

MR PRESIDENT: Thank you. Honourable Members we commence with the Prayer of the Legislative Assembly

Prayer

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

Honourable Members, please feel free to take your coats off if it feels more comfortable in that mode

Leave

MR PRESIDENT: Mr Bennett has sought leave from this meeting Members, is leave granted?

MR SANDERS: Mr President I believe that if a New Zealand citizen has the right to tell Australian citizens how they should live he should at least be on the Territory that is under the control of Australia

MR PRESIDENT: Honourable Members I will put leave to the vote

QUESTION PUT
AGREED

MR SANDERS NO

I interpret that that Mr Sanders is against but the majority is in favour. Leave is granted

Condolences

MR PRESIDENT: Thank you. Honourable Members I ask if there are any Condolences this morning?

MR CHRISTIAN: Mr President it is with regret that this House records the deaths of Naomi Augustus Christian, Herbert Metcalfe King Nobbs, Phyllis Ray Quantrill and Clive Semple.

Naomi Christian passed away at the Norfolk Island Hospital on 16 November. Affectionately known as Doodsie, she was born on Norfolk Island, completed her schooling here and later married Ben Christian. They had two daughters and a son, the late Josie Buffett and Anthony and the surviving daughter Joy Cochrane. Doodsie and Ben were a well loved and respected couple, both tennis players and keen golfers. Doodsie was a foundation member of the Girl Guide movement, worked for Marie's Tours for some 16 years and was a very popular person with the visitors. She loved her home and garden which were always a delight to visitors. Doodsie will be sadly missed by this community. To Joy and her family, to Jeanette, Alan, Neil, Ian and his family, to all other relatives and friends this House extends its deepest sympathy.

Herbert Metcalfe King Nobbs passed away on 20 November. Born on Norfolk Island in 1913 Herbie completed his schooling and worked with his brothers in his father's sawmill at Longridge. In 1936 he married Delores Buffett and they had three daughters, Eileen, June and Cynthia, all living on the Island with their families. At the outbreak of World War II Herbie travelled to Sydney at his own expense to enlist in the Machine Gun Battalion. Instead, he with the other Islanders, were posted to Queensland's Canungra Jungle Training Camp as Instructors. After 12 months however they resigned their rank in order to be assigned to active service. Herbert joined the 2/2 Field Company, Royal Australian Engineers and was engaged in Action in New Guinea. After the war he returned to Norfolk where he farmed and worked at the whaling station. He married Dorothy Henriksen who died of tuberculosis in 1952. In 1955 Herbie married Dawn Adams and they had six children, Brancker, Sybil, Billy, Walter, David and Lorraine. David died in a motorbike accident in 1981 but the others live here with their families. Herbie worked for many years in the Administration. He was a keen sportsman, a lovely ballroom dancer and had a fine voice. Herbie was an active member of the

RSL, serving as President and as Treasurer for 20 years. In 1987 he was awarded a Citation by Sir Colin Hines and made a Life Member. Herbie was always interested in history. He was a direct descendant of both George Hunn Nobbs and Philip Gidley King and was justifiably proud of his forebears. In January 1988 he had great pleasure in witnessing the re-enactment of the First Fleet landing and attending a reunion of over 2,000 King descendants. Neither age nor illness could rob Herbie of his strength of character, his dignity or his faith. To his wife Dawn, to his children and their families, to his other relatives and friends this House extends its deepest sympathy.

Clive Hollingworth Semple, a long time resident of Norfolk Island passed away at Westmead Hospital on 22 November. Born in Sydney Clive had a hard childhood, being one of nine children in the depression. He left school and in 1942 joined the Air Force serving in New Guinea. After the war he was employed for many years by the Sydney Water Board until he took up an offer by his brother Eric, to come to Norfolk and work at the Paradise Hotel. In 1965 with his wife Norma and their two children, Kerry and Gregory. They returned to Sydney in 1968 due to Norma's ill health requiring specialist treatment. She died some twelve months later. During their time here Clive developed a great love for the community and longed to return which he did some years later when he married Phyllis and they came for nine years. During this time he was very active in the RSL, however, they missed their families on the mainland and returned. To Clive's two brothers Eric and Ted and their wives and families this House extends its deepest sympathy.

Phyllis Ray Quantrill, who has been living here since 1984, passed away in New Zealand on 24 November during surgery. Phyll had already undergone two heart bi-pass operations and was a diabetic. Born in South Wales in 1925 she had a happy childhood in a family full of love and music. She sang in many eisteddfods and had a beautiful singing voice. Phyll studied nursing and at 22 married Kenneth Lunn. In 1957 they moved to Canada with their two children, Alison Ryves and Gareth who lives in Canada. That marriage ended and she later married Michael Qantrill and they had Sian. In her forties Phyll returned to University to study early childhood education and graduated top of the class. She then taught for many years full time in nursery school and kindergarten. In 1978 she and Mike decided to travel the world and with Mike working as a contract engineer they lived in England, Scotland, Belgium and Sweden. In 1984 they came to live on Norfolk. Mike had been studying pottery and they wanted to be close to the grandchildren so they joined with Alison and Steve in their business Cottage Pottery. Phyll was very involved in the community, in Red Cross, Country Womens Association, a guide at Government House and a member of NATS. She also helped out at the school on occasions. To Mike, Alison and Steve and their family, to Sian and Andre, and to her other relatives and friends this House extends its deepest sympathy. Thank you Mr President

MR PRESIDENT: Mr Christian thank you. Honourable Members as a mark of respect to the memory of the deceased I would ask that Members stand for a period in silence please. Thank you Honourable Members

Presentation of Petitions

We move to Petitions. Are there any Petitions?

Giving of Notices

Notices? Are there any Notices?

Questions Without Notice

Are there any Questions without notice?

MR SANDERS: Thank you Mr President, I have a question, or a number of questions actually but I direct the first one to Mr King as Minister for Tourism. Do you propose to continue your public attack on the Accommodation Proprietors of Norfolk Island and do you expect them to accept your figures and business methods until such time as their business fails as yours did or do you intend to give them such support as you are able bearing in mind that it was your ambition to be Minister for Tourism?

MR KING: I almost feel like breaking into song Mr President, I've heard that song before. I can't quite understand the reason for Mr Sanders question Mr President since I'm doing precisely what Mr Sanders asked me to do. During Mr Sanders brief period as Minister for Tourism he tabled in this House a list of Tourism Policies which were ultimately adopted by this House and those Policies include for example, "to recognise that tourism is the basis of the Island's economy", "to ensure that the commercial benefits of tourism are equally shared" and "to monitor constantly the tourist industry so that the appropriate level of public funding for promotion may be decided" and that's precisely what I'm doing Mr President. I see that I am doing no more than what this House has asked me to do, by following the Policies that Mr Sanders himself introduced to this House, I guess the basic difference between myself and Mr Sanders is that I mean what I say

MR SANDERS: Point of Order there Mr President. That's an imputation that a Member of this House, namely me, is telling an untruth. Mr King seems to forget that

MR PRESIDENT: ... and on that basis Mr King you might withdraw that last sentence that you made mention of

MR SANDERS: Mr President if I may the elected

MR KING: Point of Order Mr President

MR PRESIDENT: Order Mr Sanders. Mr King

MR KING: Thank you Mr President. I will do so

MR SANDERS: Thank you. This is also addressed to Mr King. Are you proposing to move amendments to the Public Service Ordinance that allows all public servants to enjoy the same privileges as the roads gang, clock on at 6.00 am but start work at 6.30 am, an additional half hour less work per day would probably be appreciated by all public servants

MR KING: Well Mr President it is of course Christmas time and if Mr Brown as the executive member responsible for public service areas wish to extend those Christmas bonuses to the public service then he's perfectly at liberty to bring that sort of thing to the House, it's nothing to do with me

MR SANDERS: A further question to the Minister for Works Mr President. Yes I have a further one for Mr King and the question is do you personally take the responsibility of the blatant waste of approximately \$100,000 of public moneys on the road reconstruction at the bottom of Mission Road or do you agree that the blame should be shared with the so called Engineer and do you agree that roads reconstruction should last longer than six weeks?

MR KING: Let me say at the outset Mr President that I do accept responsibility for any failure of the recent reconstructed section of Mission Road that may occur. I'm not suggesting there and I'm not agreeing of course that there is any failure. There are signs of horizontal cracking in the particular section of road, some 1200 metres. What has happened in that area is that a new method of reconstruction has been used and that is a pavement recycling method where the original pavement is in fact rotary hoed, broken up to a particular specification and consolidated as a base before a seal is put on it. The first seal has been applied to that section of Mission Road, the second seal will not be applied for I think some several weeks yet, during which time we will be constantly monitoring the outcome or the impact of the new techniques that we have used but let me say Mr President that what has happened up in that area may well be of interest to most members and I think probably Mr Sanders as well, in that the new method or the new techniques being used in Mission Road have resulted in some 60% saving on the former reconstruction methods and that amounts to a saving of somewhere in the order of about \$70,000 to \$75,000 per kilometre reconstruction. Now currently I've spent, not as Mr Sanders suggested in the order of \$100,000 odd, but somewhere in the order of about \$45,000, I'm sorry, about \$57,000 for that particular section of road. Now if in future years as we refine the technique that we have used for the first time on Mission Road are able to continually achieve those particular

savings I would suggest that the exercise in Mission Road has been well worthwhile. If I'm able to do five kilometres of reconstruction per year and save in the order of \$300,000 to \$350,000 I would suggest that's worthwhile. The money that we have spent on the exercise, on the test section of road up at Mission Road, results in some areas of failure, then we have learnt by those mistakes Mr President. I'm quite happy with what has been done up there, I'm quite happy with the performance of the particular roads gang where incidentally there has been a reduction of about 55% labour costs in using the new techniques so all those figures suggest that it's been a particularly worthwhile exercise, thank you

MR SANDERS: Supplementary question if I may Mr President and the question is, are you aware that if we have a heavy rain starting from right now that the road will probably have to be totally redone?

MR KING: I doubt that that's Mr Sanders opinion. If it is I don't consider that he's qualified to express that opinion. I certainly don't have that opinion Mr President

MR SANDERS: Mr President I would like to clarify, I think my qualifications are as good as anybody else's whose been working on it

MR ROBINSON: Thank you. My first question is addressed to Mr Brown. What's the situation with the hospital debtors at the moment?

MR BROWN: Thank you Mr President. The position with the hospital debtors is still far from satisfactory. At the time of our last meeting I think I mentioned to members that the size of the debtors list had reduced to something in the range of four and a half pages. In the course of the last month it has grown back to nearly six pages. A number of summonses have been issued, a number of judgements have been signed but far too many of the members of the public Mr President have not at this stage taken seriously their responsibility to pay their accounts at the Hospital and I daresay the problem exists in other parts of the Administration also. I have this morning issued instructions to the Hospital that they should telephone every person on the Island who has owed money to the Hospital for more than thirty days and to request payment in full if at all possible this week. I have asked then, that next week in the case of each person who has owed money for more than thirty days and who has not paid the bill and has not made an arrangement with the Hospital to pay the bill by instalments, anyone who doesn't fit into that category will next week receive a summons. It simply is essential Mr President that the Hospital collect the moneys owing to it otherwise the extent of the subsidy that the Assembly will have to provide in order to run the Hospital will simply be far too high, thank you

MR ROBINSON: You mentioned other debted areas with the Administration. Has the situation with the school fees been sorted out yet

MR BROWN: Mr President Members will recall that for the current calendar year accounts were sent out in respect of third term and in respect of fourth term and those accounts were for \$2,000 per student per term so that total billings per student for the calendar year would amount to \$4,000. In respect of the billings for third term an amount of \$8,000 is still outstanding and I propose to issue instructions this week that action be taken to collect those moneys. At this stage save for situations where the parents have made arrangements with the Administration for payment over time. Members will recall that when the bills were originally sent out it was stressed that if they were going to cause hardship to any family the Administration had been instructed to be sympathetic to any request for a time payment arrangement. The accounts for fourth term have also been sent out at this stage, they have only been sent out in the course of the current week and so it could not be expected that any of those would have been paid as yet, but if years 11 and 12 are to work it is essential that the fees which are levied be paid and Members can be assured that just as action is about to be taken to collect the outstanding fees in respect of third term, at an appropriate time similar action will be taken in relation to fourth term

MR BATES: Mr President my first question is to Mr Christian who has responsibility for stock and in last week's gazette you invited applications for rights of pasturage for 1993 and 94. Whilst it

is acknowledged that you spoke about your intentions to reduce stock on the roads and commons at the August Sitting of the House in view of the fact that (a) all stock owners may not have heard your Statement last August and (b) this notice is the first time stockowners have been officially notified in the Gazette of your intention to cut stock numbers by 25% across the board and (c) that you have until March next year to make the decisions on this matter would you be prepared to delay your final decision on the allocation of pasturage rights until after the next Sitting of this House thereby allowing stock owners adequate time to make representations on the matter to you as Minister and to Members of this Assembly

MR CHRISTIAN: Mr President I am aware of the Statements which Mr Bates has just made. I am aware of the short notice of the Gazette I just put in the Paper. I put it in this early and in the way that I did knowing full well that the number of stock on the Island had to be cut because of the degradation which is happening all over the Island. I put that notice in purposely early to let stock owners know what was happening and to give them a chance to cut down. I will not withdraw that notice Mr President but I will receive submissions from people if they think they should be changed or something else should happen but I am still of the firm opinion that this is all that we can do

MR BATES: A question for Mr Brown with his responsibilities for the Kingston and Arthurs Vale Historical Area and the question is who made the decision to cut a new vehicle access to Emily Bay and what was its purpose?

MR BROWN: The decision was made by the KAVHA Board at its last meeting. There were a few reasons for the decision and one of the significant reasons was safety reasons. Another significant reason was the historical significance of the area where the previous cut in was situate. The previous cut in was situate in an area which had been used as a cemetery in earlier years and there was concern as to the risk of injury being caused by the glass bottom boats being driven down onto the beach and then along past bathers including children to the area towards the centre of the beach where those boats are launched. The intention to make the new cutting was advised in the local press sometime before it was done in order to give an opportunity for comment if anyone felt strongly about it. I'm not aware of any such comment have been made, I certainly received no such comment myself. The cut in has now been installed and I understand that shortly the previous cut in will be closed off and hopefully the public will co-operate with the new system at that stage

MR BATES: Supplementary question Mr President. What tests were carried out in order to ensure that the repairable damage as a result of this work would not be done to one of our most treasured assets during heavy seas and high tides

MR BROWN: Mr President I can only rely there on the advise that was given at the time. The present cut in is being monitored. I understand that it has been made a little deeper than was originally intended and in the event that it is felt necessary some sand will be replaced in order to increase the height of the cut-in but I can't add to that

MR ROBINSON: Thank you my question is addressed to Comrade King. I understand roads, or you have a plan for the fixing of our roads, will you be making that plan public

MR KING: Yes, well I hadn't intended to but I am quite happy to do so. Comrade Robinson, I'm glad that I've at least one convert in this very short time that I've been here. Comrade Robinson will be aware that I have made a programme of road works available to all Members of the House and that programme has been developed after having regard to as assessment of all sealed roads in the Island, the condition of the pavement and they've been allocated into various categories depending upon what works are required to bring them up to scratch, in other words, maintenance or reconstruction. We have recently acquired also a traffic counter and that traffic counter will be used in the future months again to determine the appropriateness of the priorities that I've established but I'm quite happy to make that programme of works available to any member of the public. It's quite extensive but it does

identify the sealed sections of the road and where they may be, or what point in time they may receive some level of works. That depends of course on the continued availability of a reasonable level of funding at each budget time. What remains to be done is to assess the dirt roads on the Island - that hasn't been done as yet but that will be done over the next couple of months and equally those roads will be assessed not only in terms of their condition but also in terms of their traffic volumes and in terms of the hazards that they pose to the various users and it also depends on the developing techniques in road maintenance or road reconstruction as I alluded to in my answer to Mr Sanders question thank you

MR ROBINSON: My last question Mr President is addressed to Mr Ernie Christian. What's happening with the lighterage, I see they're out there working it today

MR CHRISTIAN: Mr President I have a Statement to make regarding lighterage but I'm also looking out the same window as Mr Robinson and very glad to see that the second ship has begun operations but I will make it further known to everybody in the Statement that I make in Statement time

MR SEMPLE: Thank you Mr President. I ask this question of Mr Brown the Minister for Health. Earlier this week I believe you received a letter from St John's detailing costs and requirements for a new ambulance. St John's a voluntary organisation has the bulk of funds required but are seeking Government assistance to make up a shortfall so that a new ambulance can be operational as soon as possible. Can you inform this house as to where matters stand at present, and I might add too that the current ambulance I believe is thirty years old, not twenty as alot of people seem to think. It came here in '72 and was ten years old when it arrived

MR BROWN: Thank you Mr President. I'm not so sure that the current ambulance is thirty years old. I used to drive an ambulance while I was going through university and it's not my recollection that as at when I left in 1968 there were ambulances which had been long in the service in New South Wales of a similar body to the present ambulance but in any event the situation is that I have received a letter from St John Ambulance asking if the Legislative Assembly would be prepared to contribute towards the cost of their requiring a new four wheel drive ambulance. I have read the letter but I've done nothing further with it at this stage. There are alot of matters which do need to be considered. The first one is that there are very many worthwhile projects in any community and some sort of order of priority has to be given to them so the first decision we need to make is whether we really feel that this is a project of significant importance. Frankly, I am not yet convinced that there is a necessity to have a four wheel drive ambulance in Norfolk Island. There are not very many communities anywhere that have a four wheel drive ambulance and if one looks at the number of occasions on which a four wheel drive ambulance could have been used in Norfolk Island one would have to ask the question of whether a helicopter would have been handy on some other occasions as well. One would have to look at a whole host of questions before a sensible answer could be arrived at but in the event that the Assembly does at some stage decide to provide funding towards the cost of such a four wheel drive ambulance it is still going to be necessary to look at the question of whose going to be responsible to maintain it, who will register it, who will own it, who will insure it. There are a number of questions in respect of which I have yet to have discussions with the lady that wrote the letter to me and we will have those discussions in the quite near future Mr President

MR SEMPLE: Thank you Mr President. Again, to Mr Brown I'll direct this question to you as Health Minister but I would be happy if you would like to re-direct it to Mr Christian. The hot water system at the hospital has failed to function efficiently for some considerable time. This system should have worked had the water purifier been operational but because it wasn't the system was prone to constant breakdowns. A new boiler's been purchased I believe. Was this necessary when it would appear that a working water purifier may have solved the problem of breakdowns rather than go to the expense of installing a new system

MR BROWN: Mr President at the time that a decision was

made to install the new system I sought such advise as I could readily obtain and I was convinced that notwithstanding whatever the reason was that caused the previous system to fail a new system was necessary and I was also convinced that that new system had to be obtained extremely quickly. The new system which was ordered and has now been installed is of a similar type to other boilers operating on the Island. Those other boilers have proven to be extremely reliable and equally significantly they have proven to be more economical then the boiler which was installed at the hospital. Ernie Christian had the responsibility for health during the life of the last Assembly and he has assisted me in relation to this boiler. It may be for the sake of a more complete answer that Ernie could assist me somewhat Mr President

MR CHRISTIAN: Mr President just to clarify a little bit more on that sometime ago it became quite obvious that the previous boiler which was approximately five years old and had been causing alot of problems and troubles with breakdowns and things had to be replaced and replaced quickly. I approached the Secretary/Manager who asked me at that stage if I would go out and get quotes from various suppliers and give a recommendation as to what I thought was the best one to be used. I did this and provided all the necessary data to them and I believe this was discussed later by the Board. Because of lack of finance at the time nothing happened and it carried on until we spent recently two days working on the particular boiler because we couldn't get parts and things that was in store because of the breakdown before we could get it operational again. The Secretary/Manager was off the Island. The Board Chairman was off the Island so I approached Mr Brown and gave him the report that in my opinion the existing boiler would within a month need some, again, drastic repairs to it. This proved to be right because we spent another three quarters of a day working on it within that month to keep it going again and to my way of thinking the other boiler which as John says, that type has been present and used in Norfolk Island for some twenty-one odd years giving very very good service and very economical to run in my opinion was the best one to buy. Mr Brown then made the decision and told me to go ahead and purchase that boiler. It is now operating very very satisfactorily, there was a little bit of teething trouble, it was a manufacturers fault in the burner, parts are now available and on the Island for the machine and we should have no problem as in the past with the other boilers of that type, as I said they've operated for twenty-one years on this Island without any problem

MR SEMPLE: Thank you Mr President. Mr Christian, the question of dogs on the beach at Emily and Slaughter Bays is again raised. Despite signs in prominent positions saying no dogs allowed they can still be found there with their owners quite regularly. You might wish to take these on notice and perhaps give an answer at the next meeting. First question, what's the point in having the signs if they're going to be ignored? Secondly, does the Government have the legislation to prosecute constant offenders? Thirdly, if the legislation does exist how many people have been prosecuted and lastly, would you be able to find out or give details of the number of dogs that are registered on the Island compared to an estimate to the total number of dogs on the Island

MR CHRISTIAN: Mr President I can answer some of those off hand the others I'll take on notice and come back at a later date. It is true that there have been notices in the Kingston area prohibiting dogs. These signs at present are no longer up. We are in the process of having them re-erected. Yes the Administration does have the power to prosecute people for having their dogs and things on the beach. We have just gone through an exercise with Mr King and the Administration to arrange for a very very sharp eye to be kept on the area and for dogs that are caught, these dogs will be uplifted and possible destroyed if not claimed. If these dogs are dogs that are claimed and aren't registered then the owner will be fined as well. A Gazettal to that fact will be in this weeks Gazette and that's what will happen yes. To the number of registered dogs I can't give you that off hand I'll take that on notice as to the number of people being prosecuted I'll also come back with that but yes, action is being taken and will be taken rather heavy handedly within the next few weeks

MR SANDERS: Thank you Mr President. Just while we're on Emily Bay, lately there's been a number of complaints about the re-emergence of the jet skis. I was wondering if Mr Christian is perhaps either going to make a Statement on it or in the form of a question what

action is he proposing to take seeing as it's obvious that the discussions of last year and previous years are being ignored

MR CHRISTIAN: Mr President I have received a number of complaints in the last few days in particular as to the incorrect use and dangerous use of these craft in Emily Bay and they are pertaining to particularly one day. I believe there is a reason for two of these craft being operated in that area in the manner which they were and I wish to speak to the owners of the particular craft before I do anything further but my actions would be to prohibit them if these craft are not being used in compliance with the suggestions which were laid down last year

MR SANDERS: Thank you Mr President. Also I have a couple here for Mr Christian if I may. Are you able to advise this House as to what stage the codes for the Environment Act are at especially since the person was employed eight months ago to do a job which we were told was to take six weeks and further to that Mr President have the delays been deliberate to justify the continued existence of the person who holds an unadvertised position of authority in the public service or is it a continued lack of competent management by the CAO

MR CHRISTIAN: Mr President the codes have been completed by the officer which was employed especially to do them at that time, the SPOTS officer and have been handed into the Secretary to Government for drafting and that's where they are sitting at this stage

MR SANDERS: Mr President I have one to do with the unloading of the ship. Perhaps I should ask the question of Mr Christian but he said earlier on that he was going to make a statement so perhaps it may suit him to... but perhaps I could ask the question anyhow. I refer to the recent arrival of the Baltimar Taurus and the alledged comments that the Lighterage Manager concerning his refusal to attempt to work the ship until after the unloading of the Moana II even though the Baltimar Taurus was here first. Is it proposed that the Lighterage Manager who does not derive his salaries directly from shipping or the sale of imported goods be that person who decides which shipping company serves Norfolk Island and the third one is, is this the consultation process that you all speak of

MR CHRISTIAN: Mr President just to clarify things a little I will answer most of that question if that's okay in the Statement that I make. We will be looking at the total management and handling of lighterage as I will refer to in the statement I make. The Baltimar Taurus at this present stage is being worked as far as I can see. The lighterage workers decided yesterday that they would make an attempt to work that ship this morning I was approached and asked if the Government would guarantee them up to \$10,000 in an extra payment to work that ship, this was to cover slow unloading and the extra safety precautions which they would have to take in unloading it. The Government has guaranteed that money and hopefully the ship will unload. It appears to be doing that now, the rest of it, if Mr Sanders doesn't mind I think I have covered in my statement

MR BATES: Mr President a question for Mr Brown, responsible for the Public Service. Could the Minister explain the role played by the Secretary to Government in the Government of Norfolk Island

MR BROWN: Mr President I'm surprised that Mr Bates having been a Member of the Assembly as long as he has

MR ROBINSON: Point of Order Mr President. 72a should be perhaps invoked for that

MR PRESIDENT: I think it is appropriate if you would just allow me to have a moment to look at that. Yes. If you could wait Mr Sanders. Before we proceed to that I didn't want to cut off what you wanted to contribute but I did want to get into context what is transpiring

MR SANDERS: I was only wanting to move that so much of Standing Orders be set aside so that Mr Bates could ask his question because I believe that such a thing is important to the public of Norfolk Island so that's my proposal

MR PRESIDENT: Well there are two ways that you could handle this Honourable Members. We certainly at this stage would need to comply with the Standing Orders as it now stands and we could go through that procedure if that is your desire and the second option is to pursue Mr Sanders proposal which is that we put aside Standing Orders in this particular case and then the matter can proceed without complying with that particular section, not section, Standing Order, and the decision is a matter for the House

MR ROBINSON: I move that so much of Standing Orders be set aside in order to facilitate Mr Bates asking his question

MR PRESIDENT: Can I just make the point clear that neither procedure would stop Mr Bates question from being asked. It means that we would need to conduct it in a certain manner

MR SANDERS: Could I add to Mr Robinson's by saying in open House

MR PRESIDENT: Yes, I think that's the proposal

QUESTION PUT
AGREED

The ayes have it. In that case so much of Standing Orders are set aside

MR BATES: Thank you Mr President. I don't know if Mr Brown was hoping I would repeat the question

MR PRESIDENT: He says not and therefore Mr Brown if you would proceed

MR BROWN: Mr President the Secretary to Government has a duty statement which I would be happy to provide Mr Bates with a copy of. He fills a number of roles. He fills the role of Deputy Clerk of the Legislative Assembly, he fills the role of Legislative Draftsman and he also fills a role of providing certain advise and of monitoring correspondence to and from the Government with the intention that any inconsistencies between what different Members of the Executive might say in correspondence are avoided. Members will be aware that there has been significant dispute between the Secretary to Government and the Chief Administrative Officer and the Crown Solicitor. The Secretary to Government role is not to provide legal advise. Legal advise clearly is provided by the Crown Solicitor but in providing that advise the Crown Solicitor is responsible to the Secretary to Government and there is room for some form of review of advise from time to time. Members will recall that the extent of the dispute between the Secretary to Government and the Chief Administrative Officer became quite apparent in the very early days of this Assembly when the Chief Administrative Officer evicted the Crown Solicitor from his office in the, he evicted the Secretary to Government from his office in the Administration buildings and moved him to these precincts. There was significant toing and froing between myself and the Chief Administrative Officer in an endeavour to ensure that we were in agreement as to the role of the Secretary to Government and as to the role of the Crown Solicitor and these matters Mr President were resolved some months ago. The Secretary to Government works under a contract and that contract expires early next year. It is a contract that was entered into by the previous Assembly or during the life of the previous Assembly I should say. It provides amongst other things that the Secretary to Government shall have a right to private practise as a lawyer, that is, he has a job to fulfil here but in his private capacity he is able to work as a lawyer for private clients. There are of necessity restrictions on that, for example, it's not appropriate for him to act for a private client who is involved in an action against the Administration. In addition to that the right to private practise is qualified by the requirement that the responsibilities under the position of Secretary to Government shall take precedence. The Secretary to Government has been absent from duty for the last three and a half weeks and is expected back at work next Monday. He has provided me with details of the hours that he has worked in both his Secretary to Government role and in his private role over quite a lengthy period. I don't have the paperwork with me but I'm happy to make it available to any Member but my recollection is that it goes back well over a year and in fairness it certainly shows that over the course of that year he has

worked significantly more hours than he was required to work under his contract but I must acknowledge that his absence for three and a half weeks at this time of the year has been extremely inconvenient I'm sure to Members and certainly to executives. It has meant that a number of Bills which were for consideration by the House today has simply had to be withdrawn and they will now not come before the House until it's next meeting in January. That is a matter which clearly I will have to discuss with the Secretary to Government upon his return because it is not a situation as to which a repetition would be satisfactory at all. I hope that that provides accurate answers to the question

MR PRESIDENT: Honourable Members time has expired

MR SANDERS: I move Mr President that time be extended by a further ten minutes

MR PRESIDENT: Is that approved? Agreed

MR SANDERS: Thank you, I have a further question here, maybe not ten minutes Mr President, but I have three questions. This one is directed to Mr King as Minister for Tourism and the question is, is it a fact that the Norfolk Island Government Tourist Bureau was insolvent as at the 30th June 1992 and (a) would you confirm that the word insolvent means unable to pay one's debts and (b) that the level of that that the Norfolk Island Government Tourist Bureau is unable to pay is in the vicinity of \$40,000 and (c) will you confirm that the insolvency of the Norfolk Island Government Tourist Bureau was created by mismanagement by the previous management or (d) do you propose to sweep it under the carpet and disregard the abuse of public moneys because it may hurt somebody's feelings like you did before

MR KING: Thank you Mr President. It is a fact. I've not yet received the audit report for the financial statements for the Tourist Bureau for the year ending 30 June 1992 but that audit report will disclose the fact that the Tourist Bureau as at that date was insolvent. If my memory serves me correctly Mr Sanders seems to have access to a finer degree of information than I have but if my memory serves me correctly the level of debt was perhaps in the order of some \$40,000. That is a concern of course and we have been asked, the Norfolk Island Government has been asked by the Auditors Ernst and Young from Auckland to provide a Statement for attachment to the 30 June 1992 financial statements indicating that the Government is prepared to offer ongoing support to the Tourist Bureau. There has been some disagreement about the wording of that particular statement but of course the Norfolk Island Government will offer ongoing support but it will be up to this House to determine the level of that ongoing support but it is a fact that the Norfolk Island Government or the Norfolk Island Legislative Assembly appropriate sufficient funds on a yearly basis to ensure that the Tourist Bureau is able to continue with its statutory functions and I don't believe that that's going to change. I don't intend to sweep it under the carpet. It is something which arose out of lack of adequate procedures and probably mismanagement by the former Bureau. That's very clearly the case. These things don't simply occur because you did everything right but I would suggest that it's not a matter of great concern to this House or to the Government. It would be a concern if it was an ongoing thing but it's not a concern now because it is not in itself a parent body, the Bureau. It is of course a subsidiary or statutory body which is answerable to the Norfolk Island Government and the Norfolk Island Government has an ongoing responsibility to fund the activities of the Bureau. The fact that there was a level of insolvency as at the 30th June does not mean that that level of insolvency will continue, thank you

MR SANDERS: Just one supplementary one on that one Mr President. Mr King may probably be pleased that it was me that fixed the problem rather than him. I have a question for Mr Brown if I may. Well I'm not too sure whether I've got the right person but can I perhaps read the question and if it is directed at the wrong person can it be moved? The question is the Fifth Legislative Assembly passed an amendment Act No 20 of 1990, the Social Services Amendment No 2 Act of 1990 which was assented to on the 28th December 1990. Could you advise this House why after two years that amendment has not been implemented especially as to not to so has the potential to cost the public purse \$50,000 or more per year or is this a further example of bad management at the head of the

Public Service

MR BROWN: Mr President to such extent as the question relates to social welfare it's in Ernie's area but I would be happy to answer the question insofar as my knowledge. Mr President the amendment to which Mr Sanders refers is an amendment which relates to a person receiving long term care at the Hospital. It relates to people who have been living full time at the hospital for 90 days or more and it is a change that was necessary as a result of the introduction of the Healthcare Legislation. The nature of the change was that a person receiving a social services benefit and living full time at the hospital and having been so living for more than 90 days, had a deduction made from his social services payment of, from recollection, 80% of the amount of payment and the HMA scheme then paid the whole of the persons bill at the Hospital. I had cause yesterday in fact to enquire as to whether the amendments had been implemented because of something that happened at the hospital and I received a response yesterday afternoon that although the legislation was passed during the course of 1990 and assented to I think the 28th December 1990 in fact at this stage it has not been implemented and I don't know the extent of the cost to the public purse but it would represent something in the range of \$5,000 per year per relevant person. We have in excess of ten such people residing at the hospital at the moment and at the moment it could be that the figure is somewhere between \$40,000-50,000. As to why it hasn't been implemented I am unable to give an answer

MR SANDERS: I have one further question. I'm not sure who to direct it at but it's the executive member that would have responsibility for the DCA houses. Anyhow the question is, is it a fact that those houses are being rented locally and also is it a fact that the rent is \$110 per week and is it a fact that a person did not like the taps in the bathroom and it has been authorised to spend \$6,000 on renovating that bathroom which is close enough to a whole years rent

MR PRESIDENT: It's in Mr Bennett's area of responsibility and he is answering to Mr King to whatever extent he may wish to

MR KING: Well I'm not able to answer that question fully Mr President. Yes it is a fact that some of the houses in the DCA Circle, or what was known as the DCA Circle are being rented locally. I don't know what the level of rent is but I am sure Mr Sanders would happily provide that information, sorry that Mr Bennett would happily provide that information to Mr Sanders. Insofar as the authorised expenditure on renovations is concerned I simply don't have any idea about that. If he's anxious to find out I can ascertain that information over the next few days and let him know. I would be very very much surprised if the appropriate Minister for Finance wouldn't take the responsible approach to ensure that sufficient funds were made available to maintain standards in those dwellings but I'll happily look into that

MR SANDERS: Perhaps as I understand Mr President that that action has already been taken I could follow it up with a question of Mr Bennett when he's, perhaps I could put it on notice for him at the next meeting unless Mr King wants to

MR KING: I don't mind. If you're anxious to find out about these things I'll let you know in the next couple of days

MR PRESIDENT: So that's it for the moment Honourable Members, we will now move on

Papers

MR PRESIDENT: Papers. Are there any papers to be presented?

MR KING: Mr President I present to the House the Tourist Figures for November 1992 and move that the Paper be noted

MR PRESIDENT: The question is that the Paper on Tourism be noted

MR KING: Some very brief comments Mr President. The figures disclosed for November 1992 are reasonably on par with those of November 1991 although again there's been a slight reduction in the

number of bed nights or bed days - person days I think the Tourist Bureau refers to them now as, down some 2% on November 1991 but on the face of it there's no cause for concern with the figures that have been presented for November 1992 but there is of course, room for improvement thank you

MR PRESIDENT: Any further participation? The question is that the Paper be noted

QUESTION PUT
AGREED

The ayes have it thank you. Any further Papers?

Statements

MR PRESIDENT: We move then to Statements. Are there any Statements?

MR CHRISTIAN: Mr President, members will recall that in early September I had sought submissions from interested parties seeking views as to what problems or difficulties were seen in the existing lighterage procedures and what specific proposals for improvement were necessary and desirable. Submissions were sought, Mr President, as part of an overall review of the Lighterage Ordinance having regard to both the terms and conditions of employment of the lighterage workers and the manner in which charges are levied. I received seven submissions of which three provided detailed comments on problems seen with existing arrangements and suggestions on ways and means of improving the service. I also received a number of calls. Overall the response has been good and those companies, organisations and individuals who made submissions are to be thanked for taking the time to make their views known. I will now, Mr President, attempt to summarise the key problem areas outlined in the responses and then highlight options for change. Firstly, comments have been received about conditions of employment of lighterage workers. There appears to be a great deal of confusion as to who the Lighterage employees are engaged by. Is it the Norfolk Island Lighterage Service established by the Lighterage Ordinance, or the business name 'Norfolk Island Lighterage Service' registered under the Business Names Ordinance 1976? It has been questioned whether it is really necessary for the executive member to have the power of engagement and would not the Public Service Board or Chief Administrative Officer be a more appropriate organisation to determine Lighterage employees terms and conditions of employment. There is also a need to ensure that Lighterage employees terms and conditions of employment comply with the Employment Act 1988. Concern has also been expressed over the lack of availability of safety equipment, especially wet weather gear for those who are not normally Administration employees. Concern has been raised, Mr President about the lack of acceptance of liability by the Administration. The comment has been made that, with the Administration not accepting any liability for loss or damage to cargo, one must question what incentive does the Lighterage Service have to ensure that cargo is transported in such a manner as to reduce loss and damage to a minimum, and to prevent it's employees from pilfering cargo. Another key area of concern is the Lighterage rates and charges. One problem seen is that with the current determination for Lighterage Rates and Charges does not specify who is to pay for the charges made. Is it the consignee/importer or the shipping company? Previous Lighterage Rates and Charges Determinations did specify which charges are payable by the consignee/importer and which charges are payable by the shipping company. Where the nature, size or weight of the cargo is such that it requires transport by the Lighterage Service using two lighters joined together then the importer is charged double the normal lighterage rate, in addition to Heavy Lift Surcharges. On the other hand, bundles of timber which are presently considered to be at double rates are only charged at a much less rate based on the general cargo rate plus an additional charge for the double tonnage rate paid to the Lighterage employees. The question has been asked why should importers of large or heavy cargo be excessively penalised by the Administration charging twice for its overheads and profit margins. Where an importer has a single item of cargo weighing more than 4 tonnes to be transported from ship to shore, the importer is required to arrange at his expense an insurance policy to cover loss of or damage to the Lighterage Service lighters and equipment as a result of the extra weight carried. Again the question is asked why should the importer be required

to insure the Lighterage Service lighters and equipment as the equipment does not belong to him? The view has been expressed that the Lighterage Service should be responsible for insuring its own lighters and equipment, and not the importer, and the Lighterage charges for such things as heavy lifts should reflect this expense. Another issue is what level the minimum charge should be set at. It is considered that a Minimum Lighterage Charge of 300 tonnes is presently acting as a disincentive to shipping companies operating service to Norfolk Island. Also it has been suggested that the shipping company should only be charged for the shortfall incurred by the Administration Lighterage Service in Lighterage employees wages of \$8.80 per tonne rather than being penalised at the rate of \$21.60 per tonne. Concern has been expressed where all empty shipping containers that are shipped out from Norfolk Island are charged by the Lighterage Service at full rate. It has been stated that practice in any ports around the world is that outward empty shipping containers are charged at no more than 50 percent of the normal inward rate. It has been requested that consideration should be given to introducing a Outward Empty Container rate at 50 percent of the Inward rate, so as to permit Island importers to use stronger and better methods of unitising their cargo to reduce damage and pilferage, and to allow their re-use. A further view is that, due to the lack of proper facilities at Norfolk Island for handling ships and cargo, and the high freight rates that are charged by the shipping companies, the Lighterage Service should be operated as a Community Service obligation. That is, it is required to make a profit, or at the very least breakeven, rather than being an additional source of income for the Administration Revenue Service. I might say, at this stage Mr President, that I am only re-iterating some of the concerns that have been expressed to me in submissions and I don't necessarily agree, or disagree for that matter, with the concerns raised. I just thought that I should make that point now. It has been drawn to attention also that the Ship to Shore charge has recently been increased to \$240. The determination for the ship to shore charge states that it is for the carriage of passengers as is reasonably required in relation to each call of a ship to Norfolk Island, however it does not state who is responsible for payment of this charge. There are, I believe, three options open to the government to revamp the existing Lighterage Ordinance. Firstly, drastically amend the existing Ordinance with a view to enabling the Administration to conduct a more effective and efficient service and, at the same time, give further consideration to the manner in which charges are levied and collected. I have no fixed views, at this stage, on what form amendments should take but I have asked the Chief Administrative Officer to give serious consideration to the concerns expressed in the submissions having Administration officers examine this option. The second option, in my view, is to completely privatise the Lighterage service. Whilst I would not wish, at this stage, to say this should happen - in fact I have supported this view - I feel we must take into account the public interest. To give one company or organisation a monopoly in providing this service may not be favourably received. The third option, as I see it Mr President, is to hire the Lighterage service out to the Shipping Companies (through their agents in Norfolk). This proposal would still see the Administration owning the service (that is the launches, lighters, crane and other essential equipment) which is then hired out to any shipping company to bring goods from ship to shore and shore to ship. Under this option the Administration may still provide the launch drivers and crane operators but the actual handling of the cargo from and to the ship and the shore becomes the responsibility of the Shipping Company. The agents then employ whatever labour is considered necessary to enable the completion of the consignment of goods to the shore. The proposal needs further development and consultation with Shipping agents but, I believe, it has some merit. A distinct advantage of this latter option is that the Administration would no longer be required to issue accounts to importers. The freight costs paid by the importers would have to include all ship to shore costs as well as any hire charges for use of the Lighterage equipment. I have not ruled out any of the options mentioned in this statement, Mr President and have asked the Administration to provide me, over the Christmas/New Year period a full report on the advantage and disadvantages with a view to finalising the review early in the new year. I would be pleased Mr President to receive any comments or views that other members might like to put forward to assist in this review and I would like to table this Statement, thank you

MR PRESIDENT: I'm not too sure whether that was an acknowledgement or not? Are there any further Statements? Then we'll

move on Honourable Members

Reports from Select and Standing Committees

MR PRESIDENT: Any Reports from Select and Standing Committees?
Then we are at Notices Honourable Members

NOTICES

NO 1 - NORFOLK ISLAND HOSPITAL ACT 1985 - APPOINTMENT OF NORFOLK ISLAND HOSPITAL BOARD

MR BROWN: Mr President I seek leave to move the motion standing in my name on the Notice Paper in an amended form namely, that the name of Wayne Daniel Richards be replaced by the name of George Charles Smith

MR PRESIDENT: Leave is granted

MR BROWN: Mr President I move that for the purposes of subsection 7(2) of the Norfolk Island Hospital Act 1985, this House resolves that -

Colleen Margaretta McCullough-Robinson;
George Charles Smith;
Mervyn Buffett;
Eleanor Jean Ormsby Sim
Patricia Jean Buffett; and
Lester Reid Semple,

be appointed to be members of the Norfolk Island Hospital Board until 20 December 1993. Mr President the Board that I'm asking Members to appoint today is identical save for one person, to the Board which is presently in place. Wayne Richards has been a Member of the Board for some time but Wayne is intending to undertake some post graduate studies during the course of the next year and feels that he won't have time to also fulfil the responsibilities as a member of the Board and so to Wayne I would like to say thank you for your efforts on behalf of the Hospital Board, they have certainly been appreciated and to wish him well with the further studies that he proposes trying to take. The person whom I have proposed to replace Wayne is George Smith. George has been a member of this House and has held executive office of this House. George lives close to the Hospital and George in his own business is involved in many of the same functions of which the Hospital involves itself. Membership of a Board such as the Hospital Board Mr President is a very thankless task but it is essential that for the Hospital to function properly it do have a Board and I simply say to those who have served on it, thank you, and I ask Members to support the motion which is before us

MR SANDERS: Mr President I just wanted to ask Mr Brown if he had gone through the consultation process to find out whether this person is able or willing to work with the people who are already there or if they are willing to work with him

MR BROWN: Are you talking of George?

MR SANDERS: Yes

MR BROWN: Most definitely. When I was told that Wayne Richards would not be available I spoke with the Chairman of the Board to try to come up with a short list of people who might be willing to fulfil the role and who would be able to work together with the existing Board and George's name was one of the one's that was suggested to me and I surprised George over dinner a few nights ago by congratulating him on his forthcoming appointment, he hasn't yet been quick enough to say that he's not willing to do it and Mr President I understand in fact that he is very pleased

MR PRESIDENT: Any further participation? Then I will put the question that this motion be agreed. The motion as proposed by Mr Brown

QUESTION PUT
AGREED

The ayes have it thank you

NO 2 - COMMUNITY SERVICE ORDERS ACT 1983 - APPOINTMENT OF A SUPERVISOR

MR CHRISTIAN: Mr President I move that for the purposes of subsection 8(2) of the Community Service Orders Act 1983, this House recommends to the Administrator that George Edwin Anderson be appointed to be a supervisor for the purposes of the Act. Mr President this appointment is for supervising people placed by the Court on work details etc, an appointment which Mr Anderson has held for some number of years and is prepared to undertake again, this is the reason I've recommended him, for the splendid work he has done in the past

MR PRESIDENT: Participation? Then I will put the motion which is proposed by Mr Christian

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

Leave

Leave is sought Honourable Members to bring forward the third item listed under Notices

NO 3 - USE OF ADMINISTRATION MOTOR VEHICLES BY OFFICERS AND EMPLOYEES OF THE PUBLIC SERVICE

Is leave granted?

MR BROWN: I move that so much of Standing Orders be suspended Mr President so as to enable the motion to be put before the House

MR PRESIDENT: I will put the question before the House that Standing Orders be put aside

QUESTION PUT
AGREED

MR KING NO

That being the case that is carried and there is therefore the facility for that to be brought forward

MR SANDERS: Thank you Mr President. I seek leave of the House to move the motion standing in my name on the Programme. Leave has been granted so Mr President I move that this House requests the responsible Minister to take such action as is necessary to bring to an end all current practices of providing -

(a) motor vehicles, whether fully fuelled and maintained or not; and

(b) mileage allowances,

for the private use of officers and employees of the public service.

I emphasize the use of the word there Mr President, private use. Mr President there is much concern by members of the public by what appears to be an extravagant waste of public money. There is a view that the public servants should pay for their own transport as does the public who provides the funds for the public service. There is a belief that the damage is done to vehicles should be paid for by the person who did the damage and not the public purse. There is a view that expensive officers of the public service should use the vehicles that are provided rather than walk and should not be used by their wives. Mr President I haven't had the opportunity to obtain figures of actually what this cost to the public purse does involve but the amount of telephone calls concerning the matter is becoming quite predominant so I propose if there is any input from the other members to seek some figures from the public service to show exactly what the cost is that we are talking about. This was to satisfy a number of requests to take action about what they consider

excessive waste

MR ROBINSON: I agree in principle with Mr Sanders' motion here but there are some Administration staff, for example, perhaps the Doctors and the electricity undertaking headman to be on call no matter where they are so with the exception of those people I concur with his motion

MR SANDERS: Could I just draw to Mr Robinson's attention that I emphasized the word private use not use while doing work for the Administration

MR ROBINSON: Yes I understand that but if the gentleman in charge of the electricity is up playing tennis and he has to race to the depot to get the vehicle that has all his tools and equipment on it and then go to the job, if he had that vehicle close by and handy with him he could go direct to the problem

MR SANDERS: Mr President if I could just again say, I am not pushing a personal barrow here, because of the large number of persons that have contacted me on this thing I'm quite happy to toss it in the bin and let everybody pass an opinion in due course

MR KING: Thank you Mr President. I firstly want to explain why I opposed leave to bring this motion forward. I did that on basic principle Mr President that this is the first occasion that I knew in reading the programme as I sat here in the House that this motion was going to come forward. I have a preference for getting things clear in my head as to what we are going to talk about and I simply haven't had time to consider this. The motion itself infers that there is a degree of problem, perhaps you could infer from the motion that it is a large degree of difficulty and it may well be the case, I'm not quite sure but having said all that it may justify to some extent why I opposed leave. I don't have any great difficulties with anyone saying that if there is an unauthorised use of Administration vehicles, equipment, petrol, then that ought to be stopped. We can well do without the expense of those things arising. I'm not sure to what extent the phone calls, the large number of phone calls that Mr Sanders has referred to are legitimate. I know there are a great number of people who are totally adverse to anything that a public servant does and are constantly ringing up. They don't ring me up and I could probably understand that to a certain degree. I understand why they ring Mr Sanders up but I question firstly the legitimacy of all those complaints. Mr Sanders appears to accept that they all are legitimate. Mr Robinson raises a couple of instances which is quite correct in raising. There might be a perception by someone in the community that a vehicle is being misused, but they cannot be sure. They can't be sure of the circumstances under which the vehicle is being used, or whether the person is on private business or public business. Nevertheless, if there is a problem in this area then it ought to be addressed. I would suggest that it's a relatively simple matter to contact the Chief Management of the public service and have him deal with the matter. I suppose having brought the matter forward I am noting Mr Sanders emphasis in respect of private use, probably it would result in my agreeing with Mr Sanders motion

MR CHRISTIAN: Mr President I don't agree with this motion in full by any means, because of the number of people in the higher positions which we hire from time to time in such short durations it is virtually impossible for these people to bring their own vehicles and things across, I think the use of the local vehicle which is most necessary is built into the pay structure and is recorded that way. These people, well I don't think, in fact I'm certain we wouldn't get these people which we do need to bring in if you were to take away their vehicle and they had to supply them and not increase the pay to a stage where they could afford to cover that vehicle cost so I think the best way out of it for us is to leave it alone, let them have the use of the vehicles, but I do agree that there is probably a need for some tighter control on the use of vehicles generally

MR SANDERS: Mr President as I said in the first place I wasn't pushing any personal barrow but Mr Christian raised a very interesting concept as far as I'm concerned. If he said that some of these people wouldn't come if they didn't have a motor car, Mr President I'd like to take their car off them today and hope they go

MR BATES: Is there to be an adjournment? Is the question going to be put or is it to be adjourned?

MR PRESIDENT: Well there's no proposal before the House for an adjournment at this moment

MR BATES: Well if I may speak Mr President. I think it would be a grave error to pass this motion as it stands at the moment because it says to bring to an end all private use of vehicles and I think there are instances where it is quite necessary and legitimate that people at least take their vehicles home when they're on call or on duty on weekends, aircraft movements and all the rest of it. It's quite inconvenient for some of the staff who may have to go and meet one plane at 3.00 and another one at 10.00 and another one at 5.00 to be racing in and changing vehicles and coming in from the tennis courts to go to work and coming in from where-ever they might be to go and attend an aircraft or whatever and I think the issue of the private use of vehicles can be tightened up but I think the matter needs far more consideration than just saying, bring it to an end and in the words proposed here before us today I certainly couldn't support it

MR SANDERS: Mr President I would be quite happy if we come to a proposed amendment to resolve any problem. I reiterate that I'm not pushing a personal barrow at all there was a perceived thought in the community and by a number of persons that we are wasting a lot of money. I'm not saying that that's a fact, all I'm doing is suggesting that if it needs to be looked into then it should be looked into. If Mr King suggested that the Chief Administrative Officer could perhaps resolve the problem and give some sort of a reply maybe that's the answer

MR KING: Yes I think we've got to be careful about matters that we deal with without giving a great deal of thought to it. It's not really clear to me what the impact of this is in its literal interpretation. It may mean for example a message to the Chief Administrative Officer that there are to be no clauses inserted in seconded officers contracts to the effect that they can have private use of a vehicle. It probably goes a lot wider than that. I think that perhaps if we can adjourn the debate on this particular thing and in the meantime I can see no difficulty with this if Mr Brown, who would be responsible, would write to the CAO and ask him to examine that particular area and to tidy it up where necessary and between now and the next meeting we could examine what the real impact of this particular motion is. But let me make one more point Mr President, is that I know personally a number of people in the public service who because there simply hasn't been sufficient official vehicles available have used their vehicles on many many many occasions and travelled many kilometres without making any claim for any mileage allowance so there's certain compensating things. The dictates of human nature will say that someone will steal a kilometre here or a kilometre there and I would suggest that it's more than adequately compensated by those who use private vehicles without making any charge. If it's appropriate for me to move the adjournment of the debate on that basis I would do so if no-one else cares to contribute

MR PRESIDENT: The question before us is that this matter be adjourned and made an Order of the Day for a subsequent Sitting

QUESTION PUT
AGREED

ORDERS OF THE DAY

NO 2 - GENERAL ENTRY PERMIT QUOTA - FORMULA FOR DETERMINATION

We resume debate on this matter and the debate is on the question that the House take note of the Statement, the statement on that particular subject. Mr King you have the call to resume

MR KING: Thank you Mr President. I sought the adjournment of this particular debate at the last meeting because I wanted the opportunity to examine Mr Christian's immigration statement and assess if I could the impact of what he had said. Mr Christian referred to earlier meetings of the House when there was considerable debate on rearranging the formula for deciding how many general entry permits would be granted

under the quota provisions of the Act. Mr Christian clarified the new formula at the last meeting and essentially it is now this and I stress here that this is my interpretation because it is very very difficult to interpret. My interpretation is this. That a quota space is now made if a person dies or leaves provided that the person is not an Islander or is not a person who had been or would have been granted long term entry through marriage. The total number of available spaces is then reduced by the number of people who have taken up permanent residency or have been born provided that the person is not an Islander or is not a person who had been or would have been granted long term entry through marriage.

Now that all sounds perfectly simple Mr President, even if, after doing that exercise you then adjust the net result by making allowances for anyone lost or found since the last calculation and then you round it up to take account of full family units and then you adjust it down to compensate for the effects of the CDD scheme, so I would suggest that any simplicity is an illusion, much like the illusion of the magician who puts the white dove into his hat and pulls out several rabbits. I ask myself what the formula is designed to achieve. Does it pursue some population plan. I don't think so because no-one knows what it is which is hoped to be achieved by this quota formula. Perhaps the aim is simply to avoid any suggestion that we are contravening the Racial Discrimination Act and if it is then it's anyone's guess whether that's been achieved. Let me suggest that if anyone cares to consider the basis on which children are included or excluded from the formula at the very least they would be left puzzled. I believe that this kind of obscurity and lack of planning was prominent Mr President through the late 60s, 70's and the early 80s. Those years were marked by various haphazard stop-gap methods which were largely ineffective and where any express commitment to effective control was shaken often shattered by pressure from within the community. It wasn't until 1987 that direction and objectivity was established and now we wish or we have abandoned it. We owe it to the community Mr President to let them know where we are heading. In my view we don't know where we're going we're simply stumbling along. This Assembly needs a clear population plan and clear simple measures or means of implementing and achieving that plan. I'm willing to leave it there for today Mr President since we are only debating Mr Christian's statement from the last Sitting. I don't know the answers to all the immigration problems and I don't pretend to but I do know, I do feel that we are doing a disservice to the community by administering an immigration system without a plan. It's as foolish as it would be to spend public moneys without a plan, without a budget, and I urge Mr Christian and Members of this House to establish some objective population plan. Thank you, that's my contribution

MR PRESIDENT: The question is that the House do note the Statement. Further participation?

MR BROWN: Mr President Mike has just said that he feels there is no population plan. I had always thought that there was a population plan but that maybe it needs to be revised. The plan as I understand it is that the mainlander component of the population should be maintained at the level which existed as at, I think it was April 1987, and that apart from that persons who qualify under the special relationship clause are welcome to come and live in Norfolk Island also. Whether that constitutes a plan or not the simple fact is that it's not working very well. Mike's right, there is confusion and it has been suggested by many people that the compensating departure scheme has really been so badly abused that it needs to be done away with. When the compensating departure scheme was introduced I don't think any of us thought it would be absolutely perfect but there were problems which we needed to try to overcome and it certainly seemed that the compensating departure scheme would solve more problems then it would create. I've come to the conclusion now though that the compensating departure scheme does need to be done away with and that the quota needs to be fixed in accordance with the Statement that Ernie made but that that fixing of the quota should date back to April 1987 which was the time at which the present faultily administered quota system commenced but I think that having done that we do need to listen to what Mike King said. I think we need to look at just what it is that we want as a population plan now and if we are going to have a plan that has any meaning we are going to have to face up to the question of whether or not we can implement that plan whilst at the same time having the special relationship clause. I don't really think the special relationship clause is working the way people intended just as the CDD scheme hasn't worked the way people intended and

it simply is not possible to have a population plan based on the mainlander component of the population increasing decreasing or staying the same if at the same time the special relationship clause is uncontrolled. It's quite some time since the Immigration Select Committee considered the question of immigration and I think it is time that it is looked at again. I don't know how you will ever solve all the problems in immigration. You will always have people coming here and buying a business, you will always have those people wanting to retire and stay here, you will always have those people going crook if they cannot bring someone else in in order to buy their business so that they can retire and it will always seem unreasonable that where they are suffering ill health or poor financial circumstances or simply old age we're saying to them, no, no you've got to wait for as long as it takes until someone gets far enough up the quota list to be able to move in and take over your business. Everywhere you look there are problems. Solving all of the problems will not be easy but we are presently simply debating the question that Ernie's statement be noted and like Mike, I'm happy to do that

MR KING: I thank Mr Brown for his support in what I've said, in essentially what I've said. Most people will learn from history. I would suggest that any reconsideration of our immigration policies, population plans, that we must have regard to history. It may prove a little bit embarrassing but I just want to give a very brief history of immigration controls. The need for control in immigration did not become apparent until around about 1966, 1967 when there was a very large influx of people out of New Zealand where the economy wasn't so good and where, by comparison, Norfolk Island was beginning to boom as a tourist destination. There were no real controls existing in Norfolk Island so our council along with the Australian people developed the 1967 Temporary Provisions Immigration Ordinance which had no retrospective effect so that it could not control and didn't seek to control those had already flooded into the Island. That was followed by the Immigration Ordinance 1968 which established a regime of entry permits and the need to gain an entry permit before you came to the Island. In the first eight months of the 1968 operation there were 213 enter and remains, that is the equivalent of general entry permits, issued. 213 in the first eight months. A quota at that stage of 90 was set. That was not to cater for those who were already here in the Island but to cater for future growth. It had no concept of planning. No-one knew where it was going to head. Within 18 months in 1970 it was out of control. The amount of lobbying reduced that quota to 15. That quota of course was very quickly filled, so what happened then, did the council stop people from coming in, no, they abandoned the policy or the principle that people shouldn't come in on temporary entry permits for long term purposes, they simply allowed them in anyway, they simply didn't give them an enter and remain or a gep but they said come in anyway we'll give you a temporary entry permit. So nothing was achieved. No objectivity, no control. By 1974 the Commonwealth observed that it was a poorly administered system - badly thought out law, and poorly administered system. They stressed then the need for a long term objective and they established an embargo on the future issue of enter and remain or long term permits. What was the response here to that? To let them in anyway. They respected the embargo placed by the Commonwealth authorities but they allowed them to come in on a temporary entry permit. No planning. No objectivity, loss of control. That of course resulted in a great stream of people that came in ostensibly for long term settlement but only holding a temporary entry permit. The result of that was that those people created a great deal of pressure for the embargo to be lifted from time to time to allow them to gain more secure tenure so in 1977, 1980 and 1984 the embargo on long term permits was lifted. Why was it lifted. Simply to allow those who were already in the system to achieve long term tenure. No planning, no objectivity, loss of control. In 1984 the Immigration Act, our current Act was introduced or commenced operation. That provided for the first time a legislative mechanism to control growth in the permanent component of our population. How was that quota provision used in 1984 - it wasn't. There was no quota set. There was no quota set simply to allow those who were already in the system to proceed through the ranks to permanent residency. No planning, loss of control. In 1985 the quota mechanism was used for the first time and how was the quota established at that time, it was established by reference to the number of people who were waiting for one. No control. No objectivity. In 1986 how was the quota used. It was used for precisely the same purposes. It was simply

established as to allow those who were already in the system to proceed through the ranks to permanent tenure. It wasn't until 1987 as a result of the Select Committee into Population that we established some objectivity and it was as Mr Brown said, an attempt to maintain the mainlander component of our population to its then level and to allow the level of Islanders as it were to fluctuate up and down naturally and that was the only clear concept of planning since proper controls were introduced in Immigration in Norfolk Island. Now clearly the means to achieve that objective set in 1987 have been wrong or open to question and in addressing that issue we now turn around and change the formula so that it results in heaven knows what and I suggest that that's a return to the haphazard stop gap measures of former years, thank you

MR SANDERS: My debate is very brief. I support the comments made by Mr King

MR PRESIDENT: Thank you. Further comments? Participation? The question is that the Statement be noted

QUESTION PUT
AGREED

The Statement is noted thank you.

NO 3 - IMMIGRATION AMENDMENT BILL 1992

We are resuming debate on the question that the Bill be agreed to in principle and Mr Robinson, you have the call to resume

MR ROBINSON: Thank you Mr President. As you all know Mr Sanders introduced this Bill and we adjourned it. There is one thing you can be assured of and that is that Immigration is not a problem that will go away. The fact that the CDD scheme is not our principle form of entry into Norfolk but it is by far and away being used more than the official front door policy of the quota system. By opening up the official entry permit quota system I feel that we can do away with the CDD scheme and all its rorts and torts and that's about all I have to say at this moment thank you Mr President

MR BATES: Yes Mr President. I continue to be uncertain about this issue. I don't think we'll ever solve all the problems. Just a few short years ago Members of a previous Assembly were arguing to introduce the CDD scheme in order to solve some of the immigration problems. Eventually a scheme was approved against the advise of the Department in Canberra. Unfortunately, introduction of the CDD scheme has not worked as intended with much evidence of inflated selling prices and abuse etc. My initial reaction is that almost without exceptions those who have worked most closely with Immigration, that is the Review Group, the Committee, Administration staff, most of those now advocate abolition of the scheme and I find it difficult not to support those views. Recently the Department in Canberra indicated that having introduced the CDD scheme with reluctance, they would now find it also difficult to abolish it without good reason. Mr President if this Bill goes through I imagine it will be many months, possibly a year of toing and froing before it is assented to and meanwhile we would be forced to work with the present Act including the CDD scheme. On the other hand and bearing in mind that if this Bill is assented to we would have turned back the hands of time several years and still have the old problems that CDD was supposed to solve. I'm inclined to give the CDD one final chance but with the introduction of Mr Christian's proposal to legislatively tighten it up. If after a period of say twelve months this refined scheme is still not working I will not hesitate to wholeheartedly support any move to abolish it. At least our arguments for abolition would be stronger in as much as we can say, we tried to make it work. Thank you Mr President

MR SANDERS: Mr President I would like to comment on a couple of points raised by Mr Bates. The system hasn't worked, it's been an offensive system, it has been abused in total, Mr Christian's proposed amendments are designed to tighten up. There was a motion of this House back a few months now that requested Mr Christian to tighten up. Since then most of the people on this list of compensating departures have been the ones that have been permitted to use the system and that has been since we tightened up. It doesn't matter what you write, it doesn't

matter what the law that is passed in this House is, if the powers that be does not enforce it it is not worth the paper it's written on. I believe that there was no need in the first place to even have the problem of the Compensating Departure because authority exercised correctly wouldn't have allowed the system to create any problems. The interesting thing of course is that that authority exercised correctly in the first place didn't need a Compensating Departure because there is already provision in the law, not for a Compensating Departure, but to allow for certain things to have occurred. I don't believe that there should be any further delay in considering whether we should tighten it up when we've already ignored the motion of this House three months ago. I propose to support it regardless of the consequences

MR KING: Thank you Mr President. Essentially the matter boils down to a choice. Either Mr Sanders bill which seeks to abolish the scheme or there's the next item on the programme, Mr Christian's bill which seeks to refine the scheme. Now its a matter of necessity that my debate will focus on that choice. Mr Sanders Bill gives effect to a number of things. It gives effect to the view of the Immigration Review Group that the scheme be abolished. It gives effect to the view of the Statutory Immigration Committee that the scheme be abolished. It gives effect to the September resolution of this House that legislation be brought forward to abolish the scheme. Now during that September debate a number of things were said Mr President. Some Members stated that they would feel comfortable in supporting the abolition of the scheme if the formula for calculating the GEP quota was changed and Members will recall of course that the debate on the motion to abolish the scheme was suspended to allow the House to deal with the motion to widen the quota formula on the basis that a wider quota formula would result in less call for a Compensating Departure Scheme. Less call for a Compensating Departure Scheme. I think those were the words, or words to that effect spoken by Mr Christian. The motion to widen the quota formula was successful by a majority, a majority with only Mr Sanders and myself dissenting cos he's pigheaded and probably so am I

MR BROWN: Point of Order

MR PRESIDENT: Point of Order Mr King. Would you be kind enough to remove the last phrases uttered

MR KING: I so do. That motion to widen the quota formula was successful, as I mentioned Mr President, and subsequently the motion supporting the abolition of the scheme passed unanimously. Now it's agreed Mr President that subsequent events reveal that the wider quota formula did not result immediately in a larger quota but it certainly has the potential to do so. The point I make is that those members who in September would not support one motion without the other cannot in my view justify a change in attitude now. I guess to a certain extent I'm responsible Mr President for Mr Christian's bill coming forward given that I offered a challenge in September by saying that I defy anyone to write a law or policy which will cover every possibility. By possibility of course, I was referring to every possible means of using the scheme. I still maintain that view Mr President. Mr Christian's Bill does not deal, I beg your pardon, it does deal with some of the problems which have occurred but it doesn't touch on other actual or potential problems. It does not for example deal with the capacity of one person to transfer an asset to another person simply to access the scheme. It does not deal with the capacity of a married couple to split their assets and each use the scheme on separate occasions. The attempts to deal with the problem of a person not living here using the scheme by linking ordinary residents with being an elector within the meaning of the Legislative Assembly Ordinance and that may on the surface appear to be a solution but in my view it only complicates it further. Recall Mr President that a person cannot become an elector unless he has lived in Norfolk Island for essentially the three years before making an application. That precludes a number of people from using the scheme. For example, anyone entering under the scheme cannot leave using the scheme for three years. A local person who even though he may have owned a substantial asset for many many years may be precluded from using the scheme simply because he is not or doesn't qualify to enrol because of a brief absence from the Island. Mr Christian's Bill seeks to further limit the number of people who may utilise the scheme, for example, it will be restricted only to those who have freehold property for sale, those whose assets are either a leasehold property or a business on leased premises are to be prevented

from using the scheme. Now that may be seen as being desirable by some Mr President, I see it as simply making more elite the group of people who would utilise the scheme. We were all circulated recently with a list of people, names of those people who have used the scheme. I wasn't surprised Mr President to find that there were no Island names on that particular list for those are the people who embrace Norfolk Island and regard it as their home. They don't regard their residency, their right to live here as being a commodity to be bought and sold. Mr Christian's Bill has not changes that feature. Neither does Mr Christian's Bill deal with the potential for the CDD scheme in itself determining growth in population without any control by the Assembly or the Government. Now you will all recall that in recent times during a very brief period, I can't recall how long, maybe six or eight or ten months, a surplus of fourteen people arrived under the CDD scheme and departed using the CDD scheme. The consequences of that happening Mr President in future years will simply mean that way beyond our control a statutory mechanism like the CDD scheme will control our population levels or has the potential to control our population levels. Mr President the Immigration Committee has said, and I quote, the Committee believes there are probably numerous scenarios which could be used contrary to the intent of the law and perceives [the Committee perceives] more problems will arise than can be solved by a mere tightening of the provisions. I agree wholeheartedly Mr President. You simply can't make a silk purse out of a sows ear. Mr Christian has implemented a number of administrative procedures and policies pending legislative changes of one form or another. I supported those changes and I believe they are the only changes necessary pending the dismantling of the scheme. Let me make some final points on two matters Mr President. The attitude of the Australian Authorities and the available options. The officials of the Australian Government have wrongly in my view made their attitude clear on the abolition of the scheme. They have indicated for the wrong reasons they would resist the abolition of the scheme and in doing so ignored our responsibility to monitor the effectiveness of existing legislation. Mr President some Members are likely to take the view that since Mr Christian's Bill is more likely to gain Commonwealth support than that is the preferred option. I would suggest Mr President that Members should not temper their approach to this matter with a fear of what the Commonwealth may think but with a fear of what their constituents will think. We are the elected representatives Mr President and the CDD scheme simply does not have popular support. Mr President in rough terms I suppose the options are these. To do nothing and let the wound fester. To support Mr Christian's Bill thereby applying a bandaid and hoping for the best or to support Mr Sanders Bill and close the wound. Even Mr Sanders Bill will leave a few scars. It doesn't meet all the expressed concerns but no amount of revision will do that. I've said before that if our immigration system was able to cater for every situation and meet every concern then we might as well not have an immigration system. Mr Sanders Bill is the best option available and I intend to support it

MR CHRISTIAN: Mr President the CDD scheme I will admit is not the most favourable of schemes but I think we need it. We don't have anything else in its place and nobody can think of anything else that will pick up and cover the area that was thought to be needed when this scheme was put into place. The authority exercising the scheme up to this date has exercised it properly. He's exercised it according to what the law allows and I don't see any other way anything can be done other than to be done legally and that's the way it has been done. I take note of what the Review Group said about throwing it out. I also take note of what this House has said in September and what Mr King said in September when I was charged with bringing forward amendments to tighten the scheme. I can't tighten the scheme as they requested unless this other Bill goes through and I think that's what's needed to control the CDD in an acceptable manner as everybody else sees it until we can come up with some other scheme to replace it, thank you Mr President

MR BROWN: Mr President in case I've not made it clear, I am supporting the abolition of this stage of the CDD on the understanding that having noted Ernie's Statement as to how the quota is to be calculated henceforth, the quota will be calculated in that fashion back to April 1987. We've got a fair number of immigration motions before us, we've dealt with the first one, that was noting Ernie's Statement at the last meeting. We're presently considering the Immigration Amendment Bill and that is Ernie's Bill aimed at tightening up but retaining the CDD. We will shortly deal with Bill's Bill

MR PRESIDENT: No. The other way round

MR BROWN: I'm sorry. We are presently dealing with Bill's Bill, the impact of which will be to abolish the CDD. In the event that this Bill is successfully dealt with then there will be no point in dealing with Ernie's Bill which would have the impact of tightening up the CDD and then later in the meeting we will be dealing with a motion in relation to temporary entry permits. So that it's clear I support the removal of the CDD scheme at this time

MR KING: Just two brief points Mr President. Mr Christian is concerned that there is no other scheme in place which will replace it or allow the flexibility that the CDD scheme was designed to stem. The CDD scheme was essentially designed to facilitate the disposal of assets by a person in hardship. I look at that list that was provided to us and I can see very very few people on that who were in hardship, either health, financial or otherwise, in fact I find some people in their who are probably among the most affluent people in the Island and in the best of health and in their middle years. I would suggest, and it's been said time and time again to Mr Christian that the facility does exist to allow people to demonstrate hardship to be given a dispensation from the rigidity of policies. Now Mr Christian in using his executive authority must be flexible and he can be flexible to the point of catering for those people who clearly demonstrate hardship. Mr Christian also alluded to the fact that the scheme has been administered accordingly to the law. Well that's true and there's no-one questioning that. What we are questioning is the appropriateness of the law or the effectiveness of the law. I think it was only yesterday was it not that we were all spoken to by a senior official of the Department of Immigration in Australia and he made a point to us that human nature will dictate that people will take advantage of the laws and as soon as the loopholes are observed the word spreads. The word has spread here Mr President. The problems that we've encountered in administering the CDD scheme are minuscule compared with the problems that we are likely to encounter if we continue, thank you

MR SANDERS: Mr President I move that the question be put

MR PRESIDENT: Are we all done? Yes, well I think I'll put it without having to put your question that the question be put Mr Sanders. We are on the question that the Bill be agreed to in principle. It's the Immigration Amendment Bill of 1992

QUESTION PUT

Would the Clerk please call the House

MR BROWN	AYE
MR BUFFETT	NO
MR BATES	NO
MR SEMPLE	NO
MR ROBINSON	AYE
MR CHRISTIAN	NO
MR KING	AYE
MR SANDERS	AYE

The result of voting Honourable Members is the ayes four, the noes four the motion is negatived. Proceed to Order of the Day No 4

NO 4 - IMMIGRATION AMENDMENT NO. 2 BILL 1992

We resume debate on the question that this Bill be agreed to in principle and in this case Mr Christian you have the call to resume

MR CHRISTIAN: Mr President, carrying on from what I said a few minutes earlier, that this Bill is purely and simply to carry out the wishes of this House at the September meeting that the scheme be tightened. I brought forward these suggestions to tighten the scheme and it is coming before everybody now

MR BROWN: Mr President, the last Bill having been lost I certainly support any endeavour to tighten up the scheme in the hope that it will be administered in the fashion in which it was originally intended to be administered and so I support the Bill

MR KING: Mr President I too intend to support the Bill. I'm not a sore loser. I'm a little disappointed quite frankly. Perhaps I've kicked too hard at it in recent months but I support Mr Christian in his endeavour to tighten up the scheme. I'm not confident that it's going to achieve what he wants to achieve or what other members want to achieve but I hope that he has listened to some of the words that I've spoken over the past few months because what I'm going to do is photocopy each of the respective pages of Hansard, magnify them a number of times and plaster them on my walls for easy and quick reference at the appropriate times, thank you

MR BATES: Yes, Mr President as I said earlier in the piece it is a difficult decision to make. For my part I said I'm prepared to give this a go. Mr Ernie Christian's Bill a go and I'm prepared to give it a go and see if somehow it can be made to work but as I said earlier if it doesn't work I'll be one of the first ones coming out in twelve months time advocating the complete removal of the CDD scheme. I think that's all I have to say Mr President

MR SANDERS: Thank you Mr President. I have difficulties with it. I thought Mr King made an excellent job in his presentation in speaking for the previous Bill. I'm a little concerned in this one, I intend to support it but I'm concerned that there is discrimination in it that it refers to freehold and leasehold and different values. I'm not too sure that as we are party to the conventions on discrimination that we are not in actual fact opening Pandora's box. I'm disappointed that the other Bill has failed and I hope it goes on record of who voted exactly for what because I think in twelve months time there's probably not going to be a helluva lot to defend

MR PRESIDENT: Thank you. Any further participation. There being no further participation I put the question. The question before the House at present is that the Bill be agreed to in principle, that is the Immigration Amendment No 2 Bill of 1992

QUESTION PUT
AGREED

The ayes have it. We progress to the detail stage. Do you want to actually go through the detail stage or take it as read. No. Then we will proceed on the basis that we are at the final stage, the detail having been agreed and that proposal means that there is a motion before us that the Bill be agreed to

MR CHRISTIAN: Mr President I move that the Bill be agreed to

MR PRESIDENT: The question before us now is that the Bill be agreed to. Any final debate Honourable Members. There being no final debate I put the question

QUESTION PUT
AGREED

The Bill is agreed

NO 5 - IMMIGRATION POLICY - TEMPORARY ENTRY PERMITS

Mr Christian has given me an indicator that he would seek to have this particular motion discharged from the Paper

MR CHRISTIAN: Mr President I wish to withdraw this from the Paper if I may seek Leave of the House to do so and my reasons for this is that I wish to ascertain the feelings of Assembly Members as to whether this area of immigration should remain in the revised booklet. I now have that indication and I don't need to progress any further with this

MR PRESIDENT: Is its discharge agreed? It is agreed thank you. Order of the Day No 5 is discharged

NO 6 - NORFOLK ISLAND GOVERNMENT TOURIST BUREAU AMENDMENT BILL 1992

Again we resume debate on the question that this Bill be agreed to in

principle and Mr King you have the call to resume

MR KING: Thank you Mr President. On the last occasion when I introduced the Bill to the House I made a few brief comments in relation to its purpose and its objectives and largely those comments amounted to removing the incompatibility between being able on the one hand to increase the numbers on the Tourist Bureau with the difficulty in nominating people and putting people onto the Tourist Bureau and this Bill achieves that or removes that incompatibility. It attracted a degree of banter on the last occasion which I hope can be avoided on this occasion, it's a fairly routine matter and I commend the Bill in its final reading

MR BROWN: Mr President I agree with Mike it is a fairly routine matter. The purpose of the Bill is to enable two additional members to now be appointed to the Tourist Bureau and it is to enable a similar decision to be implemented at any time in the future. The Bureau had four members and Mike decided that he would like to increase that number to six. Now the decision as to how many members are to be on the Bureau has always been in the past one that's been handled by the Minister and it's quite appropriate that it be handled by Mike on this occasion, but having made that decision it is a little rough if he cannot implement it until the 30th June next occurring which is what the law presently is and that is why he is seeking to overcome it by this Bill. As far as the Tourist Bureau itself is concerned I can say that the present members of the Bureau have no difficulty with the appointment of an additional two members and in fact the additional two persons whom the Minister proposes to appoint have already been invited to attend meetings of the Bureau as observers so in the event that any Members are concerned as to what the attitude of the current members of the Bureau might be I can certainly put your minds at rest there. I intend to support the Bill

MR BATES: Thank you Mr President. It is my desire to endeavour to ensure that each appointment to the Tourist Bureau are made with the approval of this House in much the same way as today we approve six members to the Norfolk Island Hospital Board. For example, had I been unhappy with any of those persons serving on that Board I could have democratically opposed their appointment. At a previous meeting Mr King expressed his intention to review more fully the Act and expressed the opinion that two months was a suitable time frame in which to achieve that so I will not waste time in endeavouring to amend this Bill to try to achieve my desires but I will await Mr King's further amendments as a result of his proposed review. I hope his two month time frame is fairly realistic and since it is almost Christmas I will not upset Mr Brown and Mr Sanders by reminding them of my continued concerns with a couple of members of the present Bureau

MR SANDERS: Yes, I think Mr Bates ignores the fact that in the first place when there was a number of four persons on the Tourist Bureau there was a sad need to get expertise, very very quickly to hopefully keep things rolling. I think I emphasized then that I was looking for expertise, not pedigree. Hopefully the additional two people won't change things too much

MR PRESIDENT: Further participation. The question before us is that the Bill be agreed to in principle

QUESTION PUT
AGREED

Do you want to dispense with the detail stage. Could we then proceed to the final stage

MR KING: I move Mr President that the Bill be agreed to

MR PRESIDENT: Final debate? I put that question that the Bill be agreed to

QUESTION PUT
AGREED

FIXING OF NEXT SITTING DAY

MR KING: Mr President, I move that the House at its rising

adjourn until Wednesday 27 January 1993 at 10 am

MR PRESIDENT: Thank you, anything on that Honourable Members

MR ROBINSON: I'll just be seeking Leave for that meeting Mr President

Leave of Absence

MR PRESIDENT: Maybe we could do that now, is Leave granted? Leave is granted thank you. I put that question that the House at its rising adjourn until Wednesday 27 January 1993

QUESTION PUT
AGREED

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

ADJOURNMENT

MR SANDERS: Mr President I move that the House do now adjourn

MR SANDERS: Mr President I've been concerned for a long time that Norfolk Island has a Chief Administrative Officer that since his appointment has

MR PRESIDENT: Order. Under Standing Orders if a person is able to be identified

MR SANDERS: I move that because I believe this is an important issue Standing Orders be set aside to allow me to speak over the radio on such matters

MR PRESIDENT: The matter is a decision entirely for the House Honourable Members but if I could draw your attention to the real reason for introducing first of all Standing Order Section 72a which is of course that officers of the Service should not be subject to undue discussion without having an opportunity of course for them to equally have their say in this House and that has meant that we have introduced a Standing Order which has allowed discussion to take place but to have it done amongst the privacy of the Members themselves and I think that is a factor that you should bear in mind before lightly putting aside Standing Orders for this or any other reason

MR SANDERS: Mr President I believe that this is of importance to the public of Norfolk Island and I feel that it should be permitted but as you say it is up to the House to agree

MR PRESIDENT: You are formally moving that Mr Sanders? Okay, then we'll formally vote upon that. The formal question before us is that we put Standing Orders aside

QUESTION PUT

Would the Clerk please call the House

MR BROWN	AYE
MR BUFFETT	NO
MR BATES	NO
MR SEMPLE	NO
MR ROBINSON	AYE
MR CHRISTIAN	NO
MR KING	NO
MR SANDERS	AYE

Thank you. The result of voting Honourable Members ayes three noes five the noes have it. It does mean that if you wish to pursue what you have Mr Sanders we would need to invoke Standing Orders Section 72a

MR BATES: Mr President before we do that I'm wondering if before we go off the air for this debate if other matters irrelevant to that could continue first

MR PRESIDENT: It would be a practical step if Members would be

helpful about that. Thank you

MR BATES: As this is our last meeting of the year I would like to take the opportunity to wish all my colleagues in the Legislative Assembly and their families and everyone on Norfolk Island to have a happy and holy Christmas and a prosperous New Year

MR KING: Similarly Mr President the festive season is upon us and despite what some may feel it is the season of goodwill and a time for celebrating the birth of Christ, it is also a time at the end of the year to be reflecting on what's happened this year and what's likely to happen next year. For my own part I've enjoyed my short time in the House, it's been very challenging for me and I hope to similarly enjoy next year. Peace of earth Mr President and goodwill to all men including Mr Sanders

MR ROBINSON: Thank you Mr President I would like to echo Comrade King's words. Many of you may not be aware that Comrade King and I are really brothers in the struggle by the oppressed masses of Norfolk Island, we just have a different way of doing things is all. I have a quote here given to me by Grant Tambling who as you know is the Shadow Minister for Territories. In 1890 Mark Twain wrote in the New York World "It is my heartwarm and world embracing Christmas hope and aspiration that all of us, the high, the low, the rich, the poor, the admired, the despised, the loved, the hated, the civilised, the savage may eventually be gathered together in a heaven of everlasting rest and peace and bliss except the inventor of the telephone". Good luck to all yorlye

MR CHRISTIAN: Mr President I would just like at this stage to thank all of the various Committee's, I can't name them all but the Committees such as the Hospital Board, the Immigration Committee and all of the others that do such sterling work day in and day out to keep Norfolk running properly. I thank them very much for the work that they have done through this year and to wish everybody a merry and very happy Christmas

MR BROWN: Mr President certainly I join in the expressions of goodwill but there's another matter which I would like to raise. Some months ago I drew the attention of Members that this House had purported to elect as its President a person who is not a member of the House. I think it was in our August meeting that I in fact raised this as a Point of Order at the commencement of the meeting. Since that time as a matter of politeness I have been largely silent on the point but I don't want any of you to think that my silence is because I've changed my mind. My opinion is in fact, not changed. There is simply no provision in the law which allows a non member to be appointed as President and as I've said before, it is my view that as a result no meeting of this House has lawfully commenced or occurred since the 17 July 1992. This in my view puts into serious doubt the legality of all of the actions which this House has purported to take from July until the present time. The potential consequences are massive. I hope that once the festive season has ended you will be prepared to look sensibly at the problem and to take action to resolve it because it will be far too late if we wait until someone tips us upside down in the Courts and we find that action after action is turned aside

MR PRESIDENT: Thank you Mr Brown. Is there any further participation? Then I wonder if I could say some concluding words and I suppose I should commence them by saying Mr Brown I recognise your views. You will understand that I don't agree with them otherwise some further action might have been taken on my part, and I should also say that your having the view doesn't make it necessarily sound. Honourable Members it is the final Sitting

MR BROWN: Mr President I take offence at the last sentence that you have used and I ask that that be withdrawn

MR PRESIDENT: Yes I withdraw any part of it that you would think offensive but I should make it quite clear that just because Members put forward a view doesn't necessarily mean that it has substance in a legal sense which you are trying to argue that your particular view has. You may have that view and I respect it

MR BROWN: I raise a Point of Order Mr President. It is

simply not appropriate for a Statement such as that to be made from the Chair

MR PRESIDENT: It certainly is appropriate to make it clear what the view of the Chair is in respect of its standing. The words that I were equally about to say Honourable Members were these. The Sitting that we are now concluding is of course the final Sitting of 1992 and we are really going through some festive words to one another. I'm really sorry that that was interrupted in a sense but we are approaching Christmas and New Year. Throughout the year we have of course met many challenges, we have achieved a number of high points as well as experienced difficulties. Can I really acknowledge the part that has been played by Members, especially where goodwill has been present, to meet the challenges presented, the assistance in achieving the high points that we have all hopefully offered one to another and to really say that with all of those things it has been a year that I think we can be proud to say, that in meeting those challenges and difficulties and looking at the high points that there has been some goodwill amongst us despite what others may think on occasions and indeed are want to say on occasions. May I personally wish you and your families much good cheer and indeed good wishes for the festive season. I wonder if I on your behalf may also wish our officers of this House good cheer and the best for the festive season. May I also wish on your behalf to officers of the Service, the principle arm of Government in many ways, your good cheer and good wishes and also to the many voluntary and statutory bodies that have really already been mentioned in many ways here this afternoon. I know Mr Ernie Christian for example equally made mention of his appreciation in those areas and to the broadest sense I wonder if I on your behalf could say to the men women and children of Norfolk Island, much goodwill and much good cheer, may things be taken in moderation during the festive and Christmas season but may it not escape everyone that there is a real Christmas message in the Christmas season and invite people to receive an acknowledge that and so at the commencement of 1993 we might approach that year with renewed vigour to meet whatever challenges that come along then, thank you Honourable Members. I will now turn to Section 71a and invoke that which is that the public will be asked to remove themselves from the Chamber whilst we discuss the matter which Mr Sanders wishes to raise

CLOSED SESSION

Honourable Members I will speak to you when the radio station part has been checked.

Honourable Members we are now in closed session so to speak

MR SANDERS: Thank you Mr President. I have been concerned for a long time that Norfolk Island's Chief Administrative Officer since his appointment has taken his instructions from the President of this Assembly who is not the President of Norfolk Island and is not an executive and in fact has no authority legal or otherwise to give the Chief Administrative Officer an instruction. I have personally told the Chief Administrative Officer that I consider him weak and unsuitable for the position, especially since he is prepared to take instructions from an officer in the public service who is his subordinate. I am concerned that this officer in the public service is amongst other things, the personnel officer which in effect could mean that for political reasons a person could be rewarded for his or her political support or disadvantaged at his whim. I am concerned that informal meetings of members are sometimes used for making decisions, for example to engage an outside person for a specific purpose. Such a meeting was held approximately one year ago and it was for the purpose of completing the codes for the Environment Act. It was a unanimous decision by those present to employ a person from outside for a period of three months. The Chief Administrative Officer said that he knew such a person and because it was for a short period there was not a need to advertise the position. The Chief Administrative Officer who did not agree with the three months contract did what he does usually, that is, to have a meeting with the majority of the executives which in this case was three and then requested them to make a decision on an extension of time. The Chief Administrative Officer then referred to the decision of those executives as an executive decision which could be from as little as two persons. In this instance, George Smith and Ernie Christian and in my opinion two people are not the majority of nine. This position created

and just referred to has not been advertised, his ability is extremely doubtful and it has taken eight months to do what we were told would take six weeks and every further attempt to justify the existence of this almost \$40,000 per annum person just confirms in my opinion the level of incompetence at the head of the Norfolk Island Public Service. I have heard from a reliable source that a large percentage of the public service are of the belief that the Chief Administrative Officer as he walks into the Administration compound hangs his balls behind the door

MR PRESIDENT: Oh, that's entirely inappropriate to be mentioned in this House Mr Sanders, that last sentence and I would ask you to withdraw it. That is not appropriate

MR SANDERS: Mr President I am of the belief that he has no guts

MR PRESIDENT: I would ask you to withdraw the last sentence Mr Sanders. It is not language that is appropriate to a Member of this House

MR SANDERS: Mr President perhaps

MR BROWN: Mr President it is appropriate that Mr Sanders be named if he's not prepared to withdraw that description

MR SANDERS: Could I say he hangs his testicles behind the door

MR PRESIDENT: No that is not appropriate Mr Sanders

MR SANDERS: Well perhaps that he hangs his courage behind the door Mr President

MR PRESIDENT: And the other is withdrawn. Yes

MR KING: Mr Sanders is I think, barking up the wrong tree Mr President if you'll excuse the reference to the canine species. On the one hand he criticises the Chief Executive Officer for the management decisions that he takes and on the other hand he refuses him of having no intestinal fortitude. Now that's simply not consistent. Mr Sanders has a totally different view to a great many people about the role of the Chief Executive of the public service. My role for example is one, my impression of his role is this, that he is the Chief Executive charged with the responsibility of day to day administration of the public service and all necessary decisions relating to the day to day operation and that includes the exercise of statutory functions set out in the various statutes. Mr Sanders would deny him the right to perform those statutory functions and managerial functions. We here in the Assembly and in Government generally don't have a wish to be bogged down with day to day decision taking, or day to day matters effecting the public service. Those are things which rightfully should stand or sit with the Chief Executive. He referred to the situation of the Engineer, or the Special Projects Officer Technical Services and continually raises the matter SPOTS' appointment yet Mr Sanders as I understand it hasn't had opportunity to receive the benefits of that particular fellow's professional expertise and continually casts doubts on his professional expertise. I myself have received considerable value from the Engineer and I hope to be able to continue to receive considerable value from an Engineer, not necessarily the same fellow, but we've been stumbling along for too long without the expertise available at our hand regarding matters such as roads, harbour projects, quarrying, cliff faces, matters in which I used Mr Hannenburg. Mr Sanders overlooks for example matters I raised earlier in the meeting about roads. Isn't it meaningful for Mr Sanders as it probably is for a lot of other Members that we have potential savings of some \$200,000-\$300,000 per year in roads reconstruction. No I don't overlook those values Mr President

MR CHRISTIAN: Mr President regarding the SPOTS officer and the CAO's choosing of him on that point I would like to say that I certainly remember bringing back to all Members of the Assembly at a Committee Meeting the fact that we could not get anybody that was interested in the job for a three month period and getting basically the permission of everybody that was at that meeting and from memory it was a pretty full meeting, I think you were even there at that one John, that we needed to extend that period. This was done and the selections were made, now

strangely enough the CAO selected people from the list of people he thought was suitable and SPOTS name wasn't on it although he had worked previously with SPOTS and the main reason SPOTS name was picked out and given to the CAO was after trying some of the others, these people weren't prepared to work for a twelve month term either, as a short term, and out of the ones that we were left with SPOTS was the only one at that stage who was prepared to work for a twelve month term only

MR BROWN: He was probably the only one who was unemployed I guess

MR CHRISTIAN: No he was employed. He was employed at the time

MR BATES: Yes Mr President. I find it very regrettable that Mr Sanders chooses to attack the CAO in this manner. At a meeting of the Committee of this House when the future of the CAO's position was brought up I suggested that the Members define what they want from the CAO, what they expect him to do, what role they expect him to play before they choose a CAO. We've repeatedly seen a large pile of applicants for the position of CAO, we ourselves but not necessarily those around this table but the Members of this Assembly, previous Assembly's have gone through those applications, they have chosen what they collectively decided was the best and almost without exception when the best has arrived here, because they haven't been yes men, because they have not done exactly what certain Members feel that they should be doing they set out to crucify them. This is a prime example of what is happening at the moment

MR BROWN: Point of Order Mr President. If it's being suggested that Mr Sanders is setting out to crucify a certain person then I submit that that is an offensive suggestion and one which ought to be withdrawn

MR KING: I would submit that it's quite an accurate assessment Mr President

MR SANDERS: That's also a Point of Order Mr President. I would like to have the records straight as to just exactly what has occurred and what has occurred is not a matter of record and it was my intention to make it so

MR BROWN: Standing Orders 61 and 62 Mr President are those to which I refer

MR PRESIDENT: Yes. Honourable Members you will know that the matter that has been originally raised has contained some very strong views and some very strong words. Obviously those views are not shared by everyone around the table and as I interpret it some strong words on the other side of the ledger are equally being said. In raising Points of Order I would ask Members to see where the balance lies

MR BROWN: Point of Order Mr President. Mr President you are not taking note with all due respect at the words contained in Standing Orders 61 and 62. Mr Sanders at no time was using offensive words against the House or against any Member thereof and yet I am putting to the House that that is precisely what Mr Bates' has just done. Similarly Standing Order 62 clearly states that all imputations of improper motives and all personal reflections on Members shall be considered highly disorderly and I now draw to your attention Mr President the provisions of Standing Order 63 which requires you to do something about it

MR PRESIDENT: Yes, I understand that Mr Brown and in prefacing what I am about to say, I have said what I have said

MR BROWN: Mr President with all due respect it's not for you to conduct a debate from the Chair it is for you to conduct the meeting in accordance with the Standing Orders and I have raised a Point of Order which is of substance and which under Standing Order 63 you are obliged to take action

MR PRESIDENT: Yes indeed. I'm in the process of doing that Mr Brown

MR BROWN: Without debating

MR PRESIDENT: Well it might be your view that it's debate. I'm endeavouring to put the reasons behind the ruling that I make in the matter and indeed I repeat what I have said about the balance of things. Mr Bates at the end of the day I do uphold a Point of Order in that it is improper for you to say that a Member is acting in the way that you have described and I so rule but I equally must say to Members what I have said at the beginning, in other words the balance of conduct in this House and Standing Orders 61 and 62 refer to conduct in this House

MR BATES: Thank you Mr President

MR BROWN: Point of Order Mr President. Mr President Standing Orders 61 and 62 if I were to read them to the House say this, 61 "No Member may use offensive words against the House or any Member thereof or against any Member of the judiciary" and Standing Order 62 says "All imputations and improper motives and all personal reflections on Members shall be considered highly disorderly" those are the things Mr President to which Standing Orders 61 and 62 relate

MR PRESIDENT: Yes, you've mentioned that twice now Mr Brown and I acknowledge that and there has been a ruling on the matter

MR BATES: Thank you Mr President. In standing up to some of the standover tactics of Members of the House

MR BROWN: Point of Order Mr President. The words "standover tactics" is an offensive word under Standing Order 61 and is a personal reflection under Standing Order 62 and I ask that it be withdrawn

MR PRESIDENT: That is appropriate for you to refrain from doing that Mr Bates

MR BATES: Thank you Mr President I will withdraw that. What I'm about to say is that yes men in the position of CAO will not work. I think the CAO has really demonstrated some of the what shall I say, some of the aspects, although that's not quite the word, but some of the attributes that Mr Sanders said he lacked in making his position quite clear in trying to deal with situations which are put before him in the manner in which his integrity and his experience demands. I do put it Mr President that the problem as I see it does not lie with the CAO or whoever might hold that position. It lies elsewhere and it lies alot closer to home. It lies with the Members of this House and if I have to withdraw that so be it

MR SANDERS: Mr President Mr King was rather emphatic on the qualities and the marvellous experience of SPOTS and he was referring to the marvellous savings on the roads. I put it to this House that if Mr King isn't very careful it's going to cost at least two times what it would have cost if we had done it in the right way in the first place. Mr Bates has just referred to that the CAO couldn't possible be a yes man or the place wouldn't work. My criticism of him is exactly because he's that. He's a yes man and it won't work. That's the whole thing in a nutshell. Mr Christian spoke of the selection made. Mr Christian hasn't told this House that the two people that made that decision even though it was unanimous in the Committee Room that we supported that person be appointed for a short term, Mr Christian did not tell this House that the person that had authorised Mr Brown to make that appointment was Ernie Christian and George Smith was present. The House did not give Mr Christian the authority as a one man band to authorise anything. The qualifications of this person, perhaps not the qualifications but his ability is in considerable doubt and while I've been offensive all day Mr President I had a phone call at approximately 7.00 o'clock this morning to ask me what did SPOTS mean and I told this person that I thought it was Special Projects Officer something or other, I didn't think of the Technical, and he kept on pulling me up and saying that I was wrong. Anyhow he corrected me by saying that it was a Stupid Person on Transfer from Sydney

MR KING: It reminds me of a proverb about fools and horses. Just a general point. I don't want to reflect on personalities but let me make this as a very general point, that if we continue to subject our contracted people to the kind of oral and written abuse that both SPOTS and the CAO have been subjected to then we are likely going to end up

with precisely what Mr Sanders says we have. Incompetent fools because they will be the only ones that will want to come here, thank you

MR BATES: Mr President what I've seen in the last three selections of CAO, there have been literally hundreds of applicants for those positions and out of those literally hundreds of applications for positions if you look at the way they've all finished up and the way they've been treated we've picked a dud out of every lot because it hasn't suited us. Now we've picked a dud every time on the last three or four occasions out of a huge pile of applicants. We must relook at the situation. We must relook at our methods. We must find out where the problem lies. I don't believe it lies with the people we've selected, I believe it lies closer to home and that's why I say we should define what we expect from the Head of our Public Service. Find out first before we get somebody so that they do meet that criteria, so that we don't make the same mistake continually, continually and continually. That's all I have to say Mr President

MR SANDERS: I agree with Mr Bates on that last statement. Yes indeed we should

MR BROWN: Mr President I too agree with some parts of what Brian's just said. I think it is a fact that the Chief Administrative Officer position, for whatever reason has broken virtually every person who has filled it since 1979

MR KING: The position has broken them or the politicians have broken them

MR BROWN: I think the position has broken them

MR KING: I have a different view

MR BROWN: And I think a part of the reason for that is that we've not adequately done what Brian has just suggested, that is, sit down and work out just what the job really is. I think that there are in fact two positions. I think one position is a position similar to a Town Clerk and when you look through the applications that come each time there are lots of very competent Town Clerks and if one were to appoint one of those very competent Town Clerks to fill the role of the Town Clerk I think we'd have a fair chance of achieving what we are looking for in that regard but the second part of the CAO's job is that in which he deals with other Governments. He deals with the Commonwealth Government in some areas, he deals with the New South Wales Government in some areas and he provides to the Assembly advise in many areas which are totally unrelated to the normal duties of a Town Clerk and if you look through some of the Chief Administrative Officer's we have had some of them have been very competent at providing that latter advise but they've had no experience whatsoever as Town Clerks. I do think that there is room to significantly revise our thinking about just what we want the Chief Administrative Officer to do. The present CAO leaves at the beginning of April. Members of the Assembly have had an application from him to extend his term and they have agreed by an overwhelming majority that the term should not be simply extended but that advertisements should be placed to engage a new Chief Administrative Officer and the present CAO has been told that he would be welcome to apply along with any other applicants at that time. There has been discussion as to whether the present advertisement or whether the former advertisement which has been used on earlier occasions is suitable in the event that we do decide to adopt some part of my suggestion that perhaps the job should be split into two and it has been felt that the advertisement itself is adequate but that before we come to providing information to applicants on the basis of the advertisement we do need to firm up in our minds whether or not the role is to be precisely the same as that which has applied in the past or something different. Although we have made the decision that the advertisements should be placed I am not aware that the advertisements have been placed and we certainly need to do something about that very quickly or we will find that the present CAO has gone and we have an interval of some months while we complete the recruiting process but certainly we need to look at just what it is that we expect the CAO to do, I accept that

MR PRESIDENT: Further participation? No. Could I just make mention of one thing. Mr Sanders at the commencement you mentioned that

the President had issued instructions to the Chief Administrative Officer and I would want to make it clear that the President has not done that. Throughout the President's term instructions have not been asked for nor taken on the part of the CAO nor have they been offered or given on the part of the President. Any further participation in the adjournment debate Honourable Members? I will put the question therefore that this House do now adjourn. This question is to be finalising this Sitting

QUESTION PUT
AGREED

The ayes have it. Therefore Honourable Members this House stands adjourned until Wednesday 27th January 1993 at 10.00 am.

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