Speaker under this system each relevant area is to be classified with an appropriate Plan of Management and in company with that, particular working plans relevant to each area, covered by the Plan of Management. Madam Deputy Speaker also as part of this PMP system is contained a long term plan for the Forestry Service regarding timber produce to better provide for Norfolk's future timber needs for the medium and longer term. Madam Deputy Chair I'm sorry to be long winded on this but I see these three components I've mentioned here as grouped together and they are the land transfer process which has already begun and is due for completion around June, give or take next year. What this also means is Norfolk Island will be setting its agenda for the direction area of public lands and in effect setting our own agenda. Madam Deputy Chair I see it being guided by a classification system identifying area values and putting forward a basis for enhancing and developing these values. Madam Deputy Chair this is what this amendment is about. Building on the land transfer process and giving increased direction to Norfolk setting its agenda for maintenance and development of our public land thank you

MADAM DEPUTY SPEAKER Thank you Mr Adams. Participation? The question before us Honourable Members is that Mr Adams' amendment be agreed to

QUESTION PUT
AGREED

MRS SAMPSONNO

We will record Mrs Sampson's vote. The ayes have it Honourable Members. We now continue debate on the original motion as amended. Participation Honourable Members

MR BATES Thank you Madam Deputy Speaker. Internal self government is the direction chosen by the people and I don't believe it is up to any elected Member to try to change that direction. Change it towards independence or change it towards integration with Australia. Until the people say that we need to change that chosen direction then I believe it is up to all elected Members to work towards that goal, that is, the goal of internal self government and to try to make it work. Earlier today we discussed our financial situation and there is no doubt that financing our own way is becoming increasingly difficult especially when we face high cost capital works. We talk about harbours. Our inability or unwillingness to give all residents electricity to their residential boundaries. Safety works as Cascade and also our complete reliance on tourism for our economy. Mr Smith has been seeking action re our economy and I have taken the initiative to form a Task Force to see if there is a better or more equitable way of funding our progress towards this goal. I have no problem with the motion but it would be good to know what is left in order to achieve that goal, how far off are we and when can we say we are there and what are the cost implications to get there and also the cost of staying there. Like Mr Adams I believe that the land reform as being investigated now is a major step towards reaching that goal, but nobody has spoken about the costs of taking that step. The cost to the community. I don't quite know what they are, they may reduce our costs in certain areas. I think that's all I need to say at this time.

MRS SAMPSON Thank you Madam Deputy Speaker. Going back to the original motion I supported Mr Buffett at the introduction of this issue, and I still support it but I am concerned as I was at the tourist plan, where are the teeth? It's good as a mission statement and should be fully endorsed by those who wish to see Norfolk Island move towards full internal self government but as new legislation is added to our self government progress, more people are needed to administer that legislation. Unless there is some concrete way in which we can improve, reform or restructure our revenue base, and our public service to cope with the increasing demand, all we are doing is making nice noises while we are re-arranging the deck chairs. How on earth are we going to pay for it. If we are going to state how our public land is going to be managed as in the amendment which I've just voted against, in all conscience we must fund our commitments, even if it is only 51% and I have a great problem in knowing how the Island is going to raise its revenue, pay for the public service, which is growing and I'm not saying it is growing at an oversized rate, I think it is well staffed but I feel that it is under utilised and self government is going to take alot of expertise, alot of resources, and alot of direction from this Assembly to get it more streamlined then it is at the moment. I'll leave it at that for now

MR SMITH Thank you Madam Deputy Speaker. I agree with this

motion, as I did a couple of months ago when it was put on the table. It is interesting that the motion is actually achieving things even though it has no teeth as Mrs Sampson said, at the moment Mr King has spoken out, if that motion hadn't been here we would not have known what he is thinking about self government, as other Members have too, I think in that way it's good. As Members are aware I wanted to make some changes to this motion which had a bit more structure to it, a bit more teeth perhaps, but as it was pointed out it is kind of a mission statement as far as we see it, but that's great. I think that's a good thing because I don't know what this Assembly has done since it got in, or does anybody? Has any mention been made of full internal self government so far. Has it been stated? If it hasn't, well this is doing it and at least for the length of the term that is left, between fourteen to eighteen meetings, I think we've decided on, that at least we have something to work to in that way. Obviously if there were some Members who didn't agree with it well they would speak out and so at least we all know that we are on the same track. I don't have any problem with that as it stands. I think that in my planning things which I have to bring forward next month, this gives a bit of structure to it and if I've got some ideas of what we are doing with the planning when I bring it forward I can refer back to this motion and say, well, I'm doing this because it has actually been said that we should do it, in this motion here so I support the motion

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I support the motion and I see it very much as a philosophical statement as I think Mr Buffett intended it. I think from time to time, any ongoing body that is made up of people who change, and new people come in and old people go out, does need to re-affirm its direction, its goals, objectives, whatever you like to call them. I see these as very much in that line. I cannot see how statements like this could have teeth. They have to be vision statements. What we do with them is where the teeth and where the hard part comes in but at the same time we need to restate our directions from time to time if only for the young people. The people who have grown up in the last fifteen years of self governments, to remind them what it is all about and to give them the opportunity to perhaps take part in the debate. It is sad that nobody has from the outside, taken part in this debate because I think it is an important discussion and perhaps we should have organised meetings and these things should have been brought up and people encouraged to make their views known. Maybe the next time we will do it better. I don't feel nearly as negative as some of the other people who have spoken about self government on Norfolk Island. Fifteen years is not a long time for a government to exist and I've worked in governments that have existed for a lot longer and I assure you, the faults in those leave some of our faults for dead! The larger the organisation the more faults there are. The easier they are to be buried and you also have many many more resources with which to progress things. Considering the resource base on which Norfolk Island has to operate, considering the fact that it has been funding its own way largely for fifteen years, I frankly like to say congratulations. What Norfolk has achieved by comparison to larger, small countries is really quite remarkable and I think we have to keep that in mind and not be so easily despondent. Yes we have problems, it wouldn't be natural if we didn't have problems for goodness sake. Yes we are all learning this business of being in government. None of us are professionals at it. Perhaps Mr Buffett could aspire to that title, but I don't think even he. We all have to learn and we learn very much as we go along. I didn't consider this statement a Commonwealth bashing exercise, I just thought it a re-statement of philosophical directions and as for five year plans. Well done Mr Uren for demanding five year plans. You don't see many five year plans at the Commonwealth or State levels either. We should all try to have plans, yes but it really is a complex business to produce plans. You need alot of data, you need alot of expertise and we are making do with small amounts of expertise because we can't afford a much larger public service that could back us up in such a proper exercise and anybody that tries to plan without training and exercise deserves a lot of kudos. I'm not trying to say we are doing wonderfully, but I don't think we are doing as badly as has been suggested. We are trying to plug some of the holes, for example, Mr King mentioned we have so few pamphlets. Right, we have two or three. I've drafted a Legal Aid pamphlet and hopefully when I get a few other's input I will be submitting it to the Members and eventually it will see the light of day. After that I've planned to put together a Social Security pamphlet so we will have some information for the community and other people I'm sure are doing the same. We do have a commitment to inform, to advise, to keep people involved. But we don't have any one person devoted to that role, whose job it is to do that so we have to fit it in amongst all the other duties that we are required to do and some of those duties are pretty diverse and require a great deal of research before they can be performed. I would not like to see the public service increased enormously, but unlike Mrs Sampson, I don't think the public service has been increasing, in fact it has been stationery for some time. People could be redeployed and I look for some input on that line from our new CAO when he comes in with new eyes and perhaps can look at things differently. People certainly could do with more training and more encouragement to develop in other areas. All those things are important but let's not think that the public service has anything like kept pace with the kind of extra duties we have lumbered onto it. It has done reasonably well to cope with all the extra responsibilities and I think that should

but I have a view that we do have plans for Norfolk Island. They may not be written down but they are intellectual plans. They are plans that are in the head of every elected representative that comes down here and Norfolk is guided by I suppose, a coming together of those individual views and you get a resultant plan at the end. It may not be documented, but it is still there, it's a guiding light if you like and Norfolk's future plans I think depends largely on the wisdom or lack of wisdom of its elected representatives at the time. I support Mr Buffett's motion. I think Mr Adams' amendment is a worthwhile one. I firmly believe that every person has a right to be king of the castle, and that means being in charge of your own plot and I think we here in the community of Norfolk can manage our own affairs better than anybody else who attempts to do it for us. We are accountable and we are not remote and that's the way I think it should stay, thank you

MADAM DEPUTY SPEAKER Further participation Honourable Members? Mr Buffett are you seeking leave

MR BUFFETT Yes, if everyone's had their turn I'm happy to endeavour to wind up Madam Deputy Speaker. If I could just turn to Mrs Sampson's comment when she indicated that she thought that this may be a mission statement because she thought it may not have a great deal of teeth. In terms of the doings of many things it may well be said that this motion might not have the same sort of teeth, but this is certainly a mission statement. It certainly a vision statement and I would like to put to you that a philosophy and a vision can be very powerful even though it might not have teeth in the sense that you have been describing and I would want Members, and ask them to see this vision statement as being powerful in that particular sense because it leads us on to the things that we want to achieve in this place called Norfolk Island. I am rather disappointed that one of the points made was that this motion may be thought to be an anti Commonwealth motion.

Now this is an attitude that sometimes is promoted regularly and I regret that and those who feel that this might be the purpose of this motion are indeed wrong. They are very wrong. The thrust is to identify our own aims and our own aspirations and to protect and enhance those things that are of value in Norfolk Island and that we want to run ourselves. That's the thrust of this particular motion and any other connotation is leading us down the wrong track. The real point as I say, is that we want to have the capacity to determine how things run in this place and not to have attitudes and laws that might be put upon us from afar.

There may be thought Madam Deputy Speaker that all things have to be perfect from day one. Now I did say in the preamble to this motion that we've been going now for something like sixteen years and that, that being the case we require some revitalisation and additional impetus to the direction that we are going, but that doesn't mean that there is an expectation that from day one we should have done all of the things, nor indeed got them all right. We are human beings just as everybody else are human beings and certainly I would want to emphasise that we who have been elected have done our very best but it can't be claimed that it is always on every occasion been 100% perfect. However, the intent and with greater experience will mean that we will get it right. Now only will we get it right, we will get it right on our own initiatives and in the way that we want it to end up.

And that's very important I feel that we have that sense of responsibility and have the capacity and the power to carry it through and make such an achievement. I think if you want to make comparisons that over the past sixteen years, although times have been difficult we have had significant financial constraints, but I think we wouldn't have escaped that if we had been run by the old arrangement, but we have been by much of our own initiative, been able to carry it through and that should be something that augers well for us, to see that when those difficult times have been upon us that we have been within reason, been able to manage through them. I do accept that not everyone is happy with what self government has delivered because I think some people have expected the world to change from day one, and regrettably that is not the situation. I understand that difficulty and I

think it has got to be said that the internal self governmental process is not the solution to every particular problem. You can still have internal self government but maybe some problems in whatever the circumstances of government may be. It may well be very very difficult to solve and I think we need to look at that. I think we also need to recognise that on very many occasions the grass always looks greener in the next paddock and sometimes I think that can happen to us here in Norfolk Island, when in fact the pasture that we are in is really not too bad given all the circumstances. Financially you know, we pay for not all but most of the things that we need to deal with now, whether or not they are within our bundle of powers or whether they are yet retained from the Commonwealth. If you will remember Madam Deputy Speaker and Members, this was the deal from the beginning. The deal from the beginning was that you will have certain areas of authority forthwith. The Commonwealth would retain certain areas but whether they be yours or whether they be mine, you Norfolk Island will pay for them. A couple of examples, Social Welfare. Social Welfare at the very beginning was a retained function. It was retained for a little while, for a number of years, but we paid.

We paid from day one and we still pay. I don't raise that as a matter of complaint. I raise it as a matter of illustrating that the matter of gaining authority does not necessarily mean in all case that suddenly we will have huge additional bills. In many instances we are meeting the bills already. It really means that we are looking to not only pay the bills but have the legislative and other authoritative arrangements that should go with it. Now I do understand that some things may bring additional expenses, but don't think that that happens with everything. One needs to look at them on an individual basis. Another factor that really needs to be taken into account, is that, I think for the Commonwealth's part it needs to be understood that the matter of transfer not only means the matter of transferring authority to us and responsibility to us, which would mean in some instances some financial arrangement, but it also has a responsibility on the part of the Commonwealth to transfer to us those things which will permit us to be self sustaining. I mean I just mention a couple that really I don't expect that the Commonwealth would agree at this moment but the economic zone that relates to Norfolk Island, may well in the longer term have some pluses in a financial sense for us and if that is the case then for us to maintain our self sufficiency and if it relates to this place, then the areas to be self sustaining should equally be transferred. There are some areas that we may well want to talk to the Commonwealth in other times that might be of the same nature but would relate to our own place and our own self sufficiency so from the Commonwealth's part it probably needs to be said that some of those things are important to us. So I think in summary Madam Deputy Speaker this motion is to reaffirm our direction, to give impetus to getting on with this job and to provide a touch stone that we can measure things as moving in a required direction for us when initiatives come along and decisions need to be taken and I commend this motion to Members today

MADAM DEPUTY SPEAKER Thank you. Further participation Honourable Members? The question then before us is that the motion as amended be agreed to

QUESTION PUT
AGREED

The ayes have it thank you

NO 4 - TOBACCO BILL 1995

Honourable Members we are resuming debate on the question that the Bill be agreed to in principle and Mrs Lozzi Cuthbertson you have the call to resume

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. This Bill has been discussed several times already so I can keep it short. The purpose of this Bill

is to control the sale of tobacco products to minors. It makes it an offence to sell tobacco products to young people under the age of sixteen. The sellers will not be victimised where it is held reasonable that they might assume a young person is over the age of sixteen. Tobacco and alcohol are the most widely used and abused legal drugs in the world. The cost to individuals affected by these drugs and to the health systems is counted in billions each year in Australia alone. This cost also affects Norfolk Island. Unfortunately research shows that just as many adults are giving up smoking, young people are taking up the habit in disproportionate numbers. This Bill will not prevent children or young people from taking up smoking, I'm certain of that, but it will prevent them from getting into the habit of buying tobacco products for parents or friends. Hand in hand with this bill, I have started bringing together material for an anti smoking education campaign. In this respect I have consulted with the Director of the Norfolk Island Hospital, Mr David McCowan and have been in touch with the Quit for Life Organisation, the Australia Medical Association and the Cancer Council. I have received a number of posters, pamphlets, and the hospital has a supply of Quit for Life kits. The campaign shall be low key because I doubt if anything else would have any long term affect and we will not begin them until I have consulted with the Hospital Board and with Members in more detail. I emphasise that I do not regard this Bill as a panacea. It is part of a strategy to make young people aware that the use of tobacco products is harmful. Laws already exist to control the sale of liquor to young people. This bill will do the same for an equally dangerous drug, tobacco. I commend the Bill to the House

MADAM DEPUTY SPEAKER Thank you Mrs Lozzi Cuthbertson. Participation Honourable Members?

MR BATES Thank you Madam Deputy Speaker. I will support this Bill although I do think it is rather a little bit of a waste of time. I don't know that it is going to achieve anything but on the other hand I don't see that it can do any harm so I will support it thank you

MR KING Thank you Madam Deputy Speaker. I know there is still some opposition around to the Bill despite what was said on the occasion of its introduction. I will just remind Members in a few short words that we have just completed a discussion about self government for the Island and attendant with that are areas of responsibility and credibility and in doing the things which credible and responsible Governments do and have done in neighbouring jurisdictions: I repeat that the only comments I've had from the community about this have been "I thought it was already an offence". These were the only adverse comments. I read some letters of support in I think the columns of the local newspaper from the Ministers Fraternity and I'll remind Members about that, and I will also repeat the point that I made that the only affects of this piece of legislation are good effects, that there are no bad effects. Perhaps I wouldn't term it as a waste of time, but I would agree that maybe there are other matters which could have been given a higher priority, that we were in greater need of some sort of reform or regulation but most definately as a strategy which recognises the harmful affects of tobacco smoking, I don't think it is a harmful piece of legislation, thank you

MRS SAMPSON Thank you Madam Deputy Speaker, I am of the opinion that it was an entire waste of time. One is prosecuting the person who is selling the cigarettes, not the person who is buying them. I agree with Mr King. I feel that probably to keep saying no to this is detrimental so I will support it but I think that once again there are more important things to do.

MRS CUTHBERTSON May I reassure you very little effort went into this Bill and our Legal Draftsman needs a break in between Bills. It really was not given any priority when it was put through. I promise you. I would like to acknowledge

that you know in putting together the Public Education Campaign I very much listened to some of things Mr Buffett said last time.

MR CHRISTIAN Thank you Madam Deputy Speaker. I understand quite well what Nadia Lozzi-Cuthbertson is trying to achieve with this Tobacco Bill and I have heard Mr King say that it would probably be irresponsible not to support the legislation but there could also be an equal view that it would be irresponsible to support the legislation when it will have negligible effect upon young children smoking. I really don't know what the answer is. I know legislation alone won't prevent young children from getting access to cigarettes. We've seen that with marijuana laws. It's illegal to grow or to supply marijuana but there's significant evidence surrounding us that it's around in large quantities. It's freely available at the School and quite frankly worried that this is another bit of legislation that we are going to pass that in the words of Helen has no teeth. So on that basis I don't I'll be able to support it. Only because I don't think it's going to have the desired objective but I think the objective to prevent people from smoking is a worthwhile one but I don't think this bit of legislation will achieve it.

MR SMITH Thank you Madam Deputy Speaker. It's funny, it is a simple piece of legislation but there is a lot of issues attached to it and Mr King just brought one up before. We had just been talking about self-government and all that and I don't know whether we are supposed to feel guilty if we don't support this Bill but being the only smoker here doesn't help much either but I don't think that if we are on the road to self-government that we should just accept every bit of legislation that is put in front of us. I agree with Lopyy that it's not going to stop under sixteen's, it's not going to stop them from smoking. I mean if they get caught buying some that is still not going to stop them smoking. I think that, I don't support this just on my principles of not accepting every piece of legislation that a Minister will bring along and I don't support it I will say so. Thank you.

MRS CUTHBERTSON I just wanted to reiterate tobacco and alcohol are very similar and quite destructive drugs. We have rules for alcohol. We do not have rules about restricting the sale of tobacco and it is in fact very damaging to the health of people. The younger you are that you take up smoking the more it is likely to damage your health. It's not something that I'm just saying but a tremendous number of studies demonstrated. As a responsible society we owe it to our children to protect them as much as we can without becoming oppressive. This legislation is not oppressive. It just sets a regime for the sale of cigarettes and tobacco products. It doesn't become too onerous on the retailers. I've actually had a representation from a couple of the retailers. No, one retailer and one person that actually was selling cigarette products on the cash register and both people said they were quite concerned about the fact that they sold cigarettes to children. The person on the cash register worked at the Supermarket for some considerable time and she felt guilty every time she took money from children but she was not in a position to knock them back. Retailers could maybe, I don't know. But it is more difficult to knock back the selling of a product when it is legal, then when it's something that is illegal. Children under 16 deserve our protection, they deserve our concern. Children under 16, that includes kids as young as 5 or 6 go out and buy cigarettes for their parents. I've seen them, you have all seen them. It's not uncommon. We need to encourage parents to think this is not the right thing that we should be training our children to do. Let me leave it at that.

MR BATES Madam Deputy Speaker, I feel I would support this piece of legislation. I support it because I do believe that there are people out there who believe it will help. I personally don't think it will help but there are people

who do believe in it including Mrs Cuthbertson and I think we do owe it to the children. But I do have one slight fear that when the kids do reach 16 they'll tell their parents well I'm old enough now to smoke and you can't stop me from going and buying a packet of cigarettes. You know put my pocket money up mum and dad so I can go out and legally smoke it and I can smoke it front of the other kids that haven't quite reached that age and give me some fear. You know but I fear that's what might and certainly if that does happen well I think we do have our ability to abolish the piece of legislation and throw it out if it doesn't prove detrimental. I'll certainly be watching that side of it but for the time being, as I said, some people do believe it will help and I will give them that support by supporting the Bill.

MR CHRISTIAN Thank you Madam Deputy Speaker. I listened with interest to some of Nadia's comments because as a young child growing up I was one of the kids that used to go to the Milkbar or the Supermarket or the Shop to buy cigarettes for my father but I never ever took up smoking. So the fact that you buy it doesn't mean that you will take it up. In fact there is probably a fair argument as we move towards an aging society that if cigarettes prevent people from getting old you should encourage the smoking because you don't inherit the long-term liability of looking after them in your old age and in fact this is what is happening in England. Insurance Companies are now offering reduced policies to smokers, life insurance policies, because you have got to live to 65 to collect it or cash it in, very few of them do. This is true, this is the commercialism of cigarettes. Now I don't believe for one minute that this piece of legislation will stop any 16 year old from smoking. We have got liquor laws that prevent the selling of liquor to minors but it doesn't prevent minors from drinking liquor. You go to any barbecue or community gathering and you can always spot people that under the legal age to buy liquor consuming alcohol and in this day of cashless transactions a child under the age of 16 can easily circumvent this law by mail order cigarettes. Most kids have credit cards or attached to their parents credit cards. They can order cigarettes by the mail and they can go to the Post Office and pick it up. There is no law preventing kids under the age of 16 picking up parcels from the Post Office or letter. There are numerous ways of getting around it. I think it's well intentioned but not able to achieve its objectives and therefore I can't support it.

MADAM DEPUTY SPEAKER Further participation. The question before us Honourable Members is that the Bill be agreed to in principle.

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	NO
MRS ANDERSON	AYE
MR BATES	AYE
MRS LOZZI-CUTHBERTSON	AYE
MR SMITH	NO
MRS SAMPSON	AYE
MR ADAMS	NO
MR KING	AYE
MR CHRISTIAN	NO

Honourable Members the ayes 5, the nos 4. The Bill is agreed to in principle. Honourable Members do you wish to dispense with the detail stage.

QUESTION PUT
AGREED

MRS CUTHBERTSON Madam Deputy Speaker, I move that the Bill be agreed to.

MADAM DEPUTY SPEAKER Further participation Honourable Members. The question is that the Bill be agreed to.

QUESTION PUT

Would the Clerk please call the House.

MR BUFFETT	NO
MRS ANDERSON	AYE
MR BATES	AYE
MRS LOZZI-CUTHBERTSON	AYE
MR SMITH	NO
MRS SAMPSON	AYE
MR ADAMS	NO
MR KING	AYE
MR CHRISTIAN	NO

The ayes will then be 5 and the nos 4. The ayes have it. Thank you Honourable Members. We move now to

ORDER OF THE DAY NO. 5 - ROAD TRAFFIC AMENDMENT BILL

We resume on the question that the Bill be agreed to in principle. Mrs Lozzi-Cuthbertson you have the call to resume.

MRS CUTHBERTSON Thank you Madam Deputy Speaker. There are minor typographical errors being corrected and minor changes to make sure that the Bill is consistent internally.

MADAM DEPUTY SPEAKER We are at the present at the matter that the Bill be agreed to in principle. We haven't yet reached the detail stage.

MRS CUTHBERTSON Thank you Madam Deputy Speaker, I just realised.

MADAM DEPUTY SPEAKER Perhaps you would like to speak on the Bill.

MRS CUTHBERTSON Certainly. So much has already been said about this in previous debates. Some of it is far too emotional so I'll try to restrict myself to summarising the facts of what this Bill proposes. It allows police officers to issue infringement notices to alleged traffic offenders instead of issuing summonses to bring them before the Court. It does NOT take away the right of alleged traffic offenders to have the matter heard in Court. But it does offer those people who accept an offence has occurred, the option of paying a fine, which will be substantially less than the kind of fines normally imposed by the Court for such offences. It also saves them the embarrassment and nervous tension inherent in appearing in a court of law. In spite of having the ability to issue infringement notices (should this Bill be approved) the Police will also continue to caution drivers as it often does now. Our police have demonstrated over the years that they are primarily interested in preventing accidents, not prosecuting people to raise revenue. This Bill will not change that and anyway Norfolk Islanders are not the kind of people that would allow themselves to be victimised by overzealous policemen. This Bill also establishes a system of demerit points. These will be incurred upon the payment of a traffic infringement notice, or when a person is convicted of a traffic offence by the Court. When a driver accumulates a specified number of demerit points in a 3 year period he/she can have their licence

suspended for a set period. Under certain circumstances people will be able to apply for a restricted licence should their normal licence be suspended. The concept of a demerit point system and traffic infringement notices has the support of the Chief Magistrate and of the Magistrates to whom I have spoken. The latter feel traffic offenders should be given the choice of not having to appear in court and later having their names listed in the paper. As for the demerit point system, it is seen as a more effective means of encouraging people to drive safely than the present more draconian system of hauling everyone before a Court. I commend this Bill to the House.

MADAM DEPUTY SPEAKER Participation Honourable Members. If there is no participation, the question before us. Mr Adams.

MR ADAMS Thank you Madam Deputy Speaker. I am certainly not going to support this Bill. I think really for any piece of legislation to be brought before the House and expect approval, it must add something beneficial, it must add something substantial to the community in ways of benefits. Madam Deputy Speaker, the people I see who may benefit from this are the magistrates and the police. I do not see the community as being prime beneficiary here. Madam Deputy Speaker, I would suggest this system, because what we are doing here or what Nadia is proposing to do here is bring in effectively a package of legislation from the Canberra area. I would suggest that its prime function in that area was to ease the burden on the Court system. Madam Deputy Speaker, this year has been something in the area of 22 court actions in Norfolk Island. Some of those include criminal actions and Madam Deputy Speaker, considering that we have got three full-time police it would work out to roughly seven jobs in the past ten months. I would therefore suggest, Madam Deputy Speaker that they themselves are not perhaps from a work load point of view in need of assistance such as this. As I said I don't believe it adds nothing to the, anything to the situation. Mrs Cuthbertson has indicated that there is a problem with the fines being high, that this will remedy that. I suggest there is certainly a case to indicate there are when you have people being, who go through for arguments sake, Madam Deputy Speaker, through a stop sign and gets fined \$900. I would say that is excessive. That happens here. I don't see that and in instances like it giving any weight to the new system. What it is saying is that the old system has too much sting in the tail of fines. Madam Deputy Speaker, I think the prime disadvantage in this system is it provides a disincentive for people who are, as Mrs Cuthbertson said, likely to be embarrassed or nervous. It's likely to, through those two elements, prevent them from appearing in Court, instead taking the easy option of simply paying the money rather than going to Court and having it decided or adjudicated on by a Judge, so I don't think this adds anything to the situation and I simply can't support it. I don't think this is a prime addition to our legislative area on Norfolk Island. It has been put to mean the public if we have these laws brought here such as this why bother having a Norfolk Island licence, why not have a somewhere else licence and I think that is most relevant. Thank you Madam Deputy Speaker.

MRS SAMPSON Thank you Madam Deputy Speaker. I take up Mr Adam's comments about the only people who would benefit are the magistrates and the police. To my mind it benefits the other drivers on the road that somebody who has a licence, who is old enough to have a licence should therefore obey the laws which that licence overlooks and you can then come round the blind corner hoping that you are not going to meet some yahoo on the other side of the road doing the wrong thing. So yes it does benefit the magistrates and the police but it also benefits the other laws abiding licence holders on the road. Thank you.

MR CHRISTIAN Thank you Madam Deputy Speaker. I support some of the things that Nadia Lozzi-Cuthbertson has trying to achieve but I doubt if I could support this Road Traffic Amendment Bill because it goes too far. I have no

doesn't have a drivers licence. Now in the course of his normal application for a work permit in Norfolk Island, the police enquiry turns up that this bloke is a dangerous driver, doesn't have a licence. Fairly likely that poor driving habits will continue on Norfolk lets recommend that he not be given a work permit.

MRS CUTHBERTSON I don't think the police make any recommendation.

MR CHRISTIAN They don't make the recommendation but the perception is ...

MRS CUTHBERTSON No they inform the Immigration Officer of the record enquiries, now then it would be an opportunity for the Immigration Officer to discuss with the person who is concerned, look if your job entails driving you will have to apply for a probationary licence, if not probationary licence, a special licence, then it is up to the Court whether they'll give him that kind of a licence.

MR CHRISTIAN Thank you. I'm just not certain that this piece of legislation will in fact improve the driving habits of people in Norfolk Island. You know a point system could be understood in the mainland where you have, you know, significant levels of drink driving, negligent driving, some of them caused by the Police themselves in high speed car chases which often have fatal consequences and I don't think we have the need for it here and I think the statistics that Robert trotted out tend to support that. You know are we introducing another piece of legislation that needs to be administered that may not be administered properly which will not bring about any positive change in the driving habits of the people of Norfolk Island and I honestly can't see that it will. I think the fact at the moment that if you get caught doing anything you got to come down and face the three or four beaks, it's far more terrifying than an infringement notice. You know so it's most probably got a more stabilising effect or more sobering effect upon the driving public.

MR ADAMS Thank you Madam Deputy Speaker. I wonder, Madam Deputy Speaker, if the Minister could throw some light on the point that perhaps she made and also Mrs Sampson by bringing in this tin system that benefits other drivers because it implied, you implied, I believe Nadia, that this system will make it safe. I mean these things are happening now and if you bring this system in it will benefit the other drivers. Are you suggesting that the system in place now does not do that or whether there is a major deficiency in which police have to face in order for them to pull into line, if you like, people who are driving erratically. A problem which this system will fix.

MRS CUTHBERTSON Thank you Madam Deputy Speaker. I emphasize that it was the point system which promoted the safer driving. I think the TIN system is just a convenience for the people themselves who have been pulled up and who have been issued with an infringement notice. I do not see that the TIN system in itself will encourage more safe driving although it just might. I do not know of how it will affect that or not. That is a convenience for the drivers themselves who may be pulled up and who may have broken the law and then it gives them a choice. The choice that they should have a right to make. What really encourages safer driving is the point system because once you have paid your fine the tendency is to put it behind you and once you have been to Court it's all over. You heave a sigh of relief and you just go ahead and drive. For a little while you might be more cautious, you soon forget. That is human nature, that is the tendency in alot of us. Whereas if you have lost some points then you really, it's something you carry with, something that encourages you to think I don't want to lose any more points. I don't want to lose my licence. It's a continuation of the responsibility and this is just not my impression but statistically it has been demonstrated in alot

of places, particularly in Australia. People who lose points tend to be more careful. I am sure if you live there for a while you hear them and it encourages people to drive more responsibly and that's what we want.

MR ADAMS There is just one point the Minister may think about, Madam Deputy Speaker. I have lived there for some time and I didn't notice that system being outrageously safe and I lived in the area where this system has been brought in from and for us in our context I don't see how this will add to it. I'm just sought of lost to see the benefit particularly when as you just mentioned Minister you don't know whether it will affect them. Now I am not sure what part you have applied that to but I'm simply at a loss to you know we are bringing in legislation and here we have the Minister saying well I don't know how it will affect them. Also Madam Deputy Speaker, I mean the implication is that the traffic situation in Norfolk is at such a level that we need to do something about it. Now as I just explained, there has been 22 court actions up until October of this month, or up until this month and some of those are criminal actions. I don't know the exact breakdown but would you suggest Mrs Cuthbertson that those numbers are sufficiently high to hit the button and say listen we have got to review the whole traffic situation. Would you suggest those numbers up to that level to justify this sought of action.

MRS CUTHBERTSON Thank you Madam Deputy Speaker. The proposing of this Bill has been going on for something like 2 1/2 years. The research went into it before I assumed the responsibility for it. It was considerable. The consultation was quite wide ranging of the people that were involved in dealing with people before the Court. 22 cases this year does not represent the whole of the situation. What tends to happen and I'm sure if you have read the court reports it is the same people who tend to appear for driving offences. They end up paying alot of money because of fines that are imposed on them but there seems to be a tendency for them to tend to forget it and a year later, 6 months later they are quite often before the Court again. If we could encourage that small group of people to drive more carefully, not only would it be a value to them but it would be a value to the average person on the road. I don't think the driving situation on Norfolk Island is violently dangerous or any of the things that you have suggested but in a responsible society we should be encouraging people not to get behind the wheel of a car which can become a lethal instrument and do something that's irresponsible. This Bill will not be an imposition on people who drive sensibly but it might encourage people who do not drive sensibly to be a little more careful and that can only be a benefit to every driver on the road as well as themselves.

MR ADAMS Thank you Madam Deputy Speaker. I wonder if the Minister could enlarge on one of those points. You have suggested, Nadia, that one of the prime reasons for bringing this in is to reduce a number of repeat offenders if you like. How many were there this year out of that 22.

MRS CUTHBERTSON Madam Deputy Speaker, I am sorry I do not know how many there were. It's not something I have looked up.

MR ADAMS Thank you Madam Deputy Speaker. I don't want to prolong this too long but wouldn't you think Minister that if you are bringing in this and it is based on one of those as a factor that you would know the figures and here you are telling us that you don't know how many of this 22 was a repeat offender.

MRS CUTHBERTSON No, I did not expect to be asked that question so I did not prepare that particular answer and to guess would be incorrect.

MR CHRISTIAN Thank you Madam Deputy Speaker. If in fact what Mrs

MRS CUTHBERTSON Some of the furphies Mr Christian is making, Madam Deputy Speaker. If he will, I am sure he'll remember, the whole of the traffic infringement section is taken out and specifically framed in this form from the Dog Licensing Act. It is meant to stand on its own and to fit into another legislation and to dovetail into other legislation so that it would not need to be re-written each time. So of course if made easier from 47(a) to end of 47 is like that. Now the rest of the Traffic Act specifies things like when you have to within what reasonable time you have to further notice and all the other things that you were referring to. Most importantly, now if somebody phoned the police and said George had driven through the window of World Traders the police would certainly take no action without some kind of proof because they would know that George would not just cop it sweet he would want to go to Court and defend himself. If he had done nothing like that, There would have to be a burden of proof to support the allegations in Court. There would be evidence and the police would have to prove their case beyond a reasonable doubt. So they are all the normal protections of the Court situation behind this Bill and no person is likely to be victimised in the manner that you are describing.

MR CHRISTIAN Thank you Madam Deputy Speaker. I will just have one last shot at this. I don't think this Bill has any mechanism in it that will, of itself, either educate the drivers of Norfolk Island or cause them to improve their driving habits. All it does is provide a different mechanism to the one that exists today to prosecute them for their misdemeanour.

MRS SAMPSON Good.

MR CHRISTIAN But we already have a system Mrs Sampson, that adequately does that. So if this Bill is passed today I send the message to the wider community that if you are unfortunate enough to be dished out an infringement notice don't take it sitting down clog the court system, dispute it.

MADAM DEPUTY SPEAKER Further participation Honourable Members. The motion before us is that the Bill be agreed to in Principle.

QUESTION PUT

MR ADAMS Didn't Mrs Sampson move for an adjournment.

MRS SAMPSON I only suggested it.

MADAM DEPUTY SPEAKER She suggested it. I didn't take it as a motion. Did you wish to move it.

MRS SAMPSON No. I suggested it. I put it back in Mrs Cuthbertson's court.

MRS CUTHBERTSON No. I wish to make no such motion, Madam Deputy Speaker.

MR SMITH I move such a motion. To be adjourned and made an Order of the Day for the next sitting.

MADAM DEPUTY SPEAKER The question is, before us is that the motion be agreed to in principle and we have to vote on that one first. I put that question Honourable Members.

QUESTION PUT

Would the Clerk please call the House.

MR BUFFETT	NO
MRS ANDERSON	AYE
MR BATES	AYE
MRS LOZZI-CUTHBERTSON	AYE
MR SMITH	NO
MRS SAMPSON	AYE
MR ADAMS	NO
MR KING	AYE
MR CHRISTIAN	NO

The results Honourable Members, the ayes 5, the nos 4. The Bill is agreed to in principle. We move now to the detail stage. Mrs Lozzi-Cuthbertson.

MRS CUTHBERTSON Madam Deputy Speaker, I move that the detail stage amendments initially provided to Members on 17th July 1995 be taken as read and agreed to as a whole.

MADAM DEPUTY SPEAKER Thank you. Do you wish to expand on that. Participation Honourable Members. Mr Christian.

MR CHRISTIAN Madam Deputy Speaker I would just like to say that I consider this a sad day because this has contributed to a further erosion of the freedom of the indigenous people of Norfolk Island.

MADAM DEPUTY SPEAKER Further participation Honourable Members. The motion before us is that the detail stage amendments initially provided to Members on 17th July 1995 be taken as read and agreed to as a whole.

QUESTION PUT
AGREED

The ayes have it thank you. Mrs Lozzi-Cuthbertson.

MRS CUTHBERTSON Madam Deputy Speaker I move that the Bill as amended be agreed to.

MADAM DEPUTY SPEAKER Participation Honourable Members. The question before us therefore is that the Bill as amended be agreed to.

QUESTION PUT

Would the Clerk please call the House.

MR KING I ask the House be called please.

MADAM DEPUTY SPEAKER Mr King has asked that the House be called.

MR BUFFETT	NO
MRS ANDERSON	AYE
MR BATES	AYE
MRS LOZZI-CUTHBERTSON	AYE
MR SMITH	NO
MRS SAMPSON	AYE
MR ADAMS	NO
MR KING	AYE
MR CHRISTIAN	NO

Thank you. Honourable Members the ayes 5 the nos 4. The Bill as amended is agreed to. Thank you.

FIXING OF THE NEXT DAY OF SITTING

We move now to the fixing of the next sitting day. Mrs Sampson.

MRS SAMPSON Thank you Madam Deputy Speaker. I move that this House as its rising adjourn until Wednesday the 15th November 1995 at 10.00 am.

MADAM DEPUTY SPEAKER Honourable Members is there any debate on that question. As there is no debate I put the question.

QUESTION PUT
AGREED

The ayes have it thank you.

ADJOURNMENT

We move to the adjournment. Mr Smith.

MR SMITH Thank you Madam Deputy Speaker I move that the House do now adjourn.

MADAM DEPUTY SPEAKER The question is that the House do now adjourn. Any adjournment debate Honourable Members?

MR BATES Thank you Madam Deputy Speaker. Just a brief information I guess. The Task Force that was established to look at a Goods and Services Tax has met and Mr Kevin Pereira was appointed Chairman. Certain material has been received from the appropriate authorities in New Zealand, and along with other material is currently being studied by members of the Task Force. The Task Force has agreed that the first stage of their deliberations will be to establish the scope and level of such a tax if it were to replace all or some of our present levies and taxes. This is considered necessary before the community can judge how such a tax would affect them and whether they are in favour of it or not, thank you

MADAM DEPUTY SPEAKER Thank you Mr Bates. Further participation Honourable Members? There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Thank you. This House stands adjourned until Wednesday, 15th November 1995 at 10 am.