

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

ACTING DEPUTY SPEAKER: ask if there are any Condolences this morning

MRS ANDERSON Thank you Mr Acting Deputy Speaker. It is with deep regret that this House records the following deaths: Francis Evelyn Quintal, Raymond Thomas Brennan, Adam Richard Gray, Joyce Forrester and Desmond O'Leary.

Francis Evelyn Quintal passed away in his apartment at the Mawson Units adjoining the Hospital. Butch, as he was known to us all, was born on Norfolk Island in 1935, the second of three children. He spent his early years enjoying the Island's freedom and beauty. A childhood accident in which he broke his hip resulted in a protracted hospitalisation not only on Norfolk but in Sydney at the Camperdown Children's Hospital and then at the Collaroy Children's Rehabilitation Hospital. This long and traumatic experience had a lifetime effect on him. Butch worked in various areas in Australia and married an English woman. He returned to Norfolk Island in the '70's - a gentle man who never lost his quiet courtesy. He possessed a remarkable sense of humour and was a talented cartoonist. With his failing health over the last couple of years Butch lived quietly and unobtrusively in his unit at the Mawson Village. To his mother Elva Yager, to his Brother Thornton and sister Anne Tullner-Watson and their families and friends, this House conveys its deepest sympathy.

Raymond Thomas Brennan passed away at the Norfolk Island Hospital on the 21st March. Born in Waverley, Ray was the son of Thomas Brennan, one of the longest serving members of Rugby League, so it is little wonder that Ray in his youth was a keen footballer, a life-saver at Bondi, played golf and loved tennis - indeed an all round sportsman. After serving overseas in the Royal Australian Navy he joined the NSW Government Railways in administration. He was a competent shorthand writer. Ray and his wife Fran owned and ran a couple of service stations and came to Norfolk Island to manage Tropique Apartments. Following the sale of Tropique Ray took many part-time jobs and in the late 70's became Secretary/Manager and then Manager of the Government Tourist Bureau and retired in 1988. Ray was Secretary of the Norfolk Island Lions for many years and also President. He was a President of the Cheryl Tennis Club and a candidate for three Legislative Assemblyies. Ray generally played a large part in community affairs. Ray had two major operations in the last twelve months and had returned home only a week prior to his death. To Fran and to Ray's 95 year old Mother, to his daughters and son, his grandchildren and great grandchild all in Australia, this House extends its deepest sympathy.

Adam Richard Gray, known to all as Addy, passed away in New Zealand on March 19th, fourteen days after his fifth birthday. Born on Norfolk Island, Addy was the second of three children. A little boy who came into the world with a great deal of pain and suffering, Addy was flown out for treatment ten times in the first two years. During that timeframe, Addy contracted meningitis twice. However, his nature was such that he over-rode all, with a spirit of endurance and happiness that made him very special to everyone. With his devoted parents, Duncan and Terry, with his brother Landon and sister Georgie, Addy had a very safe and secure environment and an abundance of love. Despite the physical limitations Addy had, there were no boundaries or obstacles that deterred him and he seemed to get a special delight from nature and the world around him. To Addy's parents Terry and Duncan, to his brother Landon and sister Georgie, to his Grandmother Anne and

his Grandparents Richard and Joy, to his relatives and the people young and old whose lives he touched, this House extends its deepest sympathy.

Joyce Forrester came to Norfolk Island with her husband John and their three sons, Greg, Brad and Paul in 1971, and following subsequent visits, settled here in 1984. Joyce loved history and research and became interested in Norfolk Island because of John's First Fleet forebear Robert Forrester, who was given a grant of 12 acres here in the 1790's. Joyce and John called their home at Mill Road "Forrester-Court", a combination of their two names, Joyce being the only child of Eva and Frank Court of Parramatta. She was very family orientated and community minded. In Australia Joyce was a Sunday School teacher in her local Baptist church; a meals of wheels volunteer; took her place in the school canteen and in school activities and she continued in this way when she came to live on Norfolk Island, her approach to life being one of zest and vigour. She was a guide to Government House; past Secretary of the Norfolk Island Historical Society; past Editress of the Combined Museum Quarterly News Bulletin. She was an exquisite embroiderer and crafts person and used these talents when living on the mainland to raise funds for the Huntington Disease Association. On the 29th March Joyce passed away having faced her last illness with brave and courageous fortitude. She was serene and confident in her faith. To the Forrester family, John, Greg and Pearl, Brad and Arianne and to Paul, to other relatives and their many friends this House extends its deepest sympathy

Desmond Vincent O'Leary OBE VRD passed away on 2nd April at the Olive Miller Nursing Home in Victoria. Des was Administrator on Norfolk Island in the years 1976 to 1979. He had retired as a senior officer of ASIO when offered the posting to Norfolk. Des served in the Royal Australian Navy as a Lieutenant-Commander, on both the cruisers Shropshire and Australia. The Shropshire took part in the major naval battle of the Leyte Gulf in the Philippines. He married Adele in 1940 and they had one son David, who is now in the Department of Foreign Affairs. Des was created an Officer of the Most Excellent Order of the British Empire and held the Volunteer Reserve Decoration for his naval service. Des was Administrator during the historically important period when Norfolk sought and achieved self-government. He was instrumental in forming a local committee which raised monies for the Queen's Silver Jubilee Trust which still benefits individuals and organisations on the island to this day. He was the Executive Officer of the Eldon Foote Foundation for the George Hunn Nobbs Scholarships for many years before ill health caused his retirement. In his youth Des played cricket, Australian Rules football and then golf which he dearly loved. To Adele, David and Susie, to his grandsons James and Robin, to his relatives and friends this House extends its deepest sympathy

ACTING DEPUTY SPEAKER Thank you Mrs Anderson. Honourable Members, as a mark of respect to the memory of the deceased, I would ask that all Members stand in their places of silence. Thank you Honourable Members

ACTING DEPUTY SPEAKER Thank you Mrs Anderson. 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. Madam Deputy Speaker do you wish to resume the Chair

Leave

DEPUTY SPEAKER Mr Christian do you seek Leave

MR CHRISTIAN Thank you Madam Deputy Speaker. I seek leave of the House for the Speaker, Mr David Buffett

Petitions

DEPUTY SPEAKER Petitions. Are there any Petitions this morning

Notices

DEPUTY SPEAKER Notices?

Questions without Notice

DEPUTY SPEAKER Questions without notice. Are there any Questions without notice.

MRS SAMPSON Thank you Madam Deputy Speaker. I've only got two. It seem such a short time between assembly meetings. I haven't collected my thoughts very much. Two directed at Mr Adams. Would the Minister inform this house of the current status of shipping services to the Island.

MR ADAMS Thank you Madam Deputy Speaker. At the present time the shipping situation to Norfolk Island is unchanged from what's been in place for some time. The only change of any significance I imagine is the recent change of ships by the Sofrana shipping line from the Captain Wallis which has supplied here for a number of years on it's way up to Fiji on a grain contract. That ship has actually been replaced by the Captain Cook. It's a much newer ship. It made it's maiden voyage to Norfolk Island recently as this Monday and it certainly has proved itself in that term. That first visit to us. There is currently two shipping lines that run to the Island, the Sofrana shipping line, the Cook Is. line and W Islands line. They've, as Helen is aware, they've been running to the Island for quite some time. There is some concern about a particular ship run by one of those lines, but I'd prefer not to make much of a statement on that Madam Deputy Speaker. There is ongoing correspondence between myself and the shipping co. and I'd prefer at this stage to have the tooing and froing between the Company and myself rather than they have the public inform them what's occurring. So in general Madam Deputy Speaker the situation "status quo" there's not a lot of change, other than the Sofrana situation at this stage. There will be some changes I assume in the near future but as yet, it's still in the melting pot so I'll say more on that at a future time. Thank you.

MRS SAMPSON Thank you Mr Adams. Another question for Mr Adams. Does the Minister intend to review the gun licence Act of 1958, having regard to the medium-high priority given to this Act in April 1994, and subsequent written and oral communications received regarding alleged misuse of firearms that have recently taken place.

MR ADAMS Thank you Madam Deputy Speaker. I'm in particular placing any higher priority on the gun review than has been placed on it in the recent past. The legislation concerning firearms in particular the firearms Ordinance 1958 is at the present time in a state of flux. There is some movement in that and I can't at this stage give any time frame on how long it's going to take but there is some movement in that area. Thank you.

MR SMITH Thank you Madam Deputy Speaker. A question to the Minister for the Environment. We've had a couple of reports in the last week and obviously you have too of the European paper wasp infestations around the Island of that wasp. Is there any programme to eradicate the insect. If there's's not can you put something in place that will at least control it.

MR CHRISTIAN Thank you Madam Deputy Speaker. Firstly there is no eradication or formal eradication programme in place however, I am aware on a

three or four weeks. I may not be able to achieve as I had hoped to achieve a passage of an appropriation Bill in one meeting in June. It may be that we need to pursue the second meeting in June to ensure that passage of appropriation Bill. Thank you.

DEPUTY SPEAKER Thank you Mr King. Further questions

MR BATES Thank you Madam Deputy Speaker. Just a supplementary one to that Madam Deputy President. Does the Minister share my view that all residents should have a field access of electricity supply to their boundaries by the year 2000 and have any provisions been made in the budget towards that aim.

MR KING Thank you Madam Deputy Speaker. Provocative question indeed. Mr Bates knows my answers to that. Lest he score a couple of political points from me let me say that I do share his concerns about those people who don't have sealed access ways to their properties and those that don't have electricity connected to their properties. I should mention too that there are no households that have not got electricity connected to them, there are only properties that don't have electricity connected to them and that's the source of pressure on the Government to provide electricity to those properties. Now of course I would like to see all people have those facilities but the reality is that I'm pressured to pursue a budget without increasing taxes, I'm pressured to pursue a to maintain a range of services which are very very costly. No one around this table is going to tell me what services there prepared to sacrifice so that we can pay for electricity to be extended to in those areas or to seal all the unsealed roads on the Island. So really it becomes a matter of prioritising our expenditure. I'm happy during budget process to give some consideration to extending those facilities as far as possible but I regret that I cannot sit here and say that I agree a policy that all those services will be connected to those places by the year 2000. I simply can't so that and I think it's unreasonable to be called upon to do it.

DEPUTY SPEAKER Thank you Mr King. Further questions.

MR SMITH Thank you Madam Deputy Speaker. Question to Minister for Finance in relation to customs. I guess the Minister is aware that there is an aeroplane that flies in here at least once a week. This aeroplane carries high cost goods and this aircraft owner flies in from Australia and flies out again generally the next day. I would like to ask the question. Does this importer of these goods pay duty on those goods that come in on that aeroplane as they don't as I understand it have one of your bonded warehouses.

MR KING Thank you Madam Deputy Speaker. I think I know the person that Mr Smith is asking, I think referring to an individual who flies into the Island with a plane load of goods does not clear those goods here since there is no need to clear them here. They don't leave the particular aircraft and that aircraft turns around and returns to whence it came and I think through that process gains some advantage in terms of taxes in Australia mainland. Is that the process your talking about.

MR SMITH Then a supplementary question.

MR KING I haven't answered it yet.

MR SMITH I'm sorry?

MR KING Well if thats the situation you are eluding to then yes I am aware of it. It has nothing to do with our local customs. Customs law does not apply as I understand it to those goods since they don't enter Norfolk Island

those goods. I has received the attention of the customs people. We have asked for an investigation to take place and I'm happy with the outcome of that investigation. There is no necessity for further action by the customs nor any necessity for us to pursue them for any unpaid taxes since none of the taxing regimes here in Norfolk Island apply to that situation.

DEPUTY SPEAKER Thank you Mr King. Further questions without notice honourable members. That concludes questions without notice.

Questions on notice

DEPUTY SPEAKER We have no questions on notice this morning.

Statements

DEPUTY SPEAKER My apologies we move to papers

Presentation of papers

DEPUTY SPEAKER Are there any papers for presentation honourable members.

MR KING Thank you Madam Deputy Speaker. I table the inbound passengers statistics for March 1996 and move that they be noted. Just some brief observations if I may. Being a super optimist and one who ceases quickly on optimistic figures. I'm quick to state that these reveal a 50% increase over March 1995, tourist arrival figures which is very encouraging figures but members may be more interested to know which markets performed more satisfactorily during that period. Let me say there has been during that period an increase out of the NSW market of almost 50%, an increase out of Victoria market of almost 100% and a contribution by two markets to which we have put promotional dollars in recent times, that is S.A & W.A of 7.1% of the monthly total and that's quite significant and a very attractive return on investment we've made in that in those two somewhat remote from our more traditional markets in any event. I may also be interesting for members to observe that the Year To Date figures are now exceed those of last year. We run in at about 102% of where we were at the same time year last year and very much on target to a very successful year for tourism activity. Thank you very much.

MR SMITH Thank you Madam Deputy Speaker. I was going to comment on the high number of visitors we had in March and congratulate the Minister for

MR KING Were you?

MR SMITH Of course. But, I would just like to make one comment on your statement there about the visitors numbers are up from NSW by 50% on last year, I think it would be correct to actually compare it with the year before as well Mike and that was very similar to this years number not to give a distorted view. But certainly the figures are certainly shown very good and look forward to seeing more months of that throughout this year Minister.

DEPUTY SPEAKER Thank you Mr Smith. Further participation

MR KING I regret Mr Smiths choice of words. I'm sorry that he sees my view as being somewhat distorted. I wasn't my intention to distort that. I Let me make the point that the we rose from a pretty low base last year when you compare it with a low base. I don't deny that. March 95 there was a major faux pas if you like by the airlines who cut out the great deals during that particular month and business just simply faded away. So we're moving from a low base but even putting that aside understand that March 1996 figures are an all time record

Messages from the Office of the Administrator

DEPUTY SPEAKER I have received the following message from the Office of the Administrator.

On the 26th March 1996 pursuant to section 21 of the Norfolk Island Act 1979;

A) I declared my ascent to the lighterage amendment Act 1996 Act 2 of 1996. The supplementary appropriation Act 1996 at No 3 of 1996 and the airport amendment Act 1996 Act No 4 of 1996.

B) I reserve the following proposed law for the pleasure of the Governor General. The territorial waters amendment Bill 1996 dated 26th March 1996 signed Alan Kerr, Administrator.

Reports from Standing and Select Committee

No reports.

Notices

DEPUTY SPEAKER We have the Administrative Review Tribunal Bill 1996

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I present the Administrative Review Tribunal Bill 1996 and move that the Bill be agreed to in principal. The purpose of this Bill is to establish an Administrative Review Tribunal. The function of the Tribunal will be to review certain decisions made under powers conferred under Norfolk Island law on the Administrator, executive members and officials. The establishment of the Tribunal is a significant step in the development of administrative law in Norfolk Island as it will enhance the machinery to ensure that persons are dealt with equitably in their relationship with the Government. The Tribunal will not be an informal alternative to a Court but will review decisions on their merits. The Bill provides that the Tribunal will be able to substitute its own decision for that of the decision-maker whose decision is being reviewed. This is something that a Court cannot generally do when carrying out a judicial review of a decision. The Tribunal should not be seen as a part of the Government or Administration structure but should instead be regarded as machinery provided by the legislature for review of decisions by the executive or their agents or delegates. Review on the merits does not simply mean deciding whether or not the decision under review was one which could reasonably have been made or whether there was any error in that decision. Where the Tribunal has jurisdiction to hear an appeal, it will be empowered to affirm, modify or reverse the decision appealed from, to substitute a fresh decision of its own or to send the matter back to the original decision-maker for reconsideration in the light of any directions or recommendations made by the Tribunal. The Tribunal must make its own decision based on all the facts known to it and must stand in the shoes of the decision-maker and determine what, on the basis of all the facts, is the correct or preferable decision. The Tribunal will consist of a President and senior members and members. The President will be the person appointed under the Court of Petty Sessions Act 1960 as the Chief Magistrate. Senior members and members will be appointed by the Administrator for a period specified in the notice of appointment. A person is not eligible to be appointed as a senior member unless he or she has at least 5 years' experience as a legal practitioner. It is envisaged that the ACT magistrates who are also magistrates under the Court of Petty Sessions Act will be appointed as senior members of the Tribunal. The President will determine the composition of the Tribunal. It may consist of the President alone, or a senior member alone, or two or three members, at least one of whom shall be the President or a senior member. Unlike a Court, the Tribunal will not have a general jurisdiction to review administrative action. It will only have power where an enactment specifies that the decision is one in respect of

Tribunal which of course is a particular concern of those of us who exercise executive decisions around the table and of course also agree that it is a significant inclusion to require statements of reasons for adverse decisions. For the life of me I can't understand why people can't reasonably expect those now in any event, to be given reasons why adverse decisions are taken for them, but nevertheless this will require decision takers to give those reasons. My only disappointment is, as I mentioned the other day that the law doesn't at the moment, stipulate or set out the range of enactments over which the Tribunal will have the power of review. I understand that that's going to be another further process of discussion. I expect it will probably be quite lengthy as well but I would encourage the Minister to get on with that job as soon as possible after the commencement of this Act so that we can widen the operation of the Tribunal to take in all those other range of decisions other than those which will be initially effected in relation to the land package, so I will be supporting the Bill at the appropriate time

MR CHRISTIAN Thank you Madam Deputy Speaker. I echo the words that Mr King and Nadia have said. This piece of legislation is long overdue. However I see it as part of a three way package and this is only the second part of the package. Not so long ago we passed the Fair Trading Bill. We now have the Administrative Review Bill before us. The Fair Trading Bill binds the government and the Administration of Norfolk Island equally as it does other people in business. The Bill we have before us now would allow for a review of administrative decisions but I think an important part that we still haven't come to grips with yet is a Freedom of Information legislation. It goes hand in hand with this. This goes part of the way but you shouldn't have to front up before a Tribunal to get access to information. I think at the end of the day when we have all three pieces of legislation in place that truly makes the decision making machinery of administration and government totally transparent. There is nothing to hide from, if you like, and it is long overdue in Norfolk Island and I will definitely be supporting this piece of legislation

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I certainly hear what Mr King has to say in reference to the further enactments but I think it is essential that this Bill be brought to the House now, maybe by the time we finalise its passage through the House we will be ready with the second half of it and a list of enactments to which the Tribunal will extend its jurisdiction and I certainly hear what Mr Christian has to say about a Freedom of Information Act. Unfortunately because of the volume of our legislative programme at the moment, a Freedom of Information Act is somewhat down the road, but it certainly is one of the things that one day I hope to be able to give my attention to. It certainly is something that I don't wish to run away from and I echo his ideas of making government transparent and making everyone accountable just as much as we try to make people accountable in the business world through the Fair Trading Act. Anyway, Madam Deputy Speaker, I move that the debate be adjourned and the resumption of debate made an Order of the Day for the next Sitting

DEPUTY SPEAKER The question is that the debate be adjourned and made an Order of the Day for a subsequent day of Sitting. I put that question

QUESTION PUT
AGREED

Debate is adjourned for a subsequent day of Sitting

Leave

Mr Christian, you seek to move a motion by leave

MR CHRISTIAN Thank you Madam Deputy Speaker, I seek leave of the House to move a motion on the programme in my name concerning the Naming of a Road

DEPUTY SPEAKER Is leave granted Honourable Members? Leave is granted

NAMING OF A ROAD

MR CHRISTIAN Thank you Madam Deputy Speaker. I move that this House recommends to the executive member that the road running east-south-east from Collins Head Road to the place known as Aunt Amy's be named "Allendale Drive". Madam Deputy Speaker the reconstructed road services an area that forms part of the original land grant given to Charles Allen Christian. Charles Allen Christian was born on Pitcairn Island in 1855. He built the original homestead in 1883 on a portion of land now owned by Ruth and Baker McCoy, Ruth being a direct descendant of Charles Allen Christian. Madam Deputy Speaker that part of Norfolk Island in times past was referred to as Allendale, and Charles Allen Christian named the original homestead Allendale, with the nameplaque prominently displayed adjacent to the front door. In view of the history and culture that is linked to this area I consider it appropriate that the road be named "Allendale Drive" and Madam Deputy Speaker I commend the motion to the House

DEPUTY SPEAKER Participation Honourable Members. There being no further debate, I put the question

QUESTION PUT
AGREED

The ayes have it, thank you Honourable Member

We move now to Orders of the Day

NO 1 - AMENDMENTS TO THE IMMIGRATION POLICY

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. At a meeting of this House held on the 15th December 1993 a motion was passed to adopt a population policy which read "that this House recognising the need for sustainable growth of the Island's permanent population establishes for two years an objective of achieving a growth rate on average of two per centum per annum and endorses the executive members plan to establish an administrative procedure under section 21 of the Immigration Act to give proper effect to that objective. Among the reasons the motion was supported, much was made of the idea that 2% constituted a fairly moderate rate of growth and an undertaking was given that the Population Policy was to be reviewed in two years time as I mentioned. Last month when I brought this set of motions forward I do not seem to have made it crystal clear that in preparation of these varied proposals I have looked very closely at Population Policy and the reasons why it is not working. I've looked for the reasons why in the two years since the adoption of that motion and the issuing of 68 GEPS under the quota systems and 96 GEPS under the "special category" provisions, which in total means we issued 164 GEPS in two years, and yet our population as made of up residents and GEPS at the end of 1995 had only risen by ten people. In a discussion paper I circulated to MLA's on the 8th February 1996 and discussions which took place as a result after that, I canvassed some of the reasons I identified why the Population Policy doesn't seem to be working. Put very simply, the reasons are that for the first time in many years there is no long queue of applicants waiting to buy a business on Norfolk Island in order to take up permanent residence here and 2), many of the Island permanent residents are leaving for reasons we know about anecdotally and which we cannot safely say, mainly have to do with a diminished economic activity which has affected Norfolk

Island for some time. Madam Deputy Speaker, we can have all the Population Policy's anyone likes but unless permanent residents can afford to stay on Norfolk Island, they will go on voting with their feet. To counter that, the economy has to improve. This Assembly has not sat idly by and ignored that problem, in spite of what some members of the community may think. Every identified opportunity has been followed up and some are still being worked on. There was a proposal to establish a quarantine station and the community democratically decided it did not want to take that risk and that is fair enough. Various proposals to gain revenue from the spare capacity of our telephone exchange now do contribute to revenue as do phonecards and there is still some hope that we may be allowed to establish an offshore finance centre. Licensing telephone gaming is regrettably now a long shot possibility, while the introduction of a GST in place of some other taxes offers real possibilities. Finally, it has to be recognised that the sheer number of tourists has increased since 1993 but it is no secret to anyone involved in the tourism business that what recovery we have seen has been limited and at times patchy. The recovery has certainly not been sufficient to keep many residents from leaving Norfolk Island and that is the prime reason. No playing around with Population Policy is going to stop that outflow. Madam Deputy Speaker the other sources of population inflow are firstly, people who can demonstrate a special relationship to Norfolk Island and as I mentioned earlier 96 such GEPs were granted in the past two years. I hope that this figure reassures Norfolk Islanders of Pitcairn descent because of course, this category overwhelmingly allows the easy entry to Norfolk Island of people with Pitcairn ties, and that is how it should be. Norfolk Island and Pitcairn Islands are the only two places in the world where people of Pitcairn ties can live as a people and there should be no difficulties put in the way of them coming to live here. The other source of inflow is through the quota which is calculated twice a year by establishing the average population of permanent residents on Norfolk Island for the previous six months and taking a half of two percent of that figure so that in two bites we declare a quota aimed to increase our population by two percent per annum. As I mention many times in this House and at meetings with other members we can settle the quota we like if we have no queue of people waiting to take up the spaces, or even worse, if our selection processes keep out some of the very people who might give Norfolk Island's economy a boost. Also as I have said many times, controlled immigration policy can and is used in Australia and other countries to boost the economy. We should do the same. We need to do the same. We can't afford not to utilise every means available to give our economy a boost. Again, please note, I do not think immigration gives a major economic boost. Other measures are necessary for that but it does bring in keen, positive people with new ideas and new capital and as long as immigration is an ongoing process that positive charge will also be an ongoing process. I've heard my colleagues object to my proposals on the grounds that the economic boost I envisage will be a one off thing, but that is to ignore the ideas and enthusiasm and the capital that each and every immigrant bring with them. If they don't come in as a one off group the quota figure is set every six months. That allows for a cycle of people to take up that quota as declared each six months. These proposals here today do not propose to change that but they include a mechanism to keep that policy under regular review so that this House will have the opportunity to reassure itself that Population Policy is working to the benefit of Norfolk Island. Put simply the proposals here before you intend to achieve the following objectives. To make the places on the quota accessible to the only significant group of people who are still currently showing considerable interest in wanting to come here. Retirees of independent means who will not become a drain on the Norfolk Island resources. b) To ask a similar of financial commitment of all people applying for places on the quota. At the moment we certainly do not ask that kind of commitment of one particular group of people and that is the people who apply to change from temporary entry permit situation to General Entry Permits situation. The other set of proposals I aim to do is to ensure that we do not end up calculating the quota figure on a diminishing population figure, and at the same time, not an inflated one either.

same consumer products as money earned by employees or employers but surely it would make more sense to allow others to be able to engage in this form of business activity rather than let it consolidate into a few hands. I also do not believe that by widening the immigration policy to encompass the amendments as sought by Mrs Cuthbertson, would make the price of houses too expensive for young Norfolk Islanders to purchase. This is an old chestnut which is dragged out of the fire every time changes to the Immigration policies are mooted. There are plenty of reasonably priced properties for sale. Those that have an unrealistic price placed upon them won't sell and the vendors would do better to re-assess their values - either they seriously don't want to sell or they are expecting to get back every dollar, including inflation, that they have spent since they bought or built and this is totally unrealistic in a fluctuating market in a closed community. And still on the subject of housing, many young Norfolk Islander's have land either inherited or given to them by the family. Of course every young couple wants to build their own house to their expectations and dreams. It is the cost of building which is so expensive here, not the cost of purchasing an existing house. I commend Mrs Cuthbertson on her courage at bringing forth these amendments to what is always a most controversial policy and will support them, thank you

MR KING I think my colleague is very courageous and I do commend her for bringing these things forward and I fully understand the reasoning behind it. I don't however, agree with the results which my colleague expects to achieve from these amendments. I'll dig a little deeper than I did on the last occasion when I touched only on what I saw was legal obstacles and get into the policy substance. I will try not to bore you all because I did go through it in detail the other day in our informal meeting. I expect that once we all contribute to the debate generally that we are going to break these up and vote on them one at a time

DEPUTY SPEAKER We will vote on them individually but because that seemed to be the wish of Members we will debate all of them together

MR KING We are going to split them up are we? Right. Well let me talk very quickly about the quota. I'm going to agree with item No 1, about the mechanism for a GEP quota calculation because I'm so confused I'm unable to explain why I could raise any opposition to it. But I feel happy that the matter of a quota has to be as a result of a recommendation of the House at every six months level in any event, and therein lies my safeguard, so I'm happy with that.

I can recall a situation where the method of calculation of the GEP quota was so convoluted and complicated that it started to receive the attention of all the legal beagles around the place who were just waiting for an opportunity to get into court and tear it down as being ultra vires. We are getting back to that stage now. From my colleagues contribution to the debate it would appear that one of the elements of the equation that she wants to inject into the quota calculation is a matter of racial descent. That I would suggest is going to incur the wrath of any judiciary who might have a look at it. At any rate I'm going to agree to that item No 1. I'm not going to agree to item No 2. I believe that there is a reasonable and adequate scope for people retiring into Norfolk Island and that is through the provisions of Section 18. I don't have the numbers in front of me but if we have a look at the numbers at Section 18, Special Relationship Permits which have been granted since 1984, you will find that on balance, there have been substantially more than those who have come in on Section 19 which Mrs Cuthbertson has pointed out and the majority of those have been returning Island families who have in fact been returning to retire, either to early retirement or full retirement back here in Norfolk Island and I think that is adequate scope for retirement entry, given that our Section 19 quota numbers are in any event very small I think that those numbers ought to be allocated only to those who are going to make an active, full and continuous contribution to the

economy of Norfolk Island and not those who are simply going to retire here in Norfolk Island and not make that continuous contribution. I concede that people entering the Island will make initial contributions to the economy in terms of their purchases and their re-arrangements to their house properties and their fences, a certain flurry of activity but after a little while that economic impact disappears and I wouldn't like to see that happen, I would rather see people come in who have that immediate economic impact and then continue to have an economic impact through continuous involvement in industry. Which brings me down to Section No 3, where it would appear to me that the intention is to not exclude a person from coming in to buy a business which is only marginally viable, simple because it is marginally viable. In consideration of that application one ought to take into account the relevant expertise that that person has and the means by which they might improve the operation of their business or the viability of their business and I have absolutely no difficulty with that whatsoever. It may not be spelt out in as clear words as this in the current policy document but that has certainly been the practice in recent times and there have been a number of examples where people have been allowed to come in where due weight has been given to the fact that they have relevant expertise which will enhance the operation of that business so I regard that as being a simple clarification of the existing policy and I would be agreeing with that particular point. Point No 4 is the passive investment clause if you like, and again my comments regarding active and continuous involvement in industry are relevant in that regard. I will not be supporting No 4. Point No 5 is seeks to place a requirement on anyone here in the Island who is already a Temporary entry permit holder to buy a house property before they will be granted a General Entry Permit. Or at least make it a condition of a General Entry Permit that they buy a house property. I will not be agreeing with that. I can understand that it would be desirable that everyone buy a property immediately upon given a General Entry Permit, but I don't believe it is safe, I think it is giving that particular factor undue and unfair weight. I mentioned the other day a number of circumstances which might conflict with that policy and leave one in a dilemma as to how you might deal with an application. For example, a couple who have substantial funds, \$20,000/\$30,000 but who are not ready just at the minute to buy a particular house property, or they might want to put a deposit on a block of land. Would it be fair to simply refuse those people entry to the Island simply because they won't be compelled to use that \$30,000 to buy a house property. What about if the bank is not yet in a position to give them a mortgage because they need to increase their savings by another \$5,000 or \$10,000 to make a deposit. It's just too tight and it gives that factor too much undue weight. Now I can think back in the past and look at many Temporary entry permit holders who have made the transition to permanent population by getting a General Entry Permit who have not bought a house immediately but in due course have purchased property in the Island, set up a place to boil their billy, had children and made a valid, honest and satisfactory contribution to the Island generally. Not necessarily to the economic side of the Island but a social contribution in terms of having children and being active in school activities and scouts and other community activities which surround the bringing up of a family. Those sort of activities and involvements are not seen in relation to those people who have come in through the system simply with a bag of money looking for a place to boil their billy and retire so I see that as being a harsh condition to place on someone wanting to make that transition from Temporary entry permit holders to General Entry Permit status. I won't be supporting No 5. No 6 I see as being a statement of general objectives and in short I don't have any difficulty making those statements. I don't see them binding in any way, shape or form, they are an expression of what we would like to see be achieved some of which really go without saying now, if they need to be spelt out I don't have any difficulty with that so I will be supporting No 6. So that's my position on this paper thank you very much

MR CHRISTIAN

Thank you Madam Deputy Speaker. I had some concerns that

percentage of our TEP to GEP applicants. These people are unlikely to have the wherewithal to purchase a house on the condition that that's the major or one of the prime clauses which will get them a GEP. These people I think are very much in a different category as GEP's who might approach the Island from offshore and apply for a GEP. To basically lump them together and have their requirements the same I think is patently unfair to the TEP to GEP mover or applicant. I would suggest also Madam Deputy Speaker, if one wanted to reduce the TEP to GEP applicants this is the prime way to do it. Point 6 is a list of objectives. I think they are reasonable. I think it is good to have a list of what you actually want to achieve and your list of outcomes. Again, its been mentioned that they are not necessarily binding, they still have an inherent level of flexibility contained within. My major discomfort with the total package of amendments here is point 2. I believe by the nature of the beast, section 2 becomes a retirees section of immigration quota due to the fact that it is unlikely that retiring entrants or many non retiring entrants will have the financial wherewithal to be here, not participate in commercial activities by the nature of having a clause where they can simply opt out of commercial activities directs the whole focus of that to a person with retiring in mind. Point 2b is the one that has a significant spin off. Namely, a major movement in the inflation of the price of real estate. I don't think there is any doubt that that will happen. The question you have to ask about inflation of real estate, is do you consider that to be a good thing. The answer to that is determined by your point of view or perspective. I would suggest that if you are a real estate agent or if you are selling and moving away then the answer would be yes. From the point of view of someone who is concerned about Norfolk's long term viability or about making Norfolk overly expensive for people coming through the ranks of the community then I believe the answer is No. We need to view that statement and then step back a piece and consider the oft quoted comment about the need for a higher yield tourist. That one is repeatedly flogged to death. Section 2 will effectively not only have them visiting but we will have them staying as well. A peripheral aspect of this, again looking at younger people moving through the community ranks, is our education. The yearly costs are very high. Once they graduate and move into the community and start working their way through, they will progressively be faced with the scenario of more expensive real estate and as the Minister has put forward, there will be greater opportunities available for lawn mowing. I see that situation as progressively increasing and I don't think that really we can sit around this table and view that as a good thing. We must be very careful with immigration policy. We should ensure that we don't overlook one of the most important points of immigration policy, particularly when it comes to the vetting of applicants. And essentially that is what can they contribute to Norfolk. We need to ensure that what is best for Norfolk remains the over riding factor instead of becoming a valuating point for financial mercenaries. Point 2 is completely out from my point of view and that is all I have at this stage

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. If I could answer some of the issues raised by my colleagues. Mr King made the point that section 18 of the Immigration Act already allows sufficient numbers of retirees to come to the Island. Those being mainly people who have relationships or members of families on Norfolk Island. That is so and not necessarily only retirees. Only last year 96 permits were looked at and certainly retirees would have been less than 50% but what is important about the entry of the people that I'm suggesting should be allowed to enter, and again as Mr Adams has noted, I am suggesting only eight or nine people in that way, are people who are going to bring in with them a different kind of capital. Capital which will be invested in getting them established and may not have houses here already, as most of the people who come back have. A significant slice of their money will be injected when they settle in here. Of the people who come here to retire or semi retire in the past as has been alluded to by previous speakers, they have all also made fantastic contribution to the community, if not through the Scouts and the P and C, through

all sorts of support agencies. Rotary, Apex, Quota, Lions, Sunshine Club and the like. Those Clubs are full of people who come here at an older age as well as the people who have resided here all their lives, we should not forget that people who have sat on this Assembly have come here pretty well to retire and quite frankly, that may include myself. Yes, I did buy a business but I certainly was not terribly involved in some of the things that are being described as valuable but I think I have contributed in a different kind of way and similarly it could be mentioned that Mrs Sampson has contributed in different kinds of way. We don't all have to be members of the P and C or Scouts etc. The kind of people who tend to come to Norfolk Island and are fit and well, otherwise they would not meet the qualifications that are set out, are not looking to die on the vine. Not looking to lock themselves up in their house. They are coming here for the lifestyle. That's what I came here for and most of the people. That is an outward looking lifestyle of involvement, getting to know your neighbours and not living in a city where you may live next to a person for fifteen years and not ever speak to them.

It is for a better lifestyle, and if we are talking of eight or nine people per year, well I'm astounded. Mr King also mentioned that he would give undue weight to the requirement for people to purchase a house if this was written in as a condition. Say a TEP wants to convert to GEP and may own a piece of land, or may not have sufficient money but may be preparing to consider the purchase of a house or making some other commitment to stay here. Quite frankly, a significant number of TEPs wishing to make a change to GEPs do end up buying property and settling here, but a significant number seem to be using this possibility and availability of places on the quota that we have at the moment simply to extend that GEP permit so that they can stay here much longer than the specified three years. I really feel that after having been here for three years, as many TEPs now want to make the shift to a GEP status, they should have decided whether this is the place they want to stay or not, and it should be possible for them to decide. Yes, I am going to be here permanently or not and indicate that by commitment. It also seems quite discriminatory to require other people who want to come here who haven't had the opportunity to work here for a period to make a considerable investment in the economy of the Island, whereas people who have been here for a considerable time, after three years as I have said, are required to make no such considerable investment. And so at the moment we in fact do have a discriminatory policy in that respect. May I also point out for the people that the concern that a person who may have land may want to be building a house rather than purchasing a house, the very first paragraph of the Immigration Guide clearly specifies that however, the policy is in no way to be regarded as a set of rules.

These proposals are all about change in policy, not change in the Act. If we were changing the Act, certainly there would be no flexibility once we have agreed to those changes. What we are proposing to change here is the policy that goes hand in hand with the Act. In the very first paragraph of these instructions, we are reminded that these are not a set of rules although they are quite often used so. Now if somebody was a TEP and wanted to apply for a GEP and could demonstrate that they had a piece of land and were planning to build a house I am sure that the Minister of the day and the Immigration Advisory Committee of the Day would be perfectly entitled to consider that and give it due weight and I can't imagine anybody being so one eyed as to ignore it. That is something else that has to be considered. Looking at my notes of the other comments, Mr Bates is most concerned about adding to the purchase price of homes and I share his concern. It certainly was very unpleasant in the late '80's when a few people speculated in the purchase of houses and property values skyrocketed without any foundation and it was not such a good experience for people who were caught in that situation and as I was purchasing a house at that period I'm one of those people who paid a premium in the purchase of my house perhaps. It is something that we all have to be aware of when you are buying a property or anything, that you pay a fair price for it and looking around it certainly is clear that there are quite a number of fair prices at the moment but you are never going to stop people speculating on property if the rest of the economy is strong. That's when people do it and there are plenty

of people here already on the Island with sufficient money to speculate in property without us being worried about anybody coming from overseas and as Mr Adams has remarked, whether you live on the Island or live overseas, if the economy is strong and if you know of Norfolk Island you can quite easily come here and buy up whatever you want to and speculate in property whether you live here or not. When the economy is strong that will happen and nothing that we can do will stop that apart from setting prices on property which I hope the government of Norfolk Island will never do. I am concerned that somebody has described the people who want to come here to live as selfish because they want to come here for their own pleasure and interest. Surely we are all motivated by wanting a pleasant and comfortable lifestyle and would try to find it where-ever we can. Why should we consider a person selfish who would like to come to Norfolk Island and share in our lifestyle for simply that reason. I think we should judge them on how they perform after they have come here and if a person has come here several times to develop the kind of liking that they have to have to want to come and retire here in Norfolk Island we should by that time have a pretty good picture of what kind of people they are. If you are selfish and not want to be involved with people who are around you this is definately not the place to come.

It is too small a community to become too isolated. You would not be very comfortable here, and if you come here in sufficient time to find that out well you certainly would not be making an application to come here. With regard to the health coverage part, as I am also responsible for the Healthcare Act and I see the regular applications that come forward from people seeking to be exempted from paying the levy because they have sufficient other cover for health difficulties, what stands out in the number of people who are granted that exemption is that the people have been here quite a long time who are reasonably well off, who bought the health cover with them and have maintained it. Anybody approaching retirement who has good health cover and lets it go, that is their own peril because after 70 you are certainly not allowed to join any health cover scheme. The point that Mr Bates made with regard to Healthcare Private becoming prohibitively expensive for the 70 year olds and over, I'm afraid is a slight mistake. For at the age of 70 any kind of health cover goes up significantly simply because that is when we enter an age period where we get most illnesses and most of the illnesses we get tend to be rather expensive to deal with. The Healthcare Private scheme at that point ceases to be competitive with the other available schemes and it would be foolish to offer it if it is not competitive with the other available health coverage schemes, but anybody who approaching the age of 70 lets go of health insurance is really courting all sorts of extra expenses. Looking at the list of people that regularly get health care levy exemption, the kind of people who I'm talking about in being allowed in under the retirees scheme are not likely to give away their private coverage. I would like to refer more specifically also to a letter that the Chamber of Commerce has kindly allowed me to have. They could not let me have a copy of their report on this issue because it has not been approved by the membership as yet, but they agreed to let me have a letter from the Society of Pitcairn Descendants which I have circulated to all members and I think I would like everyone to note that the Society of Pitcairn Descendants specifically says on page two of that letter that it does not favour a large increase in the quota, and I agree with them neither do I, but the criteria for admission should be that retirees who are fully financially independent, ie who will never be a health, education or welfare drain, should be allowed in. People who do not rely on tourism for an income should also be allowed in and what they would like to see of course is to allow new pollution environmentally friendly businesses and industries which are not here now to start up and I totally support them in that.

If we only could attract such industries it would be wonderful. The fourth point they make is that locals returning to live here permanently of course should have a right at any time to come in. Well I have already pointed out that there are very very few barriers if any to stop locals returning to live here permanently, especially locals who are already residents, there are no barriers whatever to their returning here, but I'm glad to see that they particularly like the

Unfortunately unless our economy picks up quite substantially our base will still be diminishing. Perhaps not quite as significantly as it is at the present time by adding last years quota onto it, but I do agree with her recommendation and I will support that. I also agree with the allowing of a certain number, and this is only a very small number of retirees coming to live on the Island. If they can demonstrate that they have sufficient assured independent income they should not become a drain on the local community. I agree that they have to make some sort of commitment to the Island and the contract to purchase a house, would I feel be a normal condition to put on the granting of their GEP. As far as maintaining private health insurance, if somebody who is retired is already in private health insurance when they come to the Island and is required to maintain it for five years until they get residency, I can see no normal logical person wanting to do away with their private health insurance at that time. Even if they are early retirees they will still by the time the five years is up, have reached an age where they really can't afford to give up private health insurance. Health costs are escalating every year and more and more people are realising that private health insurance is essential so I don't think that at the end of five years these people would be likely to give away their health cover. I agree with point number 3 that where an applicant proposes to purchase an existing business, if that business is not profitable they should supply details of what measures they propose to make the business sufficiently profitable or to show what resources they have to implement these measures. There are businesses on this Island at the moment that have been allowed to run down because the owners have lost interest, they are sick or for some reason they have lost their will to make their businesses profitable, or maybe they just don't have the skills that they thought they had and they would prefer to move into a different line of business but can't do so until they have sold their existing businesses, so therefore I think that to allow a person who has the wherewithal to make that business profitable is a reasonable condition on the sale of a business. Mr King suggested that he has always been flexible along those lines and that he has not turned people down because the business they wish to purchase was not profitable, but I think that that possibly has been the case in the past. As far as the passive investment is concerned, I agree that owning real estate or something of that ilk on Norfolk Island is an investment. You have to work very hard to make your investments work for you, even if they are only stocks and shares. that is a remunerative occupation in my book and I see no reason why passive investment should not be allowed. I think it would only be a very limited amount. I don't think we have any fear of all of Norfolk Island's real estate falling into foreign hands, but I certainly support amendment no 4. Amendment No 5 that requires somebody changing from a TEP to a GEP to enter into a contract to purchase a house, I agree with some of my colleagues that this I think is too restrictive a condition. I think that as Mr Adams has suggested, it would cut out alot of very worthy TEPs currently on the Island who wish to stay and don't currently have the wherewithal to purchase a house or maybe haven't found a house they would like to purchase at the present time. A person who applies for a GEP to come on to the Island is not required to purchase a house but is required to purchase a business. Well that is a business decision that they are making to purchase that business and they have the facility to wait a certain amount of time before they actually purchase residential property so therefore I don't think that we are moving the goalposts for one category of immigrant as opposed to another. I think that as far as people changing from TEP to GEP is concerned, a lot more emphasis should be put on what those people are bringing or offering to Norfolk Island. If they have demonstrated skills, if they have been holding down a good job for a considerable length of time, if they have made a social commitment to the Island I think by all means we should encourage them to stay. If the people are just holding down menial jobs and they are in their tenth one since they've been here in the past three years and they own nothing but the clothes they stand up in and maybe a transistor radio, then I don't think that that is a good basis to grant a TEP on but under the current guidelines, that kind of thing doesn't seem to be taken into

consideration and I think that is an area that needs to be looked at much more strongly than requiring these people to buy a house. I think that we will be cutting off our nose to spite our face if we require current TEPs to buy a house to become GEPs so I cannot support that amendment. I support amendment number 6, the General Objectives. I think we want a gradual and controlled increase in the population of Norfolk Island and I think that our Immigration Policy has to be appropriate to current economic and population trends and I think it is important that reviews be carried out on a regular basis. It is also very important that any entrant into the Island, his future position with regard to a potential burden on the public purse should be taken into very great consideration by the Minister and by the Immigration Review Committee. We cannot afford to take into Norfolk Island, people who are going to become a burden upon us. Now I don't think that under normal circumstances people who wish to retire to Norfolk Island are going to become a burden on the public purse. I think it is more likely to be people who are going to raise children here, who are going to be a drain on the public purse. It is young children who are more of a drain on the healthcare scheme than middle aged people, its a well known fact that very young people and very old people are the most accident prone and the most illness prone, and also as Mr Adams pointed out, it costs a lot of money to put children through our school here, and that is also an aspect that we need to take into consideration as to how many children we are likely to have to educate if we grant a GEP to a particular applicant. Yes, I agree that conditions imposed on one group of potential entrants should not be more onerous than those imposed on other groups and I think that Mrs Cuthbertson is working hard to bring that into effect. Mr Christian mentioned that he was a bit worried about special conditions applying to potential entrants who can demonstrate a special relationship with the Island and the ethnic cleansing bug reared its head again. I think that what is suggested here with the special conditions means that specially favourable conditions are applied to people with special relationship to Norfolk Island, not specially difficulty conditions. Anybody with Pitcairn connections is treated very very favourably when making an application and that is why this special category exists, so that they don't have to go on to the quota. If somebody with strong heritage connections to Norfolk Island wishes to return here, they can do so much more easily than somebody just coming from the outside who thinks that Norfolk Island would be a nice place to live, and I think that's the way it should be. Mr Acting Deputy Speaker on general terms I commend Mrs Cuthbertson for the amendments she has brought and I will leave it at that thank you

MR ADAMS Thank you Mr Acting Deputy Speaker. Just a couple of closing comments. I wish at this time to give a note of thanks to the Immigration Committee for preparing a report on the proposed policies. I thank them for their time, it certainly assists one in making a decision. Overall I think we are spending an incredible amount of time on what I would regard as a King Canute factor. I think similar to placing the chair in the ocean and sitting on it and holding forth and expecting a reaction, a really think fiddling with immigration to prime the plummeting economy is unlikely to effect much change. In reality, it would be better to spend our time and resources on measures that would realistically charge the economy thank you

MRS LOZZI CUTHBERTSON Thank you Mr Acting Deputy Speaker. I thank Mr Adams for that barb. As I pointed out once before of the portfolios available that might make a difference to the economy, immigration is the only one that I happen to be responsible for. Industry of course is his and I would be very impressed if he could come up with any money making scheme and I would certainly support it. Unfortunately because I am the head of responsibility, this is the only one I can make an economic contribution through but I look forward to Mr Adams coming forward with some really good money making schemes and economically boosting schemes in the future thank you

MR ADAMS Thank you Mr Acting Deputy Speaker. I particularly like that bit at the end, the bit about support. I shall be calling on Nadia in the near future

ACTING DEPUTY SPEAKER The House has already agreed to vote on each of these individually so perhaps we can move amendment No 1 and I will just read it to Members of the House. No 1 is, "as from February 1997 the GEP quota be calculated by taking as the base line figure the previous years average population plus the previous years quota

QUESTION PUT
AGREED

The ayes have it.

We move to amendment No 2 and I will just remind the House, up to one quarter of the yearly GEP quota places will be available to persons wishing to live in Norfolk Island without taking part in commercial activities but who (a) can demonstrate they have sufficient assured independent income (b) have entered into a contract to purchase a house in Norfolk Island, such contract may be contingent on the granting of a GEP and (c) will continue to maintain private health insurance which qualify that person for an exemption from the Healthcare Levy Act under Section 11A of the Healthcare Levy Act. Is there debate on that

MR CHRISTIAN Thank you Mr Acting Deputy Speaker. I seek leave to move an amendment to section 2

ACTING DEPUTY SPEAKER Leave is granted Mr Christian

MR CHRISTIAN Thank you. I propose that point 2 section A, that the word "external" be added after "independent" and that point would then read "can demonstrate they have sufficient assured independent external income" external meaning not earned within Norfolk Island. I would also propose that part (b) of point 2 be totally deleted and the rest of the point, namely (c), remain

DEPUTY SPEAKER Mr Christian, do you wish to comment further on those amendments

MR CHRISTIAN No. I'm happy to have the amendments voted on

MRS SAMPSON Thank you Madam Deputy Speaker. I would like Mr Christian to define his terms with the external income suggesting that perhaps these people will come over and move a sum of money and deposit it on IBD in one of the banks. Does he consider that external income

MR CHRISTIAN I do so. The Bank is not an entity of Norfolk Island

MR KING Thank you Madam Deputy Speaker. A brief word on the amendments. From what I can gather and they have come at me as a bit of a surprise. From what I can gather the thrust of that part of the motion is not altered by Mr Christian's amendment. He seeks to retain the general thrust that there be an extension to the provision for additional retired persons and on that basis I won't be supporting these amendments nor the motion

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I have no objection at all to the word "external" being added. I'm a little concerned not to require some sort of commitment to people under any category to come here just freely and not be required to indicate that they really intend to be permanent. Otherwise why are they looking for a GEP. I heard your comments about the possibility of their

being tenants, those kind of people. I have no strong objection to people being tenants, I just was looking for some sort of a commitment to the Island when they ask to become permanent residents here to the granting of their GEP but I will not argue any further on that

MR CHRISTIAN My thinking there is if other substantial parts of this motion which is before us, is agreed it becomes quite clear that being a landlord becomes an acceptable industry. I don't see why a person has to be forced to purchase a property to reside in Norfolk Island when it could well be argued that being a good tenant would also make a significant contribution

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I certainly see the thrust of your argument. My serious concern would be that it certainly would then be an encouragement to external people speculating in property as well and I would be very reluctant to do that

MR CHRISTIAN I don't think any of us are in any doubt now that you can speculate now whether you've got a GEP or not. It happens. But one of the sections of this says basically that a particular section should not make it more onerous than another section in gaining a GEP. Well a person coming in to purchase a business at the moment doesn't have to buy a house so if in effect you are creating a different category of GEP holder, one that is basically a person who wants to live in Norfolk Island but doesn't want to own a business, why should you force that person to buy a house if he is financially independent and will make a significant contribution by renting a place from somebody either weekly or long term lease, he will still be making a commitment

MRS SAMPSON Thank you Madam Deputy Speaker. I am particularly anxious to see section 2 passed and being rather pragmatic about it I would agree to Mr Christian's amendment to have section (b) deleted because listening to the debate around the table, section 5 is going to be defeated from my quick calculations. Once again referring to Mr Christian's comment on the fourth condition it says "conditions imposed on any one group of potential entrants will not be more onerous than those imposed." So on the presumption that Section 5 is going to be defeated I would support the deletion of Section B in clause 2.

MR BATES Thank you Madam Deputy Speaker. I'm not sure whether this entirely relates to this section, but it is relevant to the passive investment context which was debated earlier and I think it was Mr Adams that mentioned it first, and I think it was mentioned by somebody else that there is nothing to stop somebody from flying into the Island, buying up some property and flying out. I do remind Members that we have had in place for many years now a piece of legislation which certainly discourages that and its called the Absentee Landowners Levy so for those think it is just that simple to passively invest in Norfolk Island from offshore there is a penalty for that, and that Absentee Landowners Levy is quite substantial, thank you

MR CHRISTIAN I move that the question be put

DEPUTY SPEAKER Mr Christian I was proposing to move your two amendments as separate issues unless Members wished them to be moved together. Is it the wish of the House that we vote on the two amendments as one entity. I will do that. The question before us then is that Mr Christian's amendments to recommendation No 2 be agreed to

QUESTION PUT

Would the Clerk please call the House

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

The ayes five the noes three. The amendments are agreed to. We are therefore debating Clause 2 as amended. Any participation Honourable Members. I therefore put the question that Clause 2 as amended be agreed to

QUESTION PUT

Would the Clerk please call the House

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

The ayes five the noes three. Recommendation No 2 as amended is agreed to

We move now to Recommendation No 3. Is there any further debate on that. No further debate, I put the question then that Recommendation No 3 be agreed to

QUESTION PUT
AGREED

The ayes have it thank you Honourable Members

I move now to Recommendation No 4 regarding passive investments, is there any debate on that question. I put the question then that Recommendation be agreed to

QUESTION PUT

Would the Clerk please call the House

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

The ayes six the noes two. The ayes have it, that amendment is agreed to

We move now to amendment No 5 which requires somebody changing from a TEP to a GEP to enter into a contract to purchase a house. Do we have any further debate on that matter. Therefore I put the question that that amendment is agreed to

QUESTION PUT

Mrs Cuthbertson do you wish to have the House called

MRS LOZZI CUTHBERTSONNO

AGREED

That amendment is defeated

Question No 6. The general objectives. Do we have further debate on that issue

MR CHRISTIAN Thank you Madam Deputy Speaker. I seek leave of the House to move an amendment to point 6

DEPUTY SPEAKER Leave is granted Mr Christian

MR CHRISTIAN Thank you Madam Deputy Speaker. The amendment I propose is to add an extra star at the bottom of the five stars to what will become the new section 1.6 titled "General Objectives" and the additions that I propose are to add the words "to recognise that the indigenous people of Norfolk Island must never become an electoral minority in their own homeland". I have nothing further to say at this time but will wait to see what other Members have to say

MR KING I have absolutely no objection at all to extending some preference to the descendants of the Pitcairn settlers but I do raise objection to describing them as indigenous people. It is an inappropriate term. It is not a matter which has been, as it were, widely canvassed as being an appropriate term to describe the descendants of the Pitcairn settlers but I would have no objection to a clause amending and seeking to give special recognition as is detailed in the preamble to the Norfolk Island Act, but those words don't accomplish that

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I fear that such an amendment may be seriously against the Anti Discrimination Act. We really would have to seek legal advice on that. How do you prevent a person from becoming eligible to vote once they have been here and fulfilled all the other prerequisites. It is a serious, serious problem. I wonder whether in fact the people that you are describing as indigenous people may already be an electoral minority. I do not know but it would be remiss of us to insert such an amendment without getting some legal advice and checking what the situation is at present

MR CHRISTIAN Thank you Madam Deputy Speaker. I would be happy to have this point adjourned until the next Meeting. I do take the opportunity to point out that whether you like it or not a native Norfolk Islander is an indigenous person. I consider myself to be indigenous. I travel on an Australian passport because it is the only one available to me. The words electoral minority are totally different to numerical minority under the voting system we have today. That is a significant difference. I recognise that already in our homeland we are probably numerically a minority. What I do not want to see is our political clout be totally negated or shoved aside. I'm happy to seek some legal advice and to use maybe slightly different words but I will tell Members right here and now, that I'm not into being politically correct. I'm not a labour party supporter. Never have been. Never will be. And some of the greatest nations on earth, whether you like it or not, are racially discriminatory. Take America. Canada. Japan. China. You just cannot freely go and live there. And I don't think we should beat about the bush on Norfolk Island with saying, oh you can't do this or you can't do that because it is discriminatory. The law itself discriminates. It's a fact of life. So let's just bear that in mind Madam Deputy Speaker

MRS SAMPSON Thank you Madam Deputy Speaker. I will support Mr

MR SMITH Thank you Madam Deputy Speaker. I too agree with Neville. I don't think he is contradicting himself with what he is putting on there as an amendment. I think that's the thrust of this whole paper on changes to immigration. It is to improve the economic situation on Norfolk Island by allowing some investment capital to come into the Island which will then bring some of our own people back instead of them leaving which I keep going on about and some Members don't seem to accept that some of our own people are the ones who are leaving. What we are trying to achieve is to get some investment going so that they have an opportunity to come back and that will fulfill Mr Christian's wishes as well as everyone else's around this table. I would be happy to see what Mr Christian bring back to the next meeting if this is adjourned

MR ADAMS Thank you Madam Deputy Speaker. The section where Mr Christian was accused of having a conflicting view was Section 2. Those people the intent of Section 2 is not to have these people come in and invest. They are simply people who are going to come in here and sit on the commercial fence and certainly not participate in assisting and engendering growth to kick over, so that to say that these people are going to come in and invest leaves me somewhat confused. I heard your words regarding Section 4 George, but Neville was accused of being contradictory on Section 2. Section 2 indicates that they will come in here and not participate in commercial activities. So they certainly won't be assisting in the commercial benefits, thank you

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I would like to see appropriate words that express the general feelings that Mr Christian has in mind, brought back to an adjourned debate on this particular point and I move the adjournment on this particular section of the recommendations

DEPUTY SPEAKER I believe Mr Christian has already signalled that he wishes to move the adjournment and I will take that as being his motion. Is there further debate before I put that question Honourable Members. I put the question that debate on amendment No 6, the general objectives be adjourned and made an Order of the Day for a subsequent day of Sitting

QUESTION PUT
AGREED

The ayes have it thank you

TOURIST ACCOMMODATION AMENDMENT BILL 1996

Honourable Members we resume on the question on the Tourist Accommodation Bill 1996. The question was that the Bill be agreed to in principle and Mr King, you have the call to resume

MR KING Thank you Madam Deputy Speaker. What happened to No 2 Bill. I'm happy to do it out of order if you like

DEPUTY SPEAKER I apologise. My papers are out of order

MR KING This Bill has laid on the table for a period of time, about three weeks or so. During that period of time I have experienced some support. More support than I have opposition. The opposition could be best described as being low level opposition, and comprised to letters of protest or objection received from people in the community and a level of opposition from one or two of my colleagues. Opposition which was based on a desire, it would seem, to allow accommodation proprietors to continue to avoid the payment of an accommodation levy where a visiting journalist or visiting travel agent and the

like have been accommodated in their premises. Madam Deputy Speaker I hadn't considered that this was a major piece of legislation. I considered it to be reasonably uncontraversial in its form. I guess that my original desire would have been to see the industry itself accept readily its responsibilities to come up with a level of taxation and collect it and admit it to the public account without perhaps the kerfuffle that we've experienced, or I've experienced in trying to establish this taxing regime. I remind Members of the dramatic introduction of this or the lobbying which resulted in my deferring the commencement of this to allow the proprietors to re-arrange their tariffs so that they could successfully pass on the burden of this tax and that was agreed by all Members and that is precisely what happened. The fact of the matter is, as I mentioned on the last occasion, there has been a level of conduct which has been unacceptable in terms of avoiding the collection of payment of the tax, or payment of the tax by the proprietors. A level to me which has been unacceptable. And unfortunately unacceptable. I would have liked to have seen people fall into line and conform with the clear requirements of the law. It would now appear that the law is not precise enough in its terms and this is an endeavour on my part to make the law more precise in its terms. The desire on the part of a couple of Members to oppose it is for them to consider, if that is the way they wish to go then I say to them, to vote it down. To send out their message that we will tolerate a level of rorting in the collection of taxation and if that is the message that they want to send out I invite them to do so by opposing the Bill, thank you

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. I'm one of the low level opposition to this Bill that Mr King has mentioned. I really do not wish to send a message out to the people as Mr King has dared us to that we will tolerate tax avoidance. I don't think that's a fair description of the kind of objections that have been raised, or certainly that I have raised to the Bill. What I have mentioned and a few of my colleagues have also mentioned, that there is some doubt raised by the way people do fill in their cards at the airport as to whether they've stayed say, seven or eight days, whether that meant seven or eight nights.

It is very unclear. Most people certainly consider they have stayed eight days whether they have slept seven nights on the Island and we've been shown no evidence that this is in fact what is not happening. That it has not been indicated to us in any way that the people are filling in their cards at the airport, are not making a mistake and overstating the number of nights that they are staying and I would like to be a little more reassured that this is not happening before I vote on this Bill. I also would like to recognise that proprietors who do provide free accommodation for agents or for journalists who come to the Island, and yes, who get mention in the articles or get a better deal from the travel agents when they go back, because they have provided their free accommodation certainly are getting a payment in kind, but at the same time it also has to be recognised that those people who are encouraged to come here as a result of those articles and as a result of the activities of those agents, contribute to the wider benefits of the Island and not just to the people who have provided the free accommodation. So, to a certain extent if some exemption is provided to the agents and to bona fide agents and bona fide journalists who come to the Island in the paying of tourist levy, the hot bed tax as it is called, it is sharing the benefits that are brought about by the presence of those people that come to the Island and sharing the costs as well. As a shop owner I certainly do not mind in contributing in other ways to giving to the people who have provided the free accommodation for those people and I think that there should be an exemption from those people to pay a hot bed tax. I would like to see the Minister give some attention to that, thank you Madam Deputy Speaker

MRS SAMPSON Thank you Madam Deputy Speaker. Just one small point. If Mrs Cuthbertson is concerned about the way that people fill out their departure cards, could not the question of the departure cards state how many nights that were stayed on the Island, nights are precise, days are imprecise.

MRS LOZZI CUTHBERTSON Certainly Mrs Sampson, that is one of the things I shall be looking at next time we print cards, I promise you but I don't want to throw away heaps of cards

MR KING Thank you. I'm the first to concede that there are a level of people who don't state correctly or answer questions correctly on cards. That's not a great concern to me because you can make allowances for those sort of things. What I don't want to make allowances for is for those who are clearly rorting the system. I explained to Members that this really is a Bill which clarifies the interpretation of a guest for whom a levy is payable by the proprietor. The present law describes a guest as being someone who is staying in the house and there is some reward for the accommodation proprietor. And the fact that reward can be interpreted very widely and it is arguable that a person, and I've seen a legal opinion not from within here, but I've seen a legal opinion and I understand that a legal opinion was given to the accommodation travel ATA Association, which says that an FOC traveller or journalist for whom there is a reward in terms of contra deals, free advertising space, preferred trading, partnership or position is in fact a reward. So there is an arguable opinion out there that the present law requires that the levy applies to those people in any event and I'm seeking to clarify that. The present law also says that there is basically an exemption arising from the definition of section 4, all children under two years of age and for family of the accommodation proprietors. The family of the accommodation proprietors remains as an exemption. I'm not real happy about that either quite frankly because that provides still a loophole. Perhaps smaller than the current loophole, but a loophole. In respect of the application to two year olds, I would be happy to exempt that provided the industry generally did not charge a tariff but that it simply not the case. So it was never intended as well that accommodation proprietors be relieved of their obligation to pay for special promotional type packages where you travel four and pay for three so they avoid payment for the fourth one. So what I'm doing here is seeking to clarify the original intention. I am not so much phased by the indication on the cards because that is within certain tolerances. I mentioned that I was prepared to accept certain tolerance levels. We have to do that in all taxing measures. In fact in all taxing measures there is an amount of leakage by rorting, interpretation of law, a whole swag of things. There is a certain amount of leakage and we have to accept that, but it is our duty to ensure that that leakage is within acceptable terms. I have nothing more to say. Again I say this is not a major piece of legislation and it is a reasonably uncontroversial piece of legislation. I regret that it may affect some of the more open players in the accommodation industry but that unfortunately is a sad fact of the legislation. The legislation touches on the whole range of the community rather than just those whom we know are rorting the system

MR BATES Thank you Madam Deputy Speaker. I can certainly understand what the Minister is trying to achieve here and I will support the Bill. I think he mentioned briefly, either in this forum or somewhere else that where people are asked to accommodate visiting people on behalf of the Bureau itself, that he had no objection if the Bureau actually paid this levy. I don't know whether he still feels that way but if he doesn't then I think that where the Bureau does go looking for assistance from the industry to house people for a few nights, or guests of the Bureau, in that sense then they may have more difficulty in placing these persons and I would just like to know his feelings in that area

MR KING Thank you Madam Deputy Speaker. I did mean to make some comment on that too because it was mentioned during the week. It was mentioned on the basis that I would give certain undertakings. I didn't give certain undertakings. What I did say was, perhaps not in these precise words, but what I clearly meant to say was that where the Bureau seeks assistance from the industry

the things that are said. Firstly, let me say that it doesn't matter a hoot whether tourism is up or down relative to one or another period as to whether the returns are right or wrong. We merely look in the normal process of checking and balancing for an indication from computer records as to the likelihood of a return on a particular premises. It doesn't matter whether tourism is down 20% or up 200%. The other point which I really am going to make and make very strongly, is that even if the expression on the cards is wrong, that doesn't alter the liability of the accommodation proprietor. If they put down they are staying for a bloody year, excuse my language, and only stay for a week, they are only liable to pay for a week, it doesn't matter, it is not material. What is material is if you think that I am taking these legislative measures solely because of that and I have not said that. Let me repeat, part of the check and balance of this process includes a computer programme which gives an indicative return from a particular property - and indicative return - an acceptance of certain tolerance levels. If those tolerance levels have been exceeded, the process includes a process of consultation and examination of records. Now that process, that additional process has uncovered the rorting which is going on, and the very wide and liberal interpretation people have given to themselves to avoid the liabilities placed on them by the tax. So it's that second process which has uncovered the rorting and it is that rorting which I am addressing here by seeking to clarify the definition of guest under this Act. Again, I can't stress enough that this is a major piece of legislation. If people are playing the game properly it doesn't affect them. It doesn't affect them. I can argue now, I can pursue Senior Counsel's opinion on the definition of guest on the basis of the existing law and it is quite arguable that that Counsel will come up with an opinion that are staying on the basis of what we call FOCs are in fact people who provide some sort of benefit to the accommodation proprietors. The final point I would like to make is that in all this hoocha about this \$1.00 per night, is that the \$1.00 goes straight back to the industry in promotional dollars and I find that very very hard to swallow that the whole furore and opposition and protests about this \$1.00 a levy bed tax which I've had to endure for three years, has given me a huge dose of indigestion. It does straight back to the industry in terms of increased promotional dollars and I have every intention of continuing that, so again if people want to send out that message that they are going to be happy with rorting of the system, vote the Bill down

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. Well we've progressed from low level position to furore. Mr King if we do not understand what you are aiming to do here it is because you haven't explained it to us. It is as simple as that. Truly. I have no objection to closing tax loopholes and making sure that things are done properly but alot of the things that you are saying now have not been said before and certainly, we have never been favoured with a detailed account of the additional process you have just described of checks and balances.

I would have no hesitation in voting on this Bill if I knew about that. I would like to know how the system of checks and balances works and I think it would be worthwhile for you to explain it to us, here or at some later stage

MR KING This is a Bill which has a clause in it giving it retrospective effect back to the beginning of this current levy period. I would have no difficulty in adjourning it and I would so move for adjournment

DEPUTY SPEAKER The question Honourable Members is that debate on 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 this Bill is adjourned

No 2 - EMPLOYMENT AMENDMENT BILL 1996

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

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. Members of the Assembly will be aware that the public review of the whole Employment Act was undertaken last year and as a result Mr Adams is bringing forward an amending Bill that covers many other aspects of the Employment Act. This section of the Bill covers very specifically amendments to part 3 of the Employment Act 1988 and deals with compensation for work related accidents. Also with part 4 with some aspects of safe working practices. It deals with situations where employers are underinsured and here we are again closing tax loopholes and for people who do not pay the rightful contribution to the public scheme or workers compensation insurance and therefore expose their workers to a situation where they are not provided with cover. I don't think it is necessary for me to go into all the details of what this Bill covers because we have done so on the previous occasion, and I will leave it to the Members who may have some questions, to raise them before moving to the next stage

MR ADAMS Thank you Madam Deputy Speaker. As the Minister stated, this Bill has largely come about due to the four year review of the workings of the principle Act. Also it concerns some difficulties relating to safe working areas and practices. In particular, any working areas that have a much higher accident rate and this Bill serves to highlight the working environment. The responsibilities of both the employer and the employee in respect of these safe working practices in a bid to cut down the amount of accidents that are occurring now. Also understand that the other major thrust of this Bill is to tidy up the workers compensation area, particular in regard to levy payments as the Minister has indicated. There are many people who are pleased with the effects of the workers compensation area, and one of which is to suppress common law actions for large amounts arising from workplace injuries, accidents, mishaps etc. There is another element within that that is also happy, or perhaps even happier not to pay the .15♥ per hour to workers compensation and this Bill puts forward a mechanism to encourage these people to be better corporate citizens and I will be supporting it thank you

DEPUTY SPEAKER Thank you Mr Adams. Further participation Honourable Members. There being no further participation I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it, thank you

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

DEPUTY SPEAKER Is it the wish of the House to dispense with the detail stage? Therefore I put that question that the Bill be agreed to

QUESTION PUT
AGREED

The ayes have it, thank you the Bill is agreed to

NO 4 - HEALTHCARE AMENDMENT BILL 1996

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

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker. The purpose of this Bill is to effect some clarification and remove some doubts relating to the current operation of the Healthcare Scheme under the Healthcare Act 1989. The intention of the Act has always been that an eligible person will only be reimbursed for charges incurred on free medical services by the person and the members of his or her family to the extent that those charges exceed \$3,000 in the relevant financial year. The present wording of the Bill allows for some doubts about how that works and in relation to the amount that can be reimbursed in relation to hospital expenses following a referral under section 21 of the principle Act. This Bill amends the definition of free medical services to clarify that an eligible person will only be reimbursed for treatment on the same basis as a public ward patient in a public hospital. In other words, the maximum bed rate covered by healthcare will be that charge by the relevant hospital for a public ward bed and any expense over and above that incurred by the public patient will not be covered by healthcare. That has always been the intention of the bill. It is now clarified in this Act. As we went over all the other details at another stage I will leave it to the members to ask me questions if they have any in regard to this Bill

DEPUTY SPEAKER Participation Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it thank you. Is it the wish of the House to dispense with the detail stage. Mrs Lozzi Cuthbertson you may care to move a motion that the Bill be agreed to

MRS LOZZI CUTHBERTSON Thank you Madam Deputy Speaker I so move

DEPUTY SPEAKER Thank you Mrs Cuthbertson. Further debate Honourable Members. There being no further debate I put the question

QUESTION PUT
AGREED

The ayes have it. Thank you Honourable Members, the Bill is agreed

FIXING OF THE NEXT DAY OF SITTING

MR BATES Madam Deputy Speaker you are looking for a motion that we suspend, is that correct

DEPUTY SPEAKER No, I thought you were going to move such a motion Mr Bates but apparently that is not in order. I call upon Members if they wish to raise any other matter before I suspend this Sitting of the House. I therefore suspend this Sitting of this House until Wednesday 17th April 1996 at 10.00 am. Thank you Honourable Members.

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