

Norfolk Island against the Kiwis in 1943, and had a passion for bowls. Carl succumbed to cancer after his retirement and died on the day before Christmas. Mr Speaker to Carl's sons and daughters and his grandchildren and to his brother Roy this house extends its sincere sympathy.

MR SPEAKER Thank you Mr Buffett. Honourable Members as a mark of respect to the memory of the deceased I ask that all members stand in silence please. Thank you Honourable Members.

Honourable Members it is rather warm today, if you would like to take off your jackets you are most welcome to do so and I'd also like to seek your indulgence to say a few words about the Prime Ministers visit. Honourable Members I am pleased to be able to announce that the Prime Minister the Honourable John Howard M.P. and Mrs. Howard are presently enjoying a holiday on Norfolk Island. Mr. and Mrs. Howard chose Norfolk Island to temporarily escape from the hustle and bustle of life on the mainland. I understand that Mr. and Mrs. Howard are very much enjoying a relaxing time with us and there has been the odd game of golf. They are impressed with what they have seen so far and can now understand why we get so many repeat visitors to Norfolk Island. It is 25 years since a Prime Minister visited Norfolk Island, the last one was Gough Whitlam. Members of the Legislative Assembly will have the opportunity to meet the Prime Minister for an informal discussion later this week. Residents may have heard an announcement on the radio this morning that the Assembly will be hosting a picnic in the grounds of Government House at 12-30 p.m. on Saturday the 16th January, 1999, for Mr. and Mrs. Howard, and residents of the community are invited to take their lunch and join the picnic which will be under the pines on the Quality Row side of Government House. On behalf of the members of the Legislative Assembly and the community I wish Mr. and Mrs Howard a most relaxing and enjoyable holiday on Norfolk Island and we look forward to their next visit.

PETITIONS

Presentation of Petitions. Are there any petitions this morning. No Petitions. Giving of Notices. Are there any Notices.

QUESTIONS WITHOUT NOTICE

Are there any Questions Without Notice.

MR NOBBS Mr Speaker I've got a series of questions for Mr Gardner, Minister for Health, on health issues, and also court. Mr Gardner, the issue of non-payment of court fines was put to the then Minister sometime ago, as this ball is now in your court, can you advise of any progress.

MR GARDNER Thank you Mr Speaker I've been informed only yesterday that following the commencement of the Court of Petty Sessions Amendment Act 1998 that the court have begun the issuing of warrants in respect of fine defaulters which to date have seen those fines paid. The court has also begun the process of suspending drivers licences for the non-payment of traffic infringement fines.

MR SPEAKER Thank you Mr Gardner. Further questions, Mr Nobbs.

MR NOBBS I've got four on medical matters. The first one is for Mr Gardner. A medical evacuation was conducted on New Years Day by private air ambulance. Is the rumour correct that the RAAF. refused to uplift the patient.

MR GARDNER Thank you Mr. Speaker Mr Nobbs there is no truth in that rumour. There is in place a medivac procedure., those procedures were followed to the letter, and the evacuation was by way of a private retrieval charter service and the RAAF. had not been approached.

MR NOBBS Following on from that Mr Speaker there's some people seem to think that all medical evacuations from Norfolk Island are conducted by the RAAF. . Is this correct.

MR GARDNER Thank you Mr Deputy Speaker No, Ron it's not correct. Medical evacuations depend on the nature of the treatment required and the patients medical condition. Evacuations in the past have utilised commercial flights, charter services, the Royal New Zealand Air Force, and the RAAF.

MR NOBBS Another one for Mr Gardner, Mr Speaker. Given a person, say Joe Blow is an Australian citizen, is an Australian tax payer and pays the Australian Medicare levy , is it correct that the same Joe Blow is not entitled to claim Australian medical support for medical treatment on Norfolk Island.

MR GARDNER Thank you Mr Speaker . Mr Speaker, yes that's correct, the Commonwealths Health Insurance Act of 1973, I think it was, and its amendments do not extend to Norfolk Island, and the consequence of that is that residents and visitors of Norfolk Island who are Australian citizens are unable to access under Medicare for service provided in Norfolk Island.

SPEAKER Further questions. Mr Nobbs.

MR NOBBS Just a final one on health. I was referring to an Australian citizen who pays Australian tax and pays a Medicare levy, I wasn't concerned with the local situation at this stage. Is my interpretation correct, what you are saying is that Medicare is only available in Australia and Norfolk Island is thus not part of Australia.

MR GARDNER Thank you Mr Speaker The first point, you are correct Medicare is only available in Australia, in so far as the Commonwealth Insurance Act extends within Australia. However over time Australia has developed reciprocal health care agreements with other nations which provide access for members of those countries with access and emergency medical situations to the healthcare schemes of those countries. Those reciprocal benefits apply to members for example of Sweden who are in Australia at the time have access to the medical facilities within Australia, and in emergency situations, however Norfolk Island is not in the same position as those countries. We don't have those reciprocal healthcare benefits and because we're not part of that system and because the Commonwealth Healthcare Act does not extend to Norfolk Island consequently we do not enjoy access to Medicare benefits.

SPEAKER Thank you Mr Gardner. Further questions without notice.

MR BATES Thank you Mr Speaker . I have a question for Mr Gardener, Minister responsible for health. Given that education, health and welfare are probably the three most important responsibilities of government, and that education and welfare are mostly government funded, what government policy applies to funding for health.

MR GARDNER I guess basically Mr Bates that the government policy that applies for the funding is the fact that it's deemed to be thought on the Island that as being part of a caring

SPEAKER Mr Nobbs the standing orders say that questions shall not contain statements of facts, or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated.

MR ADAMS Mr Speaker, there was no name, Mr Nobbs did not name any individuals name in fact named a company, it was not a statement of fact it was a question of progress. I wonder if the speaker could inform the house of how Mr Browns point of order stands given your ruling.

MR BROWN Mr Speaker I'm quite happy to advise members that the interpretation legislation provides that a person includes a company.

SPEAKER Based on what the question was, if it's not going to be, the answers not going to be intelligible without doing that, I would rule that Mr Browns point of order doesn't apply in this case.

MR ROBERTSON Thank you Mr Speaker. To my knowledge, as at this present point of time, there is one payment in arrears.

SPEAKER Thank you Mr Robertson. Mr Buffett, do you have any questions, or would you like to take the chair for me please.

SPEAKER Further questions without notice, Mr. Nobbs

MR NOBBS Just another one for Gary. I've several questions relating to importing cargo that necessitates doubling of lighters, Gary. Is it correct that the importer is charged a fee for both lighters, and is also required to insure both lighters.

MR ROBERTSON Thank you Mr Deputy Speaker. Ron had mentioned to me a little while ago about this, and I made an approach to the authorities to get some answers on it. Those haven't been forthcoming, if Mr Nobbs likes to put this question on notice then I will gladly get all the answers for him.

DEPUTY SPEAKER Thank you. Mr Nobbs

MR NOBBS I'll place that on notice, if I may, and the second part of the question is the double lighters also carry general cargo, not that of the importer, does the importer receive some reduction in fees charged, or is there a double dipping by lighterage, and C. if the lighters are damaged and it is caused by the general cargo not owned by the importer who paid the insurance; sorry, not owned by the importer who paid the insurance, who pays for the repair of the lighters. I'll put those on record if I may, on notice for the next meeting.

DEPUTY SPEAKER Could I just remind you Mr Nobbs that there is a procedure for putting questions on notice they need to be in writing and lodged with the Clerk. Thank you, Mr Nobbs

MR NOBBS Another one for Gary. Does the current Norfolk Island Employment Act apply to the Norfolk Island Public Service .

MR ROBERTSON Mr Deputy Speaker, short answer, No

DEPUTY SPEAKER Mr Nobbs

MR ROBERTSON

Oh, only well parts of it do, parts of it relating to the Workers

Compensation.

MR NOBBS

This one is for Mr Robinson. At the last meeting I questioned if you had misled the house, when you advised the meeting before that we had no powers over the fishing cranes on the two wharves. The Norfolk Island Act clearly gives responsibility to wharves to the Norfolk Island Government. Have you a response as yet

MR ION ROBINSON

No Ron, I wanted to discuss something with you that I haven't sort of crossed your path at the right time. I do want to talk to you about it. We will do.

MR NOBBS

That's fine Ric. There is a second question related to recreational areas and the responsibility of the Norfolk Island Government in view of them still being controlled by Canberra. Have you got a response to that question

MR ION ROBINSON

Yes I have, Thank you Mr Deputy Speaker.

MR NOBBS

Can I ask it. What formal arrangements are in place to allow the Norfolk Island Government to carry out its responsibilities on land which it does not control, that's the reserves and in the event of an accident in recreational areas on land owned by Canberra, who is responsible for accident insurance claims, and C. it may be asked why does the Norfolk Island Government pay for the maintenance of facilities and provide services on land which Canberra owns and controls

MR ION ROBINSON

Thank you Mr Deputy Speaker. I have a rather lengthy response here. The following information is provided in respect of the first question asked by Mr Nobbs. The Public Reserves Act 1997 provides that the Public Reserves are in the care and control of the Administrator. The Act also requires that the public reserves be managed by the Conservator of Public Reserves who must carry out his duties in accordance with the Act and the plan of management in force for each reserve. The public must be consulted during the preparation of each plan of management and the draft plan together with all public submissions must be tabled in the Assembly. The Assembly may then approve, alter or redress the draft plan. The draft plan is referred to the Administrator for gazette, if the Assembly approves the draft plan, with or without alteration. The following is provided in respect of the supplementary questions. If there is fact no formal agreement, and the event of an accident in a recreational area on land owned by Canberra, who is responsible for the accident insurance claim. Advice provided by the Crown Counsel in respect of liability in public reserves indicates that because the Administrator has care of the control of the reserves, he is considered to be the occupier of the reserves. The occupier of a place may be held liable for damages arising from a claim in which it is found that the occupier had not fulfilled his duty of care towards those persons who were lawfully using the place. In undertaking his role as occupier of the reserves which are used for recreation, the Administrator is acting as part of the Administration of Norfolk Island, liability for damages would therefore lie with the Administration in cases where it was proved that injury to a member of the public resulted from a lack of care in the management of the reserve. In response to Mr Nobbs's other question, why does Norfolk Island Government pay for the maintenance of facilities and provide services on land which Canberra owns and controls. At the December sitting of this house Mr Nobbs asked that question. Each of the proclamations declaring land to be a public reserve specified a general purpose for which the land was set aside for public use. Uses specified include, erection of a war memorial, landing, shipping and forestry purposes. Forestry purposes, shipping and recreation purposes. Quarantine purposes, recreation purposes, for the purpose of watering stock, for pasturage and other

purposes. Each of those purposes is a Schedule 2 function under the Norfolk Island Act 1979. The provision of services and maintenance of facilities on public reserves is for the use and benefit of the general public. It would be a retrograde step in the devolution of self government to suggest that the Commonwealth should pay for the provision and maintenance of a Schedule 2 functions. The Land Review Working Group recommend that the eventual transfer of responsibility for public reserves to the Norfolk Island Government, once plans of management have been adopted for all reserves. The Public Reserves Act 1996 was drafted with that eventuality in mind. Subsection 62 vests the care and control of public reserves in the Administrator, while the day to day management of public reserves is the responsibility of the Conservator. When plans of management have been adopted for each of these reserves, all that is required to effect the transfer of responsibility to the Norfolk Island Government is to substitute executive member for Administrator, wherever occurring in the Act.

MR ADAMS Thank you Mr Deputy Speaker. I've got a supplementary on both those points, and the second question first. Minister would you be able to inform the house, from the point of view of , perhaps provide some clarify to the house on the recommendation by the Land Review Working Group of some few years ago now, that the intention was, or the recommendation from them that body was to, at the conclusion of the period, whereby the plans and management for those reserves were completed , that those reserves would be handed over in fee simple to the Administration. Minister I wonder if you would be able to advise the house on the Commonwealth reply in response to that.

MR ION ROBINSON Thank you I haven't got it with me so I wouldn't like to muck up an answer. I'll look it up for you.

MR ADAMS Another supplementary. Minister I wonder if you'd be able to advise of perhaps not so much what that answer was , but whether in fact there's an answer at all. Whether or not the Commonwealth at all recognised, or even made comment about the Land Review Working Groups recommendation in that respect.

MR ION ROBINSON Thank you Mr Deputy Speaker. I understand that there is a letter there which may cover the whole answer. As I say I don't remember it off the top of my head, but I'll pick it up.

MR ADAMS The second supplementary to the two answers that the Minister provided. Minister in relation to the care and control answer that you provided to Mr Nobbs a minute ago, which, part of which contains some advice that as the Administrator had care and control of the reserves he acted in that role as part of the Administration of Norfolk Island, the question that arises out of that, is whilst acting in that role is the Administrator under the direction of Legislative Assembly.

MR ION ROBINSON I think that you will find that, that is not so.

MR ADAMS Supplementary again, Mr Deputy Speaker. Given that situation Minister, if the Administrator acting as part of the Administration is not under the direction of the Legislative Assembly, how can he be in fact a member of the Administration.

MR ION ROBINSON Good question. I'll put it to the person who drafted this letter.

DEPUTY SPEAKER Further question without notice, Mr Nobbs

MR NOBBS Another one for Mr Robinson. It's related to headstones. Wearing away and loss of lettering to some old headstones in the cemetery, was to receive, I think, some urgent attention. Why has nothing happened Ric

MR ION ROBINSON Thank you Mr Deputy Speaker. There has been a difficulty in locating somebody who can actually work with calcarenite. There's plenty of stone masons around who work with sandstone etc. in fact if I take you downstairs now Ron, you'll see on my desk is that report that was done on the problem. I confess I am not getting very far with it at all. Perhaps you may have some ideas that may help us advance it

MR NOBBS Just another one for Ric. Is it correct that the Norfolk Island Government has contributed to the purchase of the lease of No. 9 Quality Row, and if so, why is this necessary, and was the original lease not negotiated by the Commonwealth.

MR ION ROBINSON Thank you. It was, we're paying it off at fifteen thousand, we're going halves, we're going thirds with the KAVHA Board, and the Federal Government. We're paying, I think it was \$180,000 for the house. We are paying our 60,000 off at \$15,000 a year for the appropriate number of years. The lease was due to expire, and it did in fact expire, which is why the governments decided to purchase the house on the advice of the KAVHA Board.

DEPUTY SPEAKER Further questions without notice

MR NOBBS Ric, there seems to be a proliferation of sandwich boards advertising signs around the island, particularly in the Burnt Pine area. Concern has been expressed to me today at this, particularly from a safety aspect. Are the approvals in place, and what policy exists to control such signage

MR ION ROBINSON Thank you Mr Deputy Speaker. Yes there are regulations in place, I'll have a look into it and get our officers to check them out Ron.

MR NOBBS One for Mr Robertson, on road safety Gary. Who is actually accessing road safety issues given that we are allowing increasing registration of vehicles, bigger vehicles etc. on the road. Whose actually accessing the road safety issues regarding this.

MR ROBERTSON Thank you Mr Deputy Speaker. The road safety part of it comes under the Road Traffic Act, which is not in my jurisdiction, but in the mean time, as far as the construction of roads and so forth are concerned, we are and have had discussions with the works foreman regarding future preparations of roads and a possibility of changing the axle weight of larger vehicles, instead of just a straight thing, but that's a bi-product of the question which you asked.

MR NOBBS Would it be appropriate for you or who ever is responsible for the area to establish a body to look specifically at this problem

MR ROBERTSON Thank you Mr Deputy Speaker. I don't have any difficulty in establishing that.

DEPUTY SPEAKER Further questions without notice. Mr Adams

MR ADAMS Thank you Mr Deputy Speaker. I've got a question for Mr Robinson with his responsibility for Primary Industry portfolio. Minister would you be able to provide

for the house at this time an update concerning the quarantine facility that was passed some time ago by this house, and any outstanding matters that may relate to that facilities implementation.

MR ION ROBINSON Thank you Mr Deputy Speaker. Yes in fact there's a meeting of the Primary Industries committee on Thursday of this week coming up, at the A. & H. Hall. In it is a , they will be discussing, a discussion paper on the quarantine stream house proposal. This whole concept is for the primary producers so what we are doing is getting the primary producers to have a look at it and then when we sort out exactly what they want, and how they want it, I will bring it to the house for further assessment. That's about all I can say on it at this stage.

MR ADAMS Supplementary to that Mr Deputy Speaker . Minister do you have any ball park time frames, when this process of consultation and implementation would be concluded by.

MR ION ROBINSON Thank you as it is not entirely up to me, but I assure you I'll bring it to the house as soon as I have an idea from the Primary Producers committee.

MR ADAMS Mr Deputy Speaker similar question in Ric's area in relation to a motion that was passed by this house that relates to the meat production review of the island, which sort to conduct a review to have a look at ways in which the Government could assist the improvement of how Norfolk and it's producers go about its meat production in various areas, and I wondered if the Minister could outline the progress that's been made in that area and perhaps any time frames that may be about in respect of that matter. Thank you

MR ION ROBINSON Thank you Mr Deputy Speaker. A paper passed my desk the other day, and I can't for the life of me remember where we're at but I'll have to dig that paper up for you

DEPUTY SPEAKER Further questions without notice

MR NOBBS I've just got a couple for Mr Smith. George I asked the following question at the meeting before last which you didn't answer, and I ask again. The arrangements that have been put in place since self government relating to the role of the Administrator are not satisfactory in a self government sense, we are supposed to be progressing self government, and I ask you what specific plans are in place to rectify this

MR SMITH Thank you Mr Deputy Speaker. Yeah, I've got an answer for you on that Ron, I didn't actually bring it up with me this morning Ron. Maybe I'll get it before the meetings over though.

MR NOBBS Another one for George. In your responsibility for Telecom, at the meeting before last you partly answered a question relating to the proposed dish, large storage/work shed and attendant area within the Burnt Pine carpark. Is it still intended to push ahead with the proposal which will take up some one third of the current Burnt Pine carpark area

MR SMITH Thank you Mr Deputy Speaker. No, I think you guys knocked it back in the planning board, but we have another proposal that we're, Mr Robinson and I are working on at the moment to satisfy part of the problem. As for the earth station itself, that probably will still be required to go somewhere in that area, because it really can't be too far away from the Telecom building, but that won't take up a third of the carpark

MR NOBBS Another one for George. Just a couple of questions on education. The first one is, under the Norfolk Island Act is education a responsibility of the Norfolk Island Government or Australia

MR SMITH Thank you Mr Deputy Speaker. Education is a schedule 3 matter, which is operated in Norfolk Island under an MOU of the Federal Government

MR NOBBS Second one is who covers the cost of education on Norfolk Island

MR SMITH Norfolk Island

MR NOBBS If Norfolk is paying for education it seems an anomaly that Australia retains control. What is being done to correct this anomaly

MR SMITH Thank you Mr Deputy Speaker. This is one of the matters that we discussed at the Intergovernmental meeting that was held with Alex Somlyay recently. It's one of the matters that they would appear to be quite happy to be transferred, in the transfer of powers. Like so many of things that we do already fund, where we don't have total control over, education is one of those, and it's probably one of the simplest ones that could be transferred to us

MR NOBBS Another one for George. Sometime ago I asked a question on the availability of flyer points by the Administration on official travel. Have you an answer to that question, George

MR SMITH Yes, Mr Deputy Speaker, I do have two parts of answers here, in relation to the question that was asked. At the time the advice was that the Administration, which was what I think Ron was referring to at the time, was eligible to join the Ansetts Corporate Travel Club, and the following conditions apply. That there would be a minimum of ten persons required for membership, the joining fee is \$110-00 per member, the annual fee of \$200-00 per member, the first year costs of ten members would be \$3,100-00. The advantages that air points would accrue to the Administration, subject to official confirmation which I've more on here. Members would have access to golden wing lounges, priority check in and baggage stowage, selected seating and upgrades when available, and other minor luxuries. The latest advice that I got this morning, thanks to Joe Adams at Air Norfolk Travel, is advice that yes the government can join the Ansett Corporate Golden Wing, but points will still accrue to the individuals who travel, and that points are not transferable, and Quantas frequent flyers system is the same, or similar I should say

MR NOBBS Another one for George. It's now January, some seven months after the end of the financial year. When can we see an annual report George. Your showing me an annual report

MR SMITH Mr Deputy Speaker I'm, showing you one now, and I'll be tabling that in papers

MR NOBBS That's great, excellent

MR BROWN Mr Deputy Speaker I was concerned a moment ago at a question asked by Mr Nobbs, and in the event that question was intended to be a criticism of the present Administrator, I wanted to ask

DEPUTY SPEAKER Do you have question Mr Brown

MR BROWN Yes I raise a point of order against the question that was asked by Mr Nobbs, and I wish to disassociate myself from it and I expect most of the member of the house would wish to do so, to the extent that the question was a criticism in any way of the present Administrator

DEPUTY SPEAKER Do you have a question out of all of that

MR BROWN That's the point of order that I raised. Thank you

MR NOBBS Can I speak on the point of order When I originally proposed

DEPUTY SPEAKER This is not a matter for debate Mr Nobbs

MR NOBBS Well he's raised a point of order, can't I answer it, because then when I originally asked the question, if you will look in Hansard you will find that I referred to, not to this Administrator, and I made a distinct point, Mr Brown must have just gone out and looked it up

DEPUTY SPEAKER Yes, order. Mr Nobbs let me just clarify the situation in respect of Mr Browns statement a moment ago. Mr Brown you did raise that as a point of order. I don't see that as in a point of order context. If you wish to make a personal statement about that, I will certainly accept that and maybe that is the best way to handle that. It's not necessarily a matter for debate, but if you wish to make a personal statement about that then that will be all right

MR BROWN I'd certainly appreciate the opportunity at the appropriate time

DEPUTY SPEAKER Fine, Thank you, therefore that matter is at a close. Are there any further questions without notice. Mr Adams

MR ADAMS Thank you Mr Deputy Speaker. I've got a question for the Minister for responsibility for headache G.E.B's, Gary Robertson. Minister some time ago there was some concern raised in the community about the Bond Store, and it's, and there was some complaints that came forward, and some issues that commercial users of the Bond Store felt needed addressing. I wonder Minister if at this time you'd be able to relate to the house, members of the house, any progress that might have been made in that field or any other matters that have arisen out of a look at that situation.

MR ROBERTSON Thank you Mr Deputy Speaker. Following that public meeting, there has been two or three other meetings with the concerned people. The responsibility of the Bond was passed across to me after that meeting, and the results of that was that the officer in charge of the Bond, not the Bond Manager but the officer in charge found that he was fairly snowed under, as far as giving me the information I required, because of matters relating to communications and some other rather pressing urgent requirements, so I moved I matter from him into policy and projects. I moved it in there specifically to address a number of issues. Whilst the concerns raised by those clubs and restaurants and so forth at that public meeting were genuine enough within their own requirements, there were other issues that came at that meeting, and one was, and I think Mr Adams made reference to it at that meeting, that there was rather a hodge podge of the whole of the legislation concerning all facets of both legislation and control of the liquor industry in total. Having moved it into the policy and projects area, I understand that currently the, one of the members who are in that area is working through all of

the issues that have been raised plus many more that are still underneath things, and hopefully we will have some reasonable documentation forthcoming within two months anyway, it's a fairly extensive little job, and as you well know there was a couple of amendments put into the house just prior to Christmas trying to sort out some of the anomalies that are happening within some of the licencing, but hopefully we will cover all of this and be able to come back to the Assembly with a reasonable document which will enable us to at least form policy, where we're going, where we're heading and what change will be necessary to bring this into full line. thto at least form policy, where we're going, where we're heading and what change will be necessary to bring this into full line. Thank you

DEPUTY SPEAKER Further questions Mr Adams

MR ADAMS Thank you Mr Deputy Speaker. I've got a couple of questions here for Mr Smith as Minister with responsibility for Finance. Minister how does the revenue income graph compare with the same period last year, and perhaps the year before.

MR SMITH Thank you Mr Deputy Speaker. I can't say off the top of my head, actually Rob except for with the financial indicators which we'll be tabling today and we'll be able to look at that when we come to that if you like. If that's what your referring to

MR ADAMS Thank you Mr Deputy Speaker. A brief supplementary to that. Minister what is your forecast, in your position as Finance Minister for the revenue flows for the same period next year

MR SMITH Thank you Mr Deputy Speaker. My forecast as Finance Minister, I would like to think that revenues next year, if you're talking in the next financial year, would be increased over what they are this year. You'd probably need to go on to say that we've done fairly well over the last couple of years, because of many factors. The revenues in most things are much higher than what they have been in the past. Based on that, if the trend was to continue and all things being good for this next year I would say we can expect them to be better next year.

MR ADAMS Supplementary Mr Deputy Speaker. Minister is it a fact that our income trend is down.

MR SMITH Thank you Mr Deputy Speaker. In some areas it certainly is...

MR ADAMS I meant overall.

MR SMITH ..overall no I don't know that I could agree with that. If you were looking at what we budgeted for the revenue to be this year we have some extra things included in the budget on the revenue side, one for example was the personalised number plates which at budget time we put in for a, we expected \$125,000 I think the figure was, that's not actually operating yet so in that sense the revenue is down lower than what we budgeted. Certainly FIL continues to be a little less each year, customs duty is the opposite though but by the end of this financial year we probably should come in pretty close to what was budgeted but I wouldn't say that that shows that the revenue is actually down across the board. In fact if you look at the consolidated balance sheet of the total finances for the Administration you'll see that for the last financial year they were certainly up and by the end of this financial year well we I would hope that we would have a similar figure or better.

MR ADAMS Thank you Mr Deputy Speaker. A question for the Minister Smith with responsibility as Chief Minister. Minister at the last intergovernmental meeting was conducted

with ex-Minister Somlyay discussion was had in relation to Norfolk's joining the Australian contingent who attends the South Pacific Commission meetings. Given that that meeting, the IGM meeting occurred some time ago I wonder if the Minister could outline to the House the progress that's been made in respect of that matter.

MR SMITH Yes I think I can answer the what has happened since then which is not very much because we were, from what I recall we were told that there is no change to the status of Norfolk Island with attending anything in that area but the point was made by the Commonwealth that if Norfolk Island wants to be involved they can under the Australian wing and I think it was also pointed out that we haven't actually taken that offer up for quite some years but further to that there has been no further discussion on the issue.

MR ADAMS Mr Deputy Speaker supplementary to that. Minister given that the Commonwealth Government obviously has provided Norfolk with a mechanism to attend that meeting albeit as part of an Australian delegation why then has there been no progress in relation to this matter.

MR SMITH Thank you Mr Deputy Speaker. Well because really just because of the reaction that we got at that time I guess and it has been that way for quite some years. There does not seem to be much point in pursuing it any further at this point in time but it is one of those issues when it comes to the self government stuff that we would certainly be talking to them about.

MR ADAMS Sorry to labour the point Mr Deputy Speaker but I need some clarity here. Minister the ? obviously said yes in a qualified way perhaps you could explain to the House why we shouldn't bother to further the thing or progress the thing anymore when we ask the question the Fed said yes in a qualified and conditional way and given that background on what basis should we do nothing about it.

MR SMITH Mr Deputy Speaker I misunderstood what Robert meant. If your referring to the fact that they said we can attend not in our own right but under the Australian wing, certainly I don't mean that we shouldn't do it just in spite of that I thought you were referring to why haven't we pursued the matter of us attending in our own right, which was what I was referring to but yeah it's a good question.

MR ADAMS Mr Deputy Speaker given that it's a good question could we request, or the House request the Minister there be something actually done on the matter and see if we can fast track and actually get something going in that area.

MR SMITH Mr Deputy Speaker I have no problem with that maybe Mr Adams and I could talk about it during the week and let's see where we can go with it.

Mr ADAMS Thank you Mr Deputy Speaker I have some questions for Minister Smith with responsibility for just about everything, the Public Service thank you Mr Deputy Speaker. Minister at the last sitting you tabled as requested by the House a copy of the draft Human Resource Management Policy. Will the Minister be providing a statement at this sitting regarding the concepts contained in the document, what it's objectives are and time frames, what it's intended to do and generally providing to the public some details about what this document is about and what it seeks to do.

MR SMITH Thank you Mr Deputy Speaker I certainly was going to make a statement of where we progress to from here. It won't be to the extent that Mr Adams has spoken of but I will be making a statement.

PRESENTATION OF PAPERS

MR ION-ROBINSON Thank you Mr Deputy Speaker. Mr Speaker paragraph 34(2) of the Immigration Act 1980 requires that the Executive member report to the Legislative Assembly no later than the 31st of March the number of declarations of residency granted under section 33 during the year ended on the previous 31st of December. I now accordingly report that there were 24 declarations of residency granted during the year ended 31st December 1998 and I table that paper.

MR SMITH Mr Deputy Speaker I table the Norfolk Island Annual Report 97/98 in its new colourful form. I also would like to table the Financial Indicators for the 6 months ended 31 December. I would also Mr Deputy Speaker like to table Virement of Funds paper and I'd like to table the travel expenditure from 1 October 1998 to 31 December 1998 before Mr Nobbs asks the question and I will do that and that's all the papers I have Mr Deputy Speaker.

MR ADAMS Mr Deputy Speaker for the House's benefit and also the listening community Mr Deputy Speaker could we in fact have the travel expenditure read out in addition, sorry Mr Deputy Speaker to the virements.

MR SMITH Yes, yes. Do I need to move that the papers be noted then. Lets' start with the virements first Mr Deputy Speaker.

DEPUTY SPEAKER The question is that the virement paper be noted.

MR SMITH The virements that we have here is in relation to the budget review that we've just been going through Mr Deputy Speaker and part of the budget review was that the Administration management was to move funds around within already budgeted areas where they could make changes and these virements are related to that and I'll read the amounts. \$7,000, \$2100, \$9,500, \$20,000, \$7,000, \$13,900, \$3,000 and \$15,000. The purpose all in the same order is staff travel, cleaning contracts, review of the Immigration Act, a legal opinion and also a legal opinion, road maintenance, sports oval maintenance and the contribution to the Number 9 Quality Row contribution to KAVHA. That's the virements. Now the travel expenditure...

DEPUTY SPEAKER Could we just dispose of that paper first Mr Chief Minister. We are on the question that the virement of funds paper be noted. Are there any further contributions.

MR ADAMS I am just seeking some clarification Mr Deputy Speaker. Minister given that those have come out of budgeted areas which were budgeted at the beginning of the last financial year, how much effect on the Public Service's ability to provide service to the community will those virements, what effect will they have.

MR SMITH Mr Deputy Speaker in discussion with the management when this was done those were areas that were identified even though funds were budgeted that it should not have, or have little effect on what was already being done and that will show up in the paper that supports the budget, Mr Adams has got one of those but I'm assured that it's not going to do any real damage in most of the areas.

MR ADAMS I'm just curious on another point Mr Deputy Speaker. Given that we're probably today looking at the revenue fund budget, the final discussion paper as listed here and it contains a range of matters which I understand you'll be seeking a nod from the House today.

MR SMITH It will be adjourned.

response to the draft variation and 3. A statement setting out reasons why public submissions about the draft code have not been invited. If I may Mr Deputy speaker. Members have been circulated with papers explaining the need to vary the subdivision code. In summary advice received from the Registrar and Mr Gallagher, Chairman of the Land Review Working Group indicated that the subdivision code adopted by the previous Assembly contained several drafting errors and omissions which required correction in order for the code to achieve the desired objectives. Variations fall into 2 categories, 1 is in relation to the requirement for the rare sights and rural zones A and B to have access to a public road and the other is in relation to the rationalisation of existing boundaries or for the better utilisation of land in accordance of objects of the planning code. As the code presently stands rare sites and rural A and rural B would require a road frontage of 60 metres and 35 metres respectively. It was intended however that the rare sights should have an access strip to a public road of up to 6 metres wide depending on the number of portions serviced by the access strip. The variation to the code will achieve this. The 1985 Harrison & Grierson Development Plan contained provisions which enable the rearrangement of existing boundaries where this would result in the rationalisation of previously unsuitable lots and better utilisation of those lots although it was intended the present code does not contain such provisions. Again the variations to the code now before the House will incorporate those provisions. Mr Deputy Speaker I will seek leave to move that this House pursuant to subsection 19 (2) of the Subdivision Act 1996 approve the draft variation to the Planning Subdivision Code now before the House.

DEPUTY SPEAKER Thank you. Leave is required as Mr Robinson has indicated. Is leave granted for this matter to be brought forward Honourable Members. Leave is granted

MR ION-ROBINSON Thank you. I then so move Mr Deputy Speaker.

DEPUTY SPEAKER The Motion is as proposed by Mr Robinson. Is there any debate.

MR ION-ROBINSON May I also apologise to my Members for the late notice of this variation. We have about 4-5 subdivision applicants who have been waiting anything up to 5 months and as it was purely drafting errors and omissions I don't feel in anyway inclined to hold up these applications any further.

DEPUTY SPEAKER Thank you . Debate.

MR NOBBS Mr Deputy Speaker I support the proposal put by Ric that within the Planning Act and the Plan of Norfolk Island there are certain problems and I would hope that these sort of problems are dealt with at the same speed or somewhere near the speed that this particular one was dealt with and I will support the proposed amendment.

DEPUTY SPEAKER Thank you. Further contributions. No further contributions. The question before us is that this Motion be agreed to.

QUESTION PUT

QUESTION AGREED

The ayes have it thank you. That Motion is agreed. Are there further Papers this morning.

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker I table the Inbound Passenger Statistics for December '98 and move that the Paper be noted.

DEPUTY SPEAKER Thank you. The question is that that Paper be noted.

MR ROBERTSON Thank you Mr Deputy Speaker. As forecast in the House at the last meeting in December we said that the numbers over the December input period would be reducing and that's exactly what has happened. It's also been forecast that perhaps the January figures will not also match up to those of last year. Members will be aware that this next 6 months, or 5 months and a bit that's left in this current financial year is not going to be an easy road as far as tourism numbers are concerned. We have a change in schedules of one of the airlines and that will be commencing as from the beginning of February, we have a tremendous amount of challenge coming in from within the Australian states where the Australian tourism market is looking for keeping all of those that wish to travel keeping it to an interstate basis. We've just received a further notice that Fiji have just launched a tremendous campaign to try and increase their numbers and their looking to further their tourism over the next 2 years, but the accent is now all just happening and because of all those things we need to be very aware that every effort we make now is made to ensure that our numbers are maintained, what they were last year, not necessarily increased but at least maintain those same figures and every effort is being made by the Bureau and the staff to ensure that these things happen but as I said the numbers are down and as forecast more than likely January will be down as well but we do seem to have stabilisation occurring from February onwards. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Further contributions.

MR NOBBS I just ask Gary a question if I may. Is your gloom directed at actually an increase in numbers or a maintenance of what we've had. Is your gloom directed at a failing in the increase in numbers or a maintenance, will we be able to maintain at least the same numbers as last year do you think.

MR ROBERTSON Thank you Mr Deputy Speaker. I think I mentioned in the last little paragraph I said that it would be hoped that we will maintain the figures as they were last year and that as from February onwards we seem to be having a more stability in the pre-future bookings and there is a certain number of issues in place from within the airlines and within the Bureau as to where they will be directing some of their efforts to ensure that those numbers are maintained. Just over this period of December and January we seem to have the hiccup. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Thank you. Further debate. I put the question Honourable Members, the question is that that paper be noted.

QUESTION PUT

QUESTION AGREED

The ayes have it thank you. Are there any further Papers.

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker I table the Employment Amendment Bill 1999 and move that this Paper be noted.

DEPUTY SPEAKER Question is that that Paper be noted.

MR ROBERTSON Mr Deputy Speaker this Paper or this Bill has been quite some time in preparation and I must concede that I don't envy the task that Mr Adams had when he was handling it in the previous... There's a lot to be taken into account for. One of the things that has been pursued over the past 15 months is to try and get a wider public awareness of this particular Bill as possible and to ensure that this happens paper has been put together from the committee which is comprised of the Employment Officer, the Conciliation Board, members from the Tribunal, some of the Assembly members, the Chamber of Commerce representatives, Policy and Projects and James Williamson came in towards the end as the Legislative Counsel. We also had support and help from

MR ROBERTSON No this, well in actual fact I guess if you took the Public Service Act out, let's face it everybody's employed on this island whether they work for the Public Service or private enterprise or whatever and in actual fact this could apply to the Public Service quite simply. Because there is the ability to contract it would mean that this is minimum standards could apply and that for those employed within the current Public Service all that will be necessary is for contracts to put into place all of the necessary that is required. It's not hard to do and in fact that was one of the suggestions made by Brent Walton when he came in and he said let's face it, your either employed or your not it doesn't matter who your employed with and if you wish to be employed by the Public Service or some other area it doesn't matter what it is you contract and you contract individually as what your going to do and so any specific things, if you've got long service leave, if you want airfare entitlements or whatever, that's all put into your contract and away you go. It can be used if it's...but at the moment there is ? and there will be even after this one there is still the Public Sector Act.

MR ADAMS Thank you Mr Deputy Speaker. Minister I wonder if you could clarify a number of points. Given that the 50% loading will be removed in respect of overtime doesn't that have the quite clear effect of removing what we understand as the working week and certainly does away with he concept of 40 hours give or take per week as being the normal working week.

MR ROBERTSON No the Bill specifically states that a working week is deemed to be 40 hours, it states that, that's clarified in there. The other thing too is that it's minimums, remember that it's minimum wage and working conditions. If you want to put somebody on, employ them and have whatever it is, I think whilst there's a minimum wage and what we're suggesting too in the minimum wage is that it comes up tom, we've taken back from about 1992 or 1993 the CPI, and we've taken that into consideration the suggestion that the minimum wage will be suggested that it comes in at a higher rate than it is now. It's currently \$7-00 and we're saying probably come in at about \$7-70 but probably the going rate around town is about \$10 or \$12 and if your going to employ somebody and have them employed and it's under contract, and they have an employee has the right to refuse to work more than 40 hours, you have the right. You may scoff at this particular statement

MR ADAMS I do indeed scoff at that part

MR ROBERTSON But don't forget that this is from all those that are employed by a person whom they are going to negotiate with, if they don't do any negotiation and so forth the minimums are there to protect them.

MR BATES Yes thank you Mr Deputy Speaker. I remain a little concerned about the concepts of this applying to Public Servants and negotiating contracts etc etc. Is it envisaged that you might have a whole, say you've got a 100 employees in the Public Service you might have a 100 entirely different contracts, some might have 4 weeks leave and sitting beside them might be someone that has only negotiated 2 weeks annual leave and the one over the other side has negotiated a higher salary than the other one and I mean if this is going to happen it's going to be extremely top heavy in administrative areas if all these people start arguing their own individual contracts on a fairly regular basis. Surely we could do a little bit better than that. And also is this going to apply to School Teachers are we going to negotiate salaries with incoming School Teachers. How do we do that, do we put them on contract and negotiate with the department or do we just accept an overall bulk arrangement as we do at the moment. There's just concerns I have about it. I also think I should say at this stage that although suggested that it's there for the benefit of the employees I don't think there will be much input from employees. I think it has been driven by the employers of the island. I think they're the ones that have had most of the input into it. One employee that doesn't belong to any association or anything finds it very difficult to have any real meaningful input into something like this. One particular person saying

MR ROBERTSON Thank you Mr Deputy Speaker. All members of the committee were asked to talk with and to anybody that were of an employing basis, and that was done and encouraged before each of our meetings, of which there were approximately eleven meetings. It is difficult for anybody, I guess one of the employment officers, she's an employee

MR ADAMS Gary with that statement, you make mention of the fact that the employment officer within the Public Service I assume you mean, is an employee. On what basis is that officer sitting at the table. Is she sitting there as a public servant

MR ROBERTSON No. She's;- sorry through Mr Deputy Speaker. She's sitting there purely giving us information as to what she has found, and also she handles the workers compensation part of it, which was originally going to be looked at, but it's been probably a better idea if the workers compensation gets set up as a separate act, but she gave us a lot of information as to some of the difficulties from people who have complained to her. Employees who have laid complaints in some areas. We have also had the Conciliation Board and they tabled a lot of their documentation, from those that have gone to the conciliation because they're not happy with some of the conditions that they had experienced in the workplace. There are a number of other people that may complain, you may be the bastion of support for, but you can only go so far, we asked as much as we could to make sure that we get the final part, which is the reason that the document is going out on an individual basis, for them to give us as much more information as possible. There are some areas of concern which can come in before the Conciliation Tribunal, which will have a regular basis from this, are very few numbers and those issues have been addressed to the advantage of the employee

MR ADAMS Thank you Mr Deputy Speaker. I'm still trying to attach some credibility to Gary's submissions assertion that employees input were put into this board. Gary I wonder if firstly if you could illustrate for us or explain to us on what basis the Employment Conciliation member within the public service came to be a member of this board. Did she ask in her own right to be a member of the board, or did she get a piece of paper or a phonecall from a Minister or somebody acting on a Ministers behalf to attend that meeting, and if so, then I'm, really struggling to believe Gary, that that Minister, that employee was there as an employee and not as a statutory public servant. Secondly Minister when this was originally flagged by yourself, this, which I might add was only flagged after this process was in place, as to who was on the board, I made this suggestion that a T.E.P. be sought out and put on the board, and you said "Yep, we'll do that". Was that done and if not why not. Again in the background Gary I'm still trying to attach credibility to these employee submission assertion.

MR ROBERTSON Thank you Mr Deputy Speaker. Two employees who were T.E.P's, were actually approached. Neither of them would actually come on, one actually left the Island shortly afterwards and one of them was particularly, left only because they'd had some rough periods and so we wanted to get out exactly from them, where their problems lay. They refused to speak and left. It's pretty hard, because most of the other employees on the Island, are pretty happy with what they've got. You may not think so but perhaps you should go and talk, and produce these people, and then we can perhaps talk to them but those that did have concern, whilst two were approached, one left the Island and I think the other ones gone as well now, but still they refused because they felt that there could be some repercussions. The others we've spoken to and I have spoken to in a general term, didn't seem to have too many problems, they're quite happy with their work. They have the ability to shift jobs if they felt they were being hard done by and that has happened on many occasions around the Island. The point with this Act is for minimum wages and working conditions, not this is what will done, it's the minimums. Anybody can contract out, doesn't even have to contract out, you can pay more than what you want to. We're looking at Norfolk Island as a seven day a week, twenty-four hour a day industry

now. When this Act was first put together in 1988, when it first went together it was put by the public servants, it wasn't added to by anybody else, so they worked from eight to five, Monday to Friday, and that was your Act. Things have changed on Norfolk now, we're looking at those that are looking for a regular job and a well paid job and I would put to you that quite frankly that if you go up town and talk to the majority, and probably ninety percent of those employed whether they're happy with what they are getting, they'll probably all say no they want more, but as far as any job is concerned; the public servants aren't happy with what they're getting, they want more, and that's what your going to get no matter what you put into place. What we're asking for is, a fair days wage for a fair days work, or for hours worked, and that is we're allowing that, that be happening, it also allows for anybody that needs to have it, is the contracts, and the contracts is something that has always been a difficulty , because when they go before conciliation or they go before the tribunal unless there's something in writing to prove that yes this was the intent and this was had to happen, those documents haven't been forthcoming. So it is all looking at that type of area, and it's overall of benefit to all employees as well as employers. If the benefits aren't to the employers then they wouldn't be employing anybody because they wouldn't have any business to employ them for. It has got to work both ways. You'll find that the better employers around town have some excellent conditions in place, excellent, and if you want people to work for you then the last thing you're going to do is to drop down to these minimums, because your certainly not going to have too many people for too longer period of time. If a person or an employees got any difficulty they can do it, we're also offering for them through the Conciliation Board, and we're also offering for them, we're going to try and set up a separate identity where if the employee is having a little bit of difficulty in negotiating, somewhere they can go where they can help the negotiator, or help with the negotiations with their employer to ensure that whatever they get is the right deal.

MR ADAMS

A couple of points, Mr Deputy Speaker. Gary I'm interested in the often flogged line about Norfolk Island being a twenty-four hour day, seven day a week tourist destination, and I guess the implication that flows from that is people should be similar and matching and fit into neatly that equation. Gary I'll challenge you on that line. I'll pick you up nine o'clock tonight and lets go and look for some fast-food. Let's go and find a hamburger at nine o'clock tonight. I would submit we'd be pushing it thoroughly uphill to find a hamburger at nine o'clock tonight. Therefore Mr Deputy Speaker I submit that lines pretty shallow, it doesn't have a great deal of substance and it's really meant to be there from areas in the employing community that presently have salaried people working, as we all know and we all hear about, seventy to eighty hours a week, and those people would be lucky if they crawl out with four hundred bucks a week. Gary in recent times I had some friends over from off shore, we went out to a hotel, we were sitting in the restaurant and having a great time. Eleven o'clock rolls around, it was put to us by the waiting staff in no uncertain terms that our presence there, we'd basically expired our welcome. Again looking at that real scenario, the often flogged line about twenty-four hours and seven days a week is pretty pale and I doubt in a credible place, it can stand on its own two feet. Gary, you mentioned also the aspect about collective bargaining arrangements and it's done elsewhere, it's done in Australia and New Zealand. I gather from your raising of that matter, that you in fact support collective bargaining arrangements and you would assist that basis if it came about in particular areas within the employing and employment areas of Norfolk Island. Another point you mentioned that in relation to this, this is an improvement over what we have in place, and no doubt that document certainly needs some work and it needs a lot of work but I'm interested to know Gary if you could outline what these improvements are, all you've basically said thus far, and I think the community deserves to hear more, is all we've heard about is contracts, contracts, contracts, but some of the other little gems in there is that overtime is now done away with. That means that from the day that this bills agreed to nobody in the community, in the private sector can earn overtime. The theory of course to support that, that doing away to what is some places is seem as a basic right , is that it'll be covered by contracts, and it'll all be taken into account, so if your in a situation therefore, this is the implication that I'm getting, if you're in a situation where you're working week

generally runs over the thirty-seven, or the forty, or the forty-two hours that is generally regarded as the employees working week then you'd be paid overtime, but in this case under this Act you'd be paid a bit more as a weekly rate, and you work whatever those hours are. I think Gary that the theory may be fine in a perfect world, but the reality is we're not in a perfect world. What this document, what I'm really afraid of in respect of this document, is this document will legitimise the one percenters, the club I refer to as the one percenters. The people in particular areas who do the wrong thing year after year after year, and one of the strongest points in there, points of concern, is that they work people for longer periods of time. They know only too well about the salaried arrangements, they also know only too well that a T.E.P. in general does not have forever to sit around and argue the point, because Immigration and their thirty-five hours is boring down on them. That's a fact that they need to live with. They need to live with the fact that they've got bills to pay, they simply don't have time to sit around and argue the point in a legal sense. So I see this Gary, if this is taken up by the wrong people, this is a very dangerous document, and I think it needs a lot of further work.

MR BROWN

Mr Deputy Speaker I greatly doubt that there has been a single bill in the history of this house that has had more preparation done, than this one has had. I'd like to commend the Minister for the effort that he has put into it, and in particular for his efforts in trying to draw as wide a range of comment as he possibly could. Minister said a moment ago that the tourist industries a seven day a week, twenty-four hour a day business. It is, and it is that three hundred and sixty-five days a year, but that does not mean that a hamburger shop has to be open twenty-four hours a day. If it was going to be viable for a hamburger shop to be open twenty-four hours a day, I'm sure that you would find one, but as it is, if you'd like to pick me up Chinny I'll take you places that we can get a hamburger at nine o'clock tonight. No problem at all. But it is important that we improve the level of service, as far as possible, that our visitors obtain, and an important element of that is recognising that the tourist industry just doesn't work on an eight to five, five day a week basis. This has been recognised in many other places, recognising it is long overdue in Norfolk Island. I see the change or I believe that the changes that this bill proposes are wise and I certainly believe that they're fair. Slavery went out a long while ago, Mr Deputy Speaker, no one is forced to work for an employer that they don't want to work for, and I'll acknowledge that there possibly are one or two employers that are not regarded as the most favoured employers on the Island, and in the case of those employers you might find that there is a reasonably high level of staff turnover. So be it, that shows you that people are able to exercise their right to change employers if they're not totally happy with where they are. Now the Act does nothing to prevent that and that is the appropriate way to solve the problem that Robert just talked of, if the problem ever occurs, it is not appropriate to continue to endeavor to load employers with more and more difficulties, because that will result without the slightest doubt in decline in the standards of service on the Island, rather than improvement

MR ADAMS

Thank you Mr Deputy Speaker. I'm interested in what John says, particularly one point, the level of service that we should provide to our tourists, and I mean I agree completely, we should be doing that. For instance we look at our airline situation, that's the initial area and where tourists come to Norfolk Island. What do we see, we see schedules at the back of the clock, we're talking one, two, three o'clock. For people in a tourist industry whose minimum age, or the largest percentage of the age groups is fifty-six and upwards, we certainly need, I agree with you John, that's particularly one area that we need to improve. I don't believe this bill will do a lot for improving the situation of employees, and I certainly and I reiterate, I don't believe enough has been done to have realistic employee input into this situation. Thank you, that's all I'll say for the minute.

DEPUTY SPEAKER

The question before the house, honourable members is that the Paper be noted. Are there any further contributions to this debate.

DEPUTY SPEAKER
noted.

Well then I put the question The question is that the Paper be

QUESTION PUT
AGREED

That Paper is noted

DEPUTY SPEAKER Further papers to present. No further papers this morning.
Statements, are there any statements to be made. Mr Gardener.

MR GARDNER Thank you Mr Deputy Speaker, I take this opportunity to inform
this house that on December 28th 1998, the Administrator on my recommendation, appointed to the
Norfolk Island Gaming Authority Mr Trevor Morling and Doctor John Walsh of Brannagh. I am hoping
to fill the third position on the authority in the near future. As members would be aware Mr Morling has
had a long and distinguished career in law and a long association with Norfolk Island including the role
of former Chief Justice of the Norfolk Island Supreme Court. He has been appointed as the presiding
member of the authority. Doctor John Walsh of Brannagh is resident on Norfolk Island. He too has had
a long legal career, serving as a Magistrate in Victoria, and is currently the senior member of the
Administrative Review Tribunal of Norfolk Island. The members of the authority will meet in Sydney
on Friday this week in preliminary discussions with a perspective licensee to iron out regulatory and
monitoring protocols to clear the way for what is hoped the eventual licencing of gaming activities.
Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Further statements. Mr Robertson.

MR ROBERTSON Thank you Mr Deputy Speaker. At the November meeting Mr
Nobbs asked a question as to what applied as in the trade practices for those knocking off fish, and I
make the following statement. It's an offence under Section 16 of the Fair Trading Act 1995, Norfolk
Island, for a person in trade or commerce in connection with the supply or possible supply of goods or
services, to falsely represent that goods are of a particular standard, quality, value, grade, composition,
style or model. It's also an offence under Section 16 of the Fair Trading Act, 1995 Norfolk Island, for a
person in trade or commerce in connection with the supply of goods or services to falsely represent the
place of origin of the goods. A person supplying the fish products in the course of a business carried on
by them who falsely represents the type, standard, or quality of the fish would commit an offence under
the Fair Trading Act. Similarly a person who in the course of a business carried on by them falsely
represented the place of origin of the fish would also commit an offence under Section 16 of the Fair
Trading Act. The maximum penalties upon conviction for an offence under Section 16 of the Fair
Trading Act, are in the case of a natural person is a fine of five thousand dollars and in the case of a
company or body corporate a fine of ten thousand dollars. Thank you.

DEPUTY SPEAKER Thank you. Mr Adams.

MR ADAMS I wonder for clarification on this matter Gary, I think it's a
worthwhile subject and I commend Mr Nobbs for bringing it up. I think it's an area that's laid quietly
on its own for some time without due focus, I therefore wonder given Gary's answer whether Gary
would be explain to the house the number of convictions that have been handed down under the
provisions of that act to date.

MR ROBERTSON Thank you Mr Deputy Speaker. To my knowledge, there was a few
years ago now there was an issue which dogged a person on the Island, not exactly performing the right
sort of stuff. Like anything else whilst the legislation is there it takes somebody to put in writing a

MR ROBERTSON

When I said, through you Mr Deputy Speaker. When I said to my knowledge and to my recollection, there was one a number of years ago, there has not been any that have been brought to my attention over the last, since I have been as Minister for this, but the thing with all of what Chinny has just, what you were just talking about Mr Adams, is that it's self regulating to the fact that if a person buys an article and they are not happy with that article, then they have cause for complaint, they have somewhere where they can go, and if the complaint is not rectified immediately by the person who has sold, the vendor who has sold the unit then they have an area where they can go and they can further it to such a degree, have it followed through, and for us to even middle of the road try and control that it's a very difficult situation. We have in place an area where if you do have those problems you can get something done. It's better than having no legislation where there's nothing that can happen about the whole thing at all, and that was put in 1995, that the act came in, and you can see there that some of the reasons for it, was behind it, yes if it does happen then there is a regulatory thing in place where it can be followed through to the n'th degree, which is better than having nothing in place, but it's still up the person that is not happy with what they've bought, they do have some way of getting satisfaction.

MR BROWN

Mr Deputy Speaker, when the Fair Trading Act was introduced the Legislative Assembly of the day did so in order to introduce what it believed were provisions comparable with the important provisions in a Norfolk Island context of the Commonwealths Trade Practices Act and of the fair trading acts of the various states. That in deed occurred if my recollection is correct shortly after the case to which Gary referred, where there was an allocation that someone had misrepresented something, and I think that it's to the credit of the Legislative Assembly of the day that there has not been a requirement to actually use the legislation. The Legislative Assembly of the day gave a message that proper trading practice was important. Successive Ministers have had discussions with the Chamber of Commerce and have encouraged the Chamber to be self regulating in that regard. Other Ministers have worked through the Tourist Bureau to make sure that people have a simple means of making a complaint if they are dissatisfied, and having that complaint dealt with fairly and impartially. It seems to me that the system is working. If we were to go to the other extreme and actually employ staff in order to constantly enforce the provisions of the legislation, there is nothing to say that the environment would improve as a result, but we would be very much allowing ourselves to fall into the trap of spending more and more money trying to police things that are capable of being self regulating, and getting ourselves into more and more difficulty in continuing with self government at all. If we to continue to be serious about self government, we've got to pay our way. We can't just go off cap in hand and ask people to give us donations because we're finding it a bit tough and in part that means that we need to keep to an absolute minimum the number of new requirements that we try to actively regulate. If there's a problem that needs to be dealt with under this legislation, the legislation is in place, but if people don't want to even make a formal complaint it's a little bit hard to expect the Fair Trading Act to be policed and implemented. In particular a prosecution under the Fair Trading Act would go absolutely nowhere if the complaining person wasn't prepared to come along and give evidence, and so Gary's suggestion that a complaint needs to be made before any action is taken under the act, is in my view a very sensible suggestion. The legislation is there. If there is a complaint and it can't be dealt with by the self regulating mechanisms, it can be dealt with under the act, and that's the thing that matters. Thank you.

MR ADAMS

Thank you Mr Deputy Speaker. Mr Deputy Speaker, I hope for the sake of us all that self government, the quality of self government doesn't hinge upon not enforcing the Fair Trading Act. I am wondering if Minister Gary would be able to inform us as to how people can ensure, lets take the instance of weights and measures. People who are unable to check that, and therefore it's a little difficult to make a complaint, and I mean from the point of view of a tourist who comes to Norfolk Island and I doubt very much, Mr Deputy Speaker whether the tourist regulations require a scales to

placed in a tourist unit for their use, and if they purchase anything that's measured by weight, how does the system ensure that those people are receiving what is advertised as a whatever. How are they assured that they're receiving what they are in fact paying for, Mr Deputy Speaker, and I'd also be interested if Gary could tell us who the authorised officers are because I'm rather unclear as to who they are. Thank you.

MR ROBERTSON

Thank you Mr Deputy Speaker. That makes two of us. With the weights and measures most of the proprietary stuff that comes into the Island at this moment is pre-packaged, and it's all stated with the, what's in there, what the ingredients comprise of, what it weighs and so forth. You can obviously go the shop that you purchased the stuff from if it's not up to scratch and you can either have it replaced or if you want to write a complaint and send it down to the court you can follow that through there. You buy a loaf of bread and it says that it's a one pound twelve loaf, or it's a, then I think you'd probably have a little bit of difficulty, but don't forget that on the mainland there's a weights and measures that will come in on a regular basis, and every six months or every twelve months will bring in a set of check weights of which they will make sure that your scales are weighing to that prescribed amount and they will put a date stamp or they will do something in particular as to say that, yes it was checked on a particular date, and if they find that your scales wrong then you've got a problem and they'll take you to court. They will take you to court, and ensure that this happens and in the case of the loaf of bread for instance, you may scale it off at one point eight kilo's and by the time it goes through the baking and so forth it must end up at a net figure allowing for what is going to go off in steam and in the cooking, so yes there are certain things in place. I guess Norfolk Island to a degree has a difficulty, that we don't have a weights and measures inspectors in the public service, who would have to go around and check those sorts of things. Perhaps that's something else we could do, we could create another bit and put some more people in to do those sorts of things, but it is basically self regulating and once again we get back to the situation where if you've got a complaint put it in writing, send it down and we'll certainly check it out. I mean you could go through here and we could sit all day discussing all sorts of pieces and we're not going to get any further than we are right now, but if you perhaps take some of these things and chase them through on notice then we can further some of these areas.

MR ADAMS

Thank you Mr Deputy Speaker and I apologise for labouring things but it's just that I'm a loss to understand how putting it on notice and how putting it off for another day is going to assist in the situation, when we can discuss it at the minute, and Gary's flagged what I think is a common sense way of going forward and I'm not suggesting, it's a bit unsatisfactory to be pooh poohed by people saying oh well it will require extra people to be put on the payroll, I mean what a lot of rot. Either we have authorised officers now or the acts a sham, so we'll assume we have authorised officers. Surely to God once a year they're able to do a range of inspections that won't accrue any more draw down on resources but will ensure that the act is a living document, not simply something we just have in the background if someone asks us, particularly someone of a Commonwealth nature, oh yes we've got one of those, and just hope to high heaven that they don't ask how we police the thing, how many prosecutions have we had under that act and who the authorised officers are. Surely we can do better in this respect, Mr Deputy Speaker and I would hope that Gary could perhaps put a little more focus on this than has perhaps been placed on this matter in the past.

DEPUTY SPEAKER

Further debate. No further debate Honourable Members. The question is that statement be noted.

QUESTION PUT

QUESTION AGREED

That statement is noted. Are there any further statements this morning.

Management Bill and draft discussion papers for Human Resources Policy that would not absolutely necessary, would apply under the new Public Sector Management Bill. Often what Ministers do, not only here anywhere else, I suppose they do the same thing, they'll drop a bill in to the house and work from there. What I've been doing with this is the other way round, in letting people, I've tabled it so people can have a look at it outside of the Assembly, before we introduce it as a bill, to get outside comments as well as members comments, and in fact Mr Brown is doing just that at the moment, he's picking out these points which may puzzle him or if he doesn't like them, he as much as any other member sitting around the table will be able to say well I don't like that and we should remove that, that can be done at this stage if members want to do that, or things can be left in the bill or in the Human Resources Policy, and dealt with in more formal way. I would prefer that we go through those particular things and say O.K. if maternity leave shouldn't be in the Human Resources Policy, we remove it or what ever it may be or if there's things that aren't in there, that members would like to see in there that it gets put in and the same goes for the bill. Mr Browns raised the question of public servants being in the public service and being members of the Assembly, I think was what you just referred to, I think that does actually show up in Howard Report somewhere, but however that is a matter that needs to be discussed by all members, and I'm quite happy for us to do such a thing, as it is with anything else that shows up in that bill. From here on Mr Deputy Speaker, it is my intention, as I've been saying all along, that I will be talking to people in the service, the representatives of the people in the service, member for their comments on not only the bill but on the Human Resources Policy document as well, when we've done that we'll have a clearer picture of what members would be more happy, we'll have a clearer picture where the service will be with what we're looking at because if it goes all the way with what is proposed with the Public Service Management Bill there could be some major changes for some people and if we are going to make major changes we need to do that properly, we need to do it by talking to people in the service as well as us talking about it ourselves and coming up with something that is really going to work. That's where it is Mr Deputy Speaker.

MR BROWN

Mr Deputy Speaker, I take it from what the Chief Minister has just said, that he now acknowledges that the proposed changes could result in changes to remuneration or to working conditions of the Public Service. I think that's what the Chief Minister was trying to get at, in the last part of what he just said to us. I asked a number of questions of the Chief Minister recently, about that and had difficulty in understanding his response but I do seem to understand it today, so although has sent a letter to each member of the service assuring them that their pay and conditions will not change it seems that, that letter will need to be clearly explained to show that it doesn't actually say what it at least at first glance, appears to say. Section 48 of the draft bill is the section that deals with resigning from the public service in order to contest an election or act as a member of the Legislative Assembly, and it's a fascinating section. It talks of an employee who resigns from the Legislative Assembly in order to stand for election or act as a member of the Assembly or take up Executive office and it then requires that such a person be re-appointed to the Public Service in his or her former position, if he doesn't get elected within a certain time or if he is elected and eventually ceases to be a member of the Legislative Assembly within 6 months if he applies at any time within 6 months of ceasing to be a member under this Bill it would be obligatory to put him back into his original position. Now Mr Deputy Speaker that simply isn't workable. How can you have someone resign from a position in the Public Service, let's look at a senior position, then seek to fill the position for an unknown period with somebody else and say to that person we don't know how long you will have your job for because if this chap ceases to be a member of the Legislative Assembly then at any time within 6 months of that happening he can come along and tell us he wants his job back and you'll have to leave. Now I don't see the provision in this Bill to tell that person he's going to have to leave so there would have to be a risk that you end up with 2 people in the job but the important thing is that this is quite at odds with the recommendations of the committee and fascinatingly you could be forgiven for thinking that when you turn the page your going to see something that says well we've made this provision for

people who resign and therefore we're going to say if you want to be member of the Assembly you must resign from the Public Service but low and behold it doesn't say that at all, there's a nice little section there that says anyway an employee's not required to resign from the Public Service to stand for the Assembly or to act as a member of the Assembly. I'm wondering why the Chief Minister chose to prepare a Bill in this form in the face of the recommendations of the committee. It just seems to me that it is not quite the right way to go about preparing a discussion paper.

MR SMITH Thank you Mr Deputy Speaker. Show me the recommendations of the committee John to start with..

MR BROWN Well I don't have them with me but I'll happily

MR SMITH I haven't yet been given those as far as I remember. Secondly that's exactly the point that I'm making with whatever is in that Bill, now you may have a problem with that section, you may have a view about what should actually happen there and I believe you do and always have had but by putting it in there one part is as it is now that a member of the Public Service does not have to resign to be a member of the Assembly then it goes on to say that if a member does resign their position that gives them the opportunity to stand for the Assembly, and if they don't get in well they can go back to their jobs. I think that actually happened quite some years ago and you might be able to help me with that, when I think it might have even been you in the Government that set it up or there was some arrangement similar to that, I don't know what year it was but I seem to recall something about it, I may be wrong John but if that's a point for debate, that's exactly what I'm saying with a draft discussion paper, it's better to have it in there so we can talk about it than leave it out and then it gets talked about and that's what happens quite often with out Bills. Mr Brown also made a bit of a statement about what I said about the terms and conditions, he was referring to a letter that was circulated to all members of the Public Service Mr Deputy Speaker. It was as a result of having various meetings with people in the Service, I've been through this before in the House but mind you. Through having these meetings with people in the Service there developed a question and answer format for a letter which was sent out to members of the Service based on what the Bill was at that particular time and is, probably still is in most form. The questions that John is referring to, questions and answers in that particular letter John is referring to was terms and conditions, provident fund, I can't remember what else, there was a couple of other things and what I said today was there could be major changes to what happens to people in the Service and I'm referring to what has been recommended in the Bill that Public Servants would go onto contract. Now that's a debatable point too and whether members support that view or not, that's up for us to decide but that itself, if that was adopted would be a major change. I think what Mr Brown was trying to say was that I had made promises in that original letter that I now am backing away from but that's not quite right. I haven't got the letter with me otherwise I could quote from it but I say once again Mr Deputy Speaker that what I tabled was the draft Bill and the draft Human Resources Policy for us to do exactly what Mr Brown is doing, going through it and picking out the pieces and saying I don't like that, or where is this bit and we make the adjustments to it and that's the way it's being handled.

MR BROWN Mr Deputy Speaker there was one other element of all this that interested me, that the Chief Minister was asked to prepare a draft Bill based on ? management practices and he suggested to us a short time ago that the proposed increase in the provision for maternity leave was a modern management practice and I just wonder if the Chief Minister may have misunderstood what at least I meant when I voted for the preparation of the Bill. To me a modern management practice is not limited to increasing terms and conditions of employment, a modern management practice to me relates to changing the structure of the legislation in order to provide appropriate empowerment so that people can be employed, so that they can be told the expectations that are held of them, so that if they

don't meet those expectations they can be counselled and then if they still fail to make the expectations their services can be terminated, that's part of modern management practice. Other parts relate to properly defining the achievements that are sort and looking from time to time at whether the targets are actually being achieved but that doesn't relate to just increasing peoples pay and conditions and I'm a little concerned that the Chief Minister may have misunderstood what was being spoken about. Thank you.

MR NOBBS Unfortunately Mr Deputy Speaker I was unaware that we were to debate the subject this week but I just want to make one comment in particular or a couple actually. The first one is that Mr Brown referred to what modern practices he foresaw and the word reward was never mentioned in it so there are certain conditions that people are rewarded for if they work, even around the Assembly here we do get rewarded by certain conditions. The second one is in relation to whether Public Servants should or should not stand for the Assembly. The current arrangements are that they can and they need not resign. They have to resign if they take Executive office, that's the fact of life. Now I think the Mr Howard the Consultant actually glossed over this quite considerably like he did a few other things in the report actually and that the decision was left to the Assembly in full. In other places like in Australia and the States and the federal situation public Servants can stand for election but they must resign but they are guaranteed their jobs back again in cases where they fail to be elected. Following that period, if they are elected their resignations stands and that's the end of story and their assumed to make a worthwhile contribution etc etc to a political career which may last for 3 years but anyhow, or even less at times. That's the situation, I mean the decision as far as whether the Public Servants on Norfolk Island can stand for the election and have to resign or not is the one coming purely out of this Bill and I would hope, now that we know that this discussion is to be on from February that we'll all be able to have a look at it. Thank you.

MR BATES Thank you Mr Deputy Speaker. This matter of public Servants being in the Assembly has been around for a long time. It was around the time when the Nimmo Report came out, it was around at the time when public Service made representation to the then Minister responsible, the Australian Minister responsible and that Minister assured Public Servants that the Norfolk Island Act and the formation of the Assembly and that would not put Public Servants at a disadvantage. It was a conscious decision made at that stage to allow Public Servants to stage for the Legislative Assembly, it was also a conscious decision made at recognizing the differences of Norfolk Island that Executive Members if they become Executive Members that they resign and they went back to their positions. Now that legislation was changed in mid stream - in other words the rug was pulled out from under the feet of some public servants simply I think more political or by their political partners and for any real genuine reason. Moving in the area of contract it's not uncommon to contract or offer a job to some one for six months or eight months or twelve months, that's quite possible how to fill a position for six months or twelve months. I think the community here is also spoken as to what they feel about Public Servants, but the point I really want to make is that it was basically a promise from the then Minister of the Australian Government that that slight difference in our situation here was put in. Ever since then there have been certain people that have wanted to get rid of it and they are trying now for over twenty years but if you keep trying long enough I guess you achieve what you personally wish to achieve. Thank you Mr Deputy Speaker.

Mr Adams Only a question Mr Deputy Speaker to the Chief Minister in respect of the draft Human Resources Management policy. Minister when you actually table the thing you explained to the House that you hadn't actually read the thing. As a member of the Strategic working group or what ever it's correct title is or was, I find that pretty disappointing. I just wonder Minister if you are able to assure the house, come February when the thing is introduced proper that you

will have read it and you will be able to discuss the matter and devote the matter with Members on a view formed than a read basis.

DEPUTY SPEAKER Further contributions Honourable Members. Mr Brown

Mr Brown Mr Deputy Speaker I wonder if the Chief Minister could also look at the question of whether the final form of the document will continue to include pages from a university in Australia and that is pages in relation to the employment conditions of that university in Australia and whether it will continue to include abbreviations which are not referred to in the schedule of the abbreviations at the beginning of the document. For example the abbreviation APS employment reform, there is something PSM PC publications and it may well be something that has been photocopied from somewhere else as well, but it would be helpful if we could be given a little more information and if we knew whether the provisions of this particular university are intended to become the provisions of the Norfolk Island Public Service or whether we are being given these photocopies just as a matter of interest. Thank you

MR SMITH No comment.

DEPUTY SPEAKER Further contributions. No further contributions thank you. Honourable Members the question before us is that the statement be noted.

QUESTION PUT
QUESTION AGREED

DEPUTY SPEAKER The ayes have it thank you. Are there further statements this morning

MR BROWN I would like to make a personal statement Mr Deputy Speaker. Earlier in today's meeting Mr Nobbs asked a question to the Chief Minister in relation to the Administrator and although I don't have a transcript of what was said it seemed to me at the time that the question was critical of either the present Administrator or previous Administrator's and I would like to record that i believe such questions are inappropriate in this house and I would like to disassociate myself from it entirely and I would like to suggest that the Chief Minister make inquiries as to how proper training can be provided to Members of this House as to how with dignity and decorum they can go about the business of the House while achieving everything that needs to be achieved but while at the same not descending into rudeness and the type of unpleasant things that we see from time to time in other places. Thank you.

DEPUTY SPEAKER Thank you Mr Brown. Honourable we've concluded -

MR NOBBS I would like to respond to that.....

DEPUTY SPEAKER Mr Nobbs there is no response to that. Order. Order Mr Nobbs Order Mr Nobbs. Mr Brown has made a personal statement. Personal statement are not open to debate

MR NOBBS Can I make a personal statement?

DEPUTY SPEAKER If you wish to make a statement that is relative to your actions than yes.

MR NOBBS

Thank you Mr Deputy Speaker I would very much like to make a statement if I may because I have been maligned in fairly strong ways by the gentleman sitting next to me, Mr Brown in relation to a question i put some months ago and i reiterated in part a few minutes ago. He being a lawyer and he has referred to the legal side of things should understand and i put it that the Administrator is referred to the in the Norfolk Island Act and that is the context in which that statement was made Be the Administrator regardless of who it actually referred to at that particular point in time and there have been quite a few since that Act came in, in 1979 that it was actually the position is referred to in the Act and that's to whom i referred to. I have in no way wish to malign the present in which i said in my question, i preamble my question and Mr Brown at times has questioned why i should have such a long preamble to my questions, well i did it last time preamble it by saying that there was nothing in it to state that it referred in any way against, and i will quote i think the present Administrator or the previous one Mr Alan Kerr or any guy or person who held the position before that.

DEPUTY SPEAKER

Thank you Mr Nobbs. Honorable Members we are at

CHIEF MINISTER

Thank you. Mr Deputy Speaker. I would like to make a statement on a question. The question that was asked of me by Mr Nobbs some months ago and he asked me of it this morning i think and i do have the answer. The question at the time is - "is it correct the Administrator is the nominal head of the Norfolk Island Government", and the statement i say is that the Administrator is the executive head of the Norfolk Island Government and exercises his powers and functions in accordance with section 7 of the Norfolk Island Act. The question asked by Me Nobbs involves examinations of certain provisions of the Norfolk Island Act 1979 however, The Act establishes that the Administration or Government of Norfolk Island as a body politic, section 5.2. of the Act. The Administrator is the person responsible for administrating the Government of Norfolk Island as a territory under the authority of the Commonwealth. The Administrator is appointed by the Governor General. While it is the Administrator who is to administer the Government of Norfolk Island section 7 of the Act makes provision as to the manner in which the Administrator is to exercise and perform his functions and powers. In relation to those matters specified in schedule 2 of the Act, the Administrator is to act to the accordance of the advice of the Executive Council of Norfolk Island in relation to those matters which are specified in schedule 3 of the Act the Administrator is to act in accordance with the Executive Councils advice if that advice is consistent with any instructions given by the Commonwealth Minister responsible for Territories. Provision is also made in section 7 for the Administrator to administer the Government depending on the nature or the power or function involved in accordance with the advice of the Executive Council the Legislative Assembly any instructions of the Minister of his own discretion. The executive Council of Norfolk Island is established to advise the Administrator on all matters relating to the Government of the Territory. The Executive Council consist of the person's who hold Executive Offices and the Legislative Assembly determines how many Executive Officers there shall be and their respective designations and the Administrator makes the appointments in accordance with the advice of the Legislative Assembly. Section 12.2 of the Act provides that that matters in respect of which Executive Members have executive authority are the matters specified in schedules 2 and 3 of the Act, thus the executive authority of the Executive Members is not co-extensive with the advisory functions of the Executive Council. The Executive council exercises advisory functions over a whole range of matters relating to the Government of the Territory and therefore its advisory functions unlike those of Executive members under Section 12 (2) are not limited to Schedule 2 are not limited to Schedule 2 & 3 matters. However the Administrator is required to act in accordance with the Executive Council advice only when the advice is in respect to a matter than in his or her opinion is a Schedule 2 matter under section 7(1a) or subject to subsection 7, 2 and 3 are Schedule 3 matters. Further the Administrator has under section 21 of the Act certain functions akin to those commonly exercised by advice for him. In particular the Administrator provides his Assent to propose laws. In the case of a proposed law which in the opinion of the Administrator makes provision only for

or in relation to matters specified in Schedule 2 the Administrator shall act in accordance with the advice of the Executive Council, section 21(2) and 5. In the case of a proposed law dealing with subject matter not specified in either Schedule 2 or 3 the Administrator is required to reserve the proposed law for the Governor General's pleasure which is section 21 (2b). In the case of a proposed law which in the opinion of the Administrator makes provision only in respect of a matter specified in Schedule 3 or in respect of matters specified in both Schedule 2 and 3 the Administrator shall not act except in accordance with the instructions of the Minister section 21 (6). The conclusion of this legal advice is that the effect of sections 5 and 7 of the Act are that the Administrator is the executive head of the Administration of the Government of Norfolk Island. In exercising his powers and functions he is required to act in accordance with the provisions of section 7. As these functions go beyond those normally associated with the occupant of a vice regal position I do not believe it is correct to say that he is the nominal head of the Norfolk Island Government. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Are there any further Statements you have Chief Minister.

MR SMITH No

MR ADAMS I just move that the Statement be noted please Mr Deputy Speaker.

DEPUTY SPEAKER The question is that the Statement be noted.

MR ADAMS Thank you Mr Deputy Speaker. More by way of clarification in response to the Statement that the Chief Minister has read out I wonder for the benefit of the House and I've had a number of people approach me with this question on their minds. The question is, given the advice or the reading of the advice you've just provided to us George where does the role of the Administrator fit in relation to the administration of Crown Lease in other words who does he act for and on whose behalf. Does he act on Norfolk Islands behalf, does he act on Norfolk Island's behalf or is he acting on behalf and on instructions of the Federal Minister?

MR SMITH I was just going to say that Mr Adams is getting some advice here. Are you finding what you are after.

Mr ADAMS No I have made my point.

MR SMITH I don't know.

DEPUTY SPEAKER Any further contributions. Mr Nobbs

MR NOBBS I want to follow this up. It has been noted. I think that the answer there is something that we should progress in as much in that we have a situation that I find very difficult to understand and what's more it is quite difficult for the person who holds the role of Administrator to actually administer and I have heard that from not the present Administrator but previous Administrator's after they have finished of course how hard it is to actually act in the role because of the situation where you have several masters, and I think that we should clarify it and there is one of the points as we progress self government is which is not one of those that people think will cost a lot of money is to actually clarify and establish a procedure where those problems can be overcome.

DEPUTY SPEAKER Question is Honourable Members is the statement be noted.

except in the two main areas of healthcare and HMA. At the beginning of the financial year it was proposed that the Healthcare Fund would possibly need extra subsidy of some \$200,000 and we put that amount into second priority in the annual budget with the approval of the Minister of the time Mr Brown, however HMA and Healthcare have performed quite differently in the first 6 months of this year to what was expected and after the first four months I was advised at a meeting of Managers that there was a possibility that there may be a need to subsidise Healthcare and HMA by up to \$ 640,000 for this financial year and it was suggested that \$400,000 in Healthcare and \$200,000 for HMA. There has been other matters that the Assembly has agreed to since the beginning of the financial year that were not in the original budget and hasn't been included today. There is a block of land that has been purchased in Cascade Road that will be restored using the overburden for the Cascade Cliff project, the purchase price of that land was around \$113,000. There was a review on the Immigration Act advise that cost some \$23,000, there is an amount for accrual accounting of \$17,000, there is a legal opinion funding that is \$85,000, there is also additional funds maybe needed for a computer consultancy at an estimated \$ 15,000, additional funds for the installation of a satellite dish of \$50,000. There are also some other areas that need topping up in funds as well within the revenue fund. What the Government proposed to Members to deal with this budget review was a strategy to deal with this review that takes the form as follows ; As the Healthcare and HMA is to me emergency funding there would be these would be funded by reserves that are in the revenue fund but only to the amount \$430,000 Mr Deputy Speaker. \$200,000 to the HMA account and 230,000 to the Healthcare fund, the land would also be taken from reserves as this is an asset transfer. In supplying the Healthcare fund with only \$230,000 of what was estimated to be \$400,000 for this financial year there is a proposed increase in the Healthcare levy of \$100.00 to bring that fund into a cost recovery basis. The effect of these subsidies is that the revenue fund would most probably have a large deficit at the end of the financial year of up to \$530,000 and that will the revenue fund with reserves of around \$830,000 at the 30th June 1999. The management of the Administration has funded the other matters that I had mentioned earlier within the supply by re-arrangement of votes, that amounted to some \$200,000. Mr Deputy Speaker at this budget review we've had to take a long hard look at how to deal with the problem area of Healthcare cover and deal with it in a sensible way that does not impact to deeply on the normal running of the Island but bearing in mind the seriousness of the problem we have faced. It is important to know that just supplying funds at a critical time is not enough, it is important for us to deal with the problem in that area and we're doing that. To have to increase the Healthcare levy by \$100.00 so soon after the last increase is something that is absolutely necessary though not without much thought before doing so, at the same time charges will have to be made to the system to prevent the same situation again and again even in this financial year, and we will talk more about that probably in the debate on the next motion. During the budget discussions with all of the Members over the last couple of weeks there is a lot of focus on the measures we used to raise revenue, and that is most important Mr Deputy Speaker we have been doing that in the last 12 months in a major way with our gaming and off - shore finance centre proposals these are long term projects that could do well for us in the years to come when they come about. Gaming, the gaming proposals are very close to becoming a reality and if we get the approval for the off shore finance project that could also make a large difference to Norfolk Island's income. I need to say Mr Deputy Speaker the most important part of dealing with public money is getting it and spending it the best way we can for the community, it is not our money, it belongs to the community and we are in trusted with it during our term. If times are good and bubbling along I don't think people mind us spending a little more provided we don't go over board but at the same time if times are good we don't load people down with too many taxes or charges that will cause hardship when the inevitable down turn occurs again, it is a matter of frugal and having a fine balance between that and giving people something back as well for their money, but after having said that, there are areas I will be looking at for the next budget where certain services that we provide that are not be charged for at an appropriate level and also those that could be a little less and of course there is always a search for new revenue raising methods. A little off to the side of all this it is my intention this year to progress as far as I can the long term plan that I've talked about. I still

believe that is the key to knowing what revenues we really do need for Norfolk Island. I must admit I didn't realise how difficult it could be to develop such a plan but I think we can now do it and will be looking forward to formulating something this year. To do that we only need to apply a formula to all things we do and provide what we want to do to find ourselves with a complete picture that will give us the answers that in the past years we haven't had. But for the moment Mr Deputy Speaker what we have here today is the Government's proposal for the Appropriation Bill for the rest of the financial year and I urge members to support it. Mr Deputy Speaker at the appropriate time I'll be moving adjournment of the debate until the next sitting.

DEPUTY SPEAKER

Thank you. Debate.

MR NOBBS

Thank you Mr Deputy Speaker. I've haven't time in the interval to do my training course so you get it as it comes. The question where's ucklun immediately comes to mind as we've been experiencing good times so this is a bit of a blow. My belief is that we should be padding reserves in the good times for those inevitable bad times and I'm not talking about talking down economy but dealing with facts for as sure as night follows day the economy will eventually dip and we must shield ourselves as far as possible against such dips. Members are aware of my views in this current exercise. We should tackle the outstanding blowouts head on, fund the blowouts from the current budget, tackle the causes and put measures in place to control the problems. It may be interesting to look back at the 1998/99 budget when it was brought down at the time I said there was nothing new in this budget, it was much the same as last year, that is 97/98. The question we must address is that philosophy behind the actual development of the budget. I have said it before and I will say it again, that Norfolk Island is different to our 2 neighbours Australia and New Zealand. The subtle difference to Norfolk is the methods of Governments of both Australia and New Zealand utilise to accumulate revenue. A major source is derived from tax on income and profits. Both countries have other taxes as well. Norfolk's system is different, no income sales land with a multitude of other taxes. The question is do we need those other taxes. My answer would be definitely no. If for no other reason then we do not need them, which may seem a bit strange when we have a blowout in our budget for 1998/99. When we hear bleats of the additional cost of self-government we hear of the unfair imposition on the tourist industry, we must increase the revenue net, go GST. We hear of inefficiencies in the Public Service, we hear of how the private sector can do it better and on it goes. All these may have some element of truth Mr Deputy Speaker but my main reason for saying we do not need the conventional taxes of Australia is that with some adjustment to the current system we can remain relatively self sufficient without a huge taxing system and the costs that go with it. Current system has been developed on basic philosophies. As an example criticism of the tourist contribution to the island revenue was a ? of a recent consultancy but nobody explained, tourism became significant in the 1960's and there was some resistance to the opening up at that time to tourism on Norfolk Island. The selling point was that was the revenue generated would be significant and the Island would share directly, for instance the Island was not to be duty free, custom's duty from tourism remains today, The years of praise principle at work and I ask is it wrong, do we drop the duty and tax and tax the profits, some would wish to drop everything but when we analyze the tourism industry you will find there has been a subtle changes to the philosophy, we now have direct Government expenditure on tourism approaching 1 million dollars if all is taken into account which brings me to my main point. We must revamp the whole philosophy in which Government budgeting is based. We have lost sight of the fact that (a). Norfolk is limited environmentally and economically, community expectations came from the whole community not one section, the community must choose and fund it's destiny, each member contributes to the coffers, the community gains services it pays for and the whole Government not just the Assembly but the Admin, school, hospitals, courts e t c are funded and must be accountable to the whole community. There is no reason why all Government operations can not be operated as business with performance targets and be cost recoverable. If the community demands a service that service must be

paid for. You know Mr Deputy Speaker in Australia and New Zealand the belief is that the Government must pay for this and that, the thought is the people have already paid for it for it as they say. Norfolk was never really like this. In Australia a public servant by virtue of income tax pays on average 30% of their own wage. There is no need to broaden our thinking and build on what we have, a basic there is a need sorry to broaden our thinking and build on what we have, a basic community orientated philosophy. Certainly there will be areas the community will identify as not fitting a cost recovery system and the community will fund these, pensions would fall into this category until a long over due super scheme is developed and operational. There are other areas. Why can't it work? I would say the will, I would say the comfort zone and it is a major change, it's introduction will change things from what we are used to or personally comfortable with or at least some of us as I believe there is a significant numbers in the community that seek such change. Mr Deputy Speaker in conclusion it is the job of this Assembly to show leadership and I look to it at least considering this change and Mr Deputy Speaker we do not need 100,000 consultancy's to do it the nucleus of the proposal comes from within the current public service. Thank you.

DEPUTY SPEAKER

Thank you. Further debate. Mr Bates

MR BATES

Thank you Mr Deputy Speaker. Quite an interesting listing to Ronny there. I'm still not sure what he is proposing to solve the problem but at least it was interesting. I am not going to say too much I said on a number of occasions that I saw the day when we can no longer finance our self government on our present revenue basis and I think the fact that we have chosen to take about a third of our reserve funds just to patch this particular budget up and Ronny used the words "good times" I think it only turns back to what I am saying that we are really approaching things on Norfolk Island in what I would term crisis management we can talk about planning we can talk about a lot of things but unless we get along and do some thing we have a continuous crisis management. We can use a third of our reserve funds to patch up one budget, we can probably stumble our way through for the life of this Assembly on what we have left, the \$.9 million, we can probably use that the next financial year and stumble our way through until election time but I don't think that is in the best interest of Norfolk Island it leaves a hell of a mess for the next Assembly. George said that gaming and off shore finance have been worked on In the last twelve months, it has been around for at least the previous Assembly it has been around for quite along time and we've thrown some resources at it but we haven't got anything out of that yet and when we do I believe that those wind falls if they what they be should not be utilised in our bread and butter, this community has to pay for it's bread and butter, it has to, if you get wind falls from off shore well that's great, you can do things we need a new hospital, we need our roads done up, some people even think we need a harbor but there's lot of things we can spend those wind falls on but we have got to fund this on going expenditure and the community has to do that and we have to it fairly and I am even having difficulty at this stage considering in the increase in the Health care levy because I'm not sure that it is well thought out it's I think it's another patch up another crisis management step, I don't think it has gone through all the stages of proper management and proper forward planning and proper controls, but I almost feel like a cracked record cause I think I say the same every time talk about money and I think people are fairly understand my views on it but you just can't keep patching things up, you can't keep going on, we cannot continue on internal self government on our present taxation basis we can hope we can get money from off shore finance or gaming and we can stick that into our day to day existence and still not have the community pay for it's bread and butter and then when one of those major revenue stream falls back we fall back into the same old mess and we will have absorbed those wind falls on ongoing expenses rather than putting them into real tangible benefits for the community, but thank you Mr Deputy Speaker

DEPUTY SPEAKER

Thank you. Further debate. No further debate. Mr Chief minister

brokers, the office of the Administrator and others, to look at the options open for the provision of health cover. Unfortunately changes will not occur overnight, or even maybe within this financial year but change is certainly necessary. I do not intend to at this meeting discuss proposed options for healthcare. I believe that when all the information is available and forthcoming that we need to study the proposals in detail. However that fails to address the immediate problem, the budgeted shortfall of our scheme. As I mentioned earlier, I regret having to seek members support for this bill, but short of abandoning the scheme in its entirety and exposing people to catastrophic financial burden in the event of a medical catastrophe which I believe would be irresponsible of any government to do, then our options at this moment are extremely limited. Regrettably Mr Deputy Speaker, I commend the bill to the house.

DEPUTY SPEAKER

Thank you. Debate. Mr Brown.

MR BROWN

Mr Deputy Speaker, some years ago we significantly increased the customs duty on cigarettes, and at the time a commitment was given that, that increase or a large part of it, would be used and would continue to be used for purposes such as funding the healthcare scheme. Now whether or not that commitment honoured in its totality in the past, today I couldn't say, but I am satisfied that the subsidy which will be being provided to the Healthcare Fund, notwithstanding Geoff's proposed levy increase, will still be substantial and will still be significantly substantial to honour that earlier commitment at least to the extent that it has been honoured in the past. The levy increase is overdue. My own view has always been that the levy should be increased progressively over time, rather than in large amounts from time to time. I certainly support the increase, but it is important for us to bear in mind that health costs should not be born only by those that are sick and in part that criteria is met by having the Healthcare Scheme. It should be born in mind that the Healthcare Scheme was not designed to pick up HMA expenses. At the time that the Healthcare Scheme was introduced although the legislation didn't contain any specific provision to the point, it was intended that HMA would continue in its then present form and Healthcare would operate outside of HMA. During the life of the last Assembly a change was made to that, and once an HMA beneficiary reaches two and a half thousand dollars, or eligible expense then further expenses are paid from, or have been paid from the Healthcare Fund, notwithstanding that the HMA beneficiary has been exempted from the requirement to pay the levy, so some part of the problem that we're facing today is due to a changed philosophy in relation to HMA. At the same time HMA have been higher than expected, and that's partly because the cost of things medical has continued to increase, and the range of treatments that people feel should be covered continue to increase. The Minister has said that he has commissioned a study of the whole story and he's to be commended for that. It's time that, that was done, and the results of that study will certainly be interesting, but the purpose of the bill today is to seek the Legislative Assembly's support for an increase in the levy, although it seems a large increase in one hit it is quite some years since the levy has been increased, apart from a minor increase that we introduced last year, at the same time that we reduced the three thousand dollar threshold down to two and a half thousand dollars. At the time that we did that I think that I said to members that I expected that the levy would , the twenty dollar levy increase would fund that reduction in the threshold but do little more, and my own calculations indicate that, that is exactly what has happened, that the additional monies provided by the twenty dollar levy increase last year have just met the cost of reducing the levy to two and half thousand dollars. I have no difficulty in supporting the bill that is before the house today.

DEPUTY SPEAKER

Further debate. Mr Bates.

MR BATES

Thank you Mr Deputy Speaker . I think some of the words of Mr Brown are timely, but the, and probably some of the problems that I have with this what I call it's crises approach. I think I may have said in a M.L.A's meeting or I've said it in the house, maybe I have to say it again, but contributions for people who are hurt or sick, or need the services of the hospital, those

things are covered by basically a couple of schemes. One is the Workers Compensation Scheme if somebody gets hurt at work, then the medical bills are looked after by a fund other than the Healthcare Fund, by the Workers Compensation Fund, and it has its own revenue stream, its own insurance and makes its own contribution to the hospital. The missing link in all of this of course is those that are hurt on the roads, and I know we have a bill floating around for third party insurance, and I know that Mr Gardner is working on that, but that another flow of funds to the hospital, funds that I suspect are, a lot of them are presently coming from Healthcare. I think following on from what Mr Brown was saying, that those that are contributing to Healthcare are really subsidising with that contribution a welfare component to HMA, and I think that it was never intended that people contributing to a Healthcare Fund should contribute to welfare, pensions and that sort of thing. So I think that, that needs fairly close looking at. I also hope that before we meet at our next meeting, that some of the other things that I have harped on for years now, is that we should be finding out just what the hard core costs of our hospital are, and we should be making a conscious decision as to how much of those hard core costs really a public liability, rather than just somebody that's sick. So I still don't know if the Healthcare Levy is fair, is it subsidising welfare, is it subsidising road third party motor vehicle accidents, is it subsidising the hospital and until some of these figures come out, and until we get the other things up and running, I'm having some difficulty in just saying yes lets take the easy way out, yes lets wack in another hundred dollars out of everybody every six months. That's two hundred per person, four hundred dollars per husband and wife and quite frankly when you look at some of the wages around the place, some of the young families bringing, raising kids, putting them through school, providing them with a roof over their heads, quite frankly some of them just can't basically afford it. We never really talk about making life a little bit easier for these people but I can assure that four hundred dollars out of the annual salary of some of the young families around here will be a major, major blow, and probably those ones probably not in the, a lot of them hopefully don't have a great demand on the Healthcare Scheme anyway. I know some of them do, I'm not going into who draws it and who doesn't, it sits there for everybody's benefit but I just think that the whole thing needs a lot more figures, a lot more facts, and a lot more consideration. It's interesting to see that we're getting another consultant to tell us how to go about it. That consultant's been with us right from the year dot with healthcare, and paid him large sums of money and he hasn't got it right yet, but maybe he'll get it right this time. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Further debate, Mr Nobbs.

MR NOBBS

Thank you Mr Deputy Speaker. This is unfortunate but necessary proposal, unfortunately as put by the Minister and I can't see at this stage no real option. The unfortunate part of this exercise obviously is what Brian said, is the amount required in the increase. It's a lot in one hit. I was unaware until a month or so, a couple of months ago I guess, that such problems existed within the, this and the other social services schemes. The really unfortunate part is the scheme seems to have been allowed to drift into crises, before some action is taken, and I feel for the new Minister Geoff who has inherited a crisis, not only in cash terms but also actual operation of the scheme. Mr Deputy Speaker Healthcare is a critical component of our community, and the current schemes been referred to by another name, and it is appreciated that the new Minister has commenced to evaluate other means of providing the required health support scheme for the community. There will be major decisions required of the community, the review and the putting of a definite proposal will take time. In the meantime we are stuck with what we have and need to make it work as best we can. I am confident the current Minister will achieve this and I'll support the amendment.

DEPUTY SPEAKER

Thank you, Mr Gardner.

MR GARDNER

Thank you Mr Deputy Speaker. Just picking up on a couple of points that Brian raised in relation to I guess the streams of funds flowing into the hospital, and where

they may come from and where they don't come from at present, and he did mention there the Workers Compensation Scheme, which we have in place at the moment, and also made mention of the fact of the compulsory third party. I think when Mr Brown introduced the compulsory third party legislation into the house a couple of months ago, that there were some figures floating around at that time, that come to registering your car, you could be looking at costs of upwards of five hundred dollars to do that, and to provide this scheme. What we're talking about is that the funds that would be raised by that would be assisting the hospital in the provision of its medical care and everything else. Now those are costs that are going to directly affect every young family on the Island, as is this increase in the healthcare levy. Basically what we are looking at is providing the funding that is necessary so that people are protected from catastrophic events. Without this scheme, Mr Deputy Speaker I think I'd probably be quite correct in saying that there would probably be a number of families on this Island that would no longer own their own home, or would no longer own their own block of land that they hope to build on in the future, and simply because of having the scheme in place they still do have that security, and that's part of what I believe part of the essential fabric of the community of Norfolk Island, and that's that caring, bonding relationship that I hope is extended by all of us to each other. The level of the government contribution, I think Brian was saying that he was fearful that the contributors in the scheme are subsidising healthcare and I think that I did mention that in my introduction to this piece of legislation, that as far as I was concerned I think it only reasonable that the government contribution to that scheme should be set at a level that it covers the welfare side of it, or the HMA and that it can't be expected that the other contributors to the scheme are actually subsidising that. And as far as the hard core set of costs that Brian referred to in operating the hospital are concerned, that is being undertaken, I think I've spoken to Brian about it before. The Board is actually trying to identify those costs and hopefully before too long we will come up with that package of costs for him. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Further debate. No further debate. Mr Gardner.

MR GARDNER

Thank you Mr Deputy Speaker I move that debate be adjourned and that resumption of debate be made an order of the day for a subsequent day of sitting.

DEPUTY SPEAKER
Honourable Members.

Thank you, Mr Gardner I put that question to the House

QUESTION PUT
AGREED

The ayes have it. That motion is agreed and that matter is so adjourned. Thank you. Notices are concluded and we are at Orders of the Day.

ORDER OF THE DAY

ORDER OF THE DAY - NUMBER ONE

CELEBRATION EACH YEAR OF THE ANNIVERSARY OF THE MUTINY ON H.M.S. BOUNTY BY DECLARING A PUBLIC HOLIDAY ON 28 APRIL

We are resuming debate on the question that that motion be agreed to Mr Nobbs you have the call to resume.

MR NOBBS

Thank you Mr Deputy Speaker. I'll read the motion out if I may please. That this house agrees to formally recognise and celebrate each year the anniversary of the Mutiny on H.M.S. Bounty by declaring a public holiday on the 28th of April. Two, to maintain the current number of prescribed public holidays annually celebrated on Norfolk Island. Three, the need to substitute the holiday of 28th April for a holiday currently celebrated. Four to substitute the holiday of

28th April for that held annually on 26th January and Five to the significance of 26th January being recognised by the Norfolk Island Government without the need for a public holiday. Mr Deputy Speaker the proposal is that as I said that the 28th of April be declared a public holiday and as our economy can't afford an additional holiday there is a need for substitution of an existing holiday. All public holidays were considered and I spoke at the last meeting of the importance of each and how Australia Day is believed to be the least significant from a Norfolk Island perspective. I recognise and celebrating Australia Day without the need for a public holiday, we have one free public holiday to celebrate on the 28th of April a day of great significance not only to Norfolk Island but internationally. Mr Speaker the motion does not ignore Australia Day, it recognises that day without the need for it being a public holiday. Some people seem to link me and this motion with my friend Ric Robinson, I can assure I'm not in bed with Ric and the perception that some is anti-Australian. Mr Speaker, were this an anti-Australian motion it would include reference to such things as the status of Norfolk Island, how the Island was given to the Pitcairners but with a stroke of some bureaucratic pen it was taken away. Were it Mr Speaker and anti-Australian motion it would include to our forbears struggle to have this reversed. How the Island maintained, even under the regime imposed on it, a distinct different political, economic and social system, and how the Island maintained economic independence. Were it an anti-Australian motion it would refer to the self government granted in 1979, self government that the Island control neither the land, sea or the even the air, but we continue to pay for their maintenance. The motion mentions nothing of the huge sacrifice made by a small community of seven or eight hundred total population, in World Wars One and Two, and how not only the response in volunteers was huge, but the social and economic destruction caused to the Island, how the Island in World War Two and it remains today as significant strategically in the defense of Australia. This motion Mr Speaker, doesn't mention such issues, what the motion refers to is simply the need to recognise the date of significance to this Island.

I wish to respond to a couple of comments by members at the last meeting if I may. Mr Brown spoke of rudeness of the motion. Rudeness is a bit like beauty, it's in the eyes of what have you of the beholder. I would see it rude if I as an Australian taxpayer were to attempt to circumvent the Australian tax system by utilising the perceived privilege position of Norfolk Island and then blatantly claiming all benefits that accrued on an Australian taxpayer. That Mr Speaker would be rude. Mr Brown also referred to some offense as we negotiate self government advances. Apart from nothing happening in this area surely we do not have to sell out on our heritage if this is , if this is so why bother. We should just become part of Australia, maybe that is what is wanted. Mr Robertson spoke on the need for another holiday, and I repeat it is not another holiday, it is proposed within the existing approved number of holidays. Gary mentioned the impact on the off-shore finance centre, and I feel that Gary that is a bit of a furry. The decision as to it proceeding will be purely commercial based on the value to Australia, we shouldn't kid ourselves. Gary was concerned as to the progressing self government with Norfolk Island paying for issues such as land management without having the control. Why would Australia wish to hand over land, as my grand-kids said, lets get real Grandad. Thoses issues used as opposition to the proposal are purely figments of some imaginations, I feel. As my old Dad used to say, they're just jumping at shadows. The real issue is whether the day should be a public holiday. The argument was put by Brian of celebrating a crime, but people regularly celebrate the anniversary of what were at the time criminal acts. Brian, Australia Day in fact celebrates the arrival of a bunch of crooks. They had been tried and found guilty, but that seems fine now, we can still have Australia Day. The Government House garden party need not cease, I and other Australian taxpayers will still shout, it will just have to commence a few minutes later to take account of the fact that it is a working day. Mr Speaker, that is not the point of the motion which is to formally and appropriately recognise each year the anniversary of the Mutiny on the Bounty. I accordingly look to the support of all members. Thank you.

SPEAKER

Thank you Mr Nobbs. Debate. Mr Ion-Robinson.

MR ION ROBINSON

Thank you Speaker. I object to Mr Nobbs claim that I am anti-Australian, in fact I am very fond of Australia, I even married one. As the holiday to replace is but a few days away I think that perhaps we should adjourn this motion, until we get it over and done with and out of the hair. Needless to say I support Ron's basic concept, and as he says Australia Day is the arrival of a bunch of convicted felons, Bastille Day is the storming of a goal and letting them all out of goal, so basically I support it but I feel that has not been enough community input into it at this stage, considering we only got this letter from the Norfolk Island Chamber of Commerce yesterday, I feel that there will be a lot more people out there that will be wanting to have their input into it.

SPEAKER

Thank you Mr Ion-Robinson. Further debate. Mr Bates.

MR BATES

Thank you Mr Speaker. To put the mutiny of a few officers and crew on board a boat in the same category with Bastille Day, when a whole country rebelled against its leadership, I think is a little bit different and I think also that those that arrived in Australia probably didn't arrive there by choice or certainly the crooks didn't anyway, but anyway if you want to put it in that category that's fine by me. Last meeting I mentioned the mutiny itself but did not directly involve the women, the Tahitian women and I also mentioned that some of the mutineers were hung for their troubles. Now the act against the crown in this case is not really in keeping with the fierce loyalty to the crown that was later demonstrated by the Pitcairners, and still is to some extent. I believe a more appropriate day to celebrate would be the date of the arrival of the Bounty at Pitcairn and this would include and acknowledge the important part that the women played in establishing that settlement. They were probably responsible for feeding the community because of their background and from that settlement we're all very proud of what has happened here on Norfolk today, but I think it would be a much more appropriate day to celebrate, that at least acknowledges the part played in that by the women. I believe that's the real beginning of the Pitcairners. As for not celebrating Australia Day, I've seen no support out in the community for not having a public holiday there. I've gone out of my way to talk to Pitcairners who don't normally share their views with me, and asked them what they think and I haven't had any great support for this motion. I have gone out of my way to ask a lot of them. I think that it hasn't got a lot of merit but as I said that if you want to choose a date to particularly acknowledge the beginnings of the Pitcairn descendants, choose the day that Bounty arrived at Pitcairn, or choose some other day, but thank you Mr Speaker.

SPEAKER

Thank you Mr Bates. Further debate, Mr Robertson.

MR ROBERTSON

Thank you Mr Speaker. Like Brian I too have spoken to quite a number of people around town over the last month. Some of the questions asked of me were what the hell is Nobbsy up to now. One of the things that seems to come out fairly loud and clear, is that Mr Nobbs is not adamant that the 28th April, the day of the Bounty Mutiny should be the holiday, and he's quite happy for it to be elected to be another day. I guess thanks to Hollywood and Charles Laughton and Marlon Brando, the Mutiny on the Bounty epic, has become known worldwide and on the 8th of June each year we celebrate what we know as Anniversary Day, but what every other person around the place seems to think of as Bounty Day and I would suggest to you that, that be the same synonymous Bounty Day or the arrival of the Pitcairn people on Norfolk Island only came about because of the event that took place on the 28th April and the ensuing years of hardship to start with, murder and mayhem for a few years, when they first arrived in Pitcairn, but later on as a stable community in which eventually because of sickness, because of difficulties that were appearing, were allocated a new block of land somewhere else, this happened to be Norfolk Island. The results of that is that Norfolk people were a proud race and still are, and I sort of look at things that have happened on Australia Day since 1984, people that have proudly stood up and been awarded Australia Day medals for different categories and there is a lot of names, some unfortunately have now passed away. The Faye Bataille's and the Eliza

Clarkson's and Kath Walsh, and we've got lots of others that over the years have been recognised as the Citizen of the Year, the Young Citizen, Achievement Awards, Special Achievements, Mac Adams, Lou Evans, Skeet and Noreen Anderson, Boy-Satt Buffett, Sylvia Nobbs, Holder Christian, Ian Anderson, Brenda Reed, Gordon Duval, Brent Jones, Angela Guymmer, Milton Bradley, Mavis Hitch, Nornie Douran, Karlene Christian, Norm Slick Buffett, just to name a few. There's a hundred and one people who have been given awards and honours on that day, and they've accepted that with pride, and I'm for one that's saying that if there is to be anything, then the January 26 day should stay, and that if there is to be any recognition of the 28th of April for being the Mutiny on the Bounty Day then it be synonymous with the 8th of June, which is the forerunner of the people arriving on Norfolk, because as at that it is known by most people whether they come here as visitors or even locals still refer to it as Bounty Day, and I don't support the motion.

SPEAKER

Thank you Mr Robertson. Any further debate. Mr Brown.

MR BROWN

Mr Speaker if Mr Nobbs our Deputy Speaker to hand back his A.M. I don't think he's going to have much success, and certainly I share the views that Gary just expressed. The motion is somewhat rude in terms of people who have been honoured on Australia Day or honoured in way with an Australian award. I don't think that a motion such as this is the way to progress our relationship with Australia and I don't intend to support it.

SPEAKER

Thank you Mr Brown. Further debate. Mr Buffett.

MR BUFFETT

Mr Speaker this obviously can be an emotive issue and I really don't see the need to create divisions amongst us here around this table or in the community, on this particular issue. I think we should take a mature approach, I think there are some essentials that maybe we can cover in this particular matter, without inviting unnecessary difficulties. I'd like you to consider an amendment. I'd like to move this. Let me test it with you first. To first of all, looking at the motion which has five parts, delete the bracketed number of numeral one in the first instance; place a full-stop after Bounty, which is in that first paragraph; and delete all the rest, and this is what it leaves. That this house agrees to formally recognise and celebrate each year the anniversary of the Mutiny of the Bounty, full-stop. This gives recognition of the day, which I think Mr Nobbs is talking about, and the significance that it may hold for Norfolk Island. It leaves open for development and experiment as to how it might be celebrated and the opportunity to test how all of that runs within the community, and whether or not it is seen to have been of sufficient impact, whether that seems to be the right date, so we're thinking in terms of testing whether it's the best in terms of the occasion, best in terms of the time frame or whether another date might be suitable, because I am assuming what is wanted to be done in this process, is to mark the commencement of the making of the people and I think that's very significant for us, so I don't want that to be ignored, but I think we can do it in a way that doesn't invite the divisions that I've talked about, and I'm saying lets test that in the wider community and see what that brings. Lets not try and run around and replace things at this moment, lets test this particular one and it doesn't have to be in the first instance at least a public holiday. We celebrate other things in a way that, and if it turns out to have significant support and as we get along the track especially in our self governmental arrangements, and it gains momentum then we might need to look at that in whatever light that is at the time. But I think that doing it that way recognises, if that's what it is about, and if that's what it is about I am interested, that is the making of a people. It recognises that, but does it in a way that doesn't invite the whole host of divisions that we have already seen referred to around this table, and if any of us have done our business around the community we will know that those divisions exist immediately you try to press something to this extent at this time, and I'm willing to make that proposal, Mr Speaker.

SPEAKER Your seeking leave to move that amendment.

MR BUFFETT Yes I am.

SPEAKER Leave is granted for that.

MR BUFFETT Thank you. I'll formally move that then Mr Speaker. I move an amendment to the motion that is in front of us to A. Delete the bracketed numeral one and place a full-stop after Bounty, and delete all after the word Bounty, and it gives you what I've already described, to you.

SPEAKER Thank you Mr Buffett. O.K. the debate on the amendment. Mr Brown.

MR BROWN Speaker that's a magnificent save. It was one of the better speeches that we've heard for some time, I fully agree with what's said, and I move that the question be put.

SPEAKER There's further debate. Mr Adams.

MR BROWN It's too late, Mr Speaker, I've moved that the question be put, with all due respect it must now be put.

MR ADAMS What mechanism then is there Mr Speaker, for members who have been effectively silenced by Mr Browns move to speak. Can things be suspended given that the hand and the nod was given to the chair. The question was put without the Speaker taking note. It's quite inappropriate.

SPEAKER Yes, I think Mr Brown that it may be seen as an abuse of the minority if we try to move along quickly without members who have indicated.

MR BROWN Point of order, Mr Speaker, with all due respect, the standing orders as I understand it require that if a member moves that a question be put, it must be put. Is there some standing order I've missed.

MR ADAMS In that case Mr Speaker, I move.

SPEAKER Members, I'll just read out the explanation of the standing order. After any question has been proposed from the chair, a motion may be made by any member without notice, that the question be now put and unless it shall appear to the chair that such motion is an abuse of the rules of the house or an infringement of the rights of the minority, the question that the question be now put, shall be put forth with and decided without amendment or debate.

MR ION ROBINSON So the question is whether the question shall be put.

MR ADAMS No the chair needs to make some.

SPEAKER It's a ruling that I would need to make, and I think in this case, where certainly after only one member has debated the amendment, that if there is others that wish to debate I will rule that. Mr Brown. Mr Adams.

and all that's just a furfy. Divisions in the community, sure you'll have people for and against it and what have you, that happens all the time with everything. There'll be a heap of them for and against this, there won't be for the proposal which we just put through in relation to the increasing the Healthcare Levy, I can assure you, but anyhow those are the problems that we face and I'm a bit disappointed that we're going to circumvent it but in another sense I'm not really because I've put up several motions over the, in the last twenty months since we've been in and there hasn't been alot of action on any of them to date so then this could just join the queue.

SPEAKER Any further debate. There being no further debate. All those in favour of the amendment please say aye.

QUESTION PUT

Would the Clerk please call the House

CLERK	MR SMITH	AYE
	MR BUFFETT	AYE
	MR BATES	AYE
	MR ROBERTSON	AYE
	MR GARDNER	AYE
	MR ION ROBINSON	NO
	MR ADAMS	NO
	MR NOBBS	NO
	MR BROWN	AYE

DEPUTY SPEAKER The result of voting Honourable Members, the ayes six the noes three, The motion to re the amendment is agreed. Now we move to the motion itself, is there any further on the motion, the original motion, as amended. No further debate. All those in favour then of the original amendment, please say Aye.

QUESTION PUT

Would the Clerk please call the House.

CLERK	MR SMITH	AYE
	MR BUFFETT	AYE
	MR BATES	AYE
	MR ROBERTSON	AYE
	MR GARDNER	AYE
	MR ION ROBINSON	NO
	MR ADAMS	NO
	MR NOBBS	NO
	MR BROWN	AYE

DEPUTY SPEAKER The result of voting Honourable Members, the ayes six the noes three. The motion is agreed. We move now to order of the day number four. Mr Gardener. It's a resumption of the debate on the Healthcare Amendment (No. 2) Bill.

HEALTHCARE AMENDMENT (NO.2) BILL 1998

MR GARDNER Thank you Mr Speaker. Mr Speaker as I outlined last month, this bill amends the Healthcare Act 1989 to allow the Administration to use an amount that is to required to reimburse a person under that act, firstly to pay an amount owing in respect of that person under the Healthcare Levy Act 1990, or to pay to the hospital enterprise in settlement of an amount owing in respect of that person under Section 24 of the Norfolk Island Hospital Act 1985. Thank you Mr Speaker.

Hopefully Mr Speaker these amendments will put in place a deterrent to those who have in the past been unwilling to pay their dues to the Healthcare Scheme and to those unwilling to cover their debts owing at the hospital, but are only too willing to accept the benefits of not only the services provided by the hospital but also the benefits that they may receive as a member of the Healthcare Scheme. Mr Speaker, I think it's probably important to point out that I'm not pointing the finger at those that make a genuine attempt to pay their dues, but to those that in the past, time and time again have completely ignored that duty to pay their dues. Thank you Mr Speaker.

SPEAKER Debate, Honourable Members.

MR BROWN I support the bill, Mr Speaker.

MR GARDNER Mr Speaker, I'm probably going to be seeking at the appropriate time to adjourn this matter, for the sake of attempting to include an amendment making it possible for this particular, the provisions provided by this, to be Ministerial discretion or to be referred to the claims committee, basically to protect those that may be affected by it, that are in a position of suffering extreme hardship.

SPEAKER Thank you Mr Gardner, is there any further debate. There seems to be no further debate, maybe it's time for you to move your adjournment.

MR GARDNER Thank you Mr Speaker I move that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

QUESTION PUT
QUESTION AGREED

The ayes have it thank you. That will be made an order of the day for a subsequent day of sitting

THE TREES AMENDMENT BILL 1998

Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Ion-Robinson you have the call to resume

MR ION-ROBINSON Thank you Mr Speaker. I won't go over this in fine detail. This Bill basically makes a number of miscellaneous amendments to the Trees Act 1997 to enable the commencement of that Act. Mr Adams has foreshadowed an amendment in which i agree but in the meantime i have to get it past the in principle stage and that is all i will say at this stage.

MR SMITH Thank you Mr Ion-Robinson. We will look for debate on that part.
Is there any

QUESTION PUT
QUESTION AGREED.

The ayes have it thank you. The Bill is agreed to in principle. We now look to the detail stage and I look to Mr Adams to propose these detail stage amendments.

MR ADAMS Thank you Mr Speaker. Mr Speaker i move that the detail stage amendments dated the 6th January 1999 is circulated to Members and be taken as read and agreed to as whole.

CHIEF MINISTER Thank you Mr Adams, so the question is that the amendments be agreed to. Members say aye. I think we have some debate. Go to debate.

MR ADAMS.

Thank you Mr Speaker. Perhaps it may be helpful for Members for a bit of background on this one. Mr Speaker some where around 1984 - 1985 the Trees Preservation Act came into place and what it sought to do at that time was to preserve a range of trees from unnecessary and inappropriate culling and naturally core among those scheduled trees was the Norfolk pine in addition to some others. Mr Speaker what history has shown us in that time that Bill achieved very much what it intended to do it certainly approve, it certainly did restrict the inappropriate taking of old growth trees and I understand that there was around about that time there was some large taking which really displayed and demonstrated the need for such a regularity and administrative tool in the Governments toolbox to ensure it was conducted on a proper basis. Where the Bill provided for the community in particular in the rural community a disincentive from the point of view of planting trees with the fact that if you planted a tree that happened to be on the scheduled list you were in fact handing control of your portional property to some one else and that was seen quite clearly by land owners land owners or indeed others who wish to plant trees a real disincentive and I can name some very large sections of land who are very bear today and some of them are quite central because there was a real fear that if you put in a tree you had to ask and you put in a tree, you look after it for a couple of years at your own expense and then you had to on some unusual basis ask some body else if you could take the tree or do arrange of practices to it or civil cultural practices to it that may not approved or you would require approval for somebody else. Mr Speaker that was clearly seen as inappropriate and people as a result stayed away from planting trees in droves, the clock and the calendar ticks over for some time, we have a Trees Bill before us in the present times and among other things it allows the facility for people to plant on a registered basis trees that are on a protected schedule and that is how it ought to be because it allows people it still protects the old growth trees which was the original concern but it provides a mechanism where by people can on a commercial or some other basis and I mean flexibility when i say some other basis to put in the protected trees and have no fears that they will have to apply to somebody else at there whim to in fact remove those trees or treat them in a commercial manner be that there wish. Mr Speaker one of the disincentive that has now appeared in the Trees Bill is the fact that the system for reasons known to it's self stills wishes to retain the option of putting conditions on somebody's plantation and that's putting conditions or wishes to have the ability to put conditions on this person who will at his or her expense obtain the tree, plant the thing, maintain it for a number of years and it may well be, i mean the fact is Mr Speaker it may well be that these trees that maybe planted in a plantation will never be harvested, it's a solid reality but in the event that somebody wishes to process those trees or shift some out of the road out of a particular area for some reason it may appear down the track they don't have a concern that somebody will say that how because of a condition that the system imposed for reasons known to itself way back in the past you can't do x to a plantation of trees that either you or your fore bearers have maintained over many years. Mr Speaker I see the Trees Bill which provides a mechanism to have Forestry plantation of protected trees, it a worthwhile step, it's a progressive step and at the same time to have such a Bill that has the ability to impose conditions for reasons known to it's self is taking three steps forward and two steps back, it still provides a disincentive or a fierce scenario for some body who going to put over a period long time in either their right or in their ancestors right a substantial input of resources, to have those conditions and even have the ability to impose those conditions is a major negative to encouraging people to put in trees and that is the whole reason why we want this Bill to go through and to be accepted by people is we want to get over the old days of the Tree Preservation Act, we want to encourage people to plant trees and particularly those protected ones which are protected because they are rare. Now the obvious way around that is to encourage people to a degree if a degree is possible to plant as many of those trees as possible as they can, but I believe unfair of the system to want to impose conditions on some body who is clearly benefiting their environment at their own cost, there is clearly no basis. Members may wonder to themselves well what conditions would the system wish to impose and two of the ones that are quite prominent and come from where I'm not to sure where but they have been pushed around for a number of years are one of them the main one I believe that the powers that be saw as a worthwhile thing for reasons known to themselves cause to this

day I have never heard a reasonable explanation for it, is in the case of a plantation, a registration of Forestry trees which were on the protected schedule is desired by the system to prevent somebody to clear fell or to fell individual sections as they may wish. We have had all these mystery and when I say mystery I mean from the point of origin mystery ideas as to we should impose some percentage on how much somebody could clear at any one or given time, we need to have controls, percentage controls , for arguments sake on various portions on the size, we need to have controls on whether they can clear it need it near the road or whether they should in fact leave a growth corridor along roadways if indeed they are near a road, but see in all of that Mr Speaker is people is the systems desire to impose those conditions have clearly forgot the fact that a land holder or somebody on the land holders behalf has invested considerable time and resources so on what basis would you want that particular condition imposed, there is simply no good reason for it. Another condition I mentioned too was that there has been within I would suggest bureaucratic areas a desire to say or be able to control the height at which particular trees will be harvested if indeed that is the landholders eventual aim. Again the same misunderstanding on my part on why any body would want to do that, if anybody wants to purchase trees or whether they want to grow their own from seed or they want to plant them and in two years time want to slash them off that's entirely their prerogative, obviously no body is going to do that, but under what basis would anybody in the system, how can they justify the requirement on landholder at his or her as I said before at a considerable investment planting those trees and then treating them as they wish further down the track the fact of life Mr Speaker again as I said and I'll reiterate the point is that I believe that it is almost a certainty that if you can encourage all of these plantations to get going, give them the Legislative ability, remove the ability to have conditions, a lot of people will go into this without fear and with a desire to but in a lot of trees and the fact is many of those trees will never be harvested, they'll simply remain in place, but whilst we have conditions, but whilst we have laws that are overly protected people will shy away from this and I believe to date Mr Speaker we haven't exactly been knocked flat by people applying for registration of plantation of scheduled trees and I would sit the blame right at the condition part of the Legislation, so Mr Speaker I would be very keen please if Members supported this amendment because I think it is progressive and It will do the whole concept regarding the planting and registration of protected trees on Norfolk Island a lot of good and provide a great boost. Thank you.

MR SMITH

Thank you Mr Adams. Further debate. Mr Nobbs

MR NOBBS

Well I support Mr Adams on this one Mr Speaker it's the present arrangements aren't working. You get told all the time there's trees every time you go to cut a tree you get told they are too far gone there's all these sort of arrangements that are in place and they are loosing half the tree's because they can't cut them and all this sort of caper, we've got to deregulate this sort of arrangement and particularly to get people growing tree's and as Chinny said you won't plant tree's there if you can't harvest them once they get to a reasonable height that can be done because of some bureaucratic mix up or direction at that particular point in time, I think it's got to be like any crop, the person puts in, they harvest it as it's appropriate for their needs and you know that's the only way to go I believe and I support it fully.

MR SMITH

Any further debate. Mr Bates.

MR BATES

Thank you Mr Speaker As I understand this and I think Robert might correct me if I am wrong but what he's proposing is really a that somebody that has planted a lot of tree's and registered it as a plantation doesn't apply to the one or two tree's that I might plant on my boundary and then I feel I can just chop them down willy nilly I think that's what it applies to and on that basis I can certainly give it my support, and I think the original Trees Bill was bought in to save, not just old tree's but also young trees that people were bulldozing down trees that they hadn't planted and

MR GARDNER Thank you Mr Speaker I move that the debate be adjourned and the resumption of debate be made as an order of the day for a subsequent day of sitting.

MR SPEAKER Thank you Mr Gardner
QUESTION PUT
QUESTION AGREED

MR SPEAKER The ayes have it thank you. That will appear on the paper for the next sitting.

DEVELOPMENT OF THE RETIREMENT VILLAGE ON NORFOLK ISLAND

MR NOBBS Thank you Mr Speaker. This was adjourned from October last I think and the motion was that this House agrees to the development and management of a retirement village on Norfolk Island with revenue so raised to be utilise on community projects and request the Executive Member to (1). Request the Administrator to make part of portion 54c available at no cost to the proposal (2). Introduce the required Legislation to establish a management board to provide the development range for the calling of expressions of interest, (3). to provide each or a combination of the identified components of design, finance, construction and the marketing of a retirement village on the recommended site, (4). To take steps to have the Legislation relating to Immigration, Social Services etc amended to implement the committees recommendations in relation to these issues so that conditions are imposed on those residing in the village , (5). Arrange provisions of administrative and basic financial support to allow the proposal to proceed. Such financial support to be on the basis of repayment once the proposal generates profit, (6). Ensure the provision of a financial framework in which funds accumulated from the retirement village may be deposited and dispersed on age care on Norfolk Island residence, (7). Take account of the recommendations when available of the age care committee in dispersing retirement village profits. That was the Motion that was introduced in October last and is designed to progress the development of a retirement village of some 24 high quality units and attend the facilities available to residence and no residence. Mr Speaker non residence will be required to be self sufficient in relation to healthcare, income, etc there is no access to Norfolk Island Social Services such as pensions, HMA, etc. The proposal is basically to provide another income source for the community of Norfolk Island and it will be a new business and run as such. It is suggested that the funds so raised will be significant would be utilised by the community. The suggested dispersement of funds could appropriately be on age care of our residence. I've allowed time for the information seminarian discussion in the community and this has occurred from my own perspective, this exercise was interesting I believe there have been significant objection to the proposal, I would put it to the side fold up my tent and move quietly into the sunset, but this was not so and I was pleased with the undoubted support in the community. So gentleman we are up to the stage where decisions are required to be made and I will deal with the decisions individually. The first decision is that this House agrees to the development and management of a retirement village on Norfolk Island. The motion then proceeds to points progressing to the following points to which I've read and we then actually move in I guess to the main draw. The first one relates to the land in relation to 54c. 54c is opposite the school, the area proposed to be utilised will be the land from approximately in front of the headmasters house along Collins Head road to Middlegate Reserve which is roughly opposite the bean shed. The project will also utilise land to the rear of Middlegate Reserve and blocks can't be sub-divided along Store Road to about the Memorial block. Only 4 of the 16 sub-divided blocks would be required the remainder of 45c that is apart from those areas sub-divided is I understand currently proposes a pine plantation but I have seen no public discussion or formal approval on this one. Point two relates to the management structure proposes it is proposed that a body similar to the Hospital Board and this body would be established as early as possible, it would take the place of the current informal committee. Once the project is

developed the Legislation would provide for residence groups to form a body corporate to provide and find among other things maintenance of the facility. Point 3 relates to the calling of expressions of interests which will allow the firming up of such issues such as design, funding, construction, procedure's, proposed expenditure and income estimates just to name a few. It will provide the final selection process to ascertain as to how the development will actually proceed. Planning and building approvals will then be sought. Point 4 of the motion is to provide Legislation relating to Immigration and Social Services e t c amended to implement the committees regulations ah requirements. The proposal is to provide a new business and income to the Island it is not designed to be a burden. Problem of the retiree and other similar scheme's has been the potential for these people to become burden's on the Island's Social Services, a good example is after ten years after residing on the Island and even less some cases a person can claim a pension and receive medical support, should they hold an outside pension assess is available to the local hospital and medical assistance scheme - or HMA. HMA provides total medical cover to either optical or the lot or total cover and if referred off shore airfares, ambulance e t c full theater fees the lot not the same as the Island's health care scheme which does not cover nearly as much as HMA and I wish to make clear that these people could fit into that HMA position if we don't do something about it. This is why an Immigration scheme we must look closely at such things and I insist this aspect must be covered fully, approval cannot be a drain on the community. Requirements related to health and income are essential. Turn to point 5 of the motion there will be support required from the Public service such secretarial support to the board, drafting support for Legislation, and the like. There will be some cost associated with the calling for interest for instance, costs for services provided and any funds advanced are reimbursement once profit commences to flow. Point 6 of the motion is insure a provisional financial framework in which the funds accumulated from the village can be deposited. This would be a fairly simple exercise, it is assumed Admin would undertake the task for which they would be paid. Point 7 of the motion is to take account of the age care committee. This Assembly agreed to the formation of such a committee but it has not really been operational pending this final decision. Finally the decision as to whether the proposal proceeds to the next stage that is the calling of expressions of interest is firmly in the court of the members around this table I would wish to say I have received considerable encouragement and support within the community and I would also say that the return space but based on conservative estimates by people of some expertise in such a project. Funding of \$400,000 profited sale and annual average income of \$150,000 has been quoted and are based on the board that is to be formed organizing the funds, the project construction and on going management independent of any Norfolk Island Government contribution. If the Norfolk Island Government wishes to contribute to the project the returns will be far greater. Gentleman in reality this motion is approval in principle for what is considered a worthwhile proposal, the final approval stage commences later as stated earlier following the calling of expressions of intereset when the planning and building approvals must be gained. It is this approval in principle that I seek today. Thank you.

DEPUTY SPEAKER

Thank you. Debate Honourable Members. Mr Brown

MR BROWN

Mr Deputy Speaker I don't support the proposal. I spoke yesterday with the chairman of the Immigration Committee to ensure that I correctly understood the committee views about this and the Immigration Committee is quite opposed to it. I read with interest yesterday a letter from one of the local churches which was a well written letter, easy to understand and having read, I became even more concerned about the proposal then I had been in the past. This is a proposal which relies on bringing people from off-shore but telling them they have no rights and the minute one of them get sick they'll have to leave. It is a proposal which some how seeks to also make provision for local people, presumably by putting them in a humpy down the back because if we are to be making significant moneys from the sale of management of these retirement units, they are going to be quite expensive Mr Deputy Speaker and my understanding is that any local people wanting to go and live

there won't buy one of those units they will by a cheaper one. A leaflet was distributed Mr Deputy Speaker in relation to this proposal and it is a leaflet which concerned me greatly, had we been in Australia I would not have been at all surprised if the Securities Commission took action against those who published the leaflet because in my view it was significantly misleading. The leaflet stated for example, the village will generate significant profit, now with all due respect there can be no certainty that the village would generate any profit, let alone significant profit. The leaflet stated "the village profits to be for the benefit for the community", but in another part of the leaflet said "expressions of interest will be sought in developing the components", I greatly doubt that the Legislative Assembly will have the capacity to fund the construction of the proposed village or the will, Private enterprise involvement would appear to be necessary if it was to proceed and private enterprise would surely expect to earn a profit and if that's the case how can it be said that the village profits will be used for the benefit of the community. The leaflet assumed that there would significant changes made to our immigration policies and legislation. There is no certainty that that would occur, there is no certainty that this Assembly would agree to these changes and if it did there is no certainty that a future Legislative Assembly wouldn't seek to overturn them. The leaflet said that "there would be a need for administrative support directly from the Government, any costs would be repaid to the Government from profits on the sale of the units", in my view that was misleading, if intended to suggest that the Government support had already been approved, in any event there is no guarantee that any costs would be repaid from profits because there is no guarantee that profits will be earned. In my view it is time for this project to be scrapped and for the resources which have been devoted to it to date to go elsewhere. I do believe that a properly planned and managed retirement village could if planned and constructed by private enterprise with the Government either receiving a flat fee per unit or a agreed share of profits but with no responsibility for losses it could in that situation succeed, but I doubt that our community is yet ready to accept the changes which would have to be made to the Immigration Legislation and Policies and I doubt that the community really believes that it is appropriate to be saying to people to come here until you get sick and then shoot through. The leaflet does correctly point out that the working age population of Norfolk Island reduced during between 1986 and 1996 and that the reduction was hidden by a significant increase in the retirement age population during the same period. The leaflet did not deal with an additional problem that is that a significant proportion of the retired population has in the past received benefits from the Department of Veteran's Affairs and inevitably the number of D. V. A. recipients will decline in future years Mr Deputy Speaker, but it is reasonable to expect that the retirement aged population will continue to increase, this means that if all else remains the same, social welfare costs both in terms of pensions and HMA will continue to increase and in addition because HMA now shifts much of the over \$2500 responsibility for health costs per year to the health care fund, the cost of the healthcare fund will continue to increase. Mr Deputy Speaker I expect that the Strategic Planning process if it is ever completed will address these issues, but there not going to be resolved by the present retirement village proposal and I do not propose to support it. Thank you.

DEPUTY SPEAKER

Thank you. Debate. Further debate Honourable Members. Mr

Robertson.

MR ROBERTSON

Thank you Mr Deputy Speaker. I have had a number of approaches from different people around town, all sorts of areas. Some took me quite by surprise, come out of the woodwork and not one were in favour of the particular proposal and there was a number of areas of concern. Area's of concern portion 54c for a start, and there appeared to be a feeling that in the past there was an allocation or that block was to be allocated to some of the people from Pitcairn should they have a catastrophe over there and they came to Norfolk Island that would be an allocation available for them at that stage. There was concern raised as to the costs involved on establishing this, bearing in mind the costs which are currently easier to check out on accommodation units which are being constructed at this time and the amount of money's which are necessary to ensure that they come up to a

standard and if the suggested or proposed pricing to purchase one of these units would mean that we are looking at a few million dollars to get this thing up and running. There's concerns raised as to how it is going to be policed, there is concern raised within the immigration areas, in fact from all of those that have seen me over the different times, they have all said maybe it in fact, one person actually came to me and I say only one, came to me and said, "this is miles too expensive I wouldn't mind putting one up myself as a private enterprise and doing it on a small basis and expanding as we need to for the local people", not for overseas people, but for local people, I suggest that he approach the secretary of the planning board and just check out to what he has to do to ensure that that could start to commence but for all of that the cost involved, the uncertainty of it all, even though Ron has spent a lot of time on this the expenditure of some \$6000.00 odd dollars in preparation of this has been done, we've had some reports, I admit that he has done a lot of work, he has gone amongst the community, he's had a lot of talking to public groups and trying to get his proposal through to those who wanted to get more information on it, but for all of that there is still a fairly heavy ground swell of not very necessary at this point and I guess the final bits came in with some of the areas of concern that we received yesterday sort of also opened our eyes up to and only confirmed some of the problems that had been already vetted around the Island now so I don't propose to support the Motion.

DEPUTY SPEAKER

Further debate Honourable Members. Mr Bates.

MR BATES

Thank you Mr Deputy Speaker. I think when you take what Mr Nobbs is trying to achieve or thinks he will achieve from this proposal and there's not much room to knock it. The concept of having a business enterprise sitting out there raising money which in turn gets spent on caring for the local elderly and aged, I don't think anybody would be serious enough to say that's not a good though, but once you get over that initial concept and really get down to the nitty gritty of it all it then becomes a different ball game. I do see immigration and like Mr Brown I have spoken to Members of the Immigration Committee and I can't say I that I have a unanimous win to speak on their behalf but the impressions I've gained there is that they see the problems. I still don't know how you can get over things such as human rights and equal opportunity, how you can get over the things of saying to somebody you can come, here's a special permit to come to live on Norfolk Island but you must live on section 54c and we'll put a used by date on your forid and then you must go, I don't quite know how you can do that to people sounds all right, I've even got some doubts as to when some person faced with, some elderly people faced with the distress, maybe it's not always distressful but if it is distressful having to get out of their home and go into some where, where there's more company and people like themselves are going to be that serious about putting themselves a thousand miles or six hundred miles from New Zealand away from the closest access to their family and friends, not sure how many people are like that on the other hand there maybe some people over there that have family over here and would jump at it, but it could ultimately become the biggest white elephant that Norfolk Island has ever seen, I'm not convinced that it wouldn't come that way, I believe that it's a matter purchasing your unit and when you go selling it I mean if you are going to sell your unit to somebody else you have to have a buyer, suddenly ill health takes over and you have to go and you don't have a buyer I don't know how that fits in at all because I don't think anybody gaurentees to take the unit from you when that stamp on your forid says you've used your used by date I don't think there's any guarentees you'll sell your unit. Like others round here I have been looking for community support, I must admit I ran into one person only on the weekend that was in favour of it, that person is certainly in the minority of all the persons I have spoken t, but no doubt there are people that supported it and supported Ronnys' efforts but from my part I did say right at the upset that there's no way I would support it on section 54c, I said that at the first time it came up, I haven't changed that opinion I will not support it on that section of land I think there are other reasons why I wouldn't support it at all which I have already alerted to, the major one of those is immigration and just how you, the other one of course that I have a little fear that it will become

a white elephant and I think the whole is just a little bit too risky to progress any further. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Thank you. Further debate. Mr Adams.

MR ADAMS

I too have some concerns at the way it is structured at the minute Mr Deputy Speaker and I think there pretty much along the same lines of Brian, there's two main points and one of them, without parroting the issue is 54c, I mean I think I have alluded to you in previous in the formal sitting that in recent times the Assembly had at least one, perhaps more applications from Norfolk Islanders to be given a piece of land, particularly crown lease to reside on, and I don't see it dissimilar here from the point of view that the Assembly will be creating a mechanism where by people no from the Island will be able to come here and reside on land that is certainly prime, regarded as a prime piece of land by certainly our standards and indeed by many others and not with standing the fact Mr Deputy Speaker that the administrative arrangements would of course be different from the local application that we had some time ago and this one, I think is an equity situation there for us one hand we reject an application from some local people to have the use of land and go out on the other hand and seem to be recruiting from some where else as it were or providing a mechanism for people from some where else to live on a prime piece of land that is not locally available and I know the two are not exactly the same Mr Deputy Speaker but I do have a difficulty in there, I think how ever my greatest difficulty is with the second part. We're really looking at a situation, unless I've misunderstood it Mr Deputy Speaker, where people and I guess I we're looking at Brian's stamp on their head and the used by date over son you're out of here but towards the end of that time when Brian's stamps are coming into currency, people who because of their declining health and i mean, some body on the ground whether it be a group or individuals have got to make a horrible decision that Mr & Mrs Bloggs, sorry due to your decline in health and your ability of getting around and general inability to conduct a healthy life style well you've got to go, Brian's refused to grant any extension on that stamp and your out of here, I've got real difficulty with that and I think there probably be a Human Rights Issue in there for us and it's not necessarily some thing we want to get over but it's something we need to address properly and I don't see how you could equitably address that one and continue the concept in the way it's put forward, I will say however though, some of Rons concept that is I'll leave vit inside the commercial aspect as I said but the concept of a better facility for aged people and I'm speaking from a perspective of the ones on shore is certainly something that I thinks under done in our arrangement and I realise it is simply not a matter somebody knocking up a report and that's going to be undertaken and sent through for finality but it's something we need to start taking on board and census after census has told us that our population is aging and doing it at probably a considerable rate if you view it over time and a percentage basis and I would perhaps look to Rons Motion whether successful or unsuccessful perhaps certainly has some elements of the system beginning to realise and I mean the administrative system of the Government system what ever the magic sot identification of it is, is for that to focus on and recognise the need in these areas and it is certainly a need that will be increasing over time, I believe those concepts are there, and Ron's alluded to them but I have difficulty in supporting the motion as put forward and based on those two points One. 54c and two. The difficulty in saying to somebody you declined your used by date starting to fade, see you later. Thank you

DEPUTY SPEAKER

Thank you. Further debate. Mr Robinson

MR ION-ROBINSON

Thank you Mr Deputy Speaker I think it's basically all been said and all I could do is sound like an echo so I won't say any further.

DEPUTY SPEAKER

Thank you. Mr Chief Minister.

CHIEF MINISTER

Thank you Mr Deputy Speaker, I suppose I'm much like Ric except that I would like to say that what ever happens with the motion that I think Ron should be commanded for at least attempting something like this, because sometimes some the problems that have been dealt with around the table here could be very real or sometimes you could overcome those problems and I'm talking of the legislation required to do some thing like this, that is a possibility. I made it know to Ron that I have trouble with portion 54c at Middlegate with such a proposal, but what ever happens I think that it needs to be said that often when we talk about financing things and budgets and things we should be looking for concepts that will do something for the community as well as bring in some extra funding and I think that is where Ron was coming from with this and that needs to be said that that's whether it succeeds or not that's one area that's been tried. I like the others Mr Deputy Speaker have a problem with the motion as it stands and wouldn't support it in this form for various reasons but the main one is around the use of the land at Middlegate.

DEPUTY SPEAKER

Thank you. Mr Gardner.

MR GARDNER

Thank you Mr Deputy Speaker. I guess, I don't wish to echo a lot of the thoughts that have already been said around the table, however just a couple of points. Section 54c is a fairly sensitive piece of land on the Island and people have I guess settled on it as being an emergency backup for as Gary said, people from Pitcairn and as Chinny referred to in the past maybe for young people on the Island that a seeking a grant of land, and I think when we are referring to 54c we have to keep those things in mind. As far as being the Minister of Health would probably also be an ideal site for a new hospital however that's subject to advice that I guess as we develop that proposal will be received in regard to the final siting of the hospital the current site that it is on may well be large enough to cater for a new hospital development. I think Chinny was the one who alluded to the resources that had been sunk into this to date. Again from my Ministerial side I would dearly love the resources that have been sunk into this to be sunk into a proposal to provide aged care facilities and units, whether it part of our new hospital, which I think is probably the ideal situation, or not, for those resources to be sunk into developing those proposals, before we're worrying about somebody from Australia or New Zealand coming in and taking advantage of a unique situation. Also tied up with that, and I know that most members around the table have bought up those problems, I guess the human rights and equal opportunity issues that are thrown up when we're talking about and discussing amendments to different bits of legislation, whether it be immigration legislation, whether it be social services legislation, it's very difficult, and I'm certainly not one, even though I have a farming background, to see people being farmed the same way that animals are farmed and to me this is what this idea and concept are all about. It's different, I guess people could argue that that's all we do with our tourists that come here and visit here. It's slightly different, the tourists choose to come here for a break, get away from it all, do a bit of shopping and they can go back home. They can go back home to the security of their own home and their jobs and their other bits and pieces. It's different when you get to the elderly and they have sunk absolutely everything they have got into a future on Norfolk Island. That too brings with it difficulties, difficulties of those people obtaining the right level of health insurance cover, especially at the age that we're talking about. There may be people that are only too willing to come here and live on Norfolk Island and be part of this facility, this idea but because of their age and the fact that they don't have private medical cover now, the difficulties that they are going to face in getting that private medical cover, to come here, and not every private medical insurer in Australia, does their cover extend to Norfolk Island, so that really throws up difficulties and it really starts to make the pool of people that you can attract to a scheme like this a lot less than it possibly otherwise would be with a similar proposal in Australia and New Zealand. And I guess I have to echo George's sentiments, and I think Gary the same, that I know Ron has put a hell of a lot of work into this, and he needs to be commended for it. It's not often I guess that you see somebody pour hundreds and hundreds of hours into a project that they really have a strong feeling about, only for five, I think that's

the number it takes these days, five, enough to topple this thing over, and by the sounds of it the arguments and bits and pieces that have come up around the table, that appears the way that this is going. From that point of view it's regrettable however I return to one of my initial points, I think that it is vitally important for all of us and the arguments have come up to day, whether it's to do with the Healthcare Levy and the blow out in HMA and the budget, and supplementary appropriation, that we really do need to target exactly what the Island is going to do for its own benefit, as far as looking after our own local aged care people and that the resources should be pumped in that direction, first and foremost, and at a later date maybe something like this may re-emerge. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Further contributions. Mr Nobbs.

MR NOBBS

I'll just sum up gentleman, you don't have to praise me to stab me, but I'd just like to say, the first thing is the immigration side of it, is this that you talk about stamping people on the heads. You bring them here for thirty days, rip all the dollars off them and then tell them to head for the hills otherwise you've got to put your hand out and get a permit. I mean let's be real on this. There are immigration problems on this Island which to me are fairly horrendous and I'll continue to bring it up again. What we have, what's been suggested by this proposal is a clear and concise arrangement where people enter into a contract, and they know precisely what they've got to do or do not have to do. I'd just like to mention, that mention was made by John I think of a letter from the church, and I appreciate the thoughts of Bob Wynham on this and I understand his feelings on it but unfortunately he said in his statement that I know nothing of what advice for the proposal may have been provided by a consultant or consultants of any details of planning that may have been done, and what research may have done to test the feasibility of such an undertaking to the Island, so Bob was actually dealing from a social side of things and the problems are there, there is no worries about that. We appreciate that and that's been discussed at length. As far as the local people are concerned, there are different levels, this is the concept of this. Obviously it's going to cost bread, I mean it's going to cost money, I mean there's no two ways about that, that it will cost money, but the benefit to that will then flow to the local older people and while you gentleman and I don't want to be critical, are very concerned about these older people who'd only be 55, I mean they're younger than me, coming over here and spending their times and I think it'd probably be some of the better times of their lives, what are you doing about the other old people around town, that is the thing. I mean it's fine to be worrying about what's going on with these people, or what you perceive to happen, there are concerns around the Island about the care of old people. The resources were mentioned, the resources that were put into it, I mean we got a lady over as a consultant and I think it may have been six grand or something, six two I think, and she gave us quite a good report, not ninety odd grand, but anyhow that's the way it goes. John spoke of, criticised the project quite a deal but then he turned round and reckoned that there was no money in it and then he said it would be something good for private enterprise. Now I don't know either it's a different project or not because we might have missed the point which I tried to make, I wasn't having a go at anybody in the, when we were talking about the budget for George's new budget, the proposal was that we run things on a more business like basis and these would be one of them. Fifty four C, as I said we're only using part of fifty four C and as a matter of fact I'd probably fill the rest up with, the remainder up with trees so that's fine, so I don't know what the younger people are going to do. There was a comment made that people were selling, the proposal was put that people would be selling everything that that owned and come over here, and have nothing left or something. I find that difficult because in the situation where you've allowed people to come in and in that age group were ready to come in. If they buy a business here they can come in, she's fine so they sink all their bread into the Island, these people wouldn't be sinking all their bread in, they would be sinking what they need to buy their house or buy their facility and that's it. The returns on this are based on advice that we have been provided and I accept, I mean you can get all the advice you like. I mean with the Howard Report, I didn't accept a lot of his advice because I have experience elsewhere. I've tested the advice in this report

and to me it is feasible, so I mean I can't do anything more. Finally gentlemen I'd just like to thank the committee who spent a heap of their own time and money on this particular proposal and I would hope that if I get elected in the next Assembly that it will come up again. Thank you.

DEPUTY SPEAKER Thank you. Honourable members the question before us is that this motion be agreed to. I will put that to the vote

QUESTION PUT

QUESTION AGREED

MR NOBBS

NO

Mr Nobbs do you want the house called on that matter.

MR NOBBS
Deputy Speaker.

No I think it was eight one if you were voting against me, Mr

DEPUTY SPEAKER
Honourable Members. Mr Bates.

The motion is defeated Mr Nobbs. Fixing of the next sitting day

FIXING OF THE NEXT SITTING DAY

MR BATES Mr Deputy Speaker I move that the house at its rising adjourn until Wednesday the 17th February at 10.00 a.m..

DEPUTY SPEAKER Thank you Mr Bates. Any debate. Then I put the question

QUESTION PUT

QUESTION AGREED

The ayes have it. Thank you, that next sitting date is so determined.

ADJOURNMENT

MR NOBBS Mr Deputy Speaker I move that the house do now adjourn.

DEPUTY SPEAKER Thank you Mr Nobbs. Any adjournment debate. Mr Robinson.

MR ION ROBINSON Thank you Mr Deputy Speaker. Between 1914 and 1979 the dependent territory of Norfolk Island was governed autocratically by the Commonwealth of Australia. Though the people of Norfolk Island paid for their own public works, they had no say what so ever in how they were governed. The Norfolk Island Council was impotent. The Administrator and the relevant department in Canberra did as they pleased. In 1926 a royal commission reported on Norfolk Island affairs and stated that the Cascade Cliff was extremely dangerous. It recommended that the cliff be attended to immediately, as falling rock might damage some of the equipment on the pier. It did not mention danger to life and limb of those working the equipment, however the Commonwealth did absolutely nothing about the Cascade Cliff, then or later. In 1946 the Commonwealth of Australia signed a United Nations charter under Article 73 of that charter, the Commonwealth was obliged to declare its non-self governing territories of which Norfolk was one. The Commonwealth did not do so, instead it claimed that Norfolk Island was a part of metropolitan Australia, yet to the International Labour Organisation, the Commonwealth has stated over thirty-four times that Norfolk Island is not a part of metropolitan Australia. Which statement is right? The ILO one. Having no place in the Australian Federal Parliamentary process, Norfolk Island cannot be a part of metropolitan Australia. It was and still

is a dependent territory under the authority of the Commonwealth, which is why it is listed in Halburys Law of Australia, as a dependent territory. In 1969 the Commonwealth decided that Norfolk Island urgently needed a new hospital, although plans were drawn up and tenders called nothing ever came of the new hospital. This is at a time when we were still under total autocratic control from Canberra. Despite signing the International Covenant on economic, social and cultural rights in 1972, the Commonwealth government contravened that covenant in 1978, when it announced that although Norfolk Island was to be given a limited form of self government, its people would not be given a referendum to decide what form of self government would take. The Commonwealth proceeded with indecent haste to pass the Norfolk Island Act 1979, just before it ratified the International Covenant on civil and political rights in 1980. Article 1 of both covenants states that all peoples have the right to self determination. The people of Norfolk Island were not offered their right to self determination. It's interesting to see that the Federal Government policy is now that the people of East Timor should have that right to self determination. Things have not improved much under our so called self government. The 1979 Act details some powers as Schedule 2, which means they are under our control and are not supposed to be interfered with. The promise was that we would eventually receive all powers except, Defense, Foreign Affairs and perhaps Coinage. The Commonwealth was very quick to hand over Health to Schedule 2, no doubt in a hope that health would send fledgling Norfolk Island Government broke, at which time the Commonwealth would say that we could not govern ourselves and would reduce us to a municipal government, as they did with the Christmas Island Government in 1987. The Commonwealth did however retain the right of veto over education, this is in spite of the fact that the people of Norfolk Island pay for education in its entirety. That's a contravention of our rights. What you pay for, you should control. And of course the Cascade Cliff is still with us. In 1998 the Commonwealth offered the Norfolk Island Government a loan of three million dollars. This was not simply handed over to us, to get on with the job. The financing is scrupulously supervised by a committee consisting of the Administrator, the Minister in whose portfolio the cliff rests and a local chartered accountant. To date the Norfolk Island Government has out-laid over a hundred thousand dollars for which it has not been reimbursed from the loan money. The Canberra accountants found a discrepancy of fifty cents due to our accountants rounding off a ragged sum. In other words the Commonwealth will get the interest on its money from however much longer while we carry the burden. To make matters worse I understand that the Commonwealth will now have to pass another supply bill, as they only had 2.8 million dollars set aside for a project which would have cost mere thousands of pounds in 1926. The Norfolk Island Fisheries Consultative Committee has now been going for five years. To date all that it has come up with is the Exclusive Norfolk Island Box, inside which only the people of Norfolk Island will be permitted to fish, but if we do fish inside our box and sell the catch we do so illegally, while at the same time the Commonwealth gave our neighboring Pacific Island nations a total of 22 Pacific Patrol boats at a cost of over one hundred and fifty-five million dollars. Simultaneously telling us that we do not have the facilities to police our own waters. There are those in our community and elsewhere, who say that we are already too under resourced to handle any more powers, however a good percentage of our money, from our own resources is spent dealing with Commonwealth interference, committees, enquiries and the like. Here's a list of some of those costly exercises. Legal Regimes enquiry; Freight enquiry; Australia's Oceans policy; Extension of Australia's Crimes at Sea Act; Extension of Australia's Bio-Diversity Conservation Act; consultations about the Norfolk Island Firearms Act; World Heritage Listing; applications to fish in our own Exclusive Economic Zone; the Norfolk Island Fisheries Consultative Committee; the KAHVA viewshed area; the Australian National Environment Protection Council Act; the Human Rights and Equal Opportunity Commissioners enquiry into our Immigration Laws. Everyone of these and others cost the people of Norfolk precious money they could better use elsewhere. These are not initiated by us, but they help to drain our finances as does not delivered because of a fifty cent discrepancy. I'd be willing to give the Commonwealth the fifty cents out of my own pocket if it speeded things up. Having said that I remain optimistic that we can work out a way to

DEPUTY SPEAKER

Thank you. Mr Robertson.

MR ROBERTSON

Thank you Mr Deputy Speaker. I had a word down here, Karen, you beat me to it. Having served in this Assembly now for this period of time, Karen has been the Secretary that's been at my beck and call during that period. Initially we had Secretary to Government within our block, on her departure Karen has ably assisted my needs and wishes in an excellent manner. I just wish her every success in her future arrangements, and whilst we've had a chat as to why and so forth, it's for personal reasons and betterment of her own self and that's fine. I just feel a little bit down hearted, I suppose in as much as I'm going to be losing a good secretary, but I wish her well. Thank you.

DEPUTY SPEAKER

Further contributions. Chief Minister.

MR SMITH

Thank you Mr Deputy Speaker. I'd like to take a bit of time, even though it's at this late stage of the meeting, to try and deal with the matter that has been around for a little while. It relates to a member, Mr Brown. I think this is the only way I can deal with it, in the adjournment area. In November, the 19th of November I think it was, there was a change in the portfolios in the ministry. I'm not going to get into a debate about that but the following day Mr Brown contacted me, which he has done on many occasions since then, we've had some interesting discussions but he asked me if I would investigate things that were said in the meeting. At the same time Mr Brown sent me a piece of paper, on the 20th I think it was, referring to some visitors permits, in relation to people which I don't intend to talk about, and asked me if I would do an investigation into what I assumed then was this matter with the permits. I did that and I have some things that have come back from the Administration, that gives a history leading up to this last particular paper. Following on from that in another one of our discussions John, MrBrown asked me for an apology for what was done or said in the meeting. I said well I don't see why I should but however I said I am following up this investigation. I received those papers and since that time John and I have often talked about what's happening with it, particularly the apology from myself, that I should apologise for supporting the motion that Mr Brown was removed on, all though I did say each time we talked that my reasons for supporting that motion were different to the original proposal and we've talked about that. John has asked me to do something about this withdrawal of things that have been said, or an apology anyway, otherwise he proposes to do other things. I don't know quite where one deals with some things like this except I think the only thing that I can say is that I can table the information that was given to me, or I can give that information to just the members if that's Mr Brown's wish, in relation to the memo about certain visitors permits. I have to say that I won't be apologising Mr Brown, and I have to say it in this forum because I think it's important to you that I say either that or the other because I don't see any need to. If it was something that was dealt with in the House. Things are said in the House under privilege. I've done the investigation on what information you'd actually given me yourself, and from there I don't know where it goes. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Any further participation. Mr Brown.

MR BROWN

Mr Deputy Speaker, I don't propose to comment on that at this stage. I propose to look at the paperwork that the Chief Minister proposes to circulate but because that paperwork contains reference to particular people other than myself it would not be appropriate that it be tabled in the house. I think it would be more appropriate that it be circulated to Members.

DEPUTY SPEAKER

Further participation in the adjournment debate. Mr Adams.

MR ADAMS

Thank you Mr Deputy Speaker. Mr Deputy Speaker, I'd said previously there was a couple of points I wish to comment on and one of , the second one I wish to comment on is probably an addition to some of the points that Ric mentioned at the commencement of this adjournment debate. I think some of things Ric's outlined in there, clearly states that certainly from Norfolk Islands point of view and self government platform, there's a lot of work that needs to be done and I mean we've been on the path about 19 years, give or take now, it doesn't seem to be progressing particularly quickly. It seems to me that we get the expensive and unpleasant items which I'm not necessarily complaining about that because that's any sort of governments lot be it municipal or federal or state or even local council, but equally there are things in there that are important, that are important to the people and it seems quite unusual to me, to a degree unethical that some of the more significant things that we view as important, the fed's remain in the background, pulling the strings and hanging on to the strings. The way I see it, Mr Deputy Speaker it's clearly a matter of, I think it's time for them in a lot of areas, to come out of the closet and clearly state their position in relation to a range of matters. Bringing that sort of subject or aspect of that subject back to local matters, Mr Deputy Speaker, I seem to recall George that in the recent past, was it the middle of last year some time, you'd indicated some period of before or during or immediately after, the IGM meeting with Ex Minister Somylyay, that there would be an amount of work that would be commenced on the self government matters and indeed individual or some individuals had been appointed with respect to fast tracking or indeed putting some needed focus on some of those matters, and well we've got some real classics here that are just simply looking after themselves and from a backbenchers point of view, some of those are extremely annoying, and I look no further than Ron's seabed thing. Ron moved that motion some time ago and some of the words were to the effect from, correct me if my memory doesn't serve me particularly well but they made reference to three mile limit, they made reference to a number of other things and it seems disappointing to me George that given that period of time and given a lot of things that Ric has said and given the outline of progress of self government generally, that important matters like that are simply left to look after themselves basically. I mean in Ron's case, he put a fair bit of work, moved the motion, duly agreed, yep, fine, what happened, nothing. There's a range of other matters. I've been harping on for quite some time now about the merits of Norfolk being involved with the Australian delegation to attend the South Pacific Commission. I think it may have changed its name, I'm not quite sure at the minute. I see a fair bit of merit in that and I find it particularly disappointing that that is not followed up, it's not progressed. We seem to, as a government, we seem to be progressing too much with the blinkers on, we seem to focus on the day to day, the spot fires and I think as Brian mentioned before the crises management syndrome. I think basically if we continue to do that, we won't be furthering self government, we certainly won't be encouraging the Commonwealth to really define its position into a range of matters and we certainly won't be for ourselves thinking long term and looking long term and we can all them strategic or long term things but never the less what we need to be ensuring is that this communities sustainability into the future and I wonder whether perhaps some of the Ministers could comment because I mean, at meetings too often we're in the frame of mind of just knock it on the head and lets bolt, but I think and particularly I believe you would agree with me on this George, that the budget, both the Supplementary Appropriation Bill and the previous one and probably next years budget, reflects the fact that in case of sustainability, one of the key things that we need to be focusing on is our financial sustainability and there's many items looking down the track that may have merit for us that also have some connection with constitutional matters that we are simply not giving the correct focus to. We are concentrating too much on too much on day to day spot fires and I'd be keen perhaps now if any of the Ministers would be able to perhaps give their view and input and how they see it, and how they see this matter progressing and in particular George I'd be keen if you could enunciate for the members and the listening community, at this time, on the progress thus far on the self government matters that we had intended or the government had intended to progress after the last inter-government meeting. Thank you.

DEPUTY SPEAKER

Thank you. Further debate. Chief Minister.

MR SMITH

Thank you Mr Deputy Speaker. I will get involved in that part of the debate, in relation to the matters that Robert has raised. If we remember back to Minister Somlyay when he had his visit over here, at which we put a lot of points to him. Some points were agreed, some points were open for discussion after the meeting. At that time we put somebody in the Public Service that would dedicate their time to following up the matters, we intended to meet with Minister again, I can't remember how long after, it wasn't very long maybe a matter of six weeks, two months. That wasn't achievable with the Minister, but in the meantime other work on the subjects that Robert has bought up did continue and there is papers around on those issues. It depends on how you want to define things, like the South Pacific Commission among other things, all falls into the inter-governmental discussions, under the self government thing. As Chinny rightly says, sometimes you spend putting out fires around you but let's not get confused by what the Ministers actually do, do. The Ministry as you know these days Robert, and other members know is very very busy. Not only with your day to day stuff which you must deal with, but certainly you do run around putting out fires and things like that but besides that it's keeping the big picture in focus. I mentioned today, one of the things where we lose focus on, and Robert I know you're one who supports this idea because when you were Minister we talked about it often, about the big picture and having a long term plan and I think as you put it at the time, a point down the road where you can focus on, but too often we do it to ourselves as a membership. We drag the whole thing down to below that level and you can easily lose that focus, which I think has probably happened with the long term planning type things, too often you're dealing with a whole lot of issues, even when you do get focused on a particular track other things come out from other members and other Ministers, and particularly in the Ministry, we all have to deal with that all the time. If we only had to do our own particular job it would probably be fairly simple, but that's not the way it works and I think most members would understand that's not how it goes, but that's not getting away from the fact that the self government stuff that we had been talking about we also raised again recently when Ric and I met with the Federal Minister in Canberra. The progression of self government, I never want that to become a cliché because it's really, really important. We've also been given the opportunity this week to meet up with the Prime Minister, which is very generous of him to do that in his holiday. Once again we can talk about such issues but there are some things that members have as projects that they focus on and I know that SPC is one Chinny that you often bought up. There's plenty of advice about the SPC, and how Norfolk should be making use of that in the Administration records. It's all right to talk about it but has anybody wanted to go or has there been any push to be involved in the SPC over the last few years, well I don't think there has, from what I understand, I may be wrong about that, but that's something that as a member yourself Robert if you think that we're not moving quickly enough that is something you can bring up anytime with me, give us a shove if you think it's off the track. I'll be perfectly honest, I certainly haven't thought about it at all since we've been doing this budget process in the last two or three weeks but the other Ministers may want to comment about some of the things you've said as well. I take your point but I also need to say that things do happen in the areas that you sometimes think they're not and sometimes I may not mention them which may not help you either in that area.

DEPUTY SPEAKER

Thank you. Further debate. Mr Robertson.

MR ROBERTSON

Thank you Mr Deputy Speaker. Norfolk Island does have the capacity and ability to attend as an observer status in some of these areas. As far as the South Pacific Commission is concerned, we do actually through the Bureau, send the Manager of the Bureau across into the tourism side of that once a year, in fact there's a scheduled visit at the end of February I think, over in Rarotonga of which it's our intention to send our Manageress over to partake in that so that we keep well abreast of what is going on with that area, but that's only part of it. Last year Kirchener went

across and it was in Fiji, and kept abreast of what was happening at that time. Now these seminars are not the be all and end all, this is just the tourism side of it but we keeping abreast of that, as far as any other issues are concerned my contention is for all times is that the fact that we have an inter-governmental meeting and we may discuss issues or whatever at that time, we don't seem to be getting very far just by waiting until there's another inter-governmental meeting before we progress any matters, and I have taken the view that if there's something that has got to happen and it's got to happen with a Minister in Canberra, no matter what it is then that's where you go and you go there and then and you don't wait round hoping that maybe we might have an inter-governmental at some stage down the track and we'll discuss it then, and nothing ever happens on it. I've been working on that principle over the last twelve months I guess and will continue to do so.

DEPUTY SPEAKER Further contributions to the adjournment debate. There being no further contributions Honourable Members I put the question that the House do now adjourn.

QUESTION PUT

QUESTION AGREED

The ayes have it, therefore this stands adjourned until Wednesday the 17th February 1999 at 10 o'clock in the morning.