



in 1948. Animal welfare was another interest and she was Hon Secretary of the Norfolk Island Cat Welfare Association and a member of the Cat Protection Society of New South Wales and the Guide Dog Association. She was School Secretary for many years. Kit worked in a voluntary capacity at the Library spending many hours over many years and she was also Guide Commissioner. Kit had travelled over much of the world and always had a keen interest in foreign lands and their inhabitants. She was a great correspondent. To her husband Gordon and to their friends this House extends deepest sympathy.

It is with regret that this House records the passing of Avid Dunning. Avis epitomised the wonderful life style that Norfolk has offered throughout the years – the kindness, gentleness, courtesy and help with a faith that never wavered in her 95 years. Avis was born on Norfolk Island in 1905. Her mother Mary Allen came from Great Barrier Island in New Zealand and her father Augustus Allen was born in Norfolk Island in 1872, son of Dwight and Esther Allen. Avis spoke with pride of her grandfather Dwight who was born on Nantucket Island in Massachusetts USA and who had come to Norfolk because of his skills as a navigator and shipwright when Norfolk sought to establish a whaling industry. She also spoke proudly of her great grandmother who was the adopted daughter of the paramount chief and the first Maori Chief to sign the Treaty of Waitangi in 1841. Avis was an accomplished student and won the Queen Victoria Scholarship. She went on to Auckland to learn dressmaking and then worked as a governess in Comboyne, NSW. She returned to Norfolk during the depression and married John Hall. They started a bakery in Burnt Pine to provide a modest income for their family of two sons, Brian and Ray. John left the Island to join the RAAF before the Second World War and subsequently Avis married Jack Dunning. Apart from brief visits overseas she continued to live on Norfolk for the rest of her life. Like many of her generation born and raised on Norfolk Island, Avis Dunning's virtues were simple, straightforward and lasting; she was a loyal friend. Avis loved gardening and her gardens were well known. To her sons and their children, to her Norfolk family and her many friends, this House extends its deepest sympathy.

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

Honourable Members in the Gallery this morning are Mr Alan Kerr, one of the longest serving former Administrators of Norfolk Island. He is accompanied by Mrs Kerr this morning. As Members will realise the Administrator is not present in this House during substantive deliberations therefore Mr Kerr's presence this morning may well be his first to observe first hand the proceedings of this House and on your behalf Honourable Members I offer a warm welcome to Mr and Mrs Kerr this morning.

**MR BROWN** Hear Hear

**SPEAKER** I also note in the gallery this morning Miss Chloe Nicholas, a former Member of this Legislature and on your behalf Members I warmly acknowledge a former colleague

**MR BROWN** Hear Hear

**SPEAKER** Honourable Members I ask if there are there any Petitions. Are there any Notices. Honourable Members are there any Questions Without Notice.

#### **QUESTIONS WITHOUT NOTICE**

**MR BATES** Thank you Mr speaker. A question for Mr Smith, Minister for Tourism. Given that the Norfolk Island Amateur Sports Association has

requested the lifting of Regulations that will allow extra athletes to occupy unlicensed beds in accommodation house and that that needs to be in place now, can the Minister give this immediate attention

MR SMITH Mr Speaker, I had discussions with people in the accommodation industry some months ago who were talking about the Government doing such a move to allow for extra people to be accommodated in tourist accommodation during the games if that was required and that of course would depend on the number of athletes or sports people who would be here during the South Pacific Mini Games on December 2001. At this stage the numbers aren't up to that degree where that is required but of course it is only early days but certainly as Mr Bates has asked, can we do something about that as quickly as possible and I think that could be arranged in the next four weeks for the next Sitting

MR BATES Mr Speaker, a question for Mr Cook Minister for Immigration. Given that the Norfolk Island Amateur Sports Association has requested special waiver of any visa requirements for the athletes and officials attending the south Pacific Mini Games from December 2001, could the Minister give this his immediate attention

MR COOK Mr Speaker through you to Mr Bates, yes this has to be attended to. We've had a recent meeting here with Members of the Norfolk Island Amateur Sports Association which of course are organising these games and every step will be taken to ensure that the provisions that are necessary, are in place for people to come here with difficulty in any way whatsoever to participate in sporting activities will be attended to and I have no doubt that will be in place and I'll report back to the House about this situation at the next sitting of the House

MR WALKER Thank you Mr Speaker a question for Mr Cook, Minister for Immigration and Social Services. Could the Minister please advise what progress if any has been made firstly to rectify the present deployment of the Safety Lifebuoy at the bottom tip and secondly the reliable operation of the launch radio communications facility for sea rescue purposes

MR COOK Mr Speaker it is difficult for me to provide a definite and precise answer at the moment to Mr Walker. As far as I am aware no steps have been taken in relation to the actual provision of any additional equipment at the tip other than the lifebuoy and the rope which is attached to it. I had discussion with the Police in relation to this and I was informed that a rope or fire apparatus would be obtained and be part of the rescue equipment and that is going forward. As far as I am also aware the moneys provided for by the Government to enable basic equipment to be placed in the Government launch and the Government launch at this stage has been designated as the vessel which will take part in any rescue operations. I will endeavour Mr Walker through you Mr Speaker to have full possible information in answer to your question by the next Sitting

MR GARDNER Complimentary to that Mr Deputy Speaker

DEPUTY SPEAKER Thank you Mr Gardner. Are you seeking to provide more information?

MR GARDNER Thank you Mr Deputy Speaker a supplementary question if I could to the Minister regarding that question and it is in relation to the provision of safety equipment at the Headstone Tip. Is it also intended for the provision of safety equipment at other coastal areas on the Island of high visitation, namely fishing spots and other popular spots

MR COOK Mr Deputy Speaker through you to Minister Gardner, I take your point immediately. It hadn't been drawn to my attention the necessary requirement for such additional equipment but certainly I would take this under advise and receive as urgently as I can advise about it. I see the point of the question and personally I can see no reason why adequate and proper equipment shouldn't be installed at all placed which could be the subject of some disaster happening to people who might inadvertently or carelessly fall into the sea or suffer some situation of gross danger and I will almost certainly do what I can to investigate this situation and I will get back to the Minister and to the House on this matter as soon as I am able to receive advise

MR BUFFETT Thank you Mr Deputy Speaker. I raise a question without notice to Mr Gardner the Minister with responsibility for waste management. Was the top tip at Headstone cleaned out within the last ten days or so and if so, what approximate quantity of waste was removed and where was the waste deposited

MR GARDNER Thank you Mr Deputy Speaker in answer, yes the top tip at Headstone was cleaned out within the last fortnight so I understand and there was a substantial amount of rubbish that was cleaned out of the top tip, that rubbish mainly consisting of ash, metal fragments and glass deposited over the chute at Headstone which has been general practice for the last twenty years but a matter of concern of course to this Government and as Members around this table would be aware we are currently implementing a new improved waste management strategy which should see a reduction in the amount of material that is deposited over the chute

MR BUFFETT Thank you Mr Deputy Speaker a supplementary if I may. Thank you Minister for that response. In the ash that you have referred to was there ash that might be as a result of burning plastic, maybe tanalised timber waste and you've mentioned maybe the burning of some metals which obviously has some noxious waste attached to it. Could the Minister tell us whether protective clothing was provided to those who were making the removal and undertaking this exercise and if the clothing and masks were provided were they actually worn

MR GARDNER Thank you Mr Deputy Speaker my understanding having gone out there and observed the practice myself was that no members of the Administration staff involved in the cleaning out of the top tip were actually wearing any safety equipment at all. It is a matter that I have taken up with the Service to ensure that the people in the supervisory role of those people who are asked to do potentially hazardous occupational roles such as the ones performed by those Administration officers are provided and it is ensured that those members of the Administration Staff are actually wearing the appropriate protective equipment

MR BUFFETT Thank you Mr Deputy Speaker and Minister for those responses. Can I additionally ask him whether notice was given to the public and to surrounding households of the removal of this particular waste so that they might undertake protective measures against the powder and the ash that might be blown into the surrounding district

MR GARDNER Thank you. Not that I'm aware of

MR BUFFETT Could I just raise two final aspects of this particular matter Mr Deputy Speaker. Could I ask the Minister whether he thought that the most recent exercise was a successful exercise having regard to public safety and is it his intent to continue to empty the top tip in the way that it has been most recently

MR GARDNER Thank you Mr Deputy Speaker in response to that. In the absence of any other practical solution to the method of the disposal of that waste from the top tip, yes it is envisaged that that practise will continue. As I alluded to earlier

in answer to the previous question the Waste Management Strategy is currently the topic of implementation by the Norfolk Island Government and hopefully those practices that we have witnessed over the last twenty years and particularly most recently in the last fortnight, will be minimised

MR BUFFETT Thank you Mr Deputy Speaker could I just ask the Minister again in a supplementary question way, as to whether he could be sure to provide protective equipment for those who are working on the job. I have interpreted that he has indicated that but he might confirm that, but additionally, whether he might give public notice so that people can not be around in a public sense while the ash and other waste material may be blowing around and surrounding householders might have an opportunity to take protective action whilst the tip people themselves will try to minimise all of that but could the Minister undertake to do that in the future

MR GARDNER Thank you Mr Deputy Speaker I have no problem with that

MR WALKER Thank you Mr Deputy Speaker could I ask the Minister when we might expect to have an alternative facility in place that will prevent the necessity to unload the top tip directly over the chute into the sea

MR GARDNER As Members around the table would be aware and I think the general public, there's been a lot made of the fact that we have developed a new Waste Management Strategy for Norfolk Island and certainly contained in all of that documentation that has been widely circulated was the intent that the new Waste Management Strategy would be up and operating prior to the start of the South Pacific Mini Games to be held here in December next year

MR BUFFETT Thank you Mr Deputy Speaker. a question to the Chief Minister. Chief Minister in your radio talk last week you mentioned aluminum cans and batteries were being collated and continue to be exported from Norfolk Island. Is this true

MR NOBBS Thank you Mr Deputy Speaker and Mr Buffett. It most certainly is correct. The battery situation, the first one, there was a load palletised, something like ten or fifteen pallets sent off last year and I'll answer for Mr Gardner, but if I'm wrong Mr Gardner please correct me but I think there was something between ten and fifteen pallets of batteries sent away in the last financial year and they are being palletised continually at the Works Depot. We expect a shipment to go away this financial year and I believe there's funding that's been made available for that purpose. As far as the cans are concerned my understanding is that the tip contractor had a can machine which was undertaken, I think it was brought in actually by Mr Peter Evans and then sold to the current tip contractor. It as agreed at an executive meeting a couple of weeks ago that the Government would buy that plant and through the resources of the Administration continue to export the cans. Now that's my understanding of the situation today and as it was last Friday when I made the statement. I should add that the tip contractor did not wish to continue with the crushing of the cans. I've subsequently heard that for a period aluminum cans were being dumped into the sea. I spoke to the Minister responsible, Mr Gardner about that on I think, Monday morning and I think things are in place, but you may be able to shed some light on where we are actually at with it Mr Gardner

DEPUTY SPEAKER Mr Gardner, do you wish to expand further on Mr Nobb's answer

MR GARDNER Thank you Mr Deputy Speaker I would like to and maybe just clarify some of the points that the Chief Minister raised. In fact there are two aluminium can presses on the Island that I am aware of. One is owned by Mr Peter

Evans and one is owned by Mr Norm Lecren who is the currently operator of the tip contact. The Chief Minister is quite right, the matter was discussed in a meeting of executives and endorsement was given to pursue the option of the purchase of a can press for the purposes partly to co-incide with the implementation of the Waste Management Strategy and basically to put that under one shelter and the Norfolk Island Government take over the organising, collection, pressing and recycling of aluminium cans on the Island. There is a ministerial which was sent off late last week to the service to explore those options. It has been just in recent days brought to my attention that there was an offer made to the Administration for the purchase of Mr Peter Evans' aluminium can press and that matter has been drawn to the attention of officers in the Administration so that both of them could be given consideration. In the ministerial that was sent off there was also a request to develop a system of collection. I think it is pretty straight-forward and pretty standard that most people would be aware that most of the rubbish drums on the Island are collected by the Administration on a daily basis and taken to the tip for disposal of that rubbish and that on the return trip it would be a simple enough procedure to pick up the cans and take them back to a central depot for crushing and I have asked for that to be explored by the Service and I'm still awaiting a response on that

MR BUFFETT Thank you Mr Deputy Speaker. A supplementary if I may. Thank you for the information about how the tip contractor is being conducted. I understand therefore that the tip contractor is not collecting cans. If that is the case, whilst this has been explained that the Administration collections might be centralised, can you please let us know what the arrangements are for the general public who might want to deposit their aluminium cans in a place where they can be collected according to the system that you propose

MR GARDNER Thank you Mr Deputy Speaker I would understand that it would remain the same practice that has gone on for a number of years where the people still take their aluminium cans out there and they are deposited in the collection drums at the tip. I understand that the current tip contractor or maybe even Mr Peter Evans, in the past had undertaken to actually collect the aluminium cans from the hotels and clubs. I'm still awaiting advise on that and to see whether it is practical for the Administration to undertake doing that too

MR BUFFETT Thank you Mr Deputy Speaker. Could I ask the Minister if he would confirm with the tip contractor that the present arrangements although he may not be the collector, his is still the collecting point for aluminium cans. From what I've heard in the community Minister, there may be some confusion about that and my request is that you maybe give some clarification to that

MR GARDNER No problem

MR WALKER Thank you Mr Deputy Speaker a question to the Chief Minister Mr Nobbs. With reference to item 1107 of the 2000/2001 budget could the Minister please advise when the job position assessment will be completed and when we might expect a report of the assessment to be available

MR NOBBS Thank you Mr Deputy Speaker and Mr Walker for that question. The position is that there was a sum budgeted in there. As Mr Walker is aware we are progressing with the Public Sector Management Act and establishing a new regime under that in which the CEO has the hiring and firing and the Public Service Board has appeals provisions which didn't exist before. What is being developed from that is as we bring it in we develop a structure and the job positions etc will be carried out in that order

MR BROWN Mr Deputy Speaker I direct this question to the Minister with responsibility for the Environment. Is the Minister aware of dissatisfaction

in relation to the use of jet ski's in Emily Bay at present and in particular dissatisfaction as a result of oil slicks and the heavy fumes interfering with the enjoyment of those who are using Emily Bay and if so does the Minister propose to do anything to at least restrict the further importation of jet ski's or alternatively do we propose yet again to allow the problem to be simply ignored by allowing the particular jet ski owners to regulate themselves

MR GARDNER Thank you Mr Deputy Speaker I applaud this government on its openness. Obviously my ministerials that I send out to the Service are open to a lot of people to view. Maybe it's just a co-incidence. That matter was addressed in a ministerial that I addressed to the service some time last week and it was in relation to a proposed rumour that there was a tourism operator on the Island who was proposing to import some ten jet ski's into the Island and that even though we were conscious of the fact that there was a self regulating code amongst jet skiers in the Bay that now it was possibly a time for the matter to actually have some proper Regulation or legislative backing controlling the use of motorised craft within the Bay and including wind surf skis simply from the safety and/or environmental point of view. Mr Brown is quite right about the two stroke oil and gas omissions that may potentially be harming coral. Those things I'm waiting for a more in depth and expanded report from the Service but there are also the safety issues of not so much jet ski's even though they can get up to a pretty quick pace, but as I said, they are self regulated. There are controls on how they utilise those so that they exit the Bay out side of the reef but in recent weeks there have been concerns about wind surfers, that actually travel is not as fast, almost as fast as jet ski's are able to with no protection in place for swimmers and snorkellers who are in the Bay and are sometimes very difficult to see. However, I await the advise from the Service on that matter. I certainly thought the most appropriate legislative vehicle to proceed with that matter and hopefully I will be able to bring a proposal back to Members of the Assembly on receipt of that advice

MR BROWN Mr Deputy Speaker, could I simply assure the Minister that I haven't seen the memorandum that he is talking about, and I didn't know a thing about his memorandum until right now but nevertheless could I ask a further question in relation to that, bearing in mind the difficulties which have obviously caused the Minister to already write at least one memorandum, will the Minister take action to place a moratorium on further importation of jet ski's until the various review and policy development work have been completed

MR GARDNER Thank you, I have no difficulty with that and I think if Members will bear with me, maybe I could attach that to the proposed motion for the moratorium on the importation of buses that we may be paying attention to later in the morning otherwise failing that and leave not being granted for the moving of that motion certainly I will take that on board

MR BATES Mr Deputy Speaker thank you, a question to Mr Nobbs, Minister for Finance, proposals to lease ten thousand of our telephone numbers at no cost to us but with a revenue potential of US\$4m per annum were around in early September or late August, what is the present status of this proposition

MR NOBBS Thank you Mr Deputy Speaker. Thank you for that Brian. In fact there are now two proposals in relation to the use of lines through Norfolk. They are both being negotiated at the present time. I was hoping to have some indication this morning as to the one I think Mr Bates is referring to. It's a bit commercial at the moment and should be, I felt, dealt with more as a commercial-in-confidence basis but I was hoping to have some information on the first one as the proponent of that scheme is currently in Sydney and was undertaking some discussion with the carrier which would clarify the exact position. As far as the second proposal is concerned, I spoke yesterday morning to another proponent of a similar scheme and those

discussions are continuing and I would hope that I would have something for the House by at least the next Sitting

**MR BUFFETT** Thank you Mr Deputy Speaker. Can I direct this question to the rock crushing Minister. Could he please confirm that rock is now presently being crushed from the rock crusher and could he give us a time for the present operation to produce the community needs and the suitable stockpile that has been earlier spoken of

**MR GARDNER** Thank you Mr Deputy Speaker. In relation to that there has been rock crushed. My test advice that I've received from the Service this morning is that the operator is making some minor adjustments to the conveyor belt and doors as we speak and that the crusher should be in full production tomorrow, Thursday, 19<sup>th</sup> October 2000. As far as the stockpile is concerned that's contained in the terms of the contract as to the amount of rock that is to be made available under the contract. Whether there is one tonne crushed today and a thousand tonnes crushed tomorrow is really a matter for the operator but it is certainly within the terms of the contract

**MR BATES** Mr Deputy Speaker a further question for Mr Nobbs, Minister with responsibility for electricity. With the result of the display at the Show and the visit of the Rainbow Power Company, does the Government intend to promote private generation of electricity by solar means

**MR NOBBS** Thank you Mr Deputy Speaker. In response to Mr Bates I understand that the policy which has been in place for some considerable time now is that you cannot have a system whereby you have partial generation from a household whilst being connected to the power. Now we are looking at two proposals and in fact have agreed to both of them, to allow for a trial purpose, the operation by two householders here, of solar type activity whilst being connected to the power. This is purely on a trial basis. There are considerable risks in relation to the whole proposal of people being connected to the government power service and also to their own supplies and as far as alternate energy is concerned we are still progressing down the road of alternates, and as I have mentioned to Members I am hopeful that in the not too distant future we may have a reasonable proposal to chew on in relation to solar power on an Island wide basis, but at the present time the visit by the lady from Rainbow Power was well received. She spoke to Assembly Members and I think they showed a great interest in that and solar power in particular but bear in mind that solar power is only one of the alternates available and as a consequence of the need to provide power twenty-four hours per day to Norfolk Island, unless we have massive investments in storage facilities, solar power will not provide that. However, in response, the matter is being looked at thank you

**MR BUFFETT** Thank you Mr Deputy Speaker. Could I ask this question of the Minister for delayed aircraft. I think that may well be Mr Smith but correct me if I'm wrong. Yesterday there was another aircraft delay. Could the Minister please tell us whether the new system that we have recently spent three quarters of a million dollars plus on, is yet operational. If it is operational is this the sort of service that it provides to us. If it is not yet operational when will it be operational

**MR SMITH** Mr Deputy Speaker I assume the question should be aimed to Mr Nobbs as the Member with responsibility for the airport. If it is about airlines that question would be for me but relating to a facility that would be Mr Nobbs

**MR BUFFETT** I'm happy for whichever Minister wants to tackle it or needs to tackle it, to do so

**MR NOBBS** Thank you Mr Deputy Speaker I will respond to that question which is a fairly topical one at the present time. The situation is this, that whilst



it is an aircraft and ground facility combined and it was purchased in the time when Mr Smith was Chief Minister and I've had to take it on now, the answer to the question is simply this, it is not in place at the present time, it is not operational at the present time but I understand that there were some glitches in the operation of the facility and this has now been sorted out, as I explained at the last meeting, but as the cost is pretty astronomical for Flight West to position an aircraft up here and do the final testing on it, they've sought from CASA approval to collect data for a limited period to ensure that these glitches are completely out of the system before they do the final approval

MR BATES Mr Deputy Speaker a question for Mr Nobbs as Minister for Finance. In July you promised in this House to bring forward proposals to raise additional funds for infrastructure purposes by August. In August you said you had seven options and would bring them forward after your holiday. It is now after your holiday so where are the proposals

MR NOBBS Thank you Mr Deputy Speaker, in relation to that question I find that question a bit unfair and a little bit out of order because I did explain to the House that the proposals that were set up were for \$2m per year over a three year period to upgrade the roads. We subsequently have had a report which says that we need \$2m over a five year period which is a \$10m road upgrade and consequently as I mentioned, I'm sure I've mentioned this in the House, the original proposal has gone out the window so to speak. The current report by Maurice Green, who came over here in late August or early September, has been circulated to all Members and is now with the Minister with responsibility for roads, Mr Smith

MR BATES Mr Deputy Speaker a supplementary. My understanding was that this was for an infrastructure fund, which was not only roads. Now have the goal posts shifted to only roads Mr Nobbs

MR NOBBS Thank you Mr Deputy Speaker, I will just be very clear on this. I wanted to start an infrastructure fund with the last budget with a small sum of money, which could be built on. The Assembly didn't take the view that we should start it with that amount of money and it could be used elsewhere and therefore the Infrastructure Fund was not progressed. What happened then was that a suggestion had been made over the years and I took it on board to investigate it, that a road upgrade should occur with the proposal in 2003 to overhaul the airport runway. I think the proposal was put up the last time the airport runway was upgraded and was I believe, never really progressed because it came in too late. The suggestion was that we look at that proposal again and as we had three years before the time that maybe we should look at whether it was feasible, whether there was a possibility of funding it. The suggestion at the time without any official or technical basis, was that a sum of some \$6m could do the job. As I said a minute ago, Mr Green came over to look at the airport, he is a roading engineer so we took the opportunity to have him give a brief report on the roads and his suggestion is that it would not be feasible to do it at that time because of the cost. If we did it at the same time as the airport runway the costs would be something like \$20m plus, and his suggestion is that we proceed down another road and upgrade some of the heavy use roading when the airport is upgraded but the majority of it be done under a chip seal arrangement which we are currently carrying out. Now there are certain things we have to follow as a result of that report and the first is to firm up precisely where we do and what actually is required to be done on each particular road. At the present time that is with the Minister responsible, Mr Smith, so it was not a proposal for an Infrastructure Fund. I'm harping on the Infrastructure Fund and that's where Mr Bates' might be confused, but we do need an Infrastructure Fund and roads are not the only one. I will say it again there are many upgrades that appear to be essential, there's the airport runway which is being attended to if we keep the funds coming in for that, there's the hospital, there's the school, there's the transmission line for the electricity and on it goes. All these need attention and that's where the total

Infrastructure Fund is concerned, apart from the general maintenance of facilities that we have. So I believe Mr Bates may have been a little confused on the terminology

MR BATES Mr Deputy Speaker I wasn't confused

MR NOBBS So I hope now Mr Deputy Speaker that whilst Mr Bates was not confused, I have clarified the situation in relation to that point

MR WALKER Thank you Mr Deputy Speaker a question for Chief Minister, Mr Nobbs. Can the Minister advise whether there exists a current works programme for the control and or removal of noxious weeds and trees on the verges of the Island's roads

MR NOBBS Thank you Mr Deputy Speaker I would suggest that it is more appropriately in the area of Mr Gardner, the Minister for Environment and he also has Forestry and noxious weeds and stock under his control.

DEPUTY SPEAKER Mr Gardner do you have weeds under your control.

MR GARDNER Yes I'm unable to give a comprehensive reply other than to assure Mr Walker that there is a programme for the removal of weeds on the sides of the roads.

MR BROWN Thank you Mr Deputy Speaker. I direct this question to the Chief Minister. Can the Chief Minister advise whether the power factor correction equipment at the power station is now functioning properly and can the Chief Minister advise what has been the result of the commissioning of that equipment.

MR NOBBS Thank you Mr Deputy Speaker. Yes the power factor correction is, I understand the last time I asked about it was actually operating but I cannot give you any details on the savings at this stage Mr Brown.

MR BROWN Thank you Mr Speaker. A further question to the Chief Minister. Can the Chief Minister advise whether Police investigations have yet been concluded in relation to the theft of part of the payroll from the Administration in recent times and if those enquiries have been completed, is the Chief Minister able to make a statement as to what occurred.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mr Brown. I think I made a statement on this a couple of meetings ago actually I think Mr Brown. I said I was awaiting on a report, I have not received a report but I'll most certainly chase it up in the days ahead.

MR BROWN I direct this question to the Chief Minister. It relates to the airport. Has the Chief Minister yet had the time to investigate the amount of palm seed which has been collected at the Norfolk Island Airport over recent years and to investigate just what has been done with that palm seed and the proceeds of its sale.

MR NOBBS Thank you Mr Deputy Speaker. It must be palm season again. I was asked that earlier and I gave a response and I'm just madly thinking as to where we got with that.

MR BROWN You were to investigate further that one point.

MR NOBBS That one point. Well I have not got a response yet. Sorry about that Mr Brown but I will certainly chase it up.

MR WALKER Thank you Mr Deputy Speaker. A question for Mr Cook, Minister for Immigration. What progress if any, has been made in the investigation of hands free microphones for tour vehicle drivers who are conducting their commentary within the vehicle while driving at the same time.

MR COOK Mr Deputy Speaker through you to Mr Walker. This is a matter of considerable concern. I did require that in the package of Road Traffic Act Amendments that is being prepared at the present time which is intended to be brought forward to the House and I had hoped to have it at this sitting, one of the matters which will be attended to is the very matter that has been raised by Mr Walker. It seems to me a highly undesirable practice that there should be such a procedure being adopted or even being used or contemplated to be thought to be appropriate and Mr Walker has my assurance that I have requested that attention be given in the drafting of new legislation which will take up that point and it will be brought into the House as soon as it's ready to be able to be considered.

MR BATES Thank you Mr Deputy Speaker. A further question for Mr Nobbs, Minister for Finance. For some time I've been trying to find out if the transfer of the costs of the fire service to the airport will be cost neutral to the airport or will the costs as I suspect now be borne by the airport.

MR NOBBS Thank you Mr Deputy Speaker. I think that the actual transfer over was at cost neutral but I haven't got that with me at the present time Mr Bates but I think there may be some costs borne by the airport but it was transferred from the Revenue Fund but we were looking at how those funds could be picked up. Offhand I think there was something like \$90,000 was involved in the transfer but I'd have to clarify that.

MR WALKER Thank you Mr Deputy Speaker. A question to the Chief Minister Mr Nobbs. The Minister would be aware that there are limitations on the production of electricity which lead to restrictions placed on consumers. Will the Minister undertake to conduct a public awareness campaign for the conservation of electricity in both the home and workplace to improve this situation.

MR NOBBS Thank you Mr Speaker. I think we'll be talking on electricity a bit later on if the proposed Motion is acceptable to be debated this morning and I've got some enlightening information in relation to that and that goes back as far as 1981 but I have asked the Service to look at that particular proposal and bearing in mind the electricity undertaking in fact makes money out of selling electricity but there is something of a conflict there but I believe that in the interests of the environment and the costs involved in the generation of electricity that we should go down that path and I'm all for it. There was a proposal that in the last Assembly that on looking at, I think it was the EnergyFirst proposal that the next step was a major PR campaign to try and reduce the consumption of, or the need to generate so much electricity.

MR BROWN I direct this question to the Minister for Immigration and Community Services. Can the Minister advise the present situation in relation to the draft Immigration Bill which was prepared by Miss Bronwyn Paddick. Can the Minister also advise the present situation in relation to the various matters regarding immigration which the Minister was requested by this House on a recent occasion to pay regard to, and finally can the Minister advise when he will commence providing the monthly reports as to progress of those matters which he was requested to do by the House on a recent occasion.

MR COOK Mr Deputy Speaker through you to Mr Brown. I intended to bring forward a statement this morning to make it to the House. I understood and it must be my misunderstanding that I was to report to the House, I didn't understand that that was necessary to be a written report of the situation. I was

intending to comply with the direction of the House to give explicit information as is available to me and the progress of the matters that Mr Brown has referred to. If Mr Brown will accept that I intend to make a statement about those matters this morning then that's what I would prefer to do.

**MR BROWN** Mr Deputy Speaker I direct this question to the Chief Minister. Can the Chief Minister advise whether under weather conditions similar to yesterday the Flight West aircraft will be able to depart from Australia to fly to Norfolk Island in order to avail itself of the new landing system or is it the case that the aircraft will not be able to depart from Australia under weather circumstances similar to those which existed yesterday.

**MR NOBBS** Thank you for that Mr Brown. The question is a bit difficult to answer because I don't know what time yesterday, but I'll tell you at quarter past 6 when I came past the airport and there was no lights on and I thought hello we've got a problem here not being the Minister responsible for the aircraft so I wasn't advised that it wasn't coming in, but at that time I can tell you that there was no way in the world, given that the new landing system or whatever that that plane could have got in here, and that it what we have to realise. It was explained at the time that the previous Government and the previous Assembly agreed on the purchase of that particular facility, that when the mist was right down that there was no way in the world that a plane could get in, and that my view and I'm only an amateur in this sort of caper that I wouldn't have liked to be on the plane if he'd been trying to land whether we had the new system or not, because it was right down and at car light level at the end of the strip, so it was pretty low.

**MR BROWN** Mr Deputy Speaker the Minister may recall that I asked a question at a recent meeting along these lines and the Minister undertook to investigate the question. I wonder if the Minister could again give that undertaking and actually carry out the investigation this time, and when he does so will he also be able to advise whether the previous Minister was speaking with accuracy when he assured the House that this new system would enable aircraft to land on a very significant percentage of the occasions when landing hasn't been possible to date.

**MR NOBBS** Thank you Mr Deputy Speaker. I agree that I undertook that and I'm still awaiting a response from the Service in relation to that question, but whether that actually happens but in relation to what was said by the previous Minister or previous Government or whatever I'll have a look at it but I doubt if it's written anywhere but the position is that I was always under the impression that below a certain height and I can't think what it was it reduced the visual on landing quite a considerable amount and that was the on the basis that we bought it and it wasn't a low sea mist type that was on yesterday afternoon. In my personal opinion and I like Mr Brown was involved in the decision whether to purchase or not the facility, my understanding at the time as I've explained that it wouldn't happen but it would be a significant improvement, that was our understanding and it did come from the Minister of the time I guess but I don't know of anything in writing in relation to that, that I've seen.

**MR BROWN** Thank you Mr Deputy Speaker. Could I ask the Minister to place some urgency on his enquiries because of the risk that we have bought something that's not going to do what people thought it was going to do and in particular because of the risk that it's not going to do what the previous Government assured the community it would do.

**DEPUTY SPEAKER** Is that a question Mr Brown.

**MR BROWN** Yes it's asking if the Chief Minister would please do those things. The answer may be yes or no.

MR NOBBS Thank you Mr Deputy Speaker. The answer is yes obviously. I was just trying to explain my situation and my belief in relation to that, what happened and it will not be 100% but it will be a significant improvement, and it wouldn't have worked yesterday afternoon.

MR WALKER Thank you Mr Deputy Speaker. A question for Mr Cook Minister for Social Services. Could the Minister please advise whether any contingency plans are in place for the ongoing employment of local young people currently employed as part of the increased work force required in developments in tourist accommodation construction for the time when these developments are completed.

MR COOK Mr Deputy Speaker through you to Mr Walker I'm just trying to absorb the thrust of the question and the point of the question. I no of no specific considerations of the kind that Mr Walker has adverted to. If indeed this matter should be the subject of examination and consideration I can assure Mr Walker that I will take what he has raised in the substance of this question and as soon as I am able to return from commitments in New Caledonia as from tomorrow for a period of time I will give urgent attention to considering what he's raised.

MR BATES Thank you Mr Deputy Speaker. A further question for Mr Nobbs Minister for Finance. In August in response to a question regarding the need to replace our ageing fire vehicles deployed at the airport you responded that there were various means of finding vehicles. Have you decided on one of them and if so what is it.

MR NOBBS Thank you Mr Deputy Speaker. Well the answer to that is no at this stage because I am still awaiting some information from the Service on particular hiring of vehicles and the like and whether we could find them through a hire system or not and the proposal is that it would be provided to me at my last request within a month which was about 2 weeks ago so I'd expect something for the next meeting if possible. But bearing in mind that these machines when I first joined the Assembly 3 years ago or more that that was a real concern at the time and it has been for a few years before that I understand. So I'm fully aware of the particular problems involved with the airport fire service and vehicles and it being looked at at least.

MR MCCOY Thank you Mr Speaker. I have a question I wish to direct to Mr Gardner Minister with responsibility for Health and Environment. What public consultation took place prior to the decision to store a stockpile of crushed metal on Portion 44a.

MR GARDNER Mr Speaker there was no formal public consultation that took place on that matter.

MR MCCOY Supplementary question. Was it ever Gazetted in the Norfolk Island Gazette that the stockpile would be on 44a.

MR GARDNER No not that I'm aware of.

MR MCCOY Is that not a requirement of the Norfolk Island Plan or Planning Act that for the stockpiling of that amount of crushed metal on a portion of land an application has to be made to the Planning Board. Is that not a requirement.

MR GARDNER I don't believe so but I will get a more definitive answer to that question for Mr McCoy. I don't believe so in the case of matters in the public interest or public works associated with public works.

MR MCCOY Thank you Mr Speaker. I have a question I wish to direct to I believe it is Mr Smith in his capacity as Minister for Tourism and Commerce. There was a household expenditure survey carried out in 1996. What has happened to that survey or what does the Minister intend doing to bring that survey back to light to ascertain what the cost per household is to live on Norfolk Island.

MR SMITH Thank you Mr Speaker. Yes Mr McCoy has raised this with me over the last few weeks and in sometime in the past too. The household expenditure survey that was done I think it was in Minister Cuthbertson's time was an assessment done by somebody in the Commonwealth to ascertain what the cost of living was and whether there is a poverty line and whether there is anybody below it etc etc. I think it was done in 1996, I think you might have mentioned that Mr McCoy in that year. I had a copy of that report. I can't put my hands on it at the moment but the issue has certainly risen again, not particularly the report of that time Mr Speaker but with the ever increasing costs of living that we are experiencing on the island over this last 6 months or so, the question is being asked by many people what is the minimum that a person should earn to be able to just exist on the island and Mr McCoy is one of the people that is asking for some more definitive answers on that and quite rightly so. I don't know that we would go back into the same situation as Minister Cuthbertson did some years ago but I think we could certainly do some sort of local survey to get an idea of how things really shape up these days. Also referring back to that original report and I'm quite keen if I can find the report to bring it into this forum or maybe just with the Members in their informal meetings to discuss further. I'm quite happy to do that.

MR MCCOY Thank you Mr Speaker. A further question. I guess this one is also directed at Mr Smith. Recently the telecommunications line, reticulation line through Queen Elizabeth Avenue was upgraded. What was the reason for that upgrade.

MR SMITH Thank you Mr Speaker. Telecommunications used to be one of my functions, it's not at the moment and I'm not aware of what Mr McCoy is referring to, so maybe the Chief Minister who is the Minister for Telecommunications maybe would answer the question.

MR NOBBS Thank you Mr Speaker. That was in the budget for this year and I believe it's part of the required growth in that particular area.

MR MCCOY Thank you Mr Speaker. Supplementary thank you. What has been the required growth in the Queen Elizabeth area. Has it been more residential housing or other means.

MR NOBBS Well I would assume that there would be growth in both areas in that particular scene that we've brought on line our craze for the computer usage and Internet based requirements which has gone to quite a number of households and I assume that they would be in that area as well, and there will be an additional requirement I guess for the tourist accommodation facilities in that particular area. I don't think you can have a four and a half star or whatever they propose and at least 2 facilities that are going up in that area without providing them telephones. I'm not too sure. The Minister for Tourism may be able to answer that, whether these high grade tourist accommodation facilities require as part of their grading a telephone in each room but I would assume so. So I'd say it's a bit of both the tourism and the general household and also commercial and plus of course at the school has been expanding its requirements in relation to telecommunication usage, and particularly now that they've got a lease back arrangement I understand so I presume there will be additional computers going into the school, hooked into the Internet so I would say it's a bit of everything Mr McCoy, but I can't give the exact rate of growth.

MR MCCOY Thank you Mr Speaker. I have a further question I wish to direct to Mr Gardner Minister for Health and the Environment and Planning. Is a conference centre allowable in the rural area under the existing Norfolk Island Plan.

MR GARDNER So I understand Mr Speaker.

MR MCCOY Thank you Mr Speaker. A further question for Mr Gardner. If a conference centre is allowable and it has a seating capacity of more than 50 people I believe that that is not allowable in the rural area unless it goes to category 3 application. Therefore why wasn't the conference centre in Queen Elizabeth Avenue taken to a public meeting.

MR GARDNER I don't have a definitive answer on that Mr Speaker. I don't have any of that documentation in front of me at the moment but certainly I'll endeavour to get that information and legal clarification on that question for Mr McCoy.

### QUESTIONS ON NOTICE

MR NOBBS Thank you Mr Speaker. In response to a question by Mr Walker which is in three or four parts.

What level of accounts outstanding for payments does the Norfolk Island Administration carry forward each month?

My advise is that the level of accounts outstanding for payment from month to month varies depending on what fees/charges and/or levies are due. For example, the Electricity accounts are rendered quarterly, Healthcare levy six monthly, Absentee Landowners levy yearly, Telecom rentals quarterly, etc. However at the 30 June 2000, and we took this in relation to this question, as a point to deal with, the level of debtors was \$M2.564.

What quantum of these debts are up to three months or six months or more in arrears?

At the 30 June 2000 the balance over three months was \$341,000 and the balance over six months was \$525,000.

Will the Minister give detail of what divisions of the Administration Services these debts are related to

The debts are across virtually the whole section of the Administration and I won't read them out but they are available to Mr Walker, but may I say of the \$M2.564 greater than 50% I believe are debts due to Norfolk Telecom, the Norfolk Island Airport and Customs duty. Greater than 75% are due to those plus the Electricity Service, Postal Service, Healthcare Fund and Absentee Landowner Levy. They account for 75%.

What action is being taken to reduce the level of outstanding debt to the Norfolk Island Administration

My advice is that the Finance Branch gives its utmost attention to debt collection, which is borne out, by the general low level of bad and doubtful debts.

Bad and doubtful debts at 30 June 2000 amounted to \$330,000. Of this amount \$169,000 is for Absentee Landowners Levy, \$100,000 Landing Charges; \$45,000 Healthcare Levy and \$16,000 for Norfolk Telecom. Over the next two years it is anticipated that the Airport doubtful debt situation will be resolved to the satisfaction of the Administration. A repayment arrangement with the debtor has been agreed to and it is operating as agreed. The Absentee Landowners Levy situation is being addressed. With regard to Norfolk Telecom's doubtful debts, 50% is attributable to one debtor who is a resident of Norfolk but currently residing off the island. A change in the collection policy for the Healthcare Fund Levy would clean up its unsatisfactory level of bad debts and in this respect the Finance Manager has already made a recommendation to the Government for progressing this matter. Legal recovery action by the Administration's Legal Section is undertaken when all other humane methods instigated by the Finance Branch are exhausted. Thank you Mr Speaker

SPEAKER

Is there a proposed response to 14.

MR GARDNER

Thank you Mr Speaker. I do have a response and a very comprehensive response and I'll read extracts from that response that was prepared by the Service. Attached to this response Mr Speaker are a number of photographs that I will circulate to all Members that provides some evidence of the difficulties surrounding the rehabilitation of Portion 48c. Mr Speaker this matter was first brought to the House I understand by Minister Cook and I think it related to a client of his difficulty over a matter that is currently before arbitration and it was brought to the attention of Members. When it was brought to our attention I like Mr McCoy went to Ball Bay to inspect it and have since sought advice from the Administration on the matter and it's coincidental and helpful I guess that Mr McCoy has raised these questions and rather than by way of statement I think it's more appropriate that I deal with them as the questions that were put On Notice. Firstly the first question has Portion 48c the site of the former rock crushing facility in Norfolk Island met the requirements of proper rehabilitation. The rehabilitation of 48c Ball Bay Reserve was carried out by Island Industries in accordance with the plans and specifications, agreed with the Administrator and the Conservator of Public Reserves. Those plans and specifications were developed in consultation with Island Industries, consultant landscape architects and engineers and were aimed at returning the area from a series of terraces to a land form that most closely resembles the areas original natural land form. This has been achieved in spite of the fact that the works had to be carried out using only the material available on the site. Top soil is in short supply on the island and it was considered environmentally unacceptable to import top soil to the site. It should be remembered that this area of land was an industrial site for 30 years and that during that time it became severely degraded. Most of the top soil was removed, the majority of the site was reformed into 3 large terraces and a large amount of waste, including machinery parts, building refuse, glass and concrete were dumped or buried on the site, much of it by previous occupants. During the rehabilitation work Island Industries uncovered, removed and disposed of large quantities of waste material. After spreading top soil across the site the whole of the site was raked to collect remaining debris. Island Industries personnel also walked the whole site picking up exposed debris. Part 2 of the question. Is the site contaminated with broken glass, vehicle tyres, battery components and the like and if so, were these waste components contained in the top soil used in the rehabilitation. The top soil was recovered from various parts of the site during rehabilitation work. Some foreign material, in particular fragments of basalt from rock crushing operations was inextricably mixed with the top soil. Some top soil also contained glass and other debris fragments. The Conservator of Public Reserves has not observed any vehicle tyres or battery components in the top soil on the site. Most of the debris now visible at the site has been exposed by rain and as much as possible will be removed by hand. Where the top soil is particularly thin or missing imported soil mixed with rotted timber waste similar to potting mix will be spread to enable the good grass cover to establish. Part 3 of the question Mr Speaker. What public consultation took place prior to the establishment of a pine plantation on a section of Portion 48c which is now an integral part of the Ball Bay recreation Reserve. A pine plantation has not been established on the area Mr Speaker. Instead native trees including Norfolk Island pine, white oak and maple have been planted on about one quarter of the .86 hectare site. As they grow these trees will help to bind the soil and may provide the core of a future native forest. Commitments to the rehabilitation of the former crusher site by the Administrator and the Norfolk Island Government did not provide an opportunity for formal public consultation on the landscaping of the site. The rehabilitation landscaping was designed to reflect the landscape of the adjoining areas of the Reserve, screen activities on Portion 49b2 from the Reserve, and allow for future uses that could include public recreation and cattle grazing. The areas future landscaping, forest restoration and use will be addressed in the plan of management for Ball Bay Reserve. The public will be involved in the development of that plan.

MR MCCOY

Could I ask a supplementary question. Maybe I missed something along the way but has this 48c been closed off to the public.



MR GARDNER My understanding of the current situation Mr speaker is the fact that it's been fenced to allow for the grass to establish and the trees to establish.

MR MCCOY Really what I'm looking for is the public prohibited from entering that area. At present there is a liability if public are allowed on that area with the exposed glass and metal that Mr Gardner has alluded to.

MR GARDNER Thank you Mr Speaker. In relation to that and I think Mr McCoy may have pre-empted the circulation of this report and exactly what's happening but it may be of assistance to Members of the House and the general public to provide some more background information on the rehabilitation of 48c and exactly what's been undertaken by the Norfolk Island Administration at this moment and if you bear with me I'd like to do that if possible. Portion 48c, Stockyard Road was formerly used as a rock crusher site by Island Industries under a licence from the Commonwealth. Island Industries vacated the site earlier this year and rehabilitated it in accordance with conditions set by the Administrator. Island Industries completed its rehabilitation of the site towards the end of June and was then responsible for maintenance of the site, including repair of erosion for a further 13 weeks to about the 25<sup>th</sup> of September. The site was rehabilitated to slopes that closely mimic the original natural land form. This design was agreed with Island Industries consultant landscape architects, and engineers. The slopes on the majority of the site are significantly less steep than many of the islands grassy hillsides and also may I add there, hillsides contained in most of the other Reserves on Norfolk Island. The first 4 months of this year were particularly dry, May and June were also dry. As part of site rehabilitation Island Industries planted native trees on some of the area. Most of the trees have survived in spite of dry weather because Island Industries placed water retaining gel with each tree. Following light rain in early June the whole area was sown with grass seed. Unfortunately apart from some heavy falls in mid June there was no follow up rain. Although there was good germination and much of the grass is still alive some of the site has little grass cover. Some erosion occurred on the site in the middle of June with further erosion caused by heavy rain in mid July and late August. While erosion runnels are widespread they are not severe. The Norfolk Island Parks and Forestry Service is carrying out work to rehabilitate eroded areas and arrest further erosion on the site. These works Mr Speaker include placing hessian erosion bags filled with soil and kikuyu runners into erosion runnels, placing bundles of kikuyu runners directly into erosion runnels, filling erosion runnels with soil, covering the erosion bags and kikuyu runners, supplementary watering of the kikuyu sown on the upper slopes, cutting weeds to prevent seeding while retaining living root mass to help hold soil, importing some quantities and rotted wood waste mix similar to potting mix, to spread on areas with little or no top soil cover, building a low erosion bag silt trap along the boundary of the Reserve to reduce sediment flow into adjacent portions 49b3 and 49f1, planting white oaks on the lower slopes near the boundary with Mr David Pitcher's property, transplanting some of the maples pines and oaks from the top and upper slopes to the lower slopes near the boundaries with portions 49b3 and 49f1 and removing stones, concrete pieces, steel, plastic, glass and other debris which has been exposed in the top soil by heavy rain. That's just an indication Mr Speaker of the initiatives been undertaken by the Norfolk Island Parks and Forestry Service to ensure that the safety of the public is upmost in their minds and in their programme.

SPEAKER Thank you. We have concluded Questions that have been placed on Notice Honourable Members. Presentation of Papers. Are there any Papers for presentation this morning.

## **PRESENTATION OF PAPERS**

MR SMITH Thank you Mr Speaker. I would like to table the Inbound Passenger Statistics for September of 2000 and move that that Paper be noted.

SPEAKER The question is that that Paper be noted.

MR SMITH Thank you Mr Speaker. All Members will have a copy of these stats for September and the obvious thing in these is that for the month of September our visitor arrivals were considerably down on the previous 2 years. The monthly total of visitors was 2,925 compared to last year 3,848 and the year before 3,494. The average night stay for that month was 7.44 nights. Mr Speaker those figures may make some people happy, the ones who consider what we're doing with tourist accommodation etc is a dilemma for the island, but it doesn't make me all that happy because the numbers are actually down. It's one of the first months we've had such a down turn, probably in the last 3 years. However it's expected that there's a couple of reasons for the downturn and we can probably primarily say that it is due to the Olympics being held in Australia. Now that might like sound like the Minister for Tourism is making an excuse but it's not because the Bureau Manager has actually been in Sydney in the last week and she has done some checking around to find out just how other places have fared during that period of time and in fact what I'm advised is that, for example, Lord Howe Island was down significantly in that last month and of course it has a far more bigger effect on Lord Howe than it does on Norfolk Island when there's a downturn. The Sunshine Coast which was expecting large number during the Olympic Games, their numbers were at a record low and there has been no residual tourism after the Games which was expected in many of the places within Australia. Tasmania, it is reported the situation was very bad in tourism numbers for that particular time as well. In line with that is the Fiji campaign which has been going on for quite some time since the difficulties that Fiji Island has had over the last 6 months. Fiji is now, as they are stating in their advertisements is "on sale" and I have some advertisements here that are out of the Australian papers. For example Fiji on sale from \$199 for 7 nights plus the applicable airfare. Now that is a real incentive for people who want to travel to Fiji. In New Zealand when we were there last month there was \$499 for 7 nights including airfare. So those are the sorts of things that, besides the Olympic Games that Norfolk Island can be affected by at this particular time. However we're expecting a very similar trend for the month of October, although it appears that the bookings, up until early December are certainly back to what we would could normal these days and the Bureau is aware of what they should be doing, taking all action that they can to turn that around.

SPEAKER Thank you. Any debate. The question is that the Paper be noted.

QUESTION PUT  
AGREED

MR SMITH Thank you Mr Speaker. I would like to table some Regulations. These are the Regulation in relation to Tourist Accommodation Amendment No 2, and I'd like to move that they be noted.

SPEAKER The question is that those Regulations be noted.

MR SMITH Thank you Mr Speaker. These Regulations are in relation to fire detection equipment in tourist accommodation. All Members will be aware we've had a few discussions around the table here about what had been proposed to me by the Accommodation and Tourism Association, the ATA and others in a wish to amend the Regulations that were already in place in relation to fire detection equipment. The Regulations that were in place until this Regulation was put to EXCO a week or so ago required that all tourist accommodation had to have hard wired fire detection equipment that was effectively wired to the Fire Station so that if a fire detector went off the Fire Service would be automatically called out and would appear at a property whether there was somebody burning toast or there was actually a real fire. I considered the request that they'd put to me. It wasn't only that, there was one or two other matters that needed

to be changed and I felt that we could quite safely do that. We do refer to Australian standards and instead of being at the maximum requirement of Australian standards we've brought it down to the minimum which is more applicable for Norfolk Island situation. I have attended 2 meetings for the ATA to discuss these. There was certainly questions at the last meeting that I went to but I think that's all been fixed up within this current Regulation and I'd like to table that.

SPEAKER Thank you. Any participation. The question is that those Regulations be noted.

QUESTION PUT  
AGREED

MR SMITH Thank you Mr Speaker. I would like to table the Independent Auditors Report on the financial statements of the Norfolk Island Tourist Bureau Enterprise as I'm required to do.

SPEAKER Thank you. Further Papers.

MR COOK Mr Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Firearms Amendment No. 4 Regulations and I ask that they be noted.

SPEAKER Thank you. The question is that those Regulations be noted.

MR COOK Mr Speaker these Regulations are a one off situation in respect of the conduct of the bird scaring operations on the Airport. It appears that those who are responsible for ensuring the safety of the arrival and departure of aircraft have to scare off the birds. They are required to use a firearms which apparently fire repeated number of shots or explosions to create that effect to scare away the birds. It turned out that a special exemption had to be provided to the Airport Manager under the Firearms Act to enable that operation to be carried out. It's clear that it must be safely and properly performed and these Amendments which I table carry out that purpose quite effectively.

SPEAKER Thank you.

QUESTION PUT  
AGREED

MR GARDNER Thank you Mr Speaker. As is stipulated in the Norfolk Island Hospital Act 1985 I am required to table in the Assembly the Independent Audit Report of the Norfolk Island Hospital Enterprise for the year ended 30 June 2000. I so table.

SPEAKER Thank you Mr Gardner. Any further Papers for presentation.

MR NOBBS Thank you Mr Speaker. In accordance with Section 1 of the Interpretation Act 1979 I table the Road Traffic Fees Amendment Regulation 2000 and move that they be noted.

SPEAKER Thank you. The question is that they be noted.

MR NOBBS Thank you Mr Speaker. It was a simple Regulation that reduced the registration of private vehicles from 9.5 fee units down to 6.3 and that's it

SPEAKER Thank you Mr Nobbs. Any participation. The question is that those Regulations be noted

QUESTION PUT  
AGREED

The ayes have it thank you they are so noted

MR NOBBS Thank you Mr Speaker, I table the financial statements for the Administration on Norfolk Island for the year ended 30<sup>th</sup> June 2000 and move that they be noted

SPEAKER The question is that that the financial statements be noted. Chief Minister

MR NOBBS Thank you Mr Speaker the financial statements actually cover some 105 pages so I won't read them out but I will make comment on them if I may particularly in relation to the funds. On a general note the public accounts of Norfolk Island is comprised of four funds, the Revenue fund, the administration services fund that is the GBE's, the trust fund and the loan fund. The 1999/2000 as presented are based on profit accounts and records and are consistent with those accounts and records. The accounts have not been materially affected by any change in the accounting principals from those applied in the previous year except for the Revenue fund which changed from modified cash accounting principals on 1 July 1999. The accounts fairly reflect the financial position and the results of operations shown. Dealing with the Revenue fund. the original Revenue fund budget for 1999/2000 provided for a small deficit of \$103,000. The budget was revised in January February 2000. at the Review it was agreed b y members to reduce the original deficit to a possible worst outcome of \$30,000 deficit. Overall revenue received and accrued exceeded the revised budget forecast by \$612,000. Accrued income amounted to \$670,000 which was comprised on \$345,000 customs duty, \$87,000 Tourist Accommodation Levy, \$56,000 FIL \$69,000 Fuel Levy and \$113,000 of others. The income derived from customs duty, departure fees, fuel levy, liquor licence fees, Tatersalls Lottery Commissions and vehicle registration is the highest ever recorded. On the expenditure side, overall expenditure was \$484,000 less than the previous amount, however, \$314,000 of this amount was transferred to the financial year 2000/2001 to cover outstanding orders at the 30<sup>th</sup> June 2000. Expenditure on salaries and wages came in \$80,000 under budget and recurrent expenditure came in \$104,000 under budget. However, capital expenditure exceeded budget by \$14,000. Administrative, Community Services and Works expenditure all came in under budget, Health expenditure was \$260,000 less than 1998/99 however, this was mainly due to the subsidy to the Healthcare fund being \$230,000 less than in 1998/99. Welfare expenditure was \$17,000 more than 1998/99. The costs of education rose by \$102,000 from \$1.576m to \$1.678m. Tourism Norfolk Island was appropriated \$770,000 compared to \$747,000 in 1998/99. Capital works and purchases amounted to \$519,000 which was \$262,000 less than 1998/99. Of this, Road construction amounted to \$147,000, building \$124,000, furniture and fittings \$47,000, vehicle and mobile plant \$51,000 and other plant and equipment \$250,000. Balance sheet and accumulated funds. As part of the process of the Revenue fund adopting accrual accounting principles, the Revenue fund has now included in its balance sheet the following assets and liabilities: Assets are cash \$1.649m, temporary advances \$269,000, debtors \$862,000, stock \$525,000, buildings and structures \$6.495m, freehold land \$2.443m, vehicle plant and equipment \$969,000 and furniture and fittings \$236,000 which amounts to \$13.448m. Less of course the liabilities, our Creditors \$967,000 and Employees entitlements amounting to \$669,000 which gives total liabilities of \$1.636m

therefore the net assets are \$11.812m. At the 30<sup>th</sup> June 1999 the Revenue fund had net reserves including short term advances but excluding trade debtors of \$851,000. For comparison, at the 30<sup>th</sup> June 2000 this reserve was increased by \$100,000 to \$951,000. In relation to the GBE's the Liquor Bond increased its sales by \$324,000 over 1998/99 however its net profit was \$41,000 less than 1998/99. This result was due to a reduced gross profit margin of 2% and an increase in the cost of salaries and wages and cleaning. The Liquor bond paid a dividend of \$986,000 to the Revenue fund. Postal Service. The postal service income increased by \$100,000 over 1998/99. Stamp sales were up \$96,000 however, total expenditure increased by \$38,000 which is mainly due to an increase of \$10,000 in wages, \$16,000 in carriage of mail and \$6000 for bulk postage discount. A dividend of \$140,000 was paid to the revenue fund which was an increase of \$40,000 over 1998/99. In relation to the Electricity Service, their income increased by \$214,000 over 1998/99. However, of that, \$100,000 is attributable to the re-arrangement of the meter reading programme. In past years the meter reading was done on a staggered basis. The whole Island was read at the end of May 2000 to allow for the commencement of Island wide three monthly readings effective in 2000-2001. The net profit for the period was \$13,000 less than the 1998/99. The cost of fuel for generating increased by \$208,000 over 1998/99. The service expended \$875,000 on capital purchase and works during 1999/2000. \$523,000 was expended on the purchase of three second hand generators from Western Australia and an estimated \$150,000 will be expended in 2000/2001 on the installation of the generators. The Electricity service has a \$500,000 loan from the Airport Undertaking which is repayable in full by 2003/4. Norfolk Telecom's overall income was down \$76,000 over 1998/99. this result was mainly due to audiotext income being down \$141,000 and connection and miscellaneous income being down \$27,000. Other income streams were up. As an example telephone traffic in/out \$33,000, line rentals \$11,000, Internet access \$90,000. The overall expenditure was down \$134,000. The Undertaking made a net profit of \$1,084,000 which is \$58,000 more than 1998/99. A dividend of \$1.1m was paid to the Revenue Fund. Norfolk Telecom spent \$1.052m on capital purchase and works. Of this amount \$810,000 was expended on the upgrade of the telephone exchange. The Lighterage Service income increased by \$26,000 over 1998/99. Expenditure was \$50,000 more than 1998/99 which resulted in a net profit being made of \$24,000 less than 1998/99. The expenditure increase resulted from the increase in maintenance, wage, materials consumed, credit card fees and depreciation on the new Kato crane. Lighterage service borrowed \$100,000 from the Water Assurance Fund to assist purchasing the new Kato crane for \$338,000. The loan will be paid in full over the next two financial years. Norfolk Island Airport's total income increased by \$93,000 over 1998/99. Landing fees increased by \$69,000. Total expenditure compared to 1998/99 decreased by \$90,000. The Undertaking made a net loss of \$18,000 compared to a net loss of \$191,000 in 1998/99. The income excess over expenditure before depreciation was \$791,000. The airport expended a total of \$731,000 on capital works and purchases. Of this amount, \$656,000 was expended on the SLS thus bring the total expenditure to date on this project to \$798,000. Water Assurance Fund income was \$6m up on 1998/99 however, maintenance expenditure was \$16,000 more than 1998/99. After the application of \$123,000 for depreciation and non cash items the fund made a net loss of \$4,000. At the 30<sup>th</sup> June 2000 the Undertaking had a bank balance of \$434,000 plus an outstanding loan of \$100,000 granted to the Lighterage Service interest free to assist in purchasing a new Kato crane. the Lighterage Service will repay the loan in full over the next two financial years. during the year the Water Assurance Fund expended \$22,000 on main additions and \$95,000 on the purchase of plant and equipment. KAVHA fund. In the year 1999/2000 the Norfolk Island Government contributed \$292,000 to the KAVHA Fund and the Australia Government contributed \$472,000. Expenditure total \$675,000. KAVHA reported an income surplus over expenditure of \$100,000. At the 30<sup>th</sup> June 2000 KAVHA had carried forward a balance of \$136,000 which is represented by \$255,000 in current assets less \$125,000 in current and long term liability. Bicentennial Museums, after the application of the Revue fund subsidy of \$70,000 the integrated Museums made a net loss of \$10,000. souvenir shop made small net profit of \$7,500 and the café a net profit of \$2500. As at the 30<sup>th</sup> June

2000 the Museum had accumulated funds balance of \$11000. Workers Compensation Scheme fund had an income over expenditure in excess of \$56,000 in comparison to an income excess of \$77,000 for the year 1998/99. The total income for the year 1999/2000 was up \$26,000 but the compensation payable were also up \$48,000 over 1998/99. At 30<sup>th</sup> June the fund had accumulated funds of \$449,000. Healthcare fund, in 1999/2000 the Healthcare fund suffered a loss of \$39,000 compared with surplus of \$117,000 in 1998/99 however the subsidy from the Revenue Fund in 1999/2000 was \$230,000 less than 1998/99. Members claims in 1999/2000 amounted to \$830,000 compared to \$630,000 in 1998/99. Bad and doubtful debts, levy defaulters for 1999/2000 amounted to \$39,000 compared to \$16,000 in 1998/99. The fund as at 30<sup>th</sup> June 2000 had accumulated loss of funds amounting to \$45,000. this fund has the worst debt collection record of all the Administration Services. In this respect a better way of collecting the levy should be investigated. It is understood that a levy defaulter retains membership of the Healthcare fund and he or she is entitled to seek reimbursement for medical claims on the same basis as a financial member. Gaming Enterprise ended with a loss of \$134,000 compared to \$99,000 in 1998/99. This loss is attributable to the set up costs of the undertaking which includes remuneration for the Gaming Authority Members, income of \$54,000 was received. As at the 30<sup>th</sup> June 2000 the Undertaking enjoyed a cash advance of \$177,000 from the Revenue fund. it is anticipated that this advance will be repaid in full from accelerated gaming fees in the year 2000/01. the Offshore finance Centre was created a GBE in April 2000. Income for the year was nil whilst expenditure totaled \$69,000. It is unlikely that any income will be generated in the short term. At the 30<sup>th</sup> June 2000 the Undertaking owed the Revenue Fund \$40,000. This advance will need to be appropriated by the revenue fund in 2001. Cascade Cliff, at the 30<sup>th</sup> June the loan fund was \$3.119m in debt to the Australia Government. By formal agreement with the Australia Government bi-annual loan installments will be sourced from the sale of crushed rock. The consolidated position. In the year 1999/2000 the Administration of Norfolk Island on a consolidated basis made a gross profit of \$2.72m before depreciation. After the application of depreciation the net profit was \$759,000 compared with a net loss of \$554,000 in 1998/99 however the 1998/99 revenue fund result was based on modified cash accounting principals thus distorting the comparison. The consolidated balance sheet of the Administration increased by \$11.169m from \$20.499m at 30<sup>th</sup> June 1999 to \$31.68m at 30<sup>th</sup> June 2000. This substantial increase is mainly due to the taking of fixed assets belonging to the Revenue fund such as stock, freehold land, buildings etc. Finally, there is one comment I would like to make, with the change over in the Revenue Fund from cash to accrual accounting I think there will be some distortion in relation to the next year but it should even out by the end of this financial year. Thank you

MR BATES

Mr Speaker thank you. During question time Mr Nobbs said that I was confused and that was a breach of Standing Order 62. A serious breach of Standing Order 62 but he would be quite correct in saying after that lengthy statement, that I am more than a little confused. In past occasions, on most occasions this lengthy document would have been circulated to Members in order for them to form an opinion on it at the time it was tabled. It is of great importance to the community. I guess he has his reasons for giving us that lengthy opinion of what was going on. If he has had time to prepare such a document, unless it was prepared for him, then he has also had time to circulate the full financial statements to the rest of the Members. However, I guess he had his reasons for not doing that but in order to make meaningful comment on them, at the appropriate time if other Members don't wish to say anything at this point, I would like to move that this matter be adjourned and made an order of the day for a subsequent day of sitting

SPEAKER

Thank you Mr Bates. Any further participation.

MR NOBBS

Thank you Mr Speaker. The document was made available to me last Friday afternoon. I understand, and I think it was confirmed actually this morning by the former Chief Minister that the process is to table the document and

then they are open for discussion and will be distributed. I've got documents that will go out on the basis of my understanding that that was the procedure in the past. Now my reasons for making this statement, and it was prepared for me actually, was to give an indication and to put it onto public record, the comments in relation to these very important documents as far as the Island is concerned, and to bring them all out into the open straight away. I have no problem with debating them at any time that any Member may wish

SPEAKER Thank you Chief Minister. Any further debate at this stage. Mr Bates I look to you

MR BATES Mr Speaker I so move

SPEAKER Honourable Members the question before us is that that this matter be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that matter is so adjourned thank you. Any further Statements this morning. Chief Minister

MR NOBBS Thank you Mr Speaker. I table the travel expenditure for the 1 July 2000 to the 30 September 2000 but it doesn't include what has been included in the past, the Hospital, the Tourist Bureau or Education and I will need to provide those at the next meeting if I may, but the total expenditure bearing in mind that there is some drawback in relation to the trip by Mr Walker, the airfare to London, the total expenditure on this document was \$29,220 but as I say, Mr Walker's airfare was \$3,300 and that has to be taken out of that, there'll be a drawback and also there's no mention on here of Mr Smith's airfare which I assume is covered by the Tourist Bureau so I table that document

SPEAKER Further Papers for presentation

MR NOBBS Thank you Mr Speaker I table the financial indicators for September 2000 and move that they be MR WALKER Thank you Mr Speaker I would like to move that that Statement be noted

SPEAKER Thank you. The question is that those indicators be noted

MR NOBBS Thank you Mr Speaker a quick comment on this. We know that the revenue fund is on an accrual accounting basis now and all revenue and expenditure recorded in the financial year are in accrual. Accruals of substantial revenues such as customs duty, FIL etc have been included albeit on an estimated assessment basis on historical records. For example in respect of customs duty, shipping imported and received in September may not be fully assessed for duty until late October early November. FIL and Fuel levy received will not be known until late October. Overall the best it can be estimated as at 30<sup>th</sup> September is that the Revenue fund's income is about 103% of budget which compares favourably with the result at the end of August. Overall expenditure at the end of the third month of the financial year is 16% behind budget. This low result is partly due to the adjustment for creditors at the 30<sup>th</sup> June. That is the reversals. In addition, the capital expenditure is \$71,000 under budget.

SPEAKER Thank you. Participation. Mr Smith

MR SMITH  
the Paper be noted

Mr Speaker, I'm not too sure if it's been moved that

SPEAKER

It has

MR SMITH  
Mr Speaker, I just make a comment. Under the new system of accrual accounting I'm really wondering whether the revenue side of the financial indicators are a reality any more. They are not quite as accurate as the ones received in the past were, and I take the point the Chief Minister made in relation to that, that these figures are now done on an accrual basis and so they are not an accurate reflection of actually what the Administration does receive in revenue for a particular month whereas before, except on some occasions, they were more relevant. Certainly the expenditure I would assume, even on an accrual basis, that would show a fairly realistic statement but I think this is something for us to consider Mr Speaker

SPEAKER  
Thank you. Any further participation. Honourable Members the question before us is that the Financial Indicators be noted

QUESTION PUT  
AGREED

The ayes have it thank you. Any further Papers

MR NOBBS  
the year 1998/99 and move that it be

Thank you Mr Speaker I table the Annual Report for

MR WALKER  
that Statement be noted

Thank you Mr Speaker I would like to move that

SPEAKER  
Minister

The question is that that Report be noted. Chief

MR NOBBS  
Thank you Mr Speaker, this has been made available and circulated I understand to Members and all and sundry but there is a requirement to table it in the House. There was some delay in producing this for various reasons but I'm led to believe that now that the audited financial statements are available that the annual report for the year 1999/2000 can proceed at a much faster rate

SPEAKER  
Members the question before us is that that Report be noted

QUESTION PUT  
AGREED

The ayes have it thank you. Any further Papers

MR GARDNER  
Thank you Mr Speaker, in accordance with Section 13 of the Gaming Act 1998 the executive member responsible for Gaming is required to table licences and that attached conditions before the Legislative Assembly and I therefore table a copy of the licence issued to Jupitors.com Pty Ltd, the agreed conditions of licence, a copy of Jupitors.com Pty Ltd formal application, the applicants package of documents and all schedules that are attached hereto to form part of the conditions of licence and I move that the paper be noted

SPEAKER  
Gardner

The question is that that Statement be noted. Mr



MR GARDNER Thank you Mr Speaker on the 16 August 2000 the Norfolk Island Gaming Authority granted an interactive home gaming licence to an Australian based company Jupitors.com Pty Ltd. The licence has been issued for a term of eight years from the date the licence was issued. Prior to the authority issuing any licences the applicants must undergo the investigative process and probity checks on the suitability of its applicant. the Director of Gaming, Mr Kevin Leyshon, carried out the investigations on the company and its directors and the Australian Federal Police conducted probity checks on the company's directors for their suitability. On the completion of the investigative processes the authority has considered Jupitor.com Pty Ltd to be a suitable corporation to be granted in interactive home gaming licences on Norfolk Island. Licences issued under the Gaming Act 1998 are subject to the conditions of licence. The licensee must accept and agree to be bound by the conditions of licence. the conditions of licence incorporates the legislation, the internal control system outline document and the technical functionality requirements standards document. All of these documents form part of the conditions of licence. the conditions detail the scope of the licence, all the administrative, financial and operations conditions to apply, the duty and the administrative levy to apply and the usual definitional and miscellaneous provisions concerning notices and settlement procedures. In accordance with the conditions of licence the licensee is required to pay an administrative levy of at least \$25,000 per annum per licence and is to be paid twelve months in advance. For preoptional the minimum levy is \$25,000 per licence and is payable from the date the licence was issued. In addition Jupitors.com Pty Ltd is required to pay a gaming duty to the authority each month in respect of gaming at the rate of 4% on a monthly gross gaming revenue once they are operational.

SPEAKER Thank you. Any further participation. Honourable Members the question before us is that that Paper be noted

QUESTION PUT  
AGREED

The ayes have it thank you. Any further Papers this morning

In conclusion Honourable Members, in accordance with statutory requirements it has been lodged with me an audit of the Administration of Norfolk Island for the year ended the 30<sup>th</sup> June 2000. In my capacity as Speaker I report that to you and I table that audit certificate from Curran, Sole and Tuck.

## STATEMENTS

We move to Statements Honourable Members. Are there any Statements to be made this morning

MR COOK Mr Speaker I wish to make two Statements. The first one is quite obvious. I would like on behalf of the community as I've already done in writing, to register I'm sure the Government and the community's appreciation of the very long service which has been given by Miss Elaine Sanders who recently retired as Librarian at the Norfolk Island Library. I'm sure all those on the Island who had the opportunity and the pleasure of using the library's services would agree with me that she has performed her duties in an outstanding fashion for a very long time and she should receive from everybody in the community their thanks for the efforts she has made to bring the library up to the highest possible standard and facility for the enjoyment and education purposes and so forth of members of the community. I hope therefore that I have the full support of the Government in acknowledging the efforts she has made and wishing her a long and happy retirement from those duties which she has carried out so faithfully. I'm a little bit concerned in respect to that last good wish to her, because in her letter to me she indicated that she may take on the role of assistant librarian, so it looks

like she's going to continue to make the outstanding efforts that she has made, though hopefully for her sake I hope not to the same extent and demands on her time and energy. I think in association with that too because of information that has been passed to me, I should formally make a statement on behalf of the community to recognise and acknowledge publicly the services of the late Mrs Kitty Duvall who as was indicated in the condolences read out by the Deputy Speaker this morning, gave years and years of service to the library entirely voluntary, she made it quite a feature of her life here on the Island and I'm sure anybody who is associated with her in those endeavours would like to acknowledge that service she so freely and willingly gave to the community.

If I could have leave to make a further Statement, really they touch upon the matters that Mr Brown has raised in his question earlier. I consider it my obligation to inform the House as I'm able to with information of the progress on the Paddick Report. I realise the importance and significance and the interest in the community in considerations relating to the improvement and possible changes which may be necessary and required to the immigration procedures on Norfolk Island. If I might indicate the Paddick Report was provided to this Government shortly after it came into office and allowing for some initial delays in making sure we had all the necessary pages in the report which was an unfortunate glitch which happened earlier on, it was submitted to the Committee which came into being on or about May of this year and it has also been circulated to all members of the Legislative Assembly. I've not received any input formally in any way from Members of the Legislative Assembly. I rather imagine that they have been awaiting the output of a formal report for their consideration and their discussion and that is a procedure which appears to be appropriate. I am awaiting the formal report and advise to me from the Committee. Informally I've been told by a member of the Committee and a Member of the House, Mr McCoy, that that report of the Committee, which is really a review of the Review, is very well advanced indeed, it's more than 75% completed and it is the desire of the Committee to have it in my hands as soon as possible. Having in mind the numbers of enquiries that have been made as to the progress of that report and the need to implement changes which arise from it. If I might say so the Report contains a great deal of material which probably isn't quite so necessary in a practical sense to deal with. It deals with background material, constitutional matters in relation to immigration and the status of Norfolk Island in a legal fashion, its obligations along with those of Australia in international covenants but what did come forward in the report was a very extensive legislation and regulations, something like 293 section in the new Immigration Act and a very lengthy piece of legislation to accompany them. I want to make it clear that I am not in any way denigrating the efforts of those who put together the review, particularly Miss Paddick who put a lot of time and effort into it, but what concerns me is whether that Act is so complex and unwieldy as to not really suit the purposes of Norfolk Island. Our own Act is considerably less in extent. What has emerged, I'm satisfied and I've studied the review myself on a number of occasions, from Miss Paddick, is that some very valuable matters has been raised and I'm sure the Committee has considered these and particularly in the nature and kind of permits that might be granted and clearly, it requires consideration in our own legislation as to whether we should enlarge and clearly define the actual permits as to whether they be temporary or general which should issue under our proposed legislation and particularly changes which have to come forward. I want to make it clear that there is an ongoing process. I want to commend publicly the efforts of the Immigration Committee who have spent hours outside their normal function of dealing with matters which are referred to them for advise in the usual affairs. They have voluntarily set aside hours of time to consider this review and reporting to me so that I might consider their report and of course report to the House in an appropriate fashion on what I have been advised. I want to make the comment that it took some time to be prepared. It's effectively been in the hands of myself and the committee for six or seven months. Whilst that is not a reason for any delay in the considerations which are of significance or importance I just ask for a degree of patience that accords with the importance and significance of the matters that the committee and myself will in due course be reporting to this House on and Members will be considering.

If I might say so Mr Speaker in another Statement I have formulated a draft proposal relating to a whole new concept of dealing with quotas on Norfolk Island. This is a particularly awkward and difficult subject which has been around for a very long time and indeed there are motions to come before this House today dealing with matters for the quota. I have got together a scheme which I submitted to the Immigration Committee. I have been informed that the Committee have in principle approved the suggestions that I have put forward but I am waiting to have the formal report from the chairperson of the committee to that effect having formally referred my proposals to them. I might add that in case there were any considerations that I should take into account for the Legal Services section, I have also had input from them, generally indicating that the proposals put forward do not raise any concerns or considerations of that section as regards their implementation. They had one or two valuable suggestions to put forward as to tightening some of the language in bringing forward the matter as a formal proposal and I certainly take those suggestions on board. Finally in the statement I wish to make on immigration matters, it's a statement that I think the community would be quite interested in having be bring forward and it is a statement which I make and I am satisfied that it has the acceptance of the Minister for Territories as to the matters contained in the statement. The statement reads "Norfolk Island to have increased powers in migration matters. Further to discussions between the Norfolk Island and Commonwealth Governments held in June 2000 and subsequent departmental discussions the way is paved for Norfolk Island to resume responsibility for all immigration matters presently being referred to the Commonwealth Minister Senator Macdonald. There are presently two areas where referrals to the Minister occur. The first of these is Memorandum of Understanding referrals. Under the 1984 Memorandum of Understanding between the Norfolk Island and Commonwealth Governments there is a requirement that the General Entry Permit or Certificate of Residency will not be finally granted to a non Australian or New Zealand citizen or passport holder except after consultation with the Federal Minister responsible for Territories and only where the Federal Minister has informed the executive member that there is no objection on behalf of the Commonwealth to granting of the permit. The implementation of the 1984 Memorandum of Understanding has created difficulties for both Governments virtually since its inception. The Immigration Amendment Bill presently before the Legislative Assembly is passed will remove the need for the 1984 Memorandum of Understanding. This will be a significant step toward internal self-government. In addition the Immigration Act presently provides for appeals against decisions by the executive member or an authorised person are made to the Administrator in the case of visitor permits and the Federal Minister responsible for Territories in the case of General Entry Permit and Temporary Entry Permit applications. It has now been agreed in principal by the two Governments that the existing appeals regime could be replaced by an independent Tribunal established in Norfolk Island. The immigration task force is presently considering two proposals, the first of these proposals would involve a two step process. The first step would be to introduce a pilot project whereby a team of two selected persons with suitable qualifications act as an informal Immigration Review Group. Under this proposal the group's decisions will be formulated in accordance with the Administrative Law principles and guidelines and once made will be forwarded to the Federal Minister for his consideration in accordance with section 84 of the Immigration Act 1980. After a pilot period of six to twelve months the informal process would be replaced by a formally established Tribunal along the same basic structure. The pilot project period would allow for any problems to be identified and addressed and ensure the smooth operation of the second phase of the proposal. The proposal was put by Norfolk Island immigration officials after some lengthy discussions in the task force meetings about the Federal Minister's primary concerns that any body that is established would need to be independent and objective. The proposal represented a cost effective option bearing in mind the fact that the Chief Magistrate doesn't regularly attend Norfolk Island. The Federal Department of Transport and Regional Services refer the informal pilot project to the Australian Government list for legal advise and has been advised that the informal pilot project phase is legally permissible and is therefore sound at law. However, since the consideration of that

proposal a second proposal has been raised. For some time now the community has expressed concern about the fact the Chief Magistrate is not located on Island. While our lay magistrates perform an excellent and vital function within the community the increase in demand on judicial expertise and resources has given rise to the Government's decision to consider the cost effectiveness in employing a legally qualified magistrate to be based in Norfolk Island. It appears that this option has the support of the Chief Magistrate. If the Government decides to proceed with this option it is proposed that the Magistrate will also preside over immigration Review Tribunal based on the art model with the emphasis on determination based on written submissions rather than hearing in person. This approach would provide for a speedy cost effective mechanism for appeals. It is with great pleasure that I note both the Norfolk Island Government and the Federal Minister Senator Macdonald are considering mechanisms to transfer responsibility for immigration appeals to a Norfolk Island based independent Tribunal and look forward to updating the Legislative Assembly on progress towards this goal in the future. Thank you

MR BROWN  
statement be noted

Mr Speaker, I move that that rather lengthy

SPEAKER  
Brown

The question is that that Statement be noted. Mr

MR BROWN

Mr Speaker, I wonder if the Minister could just tell us again just precisely the nature of the document that he has just read to us. That is the final of the documents that he read to us

MR COOK

Mr Speaker it's a Statement to the Legislative Assembly by Mr Adrian Cook QC MLA, Minister for Immigration and Community Services dated the 18<sup>th</sup> October 2000

MR BROWN

Mr Speaker, I certainly express the hope that that Statement has not been released to the public other than by being read to us here, because with respect Mr Speaker it was highly misleading. It talks in glowing terms of the Memorandum of Understanding requirement that a General Entry Permit application or a residency application be referred to the Federal Minister. It talks in glowing terms of that coming to an end and it all being handled here in Norfolk Island but it doesn't tell us Mr Speaker how it's being brought to an end. It's being brought to an end Mr Speaker by giving our migration powers to the Commonwealth. That's what it boils down to. Because the Bill that the Minister has introduced basically says that if someone is other than an Australian or New Zealand citizen we won't make a decision about them. We will get the Commonwealth to make the decision so far from being a step forward we are talking of a step very much backward. The Minister has then led us to believe that he has made wonderful progress in getting the Commonwealth to agree to the appeal provision being changed. Thus the Minister in Canberra no longer has to take eighteen months in making a decision. Decisions will be made locally. Well Mr Speaker, you've been around for long enough to know that this is something that has been under discussion for a long time and something about which the Commonwealth agreed a long time ago, but the ball has been here in Norfolk Island and we haven't played it. We haven't done what was necessary to be done over a period of a number of years to get that changed and all that we needed to do once the ART came along was put an amendment into our legislation such that those appeals would be dealt with by the Administrative Review Tribunal. Now I've heard the Minister suggesting yet another type of Tribunal be set up. God only knows Mr Speaker the number of Tribunals we are going to have. It's just as well they don't have to have a post office box each or there would be no boxes left for anybody else. I really think, or I would really like to suggest that it is time that we tried to minimise the number of Tribunals and different bodies on the Island, tried to ensure that just one or two bodies could carry out as many functions as possible. And if the only reason to want a different body is to enable the proposed

new Tribunal to deal with an appeal on the basis of the papers rather than on the basis of oral evidence the Administrative Review Tribunal already has the power to do that. There is no difficulty in the Administrative Review Tribunal setting down its own rules such as in immigration matters, it will deal with them on the basis of the papers. Mr Speaker I'm concerned at the misleading elements that I've just drawn to the House's attention in that statement and I really hope that the Minister will not again try to pull the wool over our eyes and that he would rather be factual in the material that he presents to us, that he will not attempt to pre judge what decisions are going to be made by the Legislative Assembly but that he will make it clear that any such changes are changes that will be decided on by the Legislative Assembly, thank you

SPEAKER

Thank you. Any further participation.

MR COOK

Mr Speaker I don't intend to reply in any length at all to what has just been said. I think the process of Government requires things to be done and be done in an appropriate fashion. The matter that I've read, the Statement was an intention to indicate what was hoped to be able to be achieved, it doesn't preempt any decision of this House as to anything that may eventuate either here later today, it's simply an indication of what is an endeavour to be achieved and what is an effort to be set in place. I am satisfied that it is in the interests of Norfolk Island and I certainly repute any possible allegations that what has been done is misleading and an attempt to pull the wool over the eyes of the Legislative Assembly or the community in any way at all, but I don't wish to say anything further to you than that and to the House.

SPEAKER

Thank you. Any further debate. The question before us is that the Statement be noted.

MR NOBBS

I'd just like to make comment on what was said and I support what the Minister is trying to achieve in regards to this. I find it quite difficult to understand how such a progressive step as bringing the appeal process back under Norfolk Island's control would be belittled by Mr Brown at best and I fully support the proposal. I think it's somewhere that we have to go. I spoke about it last meeting that we do not have control of our immigration, whether we like to think we do or not. It's a lot of things that go on here that we think we've got control of, and when it comes down to the bottom line we have not and the sooner we start realising that the better and the sooner we get on with progressing self-government to a stage where the older people of the island and their predecessors are determined and thought we should go, and I believe there is that will on the island at the present time the better we will be. This is just one point in question. The proposal that is being put up later in the day is to change to a Norfolk Island Act, and I will leave it at that Mr Speaker but I don't want to get into a legal battle with either the Minister or Mr Brown or see it degenerate into some legal dog fight, but I believe that it's the way to go if we can get this appeal process back under the island here, so much the better.

SPEAKER

Thank you. Any further participation.

MR MCCOY

Thank you Mr Speaker. I am too like Mr Nobbs. I do support the proposal and I hope that we will see it come to fruition that the appeals process is back here on Norfolk Island and not continually that the decisions are being made in Canberra for immigration purposes, because being a member of the Immigration Committee I find it quite difficult to respond when someone who the Immigration Committee has decided does not fit into the Norfolk Island community for various reasons, but yet when they appeal to Canberra the appeal is overthrown in Canberra and the response that comes back, we feel as though somebody is acting on behalf of that person who has appealed, and I've found that to be really not on. I feel that this is possibly a step forward where we hopefully will find that immigration becomes a Schedule 2 matter, and no longer a Schedule 3, so that we do move forward in our

attempts for internal self-government rather than going round and round on the same little square for years and years. Thank you.

MR BROWN Thank you Mr Speaker. Those comments are interesting. I have always understood that one of the major difficulties with appeals being dealt with in Canberra is the delay, and on a number of occasions research has been done and lists have been prepared to try to demonstrate that delay. But we need to be very cautious before we start to say we don't want Canberra handling appeals because sometimes they rule against us. It's very important that we understand the distinction between the legislature, the judiciary, and the executive. It's called the doctrine of separation of powers, and it is not for the Legislative Assembly to be saying to a person who makes, how I'll acknowledge, that the appeal decisions in relation to immigration might be not totally judicial, but nevertheless they'd have to be regarded as quasi judicial. It would be a very sorry day if we were saying, well we don't like the way you make your decisions therefore we're going to change the law so that we bring the decision making back onto the island, give it to someone that we will appoint and imply that if they don't make the decisions we want we'll get rid of them and keep replacing them until we do get the decisions we want. That's not good government Mr Speaker.

SPEAKER Thank you. Any further debate. No further debate. Honourable Members the question before us is that the Statement be noted. I'll put that question.

QUESTION PUT  
QUESTION AGREED

MR WALKER Thank you Mr Speaker. I wish to make a Statement in relation to my attendance at the 46<sup>th</sup> Commonwealth Parliamentary conference. Firstly may I state that I was indeed privileged and honoured to represent Norfolk Island at this years CPA conference. The conference hosted by the UK and Jersey branches provided venues and formal functions of a high standard, conducted in a very professional and hospitable manner. The conference for me started in Jersey with the 20<sup>th</sup> small nations conference from the 17<sup>th</sup>-20<sup>th</sup> of September. During the 3 days in Jersey I had the opportunity to present 2 formal papers and participate in each workshop session that covered firstly the moulage economy and the use of benefits of information technology in small Jurisdictions. Secondly green tourism, thirdly means of enhancing local culture and identity including indigenous languages in small jurisdictions and fourthly representation of non independent territories within the Commonwealth. Copies of my papers presented in green tourism and representation of non independent territories within the Commonwealth are attached. I have also attached the oral report given by Sir Curtis Straun CVO,MP, Speaker of the House of Representatives Grenada which he presented to the general assembly in Edinburgh. On the 20<sup>th</sup> we moved to London and begun the 46<sup>th</sup> Commonwealth Parliamentary conference with a ceremonial opening held in Westminster Hall, the oldest portion of Westminster, the opening speech being given by the Queen, of this the first conference of the Commonwealth of nations for the new millennium. Plenary sessions followed in London and later in Edinburgh with time allowed for various workshops and periods of interaction between delegates for continued discussions on common problems. The CPA general assembly was held in the Queen Elizabeth the 2<sup>nd</sup> conference centre, Edinburgh, a magnificent state of the art facility. As the leader of our one man delegation I was invited to all official functions. The highlight of these would have to be a dinner held in the city of London, Guild Hall hosted by the Lord Mayor of London. 700 guests were seated in the hall and served complete with all the pomp and ceremony that only the English can master so well. Mr Speaker another great privilege was to be hosted by the Welsh Parliament for 1 day where our members might be interested to know they run a paperless parliament. Our Clerk would probably be ecstatic. Each member has a computer screen on the table, Hansard is instant in both English and Welsh, and members can speak on the floor in the House in either Welsh or English. Members don't write notes to each other but

simply send an inhouse e-mail message. It would appear that they have overcome any initial resistance to the system from members old or young and in fact they are extremely proud of their having embraced this medium for communication and the recordings of their proceedings. All the conference data papers are available should any member so require them and I would conclude by saying that next years conference is to be held in our region by Australia, commencing with the small nations conference in Darwin. Thank you.

DEPUTY SPEAKER

Thank you Mr Walker. Are there further

Statements.

MR BUFFETT

Mr Deputy Speaker I wonder if I may make a Statement also on Commonwealth Parliamentary Association business, and indeed make it as a companion Statement to Mr Walker's presentation. I'd like to give an overview of my activity as the regional representative in the Commonwealth Parliamentary Association. Mr Walker as he has described is Norfolk Island's delegate to the most recent plenary session and Members will recently recall that I have been put in the post of a regional representative to act on the executive committee on that international organisation for a period of 3 years, and I have attended some of the activities that Mr Walker has mentioned including executive committee meetings in relationship to the CPA. So may I just mention this Mr Deputy Speaker as prelude. There are 8 regions of the Commonwealth Parliamentary Association. They include Africa region, Asia, Australia, the British Islands and the Mediterranean, Canada, the Caribbean, the Americas and the Atlantic all in one, the Pacific and the South East Asia area. On the international executive which I mentioned my part to play, those 8 regions sent 3 regional representatives except Asia which has a larger entitlement and Africa has recently increased their participation. The executive committee has the responsibility for ordering the affairs of the CPA over the periods of time where representatives are present. In the context of Mr Walker's Statement the executive committee also met in Jersey where the smaller countries took place, but not part of that but in conjunction with it. I might say that I did have the opportunity to hear Mr Walker speak at the smaller countries conference and I offer my compliments to him in representing Norfolk Island in the way that he did. He spoke well, and he presented our position well and as I say I offer compliments there. The headquarters of the secretariat is in London. Can I just mention to you some of the issues that the executive committee has recently needed to undertake. It is processing the application process at this stage for a new Secretary General. Arthur Donohue is the present Secretary General, he has been in that position for 10 years and will retire at the end of 2001 and there is a process now to recruit for his successor, and the processes for that were endorsed by the executive committee and also by the plenary session to which Mr Walker has been a delegate to. There has also been the appointment of a new Treasurer to succeed Mr Bowen Wells. Mr Bowen Wells came from the United Kingdom parliament as Treasurer and his successor has been elected, Dr John Marrick also from that arena. Dr John Marrick will fairly quickly withdraw from the UK parliament and take up full time service in the Welsh parliament. The Africa region representation with Nigeria returning to the membership will increase their representation significantly and they are seeking therefore an increased number in their regional representation situation. Again by way of interest you will remember Pias Masequa coming to Norfolk Island fairly recently in the past 18 months, he is the Chairman of the executive committee, therefore we had the opportunity to meet him here in Norfolk Island and to offer his hospitality and I might say on each occasion that I see him at the executive committee meetings, he remembers quite vividly his visit to Norfolk Island. So we have a plus in the mind of somebody who has international responsibilities. Mr Walker has also mentioned that Australia is to host the next plenary conference and the surrounding information about that is of course, that next year 2001, Australia will be celebrating the centenary of federation, and they have asked if they may be the host country to the CPA plenary conference in that year, and that has been endorsed and that is happening, and in that context the presiding officer of the host branch becomes the President of the

organisation and that is Margaret Reed who is President of the Australian Senate. So she is a participant in that context there. A number of other activities, and this is only selective, but things that may be of interest to Members and indeed to people in Norfolk Island, some of the things that the CPA becomes involved with and the executive committee has responsibility to administer. The Youth parliament in Manchester in November of this year, and you will recall that Kelly Muir was selected to represent Norfolk Island in that context, that is a CPA activity and I know that she is looking forward to that and there is some warmth towards Norfolk Island in sending a representative to be a participant in that process. The CPA is divided, in the executive committee arena into 3 sub-groups, a finance sub-group, a review sub-group, and a programme planning group. Obviously the Treasurer of the organisation to whom I referred earlier is Chairman of the Finance Committee and that has responsibility for preparing and having brought forward the budget annually, and reviewing it as it goes along, of the organisation. Dr Marrick is the Chairman of that group. There is a review organisation and it is usually the Vice President but not exclusively so who may come to the review sub-committee as Chairman. The programme planning committee needed a new Chairman and at the conclusion of the conference just passed I can report to you that David Buffett has been elected to Chair that group on the international executive. That may be of interest to Members also. That is an overview Honourable Members of some of the regional representative activities that I've been upon and in the context of being a companion Statement to Mr Walker's presentation I thought that might be useful for you to hear. Thank you for your forbearance.

DEPUTY SPEAKER Thank you Mr Buffett. Are there further Statements. There being no further Statements we move to Notices.

MR NOBBS Can I seek leave of the House for 3 Motions to be brought forward. Is it appropriate now Mr Speaker to do that.

SPEAKER Yes Mr Nobbs, we could do that, a little way through after we look at the listed items and before we come to the statutory items on the Notices. In other words after Notice No. 8.

## **LICENCING OF REAL ESTATE AGENTS AND TRAVEL AGENTS IN NORFOLK ISLAND**

MR BROWN Thank you Mr Speaker. I move that this House requests the responsible Executive Member to arrange at the earliest convenient date for the preparation and introduction of a Bill to provide for licensing of Real Estate Agents and Travel Agents in Norfolk Island.

SPEAKER Thank you.

MR BROWN Mr Speaker other jurisdictions have licensing of this nature, it's a state function normally and in Norfolk Island we are constantly reminded by the Commonwealth of Commonwealth type functions that we may not have attended to but we don't in fact have a simple way of ensuring that we've attended to all of the usual state type functions. There are a number of reasons for having licensing of this kind. It enhances the professionalism of those who are involved in the industry, it ensures that people can only be involved in the industry if they are capable of holding down their positions and I should add Mr Speaker that in a typical situation, for example when compulsory situations were introduced for travel agents on the Mainland a grandfather type clause was included such that a person without formal qualifications who had been involved in the industry for quite some time was nevertheless allowed through the gates. So this isn't a situation where someone is at risk because he might not have a formal qualification notwithstanding that he's been in the industry for some time. One of the other benefits of course is that there is protection for the public in that when funds are



placed with a Real Estate Agent or with a Travel Agent the public knows that that person is a professional person and that their funds are going to be safe there. There is no magic behind the Motion Mr Speaker other than to recognise that it is time that we got ourselves into the 20<sup>th</sup> century with a lot of these things. As I said if passed it will enhance the professionalism of those presently in the industry but it will at the same time ensure that those wishing to join either of the industries in the future will have proper qualifications before they do so. Thank you.

SPEAKER Thank you Mr Brown. Debate Honourable Members.

MR SMITH Mr Speaker I would assume that Mr Brown would be adjourning the debate on this until the next sitting which is normally appropriate for Motions of this kind that might come as a bit of surprise to the community and as Mr Brown has said in his Motion really that there is no actual rush to do this, but I also remind the Member that as I said on a previous occasion that Motions of this kind would have to be added onto the priority list that the Executive already has for drafting legislation and I would assume, unless the House decides otherwise would have to go onto the list so that we don't actually have legislation proposed in the House this way which will override the priority that the Ministry already has for legislation coming forward.

MR BROWN Mr Speaker one of the reasons for bringing this forward as a Motion rather than seeking to have a Bill drafted that as a backbencher in practical terms, one has no ability to get a Bill drafted, because drafting for backbenchers sits very much at the bottom of the priorities list and each Assembly comes and goes in general without the needs of backbenchers being attended to. A second reason for introducing it as a Motion is that it might not get support, and if it doesn't get support as a Motion there's very little point wasting the time of the drafting people in preparing a draft. George has just quite rightly said that we have had a bit of a practice with Motions such as this of allowing them to sit on the table for a month. I certainly propose to do the same thing with this one and finally George asked whether it was intended that if this Motion passes there would be some form of priority allocated to it in drafting and the answer to that is no, no priority is sought in the Motion and my understanding is that unless the Motion sought some form of priority it would be allocated a priority by the Executive and would be dealt with by the drafting people in that fashion.

MR GARDNER Thank you Mr Speaker. Just briefly in relation to this. It raises a few interesting thoughts and I guess I take a point from what Mr Brown says about coming into the 20<sup>th</sup> century or 21<sup>st</sup> century or whatever the words were that he used, sorry wrong century, it doesn't matter, whichever century it is that we're trying to drag ourselves into, that it's a matter that needs looking at, for example under the Public Health Act with the development of the codes, and it was something that I was going to speak on earlier today and I left it out, but under the development of the Public Health codes we'll be looking at licensing people that cart water for example, licensing people that dispose of sewerage, those sorts of things and to a large degree I guess they mirror the same sort of protection mechanisms that are being talked about here as far as Real Estate Agents and Travel Agents are concerned. There are also other matters related to this I guess the registration or licensing of professions on the island and maybe in consideration of this if it were to be successful, and I support the concept of it, the Executive Member I understand would be possibly Mr Cook, I'm not sure, because I think this deals with professional registrations and licensing. I know Mr Cook looks after the registration of Doctors and things like that or maybe it's a joint responsibility that maybe this could be expanded to look a little bit further than just the Real Estate Agents and Travel Agents. We have to look also I think to the building industry and there's other numerous sort of registration licensing things that probably need addressing at the same time.

MR NOBBS Thank you Mr Speaker. I'm pleased that it's being left because of a couple of facts. The first one is this that we've seen licensing of professional bodies and I take Lawyers for instance, there was a Bill drawn up I think it was in 1991 or 1992 round about that. It's been introduced to the extent that it's on the list but none of the provisions have been introduced. We need to look at that and there are others as Mr Gardner said, services and professional organisations that need attention as well but just going back to what Mr Smith said that we have got a very large programme for this current financial year actually and I appreciate that Mr Brown's not trying to steamroll that system but I know that if it is in Mr Cook's area that he has got a major, a couple of majors in his particular area which is immigration and social services that need urgent attention and I think Members should bear this in mind that there is a programme which is out and it's available to all and those particular projects that we're working on and that whilst it may need attention I would suggest that it may have to wait until a bit later on for attention unless it is deemed to be urgent by the Members. In general I support this type of licensing and I'd just like to make a point that one of the problems I've found coming in is that there are controls in place in relation to accounts held by various professional organisations but we need to smarten up our foot work in relation to policing them. Thank you.

MR COOK Mr Speaker if I could just add to what's just been said by the Chief Minister. Basically I support the concept of licensing of such persons. I don't know whether moving finger having moved points at me in respect of the matter or not or whether it's strictly a commercial aspect. There might be of course as been suggested professional persons or bodies that may require to have various registration procedures or requirements for them to practice in place and I have already taken steps to have the Legal Practitioners Act examined and I've received advice that it requires a considerable degree as it were pruning or cutting down because it seems to be inappropriate in a number of respects for the very small practice that is performed for the community on Norfolk Island by various legal practitioners but that's another matter to be raised and dealt with at an appropriate time, but I only just want to make it quite clear that I believe the Motion does require the House's support, probably not so urgent if other matters are going to be brought along with it or dragged into the arena, it may need a joint consideration of the responsible Executive Members to present something as a package in due course which will clear up areas and not just have certain areas dealt with and others not dealt with appropriately and the while situation just linger on. So I do support the Motion in principle but I hope that it's not going to be suggested, and I rather gathered that Mr Brown wasn't suggesting that some almost immediate attention be given to it. It requires I think the sort of consideration that others areas should be looked at too and an overall consideration be given to registration of certain activities on the island.

MR SMITH Thank you Mr Speaker. In the absence of any other Minister holding their hand up and saying that if this is passed they would gladly take it on I don't mind under the commerce umbrella of my portfolio to do that if the Motion is eventually agreed to. I'd just like to also comment on what Mr Brown said about the grandfathering clauses that have been. I think I understood him to say have been put in other places to, so you don't disadvantage somebody who may not come up to the required, what might be the required standard in the future, that would be one of my concerns if we just were to say retrospectively make it from today and it may disadvantage some people in the community. I think if we were to look at it in that light that there is a grandfathering clause. I doubt if I'd have too much difficulty with it but tend to agree with the other Members words around the table that maybe if we need to do new legislation for this that we may include a few more things to it.

MR MCCOY Thank you Mr Speaker I'm a bit different to everyone else here I guess, I wouldn't be supporting this Motion by merely the fact that the legislative programme that is already in place, and I don't believe in saying yes we're

going to do something and come down to the day we don't get it achieved. There's a couple of other questions that have come up. I wonder who would be the licensing body and would be the criteria for a person to gain a licence, and the other one is I hope Mr Brown is not inferring that we already have some questionable activities happening on the island in relation to our Real Estates or Travel Agents who are operating here on Norfolk, because I understand that Mr Brown said we should be moving into the 21<sup>st</sup> century but I still question what criteria, who will police it, and then if we say yes to the Motion will it be just another thing this Assembly has said yes we will do and we don't get done. So that's why I would not support it.

MR BATES Thank you Mr Speaker. I don't have any difficulty with legislation being prepared to look at this but I do remind Members that I have consistently, like Mr McCoy would like to know just what the cost of implementing it would be and the ongoing cost of controlling it. I did circulate to Members a few things to identify the problem and then look at the various means of solving the problem, maybe 3 or 4 means of solving the problem and some may be a lot cheaper and less resource heavy than others, but I think the old saying if it's not broke don't fix it, I think we just need to look at those things. I think we need to look at what the costs of it are, we need to look where we should be spending our limited funds and as long as we do those things then I have no difficulty with the Motion itself proceeding but if we just sit here and say that's a good idea, yes we'll draw up some legislation, bang and then we'll complain about the increase in costs of Government and the Public Service and I don't really think we're carrying out our true function. We must look at both sides, we must look at alternatives, we must look at the best way of achieving an answer to the problem which if there is a problem. If there's not well I don't know how much we should do about it. Thank you Mr Speaker.

SPEAKER Thank you.

MR BROWN Thank you Mr Speaker. I would like to briefly respond to Mr McCoy. I haven't asked that this matter be given any priority over anything else. I'm simply suggesting that we should pass a Motion calling for a Bill to be prepared. It would be a question for the Executive as to what the contents of that Bill is, and in preparing it the Executive would without doubt feel obliged to provide the information which Mr Bates regularly seeks, what would it cost and that's all quite reasonable, but I don't think it's realistic of us to sit hear and say oh bloody hell, they are so slow drafting this stuff, they'll never get it done anyway so let's not pass anything.....

SPEAKER Yes Mr Brown. On the next occasion

MR BROWN Jolly gosh perhaps Mr speaker.

SPEAKER Thank you Mr Brown.

MR WALKER Thank you Mr Speaker. I would like to suggest that I support the Motion if not for any other matter than the client of any professional service should be protected and have confidence in the competency of those that they are seeking professional advice from. So therefore I would support it so that we are seeing to be protecting that consumer out there in the community and that they are receiving competent professional advice.

SPEAKER Thank you. Any further debate.

MR BROWN Thank you Mr Speaker. I've nothing further to add so I move the adjournment.

SPEAKER Thank you. The question that this matter be adjourned and made an Order of the Day for a subsequent say of sitting.

QUESTION PUT  
AGREED

**IMMIGRATION ACT 1980 – GUIDELINES FOR MEDICAL EXAMINATIONS OF APPLICANTS FOR TEMPORARY ENTRY PERMITS AND GENERAL ENTRY PERMITS**

MR BROWN Thank you Mr Speaker. I move that this House requests the responsible Executive Members to prepare and implement guidelines for medical examinations of applicants for Temporary Entry Permits and General Entry Permits under the Immigration Act 1980.

SPEAKER Thank you.

MR BROWN Mr Speaker to the best of my knowledge there are no current guidelines to assist the Medical Practitioners in this area, and as Members will probably be aware it's at present possible for medicals to be done away from the island and it's possible for medicals to be done on the island. If a medical is done away from the island what normally happens is that that medical report is referred to our own Doctors and our own Doctors comment on whether that report indicates that the person is suitable for immigration purposes. Now the difficulty is that if we do not have guidelines we leave the whole question open to the subjective judgement of the Doctor who is attending to the matter at the time, and that's subjective judgement will, without doubt be very heavily influenced by what that Doctor believes is an appropriate matter or an inappropriate matter for him to consider because we are in a time where the medical profession is very well aware of the numerous prohibitions on discrimination. The medical profession is very well aware of the numerous prohibitions on disclosing particular medical difficulties and most certainly the medical profession is well aware of its obligation of confidentiality. So the Doctors are left in a pretty difficult position Mr Speaker and as a result frequently the form comes down with a tick that says yes this person is ok and the relevant Minister and the staff within the Immigration Section do not really know what factors have been considered in deciding whether or not to put that tick on the form. So it's my suggestion, and it's not a new suggestion, I've tried to achieve it myself without success in earlier times Mr Speaker, but it is my suggestion that we actually pass a Motion requesting the Executive Member to prepare and implement suitable guidelines so that medical examinations are carried out in a consistent manner and everyone is treated similarly and so that we can have as much confidence as possible that the various immigration policy issues are being attended to in the way that we want them attended to and are not being circumvented by Doctors feeling that we haven't adequately explained ourselves and therefore they must use their own subjective view. That's the purpose of the Motion Mr Speaker.

SPEAKER Thank you.

MR COOK Mr Speaker I'll take it upon myself to reply immediately as best I can to this Motion. I'm certainly not adverse to ensuring that where certain matters must be attended to that information is obtainable by those who have to make decisions which is clear and definite about various aspects that have to be considered. Health of course is always a matter that is required to be considered for purposes of persons gaining either a Temporary Entry Permit or a General Entry Permit and indeed as will be dealt with later another Motion there's questions arise as to the effectiveness of legislative provisions already in place, particularly under Section 43 of the Act dealing with persons who enter Norfolk Island to have diseases which are prescribed as it will maybe made clear no such prescription has ever taken place. This creates quite a few difficulties because of the need to have some legislative requirements fairly clearly established to which guidelines can follow without getting to the stage where it's suggested that they go so far beyond any intention of the legislative

provision that they are no longer valid as effectively demonstrating or explaining the purpose of the Act. I have circulated to Members today when I realised this Motion was going to come before the House a copy of the, so far as it's relevant to this matter, the Administration of Norfolk Island's General Guide into Norfolk Island and the Section under Section 6 Health requirements, paragraph 6 (1) says "Applicants for Temporary Entry Permits or General Entry Permits including members of a family unit must have a medical examination". Then it goes on to say "This is to prevent the introduction of disease into Norfolk Island or to indicate where special treatment or care might be required". Obviously these are important and significant matters that should be able to be considered by firstly an Immigration Committee under the request of the Executive Member and then the Executive Member himself, having in mind the obligations on him to establish the suitability of the person to enter, particularly so far as a General Entry Permit is concerned. In the same guidelines under 6(5) there's a heading Standards and it says "In advising the reasons why particular cases fail to meet the required standards the Government Medical Officer shall address the following questions." It follows then 9 dot points, a series of questions, well I rather agreed with Mr Brown because of his experience of course as the previous Immigration Minister and mine as the present Minister in this field that one does receive a medical report from the Medical Officer which just simply says that "fit for TEP" or "fit for GEP." I must say I agree with Mr Brown that whatever the reasons for the formulation of the report in that form might be it doesn't really seem to be an adequate demonstration that the Medical Officers have in fact addressed the 9 dot points which this Government has determined under 6 (5) of the guidelines should be the standards which are required to be met. It goes on to say "The Governments Medical Officers report shall detail any positive findings and shall also include whether the person fails to meet the specified standard listed in the following paragraph". And then it says "In normal circumstances an Entry Permit or permanent residency will not be granted where an applicant has any of the following diseases, physical or mental conditions". And there follow quite a lengthy series of diseases of quite obviously undesirable nature to be introduced into the island. Then 6 (6) is Decisions. Decisions to take into account the potential charge to public funds including social welfare, medical and hospital costs. I only raise these matters and I don't want to spend a great deal of time at it but simply to point out that the guidelines have laid down a series of matters. I like Mr Brown believe that there should be some form of statement that is required to be transmitted to the Executive Member which clearly indicates that various matters which previous Governments have indicated and this Government may yet in formulating new guidelines consider additional matters or revise the standards should be met and should be answered. I really believe there should be some pro forma statement which the Doctors are required to complete which would satisfy the Executive Member that indeed he is carrying out the policy of the Government. I reiterate the very grave difficulty which seems to be emerging is that the guidelines as necessary must follow the legislative provisions laid down in that particular regard. What disturbs me about this is that if indeed the only medical prescription against persons entering Norfolk Island is referred to in Section 43 and if that makes the person who enters Norfolk Island in that condition of a suffering from a prescribed disease a prohibited immigrant liable to be removed from the island for suffering from that condition, then it may very well be that guidelines or the Act itself should contain some statement or some matters which relate to the subject matters of examination, the point of the examination and the reasons for the examination by Medical Officers so that the guidelines can be fully supported by the legislation. I only wish to say that so far as I am personally concerned as Minister responsible I'm more than willing to continue to exert all my efforts to bring our Migration Act into appropriate and proper form and effectiveness and I certainly don't think it's in that state at the present time so far as medical examinations and obviously urgent attention is required to be given to this aspect of immigration.

MR BROWN

Mr Speaker the Minister kindly distributed to each of us this morning a copy of pages 16,17, and 18 of a document which the Chief Minister has just been reading called Immigration into Norfolk Island – A General Guide and that

is a document which was endorsed by the Legislative Assembly quite a number of years ago now. It's in fact a document that's been around quite a while and has been revised from time to time. One of the difficulties that I have been trying to point out to Members for many years is that matters such as immigration cannot be handled by policy alone, because if we make decisions based on policy then we are always at risk and Mr Cook as a very elderly, I'm sorry a very experienced legal practitioner is well aware of this, but it is something of which Mr Cook is well aware, and we're lucky that Mr Cook is the person who is looking at this because of the fact that he is so well aware of it. We Can't work just on the basis of policy. We've got to work on the basis of legislation and regulations. If my recollection is correct the Act does provide an ability for us to set down these guidelines and it may well be that the first guidelines might simply be a copy of these pages of the general guide, but we need to actually have it set down because at the moment we know what we want but it isn't happening and we can't enforce it because it hasn't been set down. I'm not sure whether Members would like to treat this matter as one to adjourn until our next meeting or whether Members, it looks as though some Members would like to adjourn it to give it some thought. I don't have a difficulty with that Mr Speaker, and noting the time if no one else wants to say anything..

**SPEAKER** Yes I think there are a couple of people Mr Brown so if I could give them the opportunity first.

**MR COOK** Mr Speaker just responding to that offer by Mr Brown. I'd appreciate that. I'd like to have input from various areas. Obviously one of the areas in which we should receive some degree of input although this House makes its decisions of course ultimately is from those who are responsible for carrying out these examinations. There is aspects of that that I'd like to have some input at least to be able to further address the House on this matter which I believe is really very important and does require urgent attention. I do believe that a little time given by purpose of an adjournment would enable that to be properly attended to.

**MR MCCOY** Thank you Mr Speaker. Well it seems that this Motion will be adjourned but from my personal point of view I would have preferred to see it handled today because I think it is a good move. Coming from the Immigration Committee side when trying to assess an application believe me it is difficult to decide if somebody meets the immigration requirements under health, because I believe in the Act the Committee only takes health into consideration and when you go on a medical officer report which just says, this person is fit for immigration purposes, it does leave a big gap in our immigration law. So I do agree with Mr Brown on this one and I was hoping that it would be brought on today, understanding that Mr Cook would like to further have input from people who are involved in doing that examinations but believe me there are areas of problems where this is only in policy and it is not in law.

**MR NOBBS** Thank you Mr Speaker. I agree with this and it's been something that's been needed for quite some time I believe. I think it's part of the process, if I'm wrong please correct me Mr Cook but the process of the Immigration Review and I like Mr McCoy would like to see it proceed today if it's agreed by the Members because we need to get on with it.

**MR BROWN** Mr Speaker I wonder if Mr Cook's concerns would be allayed to some extent by making it clear that all this is intended to do is to ask for guidelines to be prepared and implemented, it's not to specify what we want in the guidelines. It may well be that we can ask for the guidelines to be prepared but Mr Cook can carry out his consultation at that stage and when he does prepare them he can say to us well I would have like to done this but I couldn't because of this reason but I have done this and I have done that.

**MR COOK** Mr Speaker. Mr Brown I respond to that and to the other matters which have been raised here in the House by Mr McCoy and the Chief

Minister. I certainly want to progress this matter and I pick up what Mr Brown has said that I can still do that quite effectively, once the Motion is before the House and the process is put in place well then one can seek the input and I'll accept that situation. I just ask for the fact that my absence in New Caledonia is going to delay me for at least 2 weeks but leaving aside that, I will certainly proceed with this matter as quickly as I possibly can. It's urgent.

SPEAKER Thank you. Any further debate. No further debate. Honourable Members I'll put the question to you. The question is that the Motion be agreed to.

QUESTION PUT  
AGREED

SPEAKER Honourable Members I intend that we suspend for lunch and unless there are any difficulties in that we will do so and we will return at 2.15pm

SPEAKER Honourable Members we reconvene after lunch.

**IMMIGRATION ACT 1980 – CERTAIN DISEASES TO BE PRESCRIBED UNDER SECTION 43 (1)C**

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to take action at an early date to prescribe the following diseases under Section 43 (1)c of the Immigration Act 1980. AIDS, HIV, Hepatitis B and C.

SPEAKER Thank you.

MR BROWN Thank you Mr Speaker. Section 43 (1)c of the Act makes provision for prescribing diseases such that a person who is not a resident simply cannot enter Norfolk Island if he's suffering from one of these diseases. We spoke earlier this morning of guidelines for medicals for applicants for immigration and we spoke of the wisdom of actually having written directions which the Doctors would follow. The Doctors we have at present Mr Speaker are excellent and I've got no doubt at all that they are very interested in ensuring that they cooperate as best they can in helping every element of the Norfolk Island system to work. It's not always the case though Mr Speaker. There have been other Doctors at times who have been a little high and mighty and who have wanted to impose on us their will in an immigration sense, and in the absence of guidelines in relation to immigration and in the absence of prescriptions under Section 43 (1)c there is a lot of room for subjective decision making. If a particular Doctor thinks it's simply not right to refuse someone just because he has such and such a problem then that Doctor up until now has been able to do as he pleases. But the consequence of a bad immigration decision are very significant and I would like to suggest to Members that it is time we reviewed the diseases that are prescribed under this Section, it's time that we added to them at least the ones that are listed in the Motion, and it may well be that when the Minister obtains advice in order to prepare his documentation he ascertains there are other diseases that should be added. If the diseases are added to a prescription under Section 43 (1)c of the Act it is going to be much more difficult for someone sitting on an appeal to simply say oh well you can't knock this person back because of this problem. Here we'd be knocking them back because the Act and the prescription under the Act would require us to do so and would require an appellant body to do the same thing, and I commend the Motion to Members. I don't suggest that these are the only diseases, there may well be others. I'm not suggesting that the Motion should necessarily be finalised today, although I believe that it can be and I leave it to Members.

MR COOK

Mr Speaker as the responsible Member for Immigration I should respond to this Motion firstly I believe. I don't have any real concerns at all with what the Motion is intending to achieve. I say that quite advisedly because under Section 43 a person not being a resident is or was at the time of entry a person suffering from a prescribed disease becomes a prohibited immigrant unless he holds a permit endorsed with a statement from the Executive Member that he's a person who is in fact suffering from such a disease, one would imagine that there could be circumstances where somebody may be allowed to come in as a visitor even with such a disease for highly humanitarian reasons and subject to certain conditions. However the subsection 2 goes on to say that Subsection 1, and I just might make it clear that Subsection 1 says "A person who was at the time of entry suffering from a prescribed disease". So a person could be quite clearly unknowingly suffering from such a disease but in fact be suffering from it. In other words he didn't know that he had such a disease and deliberately failed to reveal it but was quite unaware that he had such a disease. Subsection 1 has effect, notwithstanding the person has become a permit holder or a resident but where it applies you see, they can be granted a permit and then eventually become a resident and then this seems to indicate that then there could be found that at the time they actually entered they were suffering from prescribed disease and therefore they can be deported and their permit of which they are a holder can be cancelled, or if they are a resident they should be deemed to cease to be a resident. And what really does concern me is of course the fact that obviously some particular and significant barriers as to the entry of persons suffering from infectious or serious diseases or people who will clearly become a burden on the community in a real sense, financially or otherwise for purposes of care in due course has to be in place and all civilised communities recognise their right to prevent a person from coming into the community if there is that situation obtaining, apart from what I've already referred to as the humanitarian entry which may be able to be adequately cared for. So I am concerned because I'm aware of these specific diseases which have been nominated here that I believe at least one of them can take as long as 8 years to make itself manifest and that's a serious situation, because a person with all good faith and good knowledge about his health and otherwise may come in and then suddenly well down the track after he's got a declaration of residency and lived on the island and settled, accepted by the community he has his residency cancelled because it so happens that at the time of his entry he was suffering from this disease. It seems to me that it may well need this Subsection 43 very closely examined to make sure that nobody is dealt with inappropriately or unfairly because if you look at the rest of the provisions of Section 43 they refer to somebody evading an officer of the purpose of entering Norfolk Island or who secured entry into Norfolk Island by producing a false document or who had been convicted of an offence, punishable by imprisonment for 6 months or longer, so they are all, as you might understand apart from that Subsection c in its present wording seem to relate to people deliberately and knowingly doing something which is contrary to the proper spirit of immigration. So I am a little concerned about c and its present impact and clearly it does need to be looked at. This most difficult things that's facing me at the moment is the Minister when clearly this question of the adequate protection for health reasons of the community from persons who shouldn't be able to come into the community, I'm accepting that there may be serious infectious diseases, or other problems of financial burden and care situation in due course is that nothing has ever been prescribed under Section . Mr Brown referred to adding these particular diseases and they are serious disease we all know that, extremely serious. In fact some parts of the world they are raging as very serious pandemics and what's happening, I believe so far as Norfolk at the moment is concerned is a serious situation that we don't have prescribed under the Act as being a disease which prevents a person from entering Norfolk Island or justifies removing them from Norfolk Island in the circumstances set out in Section 43, any statement of what those diseases are in the Act, or in regulation which would obviously be the way in which such a thing would be prescribed. In the material that I've circulated to Members to assist in this debate this morning it would be noted that under the health requirements, and again under paragraph 6 (5) there is a statement that normal circumstances an entry permit will not be granted where an



applicant has any of the following diseases and I see included among that is AIDS and Hepatitis B two of the diseases that Mr Brown has set out in his Motion. But there are diseases such as alcoholism, cancer, blindness. It's a bit difficult to understand why somebody should be refused entry if they are blind, if they otherwise might be able to show that they are well able to care for themselves. It's a little difficult, and I believe a proper exercise will have to be carried out and I'm not denying the necessity for it, in fact I'm very pleased in a real sense if I might say so to him that Mr Brown has brought this matter up because it highlights this essential difficulty which faces the island at the moment that I don't believe we have anything adequately in place to protect us. These diseases that Mr Brown refers to, and I'm sure he's probably aware of it are virtually only identifiable with blood tests and this is a bit of a problem as to the situation of these particular diseases whether we require people to produce some sort of certification that shows that they are clear of this type of disease by having undertaken a blood test by appropriate medical areas. I do know, and it's my own knowledge from persons who have travelled that a very large number of countries in the world will not allow people to come into those countries unless they produce such clear certificates that reveal them to be free of diseases such as AIDS and Hepatitis B and if we're going to go down that way well we may have to do that because the alternative is that how do we compel people who might submit themselves for a medical examination here on Norfolk Island to undergo blood tests to establish whether or not they are suffering from these disease and if we find they are suffering from this disease we immediately have to deport them. There are serious matters for consideration here. I took the trouble of getting the form that are at present used for medical examination, issued by the Administration of Norfolk Island and the Doctors apparently have to checklist this through with their patients and I notice that included in that questioning of have you ever had serious diseases, there's tuberculosis referred to in one of them and then in another one of them, AIDS or Hepatitis B. That's simply a question in there that the patient has to say yes or no. They may be totally unaware that they have AIDS or Hepatitis B, or they may in fact be aware and be not disclosing that to the Doctor, but if he ticks it off as no well then that's it, except for what's underneath this questioning process. I certify that the information supplied to the Doctor is correct and authorise the Government Medical Officer to provide to the Immigration Officer such information as the Government Medical Officer may from time to time deem it expedient to provide with the spectrum on medical illness and the medical fitness of my children and then is signed by the person. One can imagine that if a person gave false information and it later transpired that they had these diseases, particularly those that Mr Brown has mentioned in his Motion and which are set out in the guidelines then they would have gained entry conceivably into Norfolk Island or be granted a permit by reason of making a false statement, and one could possibly proceed against them under the other provision of Section 43 which says for the purposes of securing entry produces or produced to an officer a false document. That seems a little bit however possibly to relate to forged passports or otherwise it doesn't necessarily seem to relate to whether you answered honestly a question or not. Producing a document doesn't sound quite like answering a question. I've raised these matters because I certainly am concerned and very much determined to proceed with this in the quickest most effective way I can to first of all determine whether Section 43 in its present form is proper for protection of Norfolk Island. Secondly how we might in regulations prescribe diseases and make some requirement for in the most serious types of diseases, if that seems to be applicable that persons may have to present some documentary evidence which would suggest that they were not suffering from those diseases at the time they entered Norfolk Island. I put these things forward for the consideration of the Assembly. I trust that I'll be able to, with advice move fairly promptly in this matter and I don't in any way oppose what's suggested by Mr Brown, although I think the way we do it might have to be a little different to that contents of his Motion as presently before the House.

MR BROWN

Mr Speaker I believe this is a matter which needs to be dealt with pretty quickly. Members might not be aware of it but I understand that amongst some of the young people there is quite a bit of nocturnal people at times Mr

Speaker, and if we allow someone to come here and just say no I haven't got any of those things and then infect 30 people, we haven't been doing our job very well. I think that we do need to require that blood tests be undertaken or that a very recent blood test result be provided. Now that doesn't mean to say that the result of a blood test then gets distributed willy nilly. To give you an example for large life insurance policies, this is a standard requirement today and the person seeking the policy has got 2 choices, he can consent to the blood test, and submit his application or he can submit the application without the blood test and the application simply sits there forever waiting for the blood test to catch up with it, because without the blood test it won't be dealt with. Now if he consents to the blood test and something unfavourable comes up in that the Doctor calls him, he goes and sees the Doctor and they talk about what it is, and then he is given the opportunity to withdraw his application for the life insurance, and in this situation I expect that the appropriate thing would be to give the person the opportunity to withdraw his application for a permit. All this can be done quite decently and quite discreetly but I think that it's got to be done. I think the days of simply relying on luck have well and truly gone beyond us. The cost of trying to care for someone with one of these diseases is crippling. The Norfolk Island environment doesn't have the facilities to do it, we don't have the resources to do it, and we cannot afford to subject our population to the risk of transmission of them. I accept what the Minister has said about the possible harshness of some of the other sections, but that is a different question. If those sections are felt to be too harsh well we should have a look at them but it doesn't mean that we shouldn't insist on proper screening at the front end. Thank you.

MR NOBBS Thank you Mr Speaker. I'm aghast actually that it's the year 2000 and these particular diseases and what have you haven't been prescribed. I mean it's fine to have them in the general guide, but the general guide is full of will not normally be granted or words to that effect and so it's purely a guide and I believe that it's time. I mean it's overdue that we do that, and I accept that the problems that the Minister sees in relation to some of them but I do believe that we should go ahead and there are quite a few others that should be added to the list. I would of thought myself that TB was an obvious one to go on the list, to be prescribed years ago but it has not been done. So I support the Motion and I support what actually the Minister says, and I suggest that we put it through today.

MR GARDNER Thank you Mr Speaker. I'm again like the other Motions that have been before us today I'm supportive of the concept but there's a couple of warning bells that seem to flash in my mind every time we deal with something that sets up a barrier to somebody's entry into Norfolk Island, and I guess the warning bells that are starting to flash here relate to a statement Mr Brown made about the nocturnal activities of some of our younger generation on the island. I accept that, but I also accept that our younger generation, young residents of Norfolk may well participate in similar nocturnal activities when they are either in Australia or New Zealand or other parts of the world, and if that's the case, and they pick up those same sorts of diseases and unfortunately bring them back here to Norfolk that doesn't prevent those 20 or 30 people from being infected and we have difficulty here, I think we're sort of almost bordering on discriminating against the youth and the youth somehow. I guess my other concern that seems to appear right at this moment is that we're telling people that may come to Norfolk with those diseases that we can't cater for them, we will not cater for them, you are no longer welcome here. What is the case at the moment, I mean these are questions that need answering, what's the case at the moment if unfortunately a young resident of Norfolk Island were to be afflicted with one of these diseases, do we run the risk in the future of Australia and New Zealand maybe rejecting them from being able to seek adequate and appropriate treatment in Australia and New Zealand for exactly the same reasons that we're looking at doing it here. I just throw those into the pot, though I'm supportive of the concept. I think we need to be aware of those sorts of things. Thank you.

MR BROWN Mr Speaker I am sorry to say that I think that the answer to the Minister for Health's question as to what would happen if a local person had one of those problems is if they are being treated in Australia they'd be being charged as overseas patients as they are now and it would be costing a hell of a lot of money. I don't think that there would be any real risk of them being told they can't have treatment but I think there would be a real risk of them being told it's going to cost an arm and a leg to do. Mr Speaker there has been some discussion as to whether any diseases have been prescribed to date. Mr Cook had said that he doesn't think any have, he may well be right but I have a recollection of there actually being a list and of it including TB which is the reason I didn't include TB in that, but in any event whether I'm right or Mr Cook's right it is immaterial. I would think that in preparing the document advice would be sought and if there are any other items that should be added to the list, I'd have no doubt that a competent Minister such as Mr Cook would add them at the time.

MR COOK Mr Speaker I'd carry on what researches I've been able to carry out. Mr Brown's probably aware as I am that there's the Contagious Diseases Ordinance and that allows the Administrator to issue in the Gazette a list of diseases which are described as contagious diseased and so defined. As far as I am aware, and from the enquiries and researches I've been able to make in the time available to me there's never been any such notification. There is also a Tuberculosis Ordinance and that provides for the isolation of people suffering from Tuberculosis in the community. I mean the community hasn't sat on its butt as it were and done nothing. Those Ordinances passed were mostly, I think the last one I'm aware of I think was amended up to 1964. But I'm not aware of any prescription of diseases. I really do support this Motion. I hope nobody read into it that I was against it. I genuinely believe we've got a major problem here as much as any other problem that must be attended to and it's my intention to do so as soon as I possibly can and with appropriate advice, and it seems to me that we might very well have to draw up a list of diseases and prescribe them very quickly indeed and at the same time we may well be able to make some legislative amendment that will meet some of these problems that I believed I've touched upon. I might be very old but I still can think of a few things that need to be done and this is one that really does need to be done and I do support the Motion and prepare to vote for its implementation and carrying into effect as soon as it can be done.

SPEAKER Thank you. Any further debate. No further debate. I put the Motion to you Honourable Members. The question is that this Motion be agreed to.

QUESTION PUT  
AGREED

### **COMPENSATION FOR PERSONAL INJURY SUFFERED BY VICTIMS OF CRIME.**

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to prepare and introduce a Bill at an early date to provide for compensation for personal injury suffered by victims of crime.

SPEAKER Thank you.

MR BROWN Mr Speaker in most other western jurisdictions there is now legislation along these lines. It's a little bit like compulsory third party motor vehicle insurance. It's something that a visitor is entitled to expect, it's something that our residents are entitled to expect. In general the compensation is not large. The last time I was involved in a claim was a Northern Territory claim and I think the maximum in those days was about \$25,000, I expect that in other places it has increased a little since then but it provides at least some compensation to the victim of a crime. My suggestion

would be that if the Motion is adopted the Minister might well review the legislation in the Australian States and Territories and just as we did something along that line with our domestic violence legislation something similar could be done to introduce this legislation. At the time of introducing the legislation of course the Minister would provide the House with details of its likely cost. There certainly would be a cost Mr Speaker and fortunately in the Norfolk Island environment I do not expect that that cost would be incurred on many occasions. I certainly can not think if many occasions myself in the past 20 years when such compensation would have been payable had the legislation existed, but I believe it's an improvement in our legislation that we do need to make and I commend it to Members.

MR COOK

Mr Speaker as yet again I think the Minister for whom the finger points, because I think this is in the area of justice I'd like to say I agree with the principle contained in Mr Browns Motion. I don't think you'll always have it quite as easy as this because he has brought up some ideas which are appropriate to endeavour to implement because of their significance in the community affairs and also brings us into a situation that's not different from or away from those that are normally applicable in civilised communities which are close to our borders. The problem as I see it of course is the matter of resources, taking up what probably Mr Bates would touch upon as how one would be able to provide for such a situation financially and of course to the problem of whether one limits the claims, a bit like workers compensation here on the island has an upper limit because of the injuries that could be suffered. I mean if you had a scheme going, one particular injury might very well wipe out the whole availability of the scheme or otherwise. It's mostly of course under the present law in the Court of Petty Sessions restitution orders are able to be made under the Crimes Act and that normally relates to putting people back the way they were particularly for damage of their property and maybe loss of time for work or medical expenses but it doesn't relate to any pain or suffering or disability results which interfere with a persons working capacity and so forth. I think the idea is an excellent idea because we should have such a facility available in our community. I'm a little bit concerned at the resource implications. Mr Brown touched upon the third party insurance situation. Again I have been supportive of that and endeavouring to advance that as quickly as it conveniently can with all the interests that have to be consulted and I would think that this is another matter that must go forward in the same category but I must say that I am concerned at the outcome when it comes to resourcing such a situation. That doesn't mean to say that we shouldn't have it in place, it just means that we have to be careful about the concept and take it up too enthusiastically until we can actually investigate what it's going to cost us.

SPEAKER

Thank you. Any further debate.

MR NOBBS

Thank you. This is a worthwhile proposal I believe but I do feel that this is just, I don't believe we should deal with it today because I'm unclear actually as to how many types of schemes they are and how they fund them. I know of one where the funding actually comes from a fine situation whereas there is some form and I'm only going from memory here, some part of the fine and I think that what happened in this particular areas was that they increased the fines to compensate, was taken and put into a fund and the money came from that. Now that's the only one I know. There may be other ways of raising funds in relation to this. I think it's been an issue for a little while and it would be one that I would ask Mr Brown to leave until the next meeting if he could.

MR BROWN

Mr Speaker in all the years when the Commonwealth was looking after Norfolk Island it didn't feel an urgency to introduce this. We've survived since 1979 without it, another month isn't going to be the end of the world. I do agree with what the Chief Minister has said that it is something that has a financial implication and it would be wise for Members to have a look at that before they actually commit themselves to it, notwithstanding that nothing would happen until the Bill was introduced. I'm happy to move the adjournment and I so do.

SPEAKER The question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT  
AGREED

### **RESUMPTION FOR PUBLIC PURPOSES OF PORTION 38B (16)**

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to take such action as may be required in order to resume for public purposes, subject to the payment of reasonable compensation Portion 38B (16) in Taylors Road Norfolk Island.

SPEAKER Thank you.

MR BROWN Mr Speaker firstly I should disclose that I have acted as a Solicitor for several parties in relation to Portion 38B (16). The moving of this Motion doesn't benefit my pocket one iota or it doesn't entitle me to charge a fee to any of those people nor will I charge a fee to any of those people but I think it's important that I disclose that. Mr Speaker this particular land was the subject of a Court case in early 1991. The judgement was handed down on the 27<sup>th</sup> of February 1991. It was a case involving the present owner of the land as plaintiff, a company called Mercantile House Pty Ltd was one defendant. That Company was the owner of some of the adjoining land. A company called Roymax Industries as another defendant which owned part of the adjoining land and joined in it was the Administration and the Commonwealth. I've brought with me a copy of that judgement and I propose to leave that with the Clerk so that interested Members can obtain a copy and read it because it is interesting to read and it does set out in considerable detail the history of that block of land. I would refer Members also to a document that has confidential written on the top of it and therefore I do not propose to table that but I will be happy to make it available on the same confidential basis to Members, and it's a memorandum from the Deputy Crown Solicitor in February 1995 to the Health and Building Surveyor about the same property. Basically Mr Speaker about 30 years ago there was a subdivision of land in Taylors Road. Portion 38B (16) was designated in that subdivision plan as being for public road purposes. This was prior to self government and at the time the Commonwealth didn't get around to having the land actually transferred. The land is the subject of numerous easements and the case that I've just referred Members to held that the owner has very little if any interest in the land and in particular that although the land may not have been transferred to the Commonwealth or the Administration that did not take away from the fact that as part of the subdivision and as part of its usage since it became part of the public road. I don't propose to seek to have this matter dealt with today because I believe Members will find the report of the Court case interesting. I believe they will find the report from the Deputy Crown Solicitor interesting and it may well be that the relevant Executive Member has considerably more information available to him. But basically the reason for bringing the Motion is that back in 1991 there was a need for the Supreme Court to consider the matter because the person in whose name the land was registered took the matter to Court seeking certain orders. He was unsuccessful in seeking those orders and the Court ordered that he pay costs to the 4 defendants. He has never paid any of those costs Mr Speaker. In 1995 someone wanted to paint a sign on an awning in the particular area and the particular owner objected to that and put the Administration to the trouble of obtaining this particular piece of legal advice and no doubt put them to considerable other trouble, and now the same person is demanding that the various shop keepers along the area fronting Portion 38B (16) pay him rent for the small amount of air space by which the awning overhangs this land. It's my belief that there is little point in the adjoining owners attempting to deal with the owner of Portion 38B (16) because of the fact that he already owes a significant amount of money which he has shown he has no real intention of paying. I believe it is time for the Norfolk

Island Legislative Assembly to have a look at the situation, to see if they interpret the Court case in the same way that the Deputy Crown Solicitor did and if so, to recognise that it is part of the public and to simply resume it for that purpose while paying fair compensation. Thank you.

MR COOK Mr Speaker I'm glad to say I'm not the responsible Member, a sigh of relief. However I just wish to say that because I have provided advice and discussed the matter with one of the parties quite some time ago I believe I should not participate in this discussion and therefore I refrain from doing so.

MR GARDNER Thank you Mr Speaker. I believe I am the responsible Minister for this one to a degree in that if this were to eventually end up in Court this may become a matter for the Minister for Immigration and Community Services and that it would be an action by or for the Administration, something like that. Mr Speaker in relation to this I acknowledge Mr Brown's tendering of the information that he has an interest in this and I appreciate that and for the benefit of Members around the table maybe I could provide some history of this matter because I had dealt with it earlier in the life of this Assembly and I am aware that the previous Executive Member with responsibility for this had also had similar approaches from McIntyres regarding the resumption of this land. The advice that was provided on both occasions to the previous Minister and myself was that it was more appropriate that other options be pursued short of going to resumption and prior to considering resumption that those options should be pursued, and in both instances I understand that letters to that effect were sent back to McIntyres requesting that maybe the owner of the Portion of land at this time be approached by those shop owners, those people affected to purchase that block of land off them. Up until notice being provided of this Motion in the House I hadn't received any response to that at all and maybe Mr Brown might be able to provide us with some further information on that matter.

MR SMITH Thank you Mr Speaker. I have 2 or 3 questions. One has actually been answered by John because he said he's happy to adjourn it to the next sitting. It brings to mind this piece of land that is in front of the Strand Arcade as I understand it which is where that Portion is. I believe there is another piece of land that is in dispute as well. I'm wondering if that is to be included in the Motion that Mr Brown is proposing. I have a difficulty resuming anybody's land and not that we've had many opportunities to actually need to do that Mr Speaker but on the occasion I have been asked of, refused to support any resumption if there is not a way of resolving things in other ways, and maybe that's not the best way to handle it but that is my personal view, that we shouldn't be getting into the act of resuming somebody's property unless all other avenues have been exhausted. So depending what happens whatever notion I give between now and the next sitting at this point I wouldn't intend to support it, but I would like to know the answer to the question about the other piece of land which adjoins this piece of land.

MR BROWN Mr Speaker I think that the Minister for Tourism is talking of the famous rock block and that is owned by a different person. It is not the subject of easements and it was transferred quite some time ago by it's original owner and has changed hands on I think at least 2 occasions since. So I had not included that land in my Motion, firstly because I didn't think there was the same justification, secondly because different considerations about compensation would apply, and thirdly because my mind had only been turned to the one difficulty because it was only one owner that was making demands on the various shop keepers, but it's totally a matter for the House as to whether the House at some stage wanted to take some action in relation to the rock block as well. Those rocks by the way Mr Speaker are very valuable at present.

SPEAKER Thank you for that advice Mr Brown. Any further participation.

MR BROWN

Can I move the adjournment Mr Speaker.

SPEAKER

Thank you. The question Honourable Members is that this matter be adjourned and made an Order of the day for a subsequent day of sitting.

QUESTION PUT

AGREED

MR COOK ABSTAINING

### **PRIVATE ROADS ON NORFOLK ISLAND**

MR BROWN

Mr Speaker I move that this House requests the responsible Executive Member to report to the House at its next meeting as to firstly, how many private roads exist on Norfolk Island, secondly how many Portions are serviced by each of those roads, and thirdly what is the condition of each of those roads and what is the Governments intention in as to ensuring each of those roads will remain useable.

SPEAKER

Thank you.

MR BROWN

Mr Speaker I understand that much of this work is already being undertaken, in particular is part of the process of revising the Norfolk Island Plan but the reason for bringing forward the Motion is we do have a significant number of what we might call private roads on the Island. Just which of them are maintained by the Administration and which are not is not totally clear to the average citizen. Just what the rules are to change that status, that is, to change it to being a private road which will be looked after by the Administration is something that is not clear to the average citizen although I understand that there is quite a clear Administration policy about it, but people do buy and sell houses along these roads and I think that it is important that we not be criticised for having failed to make clear just what the rules are. If a person buys a house on one of those roads today let's say that there are five or six other houses on the road, the other five or six householders don't want to contribute to the cost of repairs and the road just starts to absolutely fall apart, at the end of the day it's the Government that will copy the flak notwithstanding that the initial purchase might not have been totally wise. So what I'm asking Members to join with me in doing is to ask that the relevant executive member can provide us with the answers to these questions as soon as possible

MR GARDNER

Thank you Mr Speaker. This is probably a joint responsibility at this stage but I will jump in first if I might as Mr Brown did mention the review of the Norfolk Island Plan and some of the happenings related to that. The one in particular that may provide a deal of this information relates to the Roads Codes that are being prepared at the moment and I mentioned earlier, I had a brief statement to make about the development of codes and where we were with the joint land initiative. Certainly within the text of that statement unfortunately I didn't take the opportunity at the time to put it forward to the House with a report from the Conservator relating to those draft codes and it is expected that the initial preliminary draft roads codes would be available from the Works Superintendent from the close of business today so it may to some degree go quite a way to answering some of those questions. I might at this stage pass over to my colleague the Minister for Tourism and Commerce in relation to any other information that he may have or contribution he may wish to make to debate

MR SMITH

Mr Speaker, thank you and thank you Mr Gardner. I have little difficulty with what the proposals is within the motion. Whether it has to be at the next sitting of the House, I don't know. That may need to be a little flexible because obviously there's a lot of work that has been done but there's a lot more to be done at this point in time. I think this is one of those issues that's been around for a long time Mr

Speaker. There are lots of roads where people, and I know this because I was talking to somebody the other day. I've actually had about three conversations about three different roads in the last week, and somebody had no idea that they were actually living on a private road, they thought it was a Government road so it's been around a long time and with what's being done with the Norfolk Island Plan I think it is a good time to look at this. I don't have any difficulty in supporting this motion. With perhaps the exception that we may need a little bit more time than at the next Sitting

MR GARDNER Thank you Mr Speaker, maybe an appropriate way forward, the way that the motion is framed is that it's asking three clear questions. Is it appropriate that I take those on notice or jointly take it on notice with the Minister for Tourism and Commerce and provide a suitable response at the next meeting

MR BROWN Mr Speaker, it does appear that the work is in fact well advanced, so I would be more than happy to seek leave to withdraw this motion and instead to place it on notice as a question on notice for our next meeting

SPEAKER Thank you. Let me consult with Members on that Mr Brown. There is a proposal that leave be sought to withdraw the motion and that it be handled appropriately by being placed on notice as a question. Are Members agreeable to the withdrawal on that basis. I interpret from that, that Members are agreeable and the matter is so withdrawn. Thank you for your participation in that process

#### **NORFOLK ISLAND HOSPITAL ACT 1985 – APPOINTMENT OF MEMBER OF THE BOARD OF MANAGEMENT**

MR GARDNER Thank you Mr Speaker. I move that for the purposes of subsection 12(12) of the Norfolk Island Hospital Act 1985, this House resolves that John Hughes be re-appointed by the executive member as a member of the Board of Management until 30 June 2001. As is the policy of this current Legislative Assembly and has been adhered to by the appointment of all statutory boards to date there has been an agreement that all the vacancies that exist on statutory boards would be advertised through the newspaper so that there was as wide an input as possible and that we are able to draw from as large a pool as possible in the selection of members to the statutory boards. In relation to this appointment and appointments to the Hospital Board I was led to believe earlier this year that there were no places about to become vacant on the Hospital Board and that the next vacancies that were to appear were not until June of next year 2001. However, earlier this month I received a notice from the Legal Clerk saying in fact that John Hughes, who is the current Chairman of the Hospital Board, appointment is due to expire on the 15<sup>th</sup> October, which was a couple of days ago, and as I said he is also chairman of that Board. With one vacancy already existing in the Hospital Board due to the illness of Mr Jack Huckstep I've approached the RSL for a suitable replacement for him, until such time that he is back on his feet and hence I have for some time now left that vacancy open. If Mr Hughes, and I apologise to Members for bringing this forward at such short notice, if Mr Hughes was unavailable I believe that some meetings of the Hospital Board we would not have had the necessary quorum and so effectively the Board would be unable to function and so in accordance with that explanation that I have nominated Mr Hughes to continue as a Member of the Hospital Board and also in the role of the Chairman of that Board up until the 30<sup>th</sup> June 2001 when all the other board members' appointments expire and in that period of time to advertise as widely as we possibly can for other persons who may be interested in being appointed to the Hospital Board and I commend this motion to the House Mr Speaker

SPEAKER Thank you. Further debate. The question is that motion be agreed to

QUESTION PUT



## AGREED

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

**SOCIAL SERVICE ACT 1980 – RECOMMENDATION TO APPOINT COMMUNITY MEMBERS OF THE SOCIAL SERVICES BOARD**

MR COOK Mr Speaker I move that in accordance with section 8 of the Social Services Act 1980, this House resolves to recommend to His Honour the Administrator that under sections 4 and 6 of the said Act he appoint Dale Frances Hogden and re-appoint Patricia Madge Anderson and Thomas Leslie Lloyd as community members of the Social Services Board for a period of three years commencing on and including 15 October 2000. Mr speaker this is a situation similar to that mentioned by the Minister for Health. It is necessary for three appointments to be made to the Social Service Board. Three appointments expired on the 15<sup>th</sup> October and this is the first meeting of the House in that time. The Legislative Assembly Member of that Board Mr Bates was appointed earlier this year and his appointment will subsist for quite some period of time. One of the previous Members of the Board indicated her desire not to restand for selection to the Board and in accordance with the policy which has been adopted by this Government this position was advertised for the point of view of expressions of public interest in accepting position of appointment to the Board. One person came forward in that expression of interest and accordingly I request that the House carried this motion which will enable the Board to function adequately and I would particularly like to thank Paddy Buffett who was previously on this Board and who is now retired, for her efforts and contributions to the effective operation of what is really a very busy and very important committee on this Island

SPEAKER Thank you. Further debate. The question is that motion be agreed to

QUESTION PUT  
AGREED

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

**REGISTRATION OF BUSES**

Honourable Members at this stage I said that I would give an opportunity for I think three motions to be identified so that leave may be sought to see if you wanted to look at them today. Chief Minister you have the first call in respect of this matter

MR NOBBS Thank you Mr Speaker. I seek leave to move a motion in relation to the registration of buses

SPEAKER Could you identify that motion and I will then seek leave of the House

MR NOBBS Thank you Mr Speaker, that having regard to road safety and the adverse impact of increased traffic on road conditions, this House is of the view that there is a need to 1) closely examine the effect of the number and size of vehicles being imported and registered in Norfolk Island and the capacity of the Island's road infrastructure to cope with the increased vehicular traffic and 2) to develop to comprehensive policy related to the use operation and licensing of tourist buses. In order to temporarily prevent any further increase in the number of tourist buses on the roads this House resolves to introduce legislation to give effect to a moratorium on new registrations of vehicles licences to carry more than six persons. Such a moratorium will be effective from 10am on the 18<sup>th</sup> October 2000 until the 18<sup>th</sup> March 2001

SPEAKER  
Leave is granted

Thank you. Is leave granted Honourable Members.

MR NOBBS  
Thank you Mr Speaker. I think the motion actually speaks for itself. It's a pause so that we can closely investigate the use and registration of buses on Norfolk Island. It's been called for by a number of people on the Island that we closely examine the effects, number and size of vehicles being imported and I commend the motion to the House

MR BROWN  
Mr Speaker, certainly the question does need to be looked at because many of our roads are simply not suitable for the large buses which presently operate on them. I just wonder about two elements of the motion. Firstly are we going too small with the six person limit. I'm not sure of the answer to that but I wonder whether some vehicles that are going to be used really as domestic vehicles might be licenced for more than six, for example, a Torago van. The second this I wonder about is whether we wish to take account in some way of the position of a person who may have a bus coming on the next boat for which he has already paid and which is already on its way. I just raise those two issues. The policy issues that the Chief Minister is trying to tackle are certainly issues that need to be tackled

MR BATES  
Mr Speaker thank you. I raised the issue of large buses in the previous Legislative Assembly and I recognise the difficulties but I think we must recognise that there is a need for some large vehicles on the Island. Not only a moratorium on buses but there are other vehicles that are every bit as large as these large buses operating and I think there is a need for some of those and we should be careful not to get them mixed up but other types of vehicles I believe are not moving around in the same areas as the buses and they do have the ability to stick to some of the wider roads and they do have the ability to have an escort when they need to travel. I would not like to see this motion restrict the development of tourism. If there's a need for more buses, especially with more accommodation going in then I wouldn't like to see that stopped. I personally don't have any difficulty with the tourist buses of the size which we usually recognise as a coaster size. I think this motion as Mr Brown says, stops all buses and I wonder if that is really wise. I was only aware of this this morning, but if there is a pressing need for some of those in between size buses I wouldn't like to see this motion catch up with those, however I intend to see something done and if there is no alternative I would be inclined to support the motion I think

MR SMITH  
Mr Speaker, thank you. The Chief Minister raised this with me yesterday and I had hesitation in doing what in effect is a moratorium on importation of any vehicles that we may consider may not be suitable for Norfolk Island roads and that would happen today. I don't support that view on the basis that in the past we have done things like this and I recall we did something like this last year with the Customs Act and we caught a whole lot of people out who had vehicles coming in from Japan, people who had paid for vehicles but they hadn't left the mainland and we had to come back to the House and actually it was legislation that time, and we had to review what we had already done. It is one of the difficulties that we face when we introduce motion by leave and we haven't had enough time to consider many of the things involved with the motion. I understand there is a rumour, or so the Chief Minister told me, of somebody who has bought some buses. Whether that has anything to do with the motion today I'm not sure. I wouldn't like to think that our view is whether or not they should be going into that type of business but I wouldn't like to think that we would catch somebody out who may already have a vehicle on the next boat or whatever, but I don't have any difficulty with the first part of the motion where we closely examine the effects of the number and size of all vehicles. That would apply to any large vehicle and we certainly have a few of those around. How you actually decide what vehicles aren't appropriate, we all have our own views of course. Sometimes it's not the size of the vehicle but the capacity or the speed and I think those things shouldn't be here. A comprehensive policy related to use operation licensing of tourist buses probably is a

sensible idea and if the Chief Minister wants to do that, that's fine. Brian raised a question some time last year about restricting the size of tourist buses on the Island and a ministerial was sent off to the Administration and that time and we are still awaiting a reply on that at this stage, but in the meantime I did speak to some of the tour operators who run buses, particularly one company that operates 40 seater buses which aren't actually 40 seaters but are 36 seaters. One of the reasons they do have those large vehicles is to be able to assist the carrying of groups of people around. We have a coaster bus which I understand comfortably carried something like 22/23 passengers. If you are carrying two groups of 60 people, rather than have four coaster buses going over the same road you may need only two of the 36 seaters. That was one of the reasons or so I understood at the time. Also one of the operators said they didn't mind if they paid more in their registration to compensate the Government for any upkeep of the roads that may be required. There is certainly a lot in it. I'm not exactly sure how the motion works today, I think it says that the House resolves to introduce legislation to give effect to a moratorium so I take it that the motion doesn't call for a moratorium to be introduced as from today and as long as it is not retrospective back to today I could possibly support the motion, but if it is to do something from today I would have difficulty with that Mr Speaker

MR McCOY

Mr Speaker thank you. I'm very interested in the debate from Mr Smith on the question of buses, or I think vehicles was referred to a number of times but I think the motion is in regard to registration of buses. I personally feel, and I've felt ever since the first 36 seater bus came to the Island that it was too large for Norfolk Island simply based on the fact, and we all see it every time we drive around the roads, the Island is not ready for those types of vehicles. The roads are not wide enough. So are we going to continue to encourage the introduction of those large buses to the Island and then turn around in a couple of years time and say, well we'll have to widen the roads so then we have to do away with all the banks that are part of a feature of the island and also I have been told by two operators that they prefer the larger buses because they can fit in their groups onto the larger bus. But I really think when someone comes to Norfolk Island whether they are a tour operator or otherwise, they can't really come along and tell us what to do. Can we go elsewhere and tell the Government in other countries what to do to satisfy our intentions. I don't take the advise coming from the tour operators. I feel that if the tour companies want to Norfolk Island, if the group operators want to come here and bring their people to Norfolk Island for a holiday then they should come to Norfolk Island for what it is, not come along and decide well we want you to have bigger buses. I also have a little concern, Mr Brown pointed out that we may be restricting some family from bring in a Torago or a vehicle that is registered to carry eight persons, but apart from that I support the basis of the motion

MR SMITH

Mr Speaker, it might be helpful for Mr McCoy, the earlier big bus that I can remember was the Paradise bus which was more than a 40 seater bus if you recall, and that was used from what I call the early days when tours used to be included with the hotel rate. The Paradise used to take their guests and do tours, up to Mt Pitt and places like that. In later years my brother and I purchased that bus from Bubby Evans and turned it into a burger bus. Now we negotiated that thing around the roads and there was a little difficulty in doing that and Mr Brown might correct me, but I understand that most large vehicles are the same, there is a restricted width. I understand that the large trucks that the Administration uses, that Island Industries would use and the buses are all basically the same width on the road and I look to John to actually answer that if he is able. I remember something came up in the past where we changed the regulations to allow for slightly extra larger vehicles to operate. I just want to make that point though that these current buses are certainly not the first. The Paradise bus came here in the early '60's

MR BROWN Mr Speaker, if the Paradise bus had 60 people on it they must have all been standing. Either that or when George converted it he cut the middle out of it, because it wasn't such a long bus down at Emily Bay

MR NOBBS Thank you Mr Speaker. The motion really is in relation to community concerns I believe and the position is this, we can pussyfoot around and say we are going to do this and that, and what have you and not do anything about it, and that's why I put the moratorium effective from the time that we started this meeting today and that will be reflected in the legislation if this motion is passed. That's the idea of it, so that we can start and get it over and done. It need not go 'til the 18<sup>th</sup> March 2001 but I think that's five months away so it's a reasonable time limit in which to get things worked out to precisely where we are going and the weight situation is actually part of the report put out in relation to roads, which I spoke of earlier. I think there is a four tonne limitation that is recommended apart from essential vehicles and that would also be the carriage of equipment and the lighterage are essential vehicles which would not be effected by it. I believe this motion should go ahead and whether we make that eight persons then I have no difficulty with that because the idea is not to impede a family type carrier but the buses

MR WALKER Thank you Mr Speaker I would like to ask the Minister for two points of clarification if I may. Firstly, does this moratorium effect the replacement of a bus which is retired out of a present fleet and secondly, what is his definition of a bus. Does it include the type of vehicle which is currently being used as a shuttle service or a taxi service or possibly the four wheel drive vehicles. Are they buses? We have to be very clear here as to what is an omnibus

MR NOBBS Thank you Mr Speaker, the first point in relation to this new registration, that would mean a replacement, or I believe, would be appropriate but I new registration would not be allowed. As far as the shuttle situation there is a list of buses that are currently registered on the Island and they do include four wheel drives and buses right through. I will try and find the definition for you Mr Walker

MR BATES Mr Speaker the motion doesn't distinguish between buses and anything else. The last line reads a moratorium on new registrations of vehicles licenced to carry more than six persons and I believe that a four wheel drive station wagon used for private purposes are able to carry more than six. I believe those very small little vans in which you see some mothers craveng around with their children can carry more than six persons. I believe that six persons will restrict private individuals from bringing in suitable family vehicles and I would certainly like to see that moved to eight or ten and at the appropriate time I would like to move that amendment

MR GARDNER Thank you Mr Speaker. Just a couple of comments and then I will probably propose an amendment to this motion. About this time last year, and I tried to get that clear this morning, we had almost an identical debate but not in the House, amongst MLA's, I think to do then with the proposed upgrade of the Duncome Bay road and the size of buses which were going to be used out there and then there was this concern about buses on the Island getting a little bit big and it was also sparked I understand because there was also at that time a proposed importation of a large bus to the island. Now whether that importation took place or not I'm not sure and we seem to now, twelve months later, have another rumour that there is another bus or buses coming into the Island and we are talking about it again. What I'm probably trying to say here Mr Speaker is that it was probably a little remiss of us twelve months ago to not do something about it, rather than just talking about it. I support the concept of this but rather than suddenly going in and whacking in a piece of legislation and proposing yet another moratorium I think we need to reflect a little bit on what John McCoy proposed last year in a motion about the effects of tourism and bits and pieces and that we just don't single out this item. Buses are these big bad ogres that are running around the Island. There are also questions and the same community concerns

about the number of hire cars that are on the Island. We heard about it this morning, also the concern about the possible increase in the number of jet skis in Emily Bay. I think it is broader than just looking at buses. Buses are a problem. Jet skis are a problem. Cars are a problem. People are a problem, and we seem to have overlooked the fact that in pursuing what John was attempting to do in his motion last year when we were looking at the effects of tourism, and I understand that those issues are being looked at. We are looking at the Norfolk Island Plan we are looking at the impact of tourism but to just single out the buses I think would be the wrong way to go and my proposed amendment to this motion would be to adopt all of those words down to the fullstop of point 2. To do away with all of that last paragraph and insert "and request the responsible executive member to address and report on the progress relating to points 1 and 2 at the November sitting of this House".

**SPEAKER** That is a formal proposal that you have in front of us Mr Gardner. Yes. So the motion would read that having regard to road safety and the adverse impact of increased traffic on road conditions, this House is of the view that there is a need to 1) closely examine the effect of the number and size of vehicles being imported and registered in Norfolk Island and the capacity of the Island's road infrastructure to cope with the increased vehicular traffic and 2) to develop to comprehensive policy related to the use operation and licensing of tourist buses. and request the responsible executive member to address and report on the progress relating to points 1 and 2 at the November sitting of this House". Debate Honourable Members in respect of the amendment

**MR GARDNER** Thank you Mr Speaker. It may need some other minor amendment to it Mr Speaker in relation to some of those other concerns I brought up re the number of hire cars, jet skis. It's the impact of vehicles that I think we are looking at in general on the Island and motorised craft

**MR SMITH** Mr Speaker, I'm a lot happier with the amendment that Mr Gardner has proposed there and if the Chief Minister is wanting to follow those issues that will be fine by me if he would like to develop those policies and examine those things that are raised there, that takes away my concerns of catching anybody out. I would be supportive of such amotion

**MR GARDNER** Thank you Mr Speaker maybe if I could at this time if it is the appropriate time Mr Speaker modify that amendment slight, at the end of point 2, the fullstop after tourist buses would change that to a comma and insert tourist hire cars and jet skis

**SPEAKER** Yes. Could you just give me those final words again Mr Gardner

**MR GARDNER** That having regard to road safety and the adverse impact of increased traffic on road conditions, this House is of the view that there is a need to 1) closely examine the effect of the number and size of vehicles being imported and registered in Norfolk Island and the capacity of the Island's road infrastructure to cope with the increased vehicular traffic and 2) to develop to comprehensive policy related to the use operation and licensing of tourist buses, tourist hire cars and jet skis and request the responsible executive member to address and report on the progress relating to points 1 and 2 at the November sitting of this House".

**SPEAKER** Thank you. Continuing debate Honourable Members in respect of this amendment

**MR NOBBS** Thank you Mr Speaker I'm bitterly disappointed at the amendment that has been proposed because I feel that it is a cop out and that we should do something about it straight away or it will just go on and on and on as the

others have done and the only way we can get anything done around here is to stop things and that's historically and I'm not at all pleased with what is happening with this motion. I thought it was a fairly clear motion. I believed that we could get some activity in this particular regard and done fairly quickly and with the co-operation of the bus people and some roads development which the proposal is supposed to be going on now in relation to development of an expanded road plan, that these things could be done fairly easily. I can't support the amendment although I do understand the car and the jet ski exercise which is completely different really to the bus position. I know that cars would have been taken into account in this but if you restrict the number of buses you increase cars and that will happen but that would have been taken into account in relation to this, but not jet skis and I really can't support the amendment

**MR BROWN** Mr Speaker, I don't really have a difficulty in accepting the amendment as an addition to the motion because I think the amendment makes sense. I don't have a real difficulty with the final paragraph of the motion subject to the two things I mentioned earlier and I wonder whether the Chief Minister would consider amending his reference to vehicles licensed to carry more than six persons to something such as vehicles larger than a Toyota coaster, so that we are not stopping the smaller buses from coming in, but if there is validity in the concerns we are at least stopping additional large buses from being ordered. One of the difficulties is the very first thing someone will do if they think they might need some big buses, if the Chief Minister's motion doesn't pass in its entirety, it to run out and order a few and then say to us at a later date, oh gee you can't do that to me, I've already ordered the buses. I wouldn't have a difficulty in that final paragraph if it allowed everything in up to a Toyota coaster, because that would allow any bus operator to still continue with his operation with buses that are of a size that has not really been criticised in the past so far as I can recall and the second difficulty that I think needs to be addressed in some way, is if someone has genuinely committed themselves in an irreversible way to the purchase of a larger bus, then it would be unreasonable of us to say, well we realise you're stuck with buying them but we are not going to register them but that would be subject to being irrevocably committed to its purchase

**MR COOK** Mr Speaker I support the motion as it originally was. I appreciate the additions of the considerations touched upon by Minister Gardner, I think those things must be looked at and that there are very real reasons for those things to be examined and obviously that could go on being done and this moratorium however, put in place in respect of these large buses. I understood the new registration of these vehicles as being regarding the situation of a completely initial registration rather than simply re-registering something which had already been registered on the Island and I rather gathered that's the thrust of it. I appreciate what Mr Brown has said about the possibility of somebody irrevocably committed to a purchase of a bus but in a sense the period that is sought for a moratorium to be in place to enable these things to be done isn't really an extensive period of time although I am concerned like Mr Brown, with people not finding themselves committed to a purchase then running into this difficulty, nevertheless, I think it important that the decision be made that comes from a moratorium of this kind is appropriate because I really believe that there is more than time to look very comprehensively at exactly what is happening with the usage of all these infrastructure facilities on the Island

**MR NOBBS** Thank you Mr Speaker I accept the proposal put by Mr Brown if you would like to move an amendment along those lines

**SPEAKER** I have an amendment in front of us Chief Minister and we will need to settle that

**MR NOBBS** Mr Brown's proposal includes that

**SPEAKER** Let me just again confirm the amendment that is in front of us. The amendment in front of us is to add to item 2 after tourist buses in lieu of the fullstop, a comma and add tourist hire cars and jet skis. Further parts of the proposal is to then delete the rest of the motion and insert in lieu "and request the responsible Minister to address and report on progress relating to points 1 and 2 at the November sitting". that is the proposed amendment from Mr Gardner

**MR BATES** Mr Speaker I just point out that the jet skis don't seem to have anything to do with the first two lines of the motion and seems to make the motion look a bit hotch potch to me, but I guess I like to be a bit tidier than that

**MR NOBBS** I understood what Mr Brown was saying was to include the points on jet skis and cars as an addendum to the motion and to change from six persons to coaster buses, if I could negotiate that with the Minister for Health

**MR SMITH** Mr Speaker, there is probably an easy way for this to be dealt with. I don't support the original motion having effect from today which is exactly what we are saying but if the motion is adjourned in whatever form, it still gives notification that anybody who thinks about doing what Mr Brown said before, if they hear it and say well, we'll go out and order ten buses, well be on notice that some legislation may come up in the next couple of months that may prevent it, but it will also give us to time to collate some facts, and that's where I'm coming from with these motions that we do by leave. If we've got all the facts its okay but we haven't all the facts in this case and that's what I'm referring to in my opposition to it. We don't know if this is going to put anybody into a situation or ourselves into a situation if somebody is already intending to import a bus, and I've got no idea if somebody has or not. By adjourning it, it's on notice that it will be effective from today if somebody hasn't already ordered their bus or haven't got some coming and I think that would be the best solution to it, and then it wouldn't matter about the amendment. At the moment I support Geoff's but if the Chief Minister is keen to adjourn the motion as a whole then we wouldn't need to worry about any of the amendments to it and I would propose that the Chief Minister do something like that

**MR McCOY** Mr Speaker thank you. As I said right from the end of my debate earlier on, I support the basis of the motion and I do agree with the inclusion of hire cars because we are seeing a dramatic increase in the number of cars on the roads in Norfolk Island and we all know that there are still 236 tourist accommodation units with condition approval and that could result in another 100 vehicles on the roads and I'm glad Mr Gardner reminded everybody that I did propose a moratorium on accommodation some twelve months ago, and the basis on that moratorium was to assess the effects of the deregulated accommodation industry on the Island and I find it somewhat disappointing to hear a Minister for Tourism tell us that we don't have the information that we require to make a decision on this motion today. Keep it quite firmly in mind that this Legislative Assembly passed a tourist accommodation moratorium some six months ago and part of that moratorium is that a review was to be carried out to assessed the effect of the regulated accommodation industry and here we are six months later, we still do not have information on the effects. As Mr Gardner quite clearly indicated, that is what I was looking for in the past, to ascertain where we are heading with tourism and what we need to do on the Island to be able to manage the visitors that we wish to bring to the Island and I do find it disappointing that we do not have that information available to us today after six months, because I'm sure that quite clearly, everyone can see the fact that we are increasing accommodation units in the Queen Elizabeth Avenue area, simply means that there will be more impact on Queen Elizabeth Avenue. We started a road upgrade in Burnt Pine. Unfortunately the funds were not put aside to continue that upgrade and I'm sure we will see that we will need to even make the road through Burnt Pine able to carry more vehicles, so I still support Mr Nobbs' motion and I believe adding Mr Gardner's part to it would make it even better so I would be hoping that some negotiation or discussion can

be had with Mr Gardner so that he puts another amendment and that we do not remove the final paragraph of Mr Nobb's motion but we include Mr Gardner's paragraph after that

MR SMITH Mr Speaker, I need to put Mr McCoy's mind at rest. He doesn't need to be disappointed that we haven't got the information, but what I am referring to in this particular motion is that we haven't the facts or information about whether somebody is going to import a bus in the next three weeks or not. That's what I'm talking about. Maybe nobody is intending to do that but they are the facts that I am talking about. It's nothing to do with anything else in the motion. That is the concern that I have

MR NOBBS Thank you Mr Speaker. If I may, I'm harking back to tourist accommodation, there was toing and froing and we did it one way and it was thought that we didn't do it the right way so we lost a few days and I don't know whether registrations were going on or not. I think they were actually, but what I suggest with this motion, I've kept it to myself for a little while and have only actually put it to Ministers yesterday and it went to the Service this morning because I've kept it very very quiet and I thought that this would be the way to do it. To put it in like this and from the start of this meeting this morning I thought that would be it, when it was given to all Members. The facts are – I don't think we need to have the facts of who is bringing gear in or not in the coming weeks between now and the next meeting. That will become apparent I'm sure and I would ask Mr Gardner

MR NOBBS I would ask Mr Gardner again to withdraw his Motion and proceed with Mr Brown's proposal if he so desires.

MR GARDNER I don't intend at all Mr Speaker to withdraw my Motion, I'd rather go down kicking and screaming over this one. Mr McCoy just pointed out that we imposed a moratorium on tourist accommodation so we could properly assess the impacts. I tend to think, the more I'm hearing around the table this is purely a knee jerk reaction to something that's caused a bit of a furore in somebody's mind. This is not properly addressing the moratorium as it was put, as what I am attempting to do is to try and force some action on this so the matter of not only buses but cars, and jet skis and the other associated transportation matters that deal with the moratorium on tourism will be properly addresses and properly reported to this House so that we can properly deal with them.

MR BROWN Mr Speaker it seems to me that there's wisdom in what the Chief Minister's trying to do, there is wisdom in what the Minister for Health is trying to do, there's wisdom in what the Minister for Tourism has said to us, and it would be a shame if the beneficial parts of all of that wisdom get thrown out the door by us voting on something in a situation where it does seem to me that an adjournment will still enable the Motion to pass retrospective to today, I think that's important, but it seems to me that if the Chief Minister and the Minister for Health spend a bit of time together they probably will come up with a wording that suits both of them and it's likely that whatever compromise is made there is going to suit the rest of us. I think it would be a shame to throw the whole thing out when there are worthwhile parts to it and I certainly support the Minister for Tourism's suggestion that we adjourn further debate on it, leave it such that it expresses itself as being retrospective to today and resolve it at our next meeting.

MR SPEAKER Thank you. Is that..

MR GARDNER And I would support that approach.

SPEAKER Thank you. Then is there a formal Motion for adjournment.



MR BROWN Mr Gardner may prefer to move it as it's his amendment otherwise I'd be happy to.

MR GARDNER I so move the adjournment Mr Speaker.

SPEAKER Fine, I am obliged to put the adjournment forthwith but could I just clarify where we're at so you will know where we are at. We have an original Motion which is as typed and distributed to Members. That Motion has not been voted upon, it remains on our books. There has been a formal amendment put by Mr Gardner and I will just read that to you just for additional clarification. It amends Item 2 to have a comma after buses and adds tourist hire cars and jet skis. The remainder of his amendment is that the next paragraph is deleted and these words are inserted in lieu "And request the responsible Minister to address and report on progress relating to points 1 and 2 at the November sitting". That amendment is not voted upon either. It too sits on the table for further examination and final voting upon by Members. That's the position that we are adjourning upon Honourable Members. I therefore put the matter that this matter be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT  
AGREED

SPEAKER Would the Clerk please call the House.

MR BUFFETT	AYE
MR NOBBS	NO
MR BATES	NO
MR COOK	NO
MR MCCOY	NO
MR GARDNER	AYE
MR WALKER	AYE
MR SMITH	AYE
MR BROWN	AYE

SPEAKER Result of voting Honourable Members. The Ayes 5 the No's 4. The Ayes have it, that matter is so adjourned.

SPEAKER There are 2 other matters that have been foreshadowed for which leave is to be sought, the next I have on my list relates to crown lands.

MR GARDNER Thank you Mr Speaker. I seek leave to move the Motion circulated to Members in respect of the transfer of ownership of certain crown lands on Norfolk Island.

SPEAKER Honourable Members leave is sought to bring this matter on. Is leave granted.

AYE

MR GARDNER Thank you Mr Speaker. I move that this House in order to facilitate the transfer of ownership of certain crown lands on Norfolk Island resolves that 1) residential leasehold and rural residential leasehold be offered to lessees as freehold title on payment of an appropriate consideration and 2) rural leasehold be transferred to the Norfolk Island Government.

SPEAKER Thank you.

MR GARDNER

Thank you Mr Speaker. Maybe first if I explain, I know it's cause a little bit of consternation amongst Members in the last 24 hours or so the reason for the wording of this Motion but simply that this is the only formal wording for any proposal for the transfer of crown lands that has come forward to date and I have used these words simply as a vehicle to get the Motion and the matter into the House. It appears in my name but not necessarily supported in those words by myself but I'll endeavour to explain that in greater detail. I believe from the earlier meetings and discussions that have been had by the Members of the Assembly that the Motion that I have proposed is not supported as written. This matter was aired at an informal meeting of the Members of the Legislative Assembly on the 25<sup>th</sup> of September and at that meeting after some discussion on the matter I requested MLA's to seek some further community input into this matter and deliberately at that time deferred taking a position or seeking to have a position taken on this matter so as to allow Members to have input, discussion with members of the community and also to allow those Members that were not in attendance at that meeting the opportunity to have some meaningful input into the debate. As I said I deliberately requested to have the matter deferred until Monday of this week when all Members were again in attendance so that we could discuss it and figure out the most appropriate means of public consultation for the future of crown lands on Norfolk Island and particularly relating to those ones that I've mentioned in the body of the Motion. At the meeting on the 25<sup>th</sup> of September we went into quite some detail about equity. There was the issues raised that in years gone by the people who had purchased leasehold land had purchased it significantly cheaper than freehold land at that time and I know the other day it was brought up by Mr Brown that in this day and age there doesn't seem to be a great deal of difference between the sale price of leasehold portions and freehold portions. However that was still part of the equation that some people did indeed manage to purchase or get hold of crown land substantially cheaper than a equivalent freehold block and the feeling as I picked up at that meeting at that time was that Members of the Assembly were more comfortable that if there was going to be a change in the ownership or otherwise of the leasehold land referred to that it would, I believe at that time, be more appropriate that the whole lot be transferred in right of Norfolk Island as a whole rather than any of that land being freeholded. It is also important in pursuing that ultimate goal of the transfer of crown lands to Norfolk Island in whatever form that may take that we are able to assess in the review of the Norfolk Island Plan the impact of any transfer like that on, for example, things like your visual amenity and those sorts of things, whether it would fall under the same subdivision regime for example that extends to rural A and rural B or whether it would be treated in a different way so that Norfolk Island was assured of not losing those large tracks of rural land to subdivision. I believe that it was suggested that those portions however they be transferred would still be subject to similar subdivision and use guidelines as now exist for the administration of those crown leases and in particular to protect that visual amenity. It was also suggested at that meeting on the 25<sup>th</sup> of September for Members to consider if all or part of the current lease land is transferred in right of Norfolk Island that any future disposal of those leasehold properties would require a plebiscite or referendum on the matter so that each Government successive Government that came to power just didn't decide to balance the books by flogging off just another piece of leasehold land to raise a little bit more money and that it would actually require consensus opinion of the whole community for any disposal of that land to be able to take place. The other purpose for bringing this on, over the last few weeks and certainly today was that it was agreed on Monday by Members that it was more appropriate that it be brought to the House and be aired publicly and I agree in support with that wholeheartedly. We still haven't determined as whether this will be the be all and end all but certainly giving an opportunity for the issue to be canvassed widely in the community over the next month and hopefully to be able to formulate a position at the mid-November meeting of this House in an effort to be able to have a position to take back to the Commonwealth to negotiate with the Commonwealth at an Intergovernmental meeting. The wording of the Motion, I'll just return to that if I can Mr Speaker for the moment, relates to the wording of the press release and the position of the Commonwealth as it was put in June by Minister MacDonald at the Intergovernmental

meeting in his land initiative statement and that is the position that was put forward by the Commonwealth. I think I've explained to Members in the House since then that the Norfolk Island Government welcomed the initiative but agreed to disagree on the means or the actual vehicle for the transfer but certainly welcomed the initiative for the transfer of crown lands to Norfolk Island. As I've said and just to sum up if I may Mr Speaker I tend to support a regime that to all intents and purposes reflects the status quo as far as the administration of crown lands is concerned, the only difference being at this stage that the title vests in right of Norfolk Island. Now whether that is in right of Norfolk Island in freehold or however is yet to be determined by the Members of this House and also that additional requirement that any disposal in whatever form at any future date, if it were still to remain leasehold land would require some referendum or plebiscite for that to be able to happen. I might leave it at that Mr Speaker and propose at the appropriate time to seek an adjournment of this matter to allow for community input.

SPEAKER

Thank you. Debate Honourable Members.

MR NOBBS

Thank you Mr Speaker. First the Minister said at the, it was the position of the Norfolk Island Government at the time of the, in June and it's sometime ago since this issue was aired and it just seems to be hanging around a bit and we're no clearer now than we were then. The position which was taken then was that the land be returned to the island in its present title, leasehold and that it be vested in the entity of Norfolk Island and that any move to freehold it would be part of a referendum. Now I think that's my belief and it's something that was thought at the time and it's still the case but we will need to sort it out well in advance of the Norfolk Island Plan being put in place otherwise there will be a need for considerations in the Plan other than it being leasehold with the relevant controls on it. It was said that leasehold land was bought and it's still costing nearly as much as freehold and what have you but it's still leasehold and that was a position that was taken, the people have got a 99 year interest in it in most of it except for around the KAVHA area here of course which is still only 28. I think the majority of the rest of it's now 99 year lease or the possibility of becoming a 99 year lease and that could be said it's as good as freehold but the island still retains the control in relation to the usage of that land. As I said I'm supportive of us retaining the status quo as is and one point that was raised, which we couldn't get an answer from in the transfer of land, would it be for nothing, would the Commonwealth freehold a block of land and my closest I could get to it would be probably not, so I'd assume if there's been a proposal around some years ago from memory to freehold leasehold land, that there would be a charge involved in it, and that has also created some concern on the island, what happens if you can't buy freehold land and all those sorts of things. So there are a number of issues, that's why I suggest that we retain the status quo and as I say with the extension of leasehold tenure to 99 years, it's as good as freehold but we still retain controls. As to the disposal of the land afterwards I feel that there will need to be an Act put in place which provides some controls over the disposal of it in relation to referendum and I think that we need to look at this very closely in the next couple of weeks to come up with a definite proposal if that's the way Members wish to go. We're cutting short on time but if adjournment's considered by the Members to be appropriate well I will certainly support it but it's been around in the community for 4 months so I would have thought that that would have been sufficient time. I'll wait until other Members have discussed it further Mr Speaker.

MR BROWN

Mr Speaker I have a pecuniary interest in that my wife is the owner of some leasehold land but having said that I will be amazed if any present leasehold land owner is really of the view that they would prefer their land to be transferred to the Norfolk Island Government rather than freeholded by the Commonwealth. I'd be absolutely stunned. In my view Mr Speaker the overwhelming majority of leasehold land owners would not want their futures to be in the hands of a Legislative Assembly which can have its composition changed from election to election, and they might get to a stage where there is a particularly malicious Assembly that really contains 5 or 6 people that want to get square with 1 or 2 and in that situation if the

Legislative Assembly controlled their land it's not difficult to speculate the types of problems that could be caused. Now it's no justification to say oh but you've got to be able to control what happens because that's what you have planning legislation for. You shouldn't confuse land ownership with planning. I'm please that the Motion is to be adjourned because I have little doubt that Members will find that although there may have been a few who said we don't trust the Commonwealth what are they up to offering to freehold our land. I'm sure that you will find that the overwhelming majority will take a view that they would like to have that opportunity. Now in so far as unalienated leasehold land it may be a different thing. It may well be that leasehold land that's still vacant and hadn't been given out should be transferred to the Norfolk Island Government because after all if we're saying we want all land transferred then of course any unallocated leasehold should fit into that category, but it should be restricted to that Mr Speaker. Thank you.

MR MCCOY Thank you Mr Speaker. I'm a little surprised with Mr Brown's speech than especially knowing that he has been a keen supporter, or I thought he was a keen supporter of internal self government for many years and one of my main concerns is that we're talking about this Crown Lands Act and the possible transfer of ownership of certain crown land to Norfolk Island, and the Motion reads for interest of the public that – this House in order to facilitate the transfer of ownership of certain crown lands on Norfolk Island resolves that 1) residential leasehold and rural residential leasehold be offered to lessees as freehold title on payment of an appropriate consideration, and that's my concern is what is that appropriate consideration, because I'm sure it won't be a peppercorn rent and some people unfortunately may not be able to afford what the Commonwealth wants and I really don't see why the difficulty of having the land transferred back to the Norfolk Island Government in its entirety, because the Government is supposed to be the Government for the people and we are supposed to be guided by what the people want and we have at present a Norfolk Island Plan which allows the subdivision of land in rural areas into quite small blocks. Now if we want to see a lot of these large blocks on the island fall under the Norfolk Island Plan and then get split up as the Norfolk Island Plan allows in areas into small blocks, well we'll soon have the island absolutely covered in buildings and there won't be any land left to look at and say in the future well we will now allow these properties to be subdivided into smaller blocks, and I would hope that we change, or I may even proposed an amendment to the Motion in that No. 1 be changed to read that leasehold be transferred to the Norfolk Island Government, but I'm not moving that as a Motion at present. I'll wait and see what other Members have to say.

MR BROWN Mr Speaker Mr McCoy has expressed a concern about land converted from leasehold to freehold being subdivided. That is a planning matter Mr Speaker and it is very easily resolved as part of the Norfolk Island Plan. How it is does throughout the world is not greatly different. If there are particular blocks that you don't want subdivided below their present areas you say so in your plan and that's that. As for the suggestion that people don't know how much the Commonwealth is going to want to charge to freehold their land therefore they don't want it to happen, well with respect, that isn't the smartest suggestion I've ever heard. Sure the Motion could be amended in order to make clear just what is meant by that, I would have no difficulty with that, but I don't think for a moment that any sensible person would believe that if a proprietor of a block of leasehold land couldn't come up with whatever the amount of money was that the Commonwealth was asking they were going to get kicked off their land. That just doesn't happen. The freeholding of leasehold land will not be a unique event when it occurs in Norfolk Island. It has happened over the years many many times in many many places, and on every one of those occasions I'm sure there have been situations where people haven't been able to reach in their pocket and pull out whatever the conversion cost might have been, and I'm pretty sure that you'll find that in everyone of those situations a system of long term payment and even a system of deferral of payment until a future date has been provided. The deferral situation for example might arise where there is an elderly land owner who's owned land for many

years or doesn't really have a lot of assets and doesn't have a lot of income but doesn't want to lose the land. I think you'll find that it would be no different to the way council rates are treated in most jurisdictions, special arrangements are made in that situation and when the person does eventually pass away and the estate wants to take the land then at that stage there is a catch up, but people don't get thrown off their land because they haven't got the money to do the conversion, and they don't get thrown off their land because they are genuinely in a position where they can't at the time pay rates. I'm not suggesting that rates would apply here but those are problems that do occur throughout the world. I support the Motion as it presently stands. I don't support those who are opposing it but as the Motion is to be adjourned for a month in any event that will give those who are interested in the community, and who will now know about it and who will now know the views of a significant number of the Members of the Assembly to the effect, notwithstanding the fact that the Commonwealth is making this offer, they shouldn't be able to get freehold, they should have their land transferred to the Norfolk Island Government.

SPEAKER

Thank you. Any further debate.

MR MCCOY

I will be brief. My concern is that some people simply may not be able to afford or why should they have to take a loan out to continue to live in the house that they've lived in for the last 30 years. That is my concern and of course the other concern I have is the possibility of these large blocks of land out in the rural areas being split up into smaller blocks because the present Plan allows that and I agree with Mr Brown that we must plan to do better, but if we're not going to be big enough to say well we can manage and we will allow the Commonwealth to transfer the land to the Norfolk Island Government and then let the Norfolk Island people decide, well I guess we should let the Commonwealth keep deciding for us.

MR COOK

Mr Speaker so that my voice might be heard in the community, it's probably heard far too much but it might be heard on this issue. I'd like to say that I support the principle that all the land should be transferred to the Norfolk Island Government. I say that, I wasn't going to add anything further, only so that members on the community might know where I stand on this matter and if they have anything to put to me that I can bring to the meeting next month then please will they convey that to me.

MR WALKER

Thank you Mr Speaker. I support the Motion as it stands but I would like to have a point of clarification brought back to us for the information of all those around the table if this is going to be adjourned and that is that if for some reason or circumstance a present leasehold owner is not able to reach that appropriate consideration as mentioned in the Motion would the status quo remain in that the crown would not be devolving of all of its crown land, because when I look back at the paper which was circulated on the 6<sup>th</sup> of September and also if you look at the press release that was in the paper it effectively is saying that the Commonwealth wishes to withdraw from the ownership of crown land on Norfolk Island, held as, and then it goes on to explain the types of land but it doesn't say part of or partially or over a period of time, it seems to me to be saying that they want to do it in one hit. I would just like the Minister to look into that as to whether they have the intention that this would maybe go over a period of years, or whether it is something that is going to be offered within a relatively short period of time and if you haven't met the appropriate consideration at the end of that period what is the situation, does the status quo remain. Thank you.

SPEAKER

Thank you.

MR BROWN

Mr Speaker if there were some leasehold land owners who didn't want to have their title converted to freehold then it would be hard to argue that that land not be transferred to the Norfolk Island Government, just as it is

appropriate that unalienated leasehold be transferred to the Norfolk Island Government. Those things can be taken account of. I greatly doubt that there will be anyone that takes a view that they want to keep leasehold rather than have their land converted to freehold, but if there was, and the Commonwealth's concern was to get out of leasehold land whatever was not converted could certainly be transferred. So I don't see a real difficulty in that but Mr Walker is correct, it's a question that needs to be asked. Surely there are ways that all of those who would like their land freeholded can be looked after, while at the same time if there turn out to be any people who don't want their land freeholded there must be ways that they can be looked after too, but let's try to look after everybody, let's not just say oh gee we want all the land transferred to the Norfolk Island Government, blow you leasehold land owners who could have had freehold, we're going to get in the road of that. That would not be fair Mr Speaker. This is an opportunity that we have an obligation to now facilitate.

SPEAKER Thank you. Any further debate. I think there is no further debate.

MR GARDNER If I can move the adjournment Mr Speaker.

SPEAKER Thank you Mr Gardner. The question Honourable Members is that this matter be adjourned and made an Order of the day for a subsequent day of sitting.

#### QUESTION PUT AGREED

SPEAKER Thank you. The final matter that has been identified that somebody would want to seek leave to present is the electricity supply matter.

MR BROWN Mr Speaker if I could read the Motion. The Motion is that this House resolves in the first instance that the electricity tariff increase by 2c, secondly requests that the Executive Member with responsibility for Finance undertake negotiations with Mobil Australia to investigate ways in which the Administration could assist Mobil Australia to reduce the cost of diesel/fuel to the Administration and failing that, requests the Executive Member with responsibility for Finance to investigate all possibilities for another source for the supply of diesel products for the Administration. I seek leave to move that Motion.

SPEAKER Thank you. Is leave granted.

#### AYE

MR BROWN Mr Speaker this Motion has arisen following an informal meeting of Members earlier this week and that meeting was addressed by the Manager of our electricity undertaking. It's clear Mr Speaker that there has been an absolutely savage increase in the cost to the Administration of diesel/fuel and that increase has been higher in fact in percentage terms to the Administration than it has been to the private sector. The reason for that appears to be that duty wasn't charged on diesel/fuel coming to the Administration, nor was the fuel levy charged and therefore starting with a price that's at a lower base the increases in world fuel prices as a result of the drop in the Australian dollar and the increase in the cost of a barrel of oil have been pretty savage for the electricity undertaking. We've been told that to even hold our own we really need to increase by 4c a unit immediately. It seemed on Monday that most Members were somewhat reluctant to just increase the price of electricity by a further 4c because it's not long ago that we did the same thing, and Members felt that we should investigate whether there is something that we can do to help Mobil to keep the price of diesel down on Norfolk Island, at least keep the cost of diesel down in Norfolk Island for

the Administration. There was discussion of what we've all called the Government fuel contract and many of us had understood that Norfolk Island Administration still had the benefit of some type of Commonwealth fuel contract whereby we were provided with fuel at a special rate rather than simply at a rate being the same rate that's charged to everybody else on the island exclusive of customs duty and fuel levy. So a number of us felt that we should look at what we can do to help Mobil to get that price down and then we felt that there was no other option but to add that if there wasn't any way of getting the price down we needed to at least examine whether there were other options available to us that could lead to fuel being provided at a cheaper price. To have already put electricity up by 4c was bad enough, to put it up by another 2c now will be totally unpalatable but to have the prospect of it going up by further amounts, because really unless we can get the price of the fuel down it will have to go up by another 2c immediately and with the Australian dollar the way it is and with the present unsettled situation in the Middle East we can certainly see the cost of a barrel of oil go up again and that would translate in some future shipment to yet another increase. I believe Mr Speaker that all of our Members accept that electricity is really one of those essential services, and I don't think any of us are of a view that it is still the case that we should be making a profit from our electricity undertaking. That's not to say Mr Speaker that we shouldn't be setting aside proper reserves in order to replace the bleed. It's not to say that we shouldn't be setting aside proper reserves in order to ensure that our distribution system is satisfactory but it does recognise that we are not looking for the electricity undertaking to contribute monies to the Revenue Fund. We are basically looking though to make sure that it pays its way. It hasn't given me any pleasure to move this Motion Mr Speaker and in fact Members will giggle to themselves because the Motion had another name on it and I seem to have been the only one who was prepared to move it, but it's a Motion that had to be moved, it's a Motion that we have to address. If we choose not to apply the increase then we will need to consider a Supply Bill in order to subsidise electricity because the electricity undertaking will not be able to absorb the increased costs without either increasing the charge or obtaining a subsidy and I think that the time really has come where we must address just what we can do to help to bring down the cost of fuel.

MR NOBBS

Thank you Mr Speaker. I'll just quote from a letter. It says Dear Chief Minister, as promised last week I prepared a paper on the subject of costs of petroleum products and this is enclosed. I trust that this will assist you in your deliberations. You will note that I am of the opinion that there is really little hope of being able to demonstrate that prices could be reduced and that therefore it is very much over to the consumer to help himself by economising. I do think that the Government should take some steps to draw this to the attention of the public. Perhaps the local papers editor could be persuaded to publish hints for energy economy. It would need a continuing programme, say a hint or 2 a week in order to promote public awareness. Perhaps also the School could help with training the young to economise. One role Government should play is to keep in touch with the developments in alternative energy sources. As indicated in our conversation I am seeking advice on wind energy and will keep you informed. It goes and it's your sincerely, Geoff. The date of that letter was the 21<sup>st</sup> of September 1981, and that letter was addressed to you Mr Speaker then as Chief Minister. So this has been around for yonks, the problem of fuel and the likes. As Mr Brown stated the electricity undertaking recommends that the electricity tariff be increased by 4c and this is as a result of the massive increase in diesel prices to a current 72.74 for this quarter that we are in and it follows an increase as Mr Brown says in July of 4c. I must say that the July 1 increase was based on increase at the 1<sup>st</sup> of April because the decision was taken before we had advice as to the price for the quarter beginning 1 July. The price for the April quarter was 59.5c. Therefore there has been an actual increase of 13.2c since the last price rise. Looking at the diesel prices entity from October 1990 to October 2000, the first of these major increases was in January 1991 when it reached 44.8c. The price dropped and hovered around the 40c mark until April 1996 when it reached 45.54c per litre and then the figures show a price in the high 40's until it reached 48c in January 1998. The figures then went down again hovering

around the 41-42c until October 1999 when it reached 50.66c per litre. That's the cost to the Admin, and it stayed high around 59 and then 60 until it reached the current level of 72.74c today. It is this increase that the enterprise needs to cover if it is to maintain the service that is expected from what is an essential entity. The entity is in fact in pretty poor shape. It basically has a debt of half a million to the airport to be paid in 2002/2003. This money is required for the 2003 upgrade of the Airport. Funds are also required to cover installation and start up costs for the generators bought by the last Government at estimated cost of \$800,000. A figure of some \$150,000 is estimated as remaining to be paid out. If that target of \$150,000 can be met it will result in considerable saving on the estimate total cost of the project, that's including purchase, installation, etc. Immediate concern is the condition of the remainder of the infrastructure. Transmission line replacement is really only one issue. While there is talk of increasing production and once the additional gensets are installed there will be increased generating capacity only of 1 megawatt, there will be a need for increased line capacity in some areas and of course the increased generation will have an increased diesel demand, what is the critical factors of practice of accounting for appreciation but not parking the funds so accounted, to at least allow for an orderly replacement of assets. This is compounded by lack of planning and less funding of even basic progressive upgrades. I would like to commend the electricity undertaking on the service provided, maintenance of what is an excellent service compared to other areas. This should not go unnoticed. It is correct that there does not appear to be a formal contract between Mobil and the Administration, it appears that there has been no contract for a number of years. This was discovered in the current flurry of activity, consequently the concern is the basis on which Mobil reached the current price. I have great difficulty when I was told Mobil gives a quarterly price and that's it. Mr Speaker the price may be the best we can get given the current world oil prices but it would be nice to know this and if so how the statement is arrived at. Consequently Mr Speaker I believe that we should have a 4c increase as recommended by the Electricity undertaking. They are responsible in their area but you can be assured in relation to the second part of Mr Brown's Motion that I am progressing those 2 issues with great vigour. Thank you Mr Speaker.

MR BATES

Thank you Mr Speaker. In this Assembly I've been fairly reluctant to agree to a number of increases because what's been happening generally the finances are something that I predicted would happen some years ago, but I didn't predict that there would be huge increases in oil which is really something that this Assembly really has the inability to do a lot about. We can do something but we can't do a lot. I believe that 2c is not enough in this instance to allow the undertaking to get on with other needed projects that have already been approved for this financial year. I believe that the undertaking is already strapped for funds and not to provide it with those funds is a big mistake, it's a little bit like putting your head in the sand. I also understand that we've just had a severe increase in electricity of 4c, although I believe there hasn't been an increase in electricity tariff for something like 13 years. I might be wrong there but it has been a long time, prior to that 4c increase, but I do believe people are hurting out there with interest rate increases and a whole lot of other increases, some that we've put on, some I think we've put on unnecessarily but never the less it's been a decision of the House. I would like to propose an amendment to this Motion at the suitable time and that is to add, if I may just mention it, to add a paragraph 4 which says – if necessary the Revenue Funds provides a suitable subsidy to allow the undertaking to meet approved projects for the remainder of this financial year. Mr Speaker I say if necessary because I believe there are other factors. I believe it does give chance for 2 and 3 of this Motion to be looked at. I believe it does give the opportunity for the power correction factor to provide fuel savings with proper management and I also believe that if these cummings diesels get up and running they are supposed to be more fuel efficient than the present caterpillar diesels. So I believe there are things we can do but I don't think we should just strap the undertaking for further funds and if I can have leave to move that amendment Mr Speaker I would so do.



SPEAKER Thank you. Leave is granted Mr Bates and if you could just give me the words again.

MR BATES To add a paragraph 4 at the end of the Motion which reads – if necessary, the Revenue Fund provides a suitable subsidy to allow the undertaking to meet approved projects for the remainder of this financial year. Mr Speaker I believe that it's not necessary to provide the funds at this point in time but if the undertaking does become strapped for funds after the half yearly review because we have chosen to increase the tariff by only 2c and not 4c as a token to the community of our understanding of the difficulty's which 4c would make then it's up to us to provide those funds at the half yearly review to allow the undertaking to get on with its projects.

SPEAKER Thank you. Debate Honourable Members. We have a formal motion in front of us that has just been read by Mr Bates. Debate. Mr Brown

MR BROWN Mr Speaker, I think Brian is quite right in his suggestion. I'm just a little worried as to whether we can approve a subsidy in the fashion that we are doing it now or whether we would have to be taking the usual formal action in order to vote the money. Perhaps we could be asking the Minister with responsibility for Finance to virement sufficient funds. Maybe that way we could do it but I'm just worried about the legality of what we are looking at

MR BATES Mr Speaker we don't have the ability to bring in a supply bill and vote the funds at this point in time. If we do vote a sum of money let's assume it's the equivalent of what the other two cents will bring us in revenue and we do manage to get a better cash flow to some of these other matters, I was hoping the amount of the subsidy could be reduced by other actions. I think this really says that this is what we intend to do rather than put it up to four cents and if when the time comes the supply bill is knocked back by this House then I guess we are stuck with a big loss in the Electricity Undertaking but if Members agree with the principle of it then I imagine that there would be no difficulty in getting the supply bill at the appropriate time and I would think maybe as late as next March or something like that

MR BROWN Mr Speaker, if it is implied by this motion that we will do such things as are necessary in order to lawfully supply the money at the necessary time then I have no difficulty in supporting it

MR GARDNER Thank you Mr Speaker. This Government set out from day one to establish a more appropriate user pays system for the Island. I is of enormous concern to every member around this table, the recent activities that have led to increase in world oil prices and the flow on increase in fuel prices to Norfolk Island and the Administration and therefore onto the Electricity undertaking. Any increase in the price of fuel will have a flow on effect. Is obviously today bring pressure on us to increasing the price of electricity by two cents. I don't support that. I support the user pays principle that the full increase should be passed on for no other reason than it is going to come out of our pockets any way in some other fashion, some other form, some other taxation which may not be the most equitable way of dealing with this increase but some of those flow on will be reflected in time in the cost of our groceries and our food and our meat supplies, I mean the meat takes freezer power and they are expensive things to run. There will be an impact there and in our foodstuffs. I don't know if you've been into Foodlands recently and had a look at the labyrinth of coolers and chillers and things in existence up there but I would imagine that there is a significant cost in providing those chillers to Foodlands and that is reflected in the cost of our groceries and I'm sure with any increase even the 12% or so that has recently been had and added to this another 12% we are going to end up with probably a 25% increase in the cost of electricity and places like Foodlands and the butchers and other people round the Island just in the bare essentials of groceries and food. There is another area that this is

probably going to raise its head again in the not too distant future if fuel prices don't come down and that's related to shipping and the provision of good to Norfolk Island. I don't know how long the shipping companies are going to absorb the fairly significant increases in the price of fuel before they start talking about having to pass those on and no doubt come budget review time the Chief Minister has promised us that next month we will be into budget review, but I think all areas and undertakings of the Administration are going to have to revise upwards their budget estimates for the supply of electricity for all of their undertakings by some 25% to cover themselves and I think overall the Administration that is not an insignificant amount. So I think we are all aware of the flow ons and basically the cost of fuel is beyond our control as I think Brian says. I don't believe that we can fool ourselves that this is going to go away and it's not going to annoy us. I think the only sensible and practical way of dealing with this is to pass on the full increase and we've been through this with a fine tooth comb with representations from those in the Electricity Undertaking and rightly so they've come down and walked us through the costs to make sure that it is just not a figure they've pulled out of the air to say four cents is enough. I think they've done their homework and they are able to demonstrate to us quite clearly that this four cent increase is justified. This four cent increase isn't going to give them any more money to be able to do any other magical things in the reticulation of electricity around Norfolk Island this is a four cent increase that's been asked here so that they can continue to operate a first class Electricity Undertaking for all of the people of Norfolk Island so I don't think we can fool ourselves by touching on two cents. I don't support the two cents. I think we have to go for the four cents and it grieves me to have to do that. Just to the remainder of the motion, and I would propose that at an appropriate time, maybe to seek an amendment to this motion, and I'll just talk to it briefly rather than proposing it at the moment as to the proposed course of action, but if those matters that have been detailed in the body of the motion or those initiatives do not result in a reduction in the price of diesel fuel or oil to the Administration than any downward movement in the price of fuel oil would be reflected in a proportion or reduction in the unit price of electricity to the consumer

MR BATES

Mr Speaker I have some confidence in Mr Gardner's gaming proposals. I have some confidence that we will get a revenue flow coming here soon. I have some confidence although there seems to be a lot of mucking about with it, that we will eventually increase our revenue through Telecom of the leasing of some 10,000 telephone lines, although I'm a little bit amazed that that hasn't been grabbed and gone ahead with by now. We are looking at a review of our taxation system by seeing if there is a more appropriate means of taxation, but I have confidence that some of those things will give us a little windfall before the end of this financial year and if it does, whose money is it? It's certainly not the Minister for Finance's, it's certainly not the Minister for Health's. That money belongs to the people of Norfolk Island and subsidies are not new. We subsidise Healthcare consistently, we subsidise the Hospital consistently, we give grants to tourism consistently, we give grants to the Museum and I believe if we are to get a windfall that will cost us nothing from one of these enterprises then the right thing to do with it is to pass the benefits on to this community. I don't see any problem with a small subsidy to the Electricity Undertaking in this financial year to ease the burden on the people out there who are feeling the fuel increases in their own right and the other things that I've alluded to so I believe that it is in order to consider a subsidy. I also believe in the user pays but if we believed in that totally we wouldn't be subsidising the Hospital nor would be subsidising Healthcare. We may not even be paying for education but I'm not suggesting that we should go that far with the user pays system. I think the subsidy is a temporary one. In one financial year it's a one off and something that we need to consider. I do think just increasing the tariff by two cents is a little bit of head in the sand because that way, although the four cents is not going to give the Undertaking any money, the two cents is going to bleed the Undertaking of funds which it should be spending on these projects which I believe are absolutely necessary so that is why I propose the amendment, so that it wouldn't be bled of funds and would be able to get on with the necessary projects for this financial year

MR GARDNER Thank you Mr Speaker maybe just some clarification if I may. I don't mean to be picky here but for Mr Bates' information there was no subsidy provided to Healthcare this year

MR SMITH Mr Speaker, let me take you back to the first speaker to the motion, Mr Brown, who made the comment that nobody wanted to introduce this motion and it looks like I've got it. I would just like to clarify that. We had a series of meetings over the last few weeks and at our informal meetings that we have on Mondays Mr Brown had proposed a motion amongst that meeting to do certain things. I proposed that he introduced it into the House as a motion so that it could be discussed publicly which has happened and I thank John for doing that because I think it is very important. It's a real community issue. It's more a community issue than anywhere else because here the cost of fuel affects so many things, particularly a real basic thing like electricity. It also will cost us more for cars, air fares and shipping. On an isolated island like this it really is effected. now it might have seemed, and I note a letter that's been received by the Minister for Finance from the Service, it might have been seen that I've been antagonistic to increasing the cost of electricity to what has been talked around the table by another four cents on top of the four cents we already did three months ago. I haven't been antagonistic towards that. I have always stated and I will say it again, that if a Government service costs and needs to be charged more for, it should be done appropriately with the proper consultation with the community. I think if people are told and it is explained in the proper way it is much more accepting towards paying for some things and that doesn't mean they will accept any increase in anything. For example the Healthcare levy that we increased a couple of years ago and I still get told about that. however, there are some things that I've been saying in relation to this over the last few weeks, that the last time we increased the price of electricity was the end of May and this time when it was proposed I said, well I would like to have some information. I would like to know how electricity has traded since we put the price up. Only through having a little bit of knowledge from being the previous Minister with responsibility for Electricity when it was proposed to me that we borrow money to purchase three generators from Western Australia, now there were various proposals amongst that proposal but the one that we ended up with is the one where we borrowed money internally from the Administration. However, at that time I had some doubt as to whether we could afford to repay that loan and I expressed that to the officers quite rightly and they quite rightly told me that they thought we could and I understood that, and they produced some figures to show that electricity was actually making a higher profit than it had made for quite some time which was good news. That was mainly due to the increase in tourist numbers, accommodation and the use of electricity which was giving electricity a little bit of a windfall above it's budget. I am looking for the same information this time. Last time we put the price of electricity up and went round and read everybody's meters and charged them. So what we are actually doing is charging retrospectively by four months. Even though we weren't charging for the next period we were charging for the one that people had already had. That's my point

MR NOBBS Point of Order Mr Speaker. That's completely incorrect. It was made and the price was put up

SPEAKER There is no Point of Order Mr Nobbs, but I'll give you the next call so you may explain your side of the argument

MR SMITH Mr Speaker, if I'm incorrect about that then I apologise and I certainly didn't mean to make that point, but that's the way I worked it out. We put the price up then we read the meters well that's not for what is yet to come that is for what has already been but I may be wrong about that. I may stand corrected on that Mr Speaker but that is not the point that I'm getting to. The point is that I need information to show that we need to increase electricity by four cents this time. I don't think there is anything wrong with a Minister of the Norfolk Island Government asking for information. As late as yesterday I did ask the Finance Manager to provide figures

which I have received and I thank him for that. I know he is very busy in other things he is doing at the moment but he did supply a certain amount of figures but I still needed more information. But I think Brian mentioned projects that electricity needs to do. Now I may be confused with what he said there but are we putting the price up so that electricity can carry out projects or is it to pay for the fuel. Now I'm not too sure from having read this letter that the Minister for Finance has circulated, which one we are doing. Now if Brian is saying, and I hope this is what it is, that electricity is a bit behind with the cost of fuel over the last few months so they might have to dig into their capital money which in this budget they have \$216,000 for their normal capital plus \$427,000 for the generators. If it means that they have to dig into that money I understand what Brian is talking about. If I thought that we were increasing the prices of electricity to cover a couple of projects I would be very very surprised. I would also like to know, and I haven't found out yet, what the power factor correction equipment is actually making savings of to electricity. My understanding with that when it was to be connected, up and running, it was going to save us \$150-180,00 per year in fuel costs. If that equipment is now working as I understand the Chief Minister to have said this morning, and that was switched on three months ago, we must already be making a saving of that which will continue through the year if it works. I refer to Brian's suggestion of a subsidy from the Revenue fund and I think that is probably a reasonable idea because a subsidy could be done where we are actually making money out of the cost of fuel where it has gone. Now of course we bleat about the cost of oil but nobody is saying anything about the extra customs duty that we get off the extra cost of fuel that is imported. Maybe that is one of the subsidies that we could be looking at is actually reducing our customs duty on fuel down to our budgeted figure which is what we would have expected for this financial year. There may be some little bit of a saving that may be passed on to the consumers of electricity. Likewise, FIL it must have an effect at the other end where we would be making more FIL from people who sell petrol and oil and things. There is probably some extra that we are getting that we hadn't budgeted for purely because of the higher cost in increasing fuel. The other thing, and it was mentioned this morning, is the conservation of electricity. Now I realise that the generators are going to have to run all night but they might not have to use quite as much fuel if we went on a bit of a programme of conservation. maybe the Government could make some conservation measures. maybe we should be encouraging people, more than they will already be encouraged by us putting the price up, to make savings that they hadn't thought about. Maybe the lights in burnt Pine or the lights that light the buildings in Kingston could be switched off earlier or later or something like that. I don't want to talk too much more but I needed to say those things. I don't have any difficulty with whatever the Minister proposes the price of electricity to go up by but I really urge him to let the community know what we are doing and have the facts to back us up. We tend to sometimes talk amongst ourselves and find out afterwards that maybe it didn't need to be quite like that and I talked about that earlier today. However as long as people are told why it is and what will happen when the price of fuel comes down as it eventually will, and whether we can look at the subsidies that Brian's talking about, then I'll happily support the motion.

MR NOBBS

Thank you. I would just like to make a couple of points. The first one in relation to Mr Bates point 4. It is a formal recognition from the House that we will if necessary, take funds from the Revenue fund instead of my having to do it, so I accept that, fine, because we will need to do it, because whatever has been said, the Undertaking needs to maintain, and figures have been given which shows that in the last financial year, in reality there was a loss, if everything is taken into account. As for the Gaming fund, I think that we should be realistic about that. At the last count I received we were about \$250,000 behind on gaming and expenditure to date and whilst that is fine and I have no worries about that, it will take some time to recoup that amount of money so the gaming receipts may not be as good as we anticipate for some little time. Now how long that is nobody will know but there could be a lag in relation to that. As far as reading the meters and whacking the charge on straight away, well that was quite incorrect. What happened was that we changed to a quarterly system and the meters were read and they were charged at the old rate then at the last quarter it was



would be produced but the rest of the community would be having to pay for what the Administration used as well as their own so that would just cause the rate for everybody else to go up again

MR McCOY I'm not saying to make it free for the Government  
I'm saying the extra cost if we put it up

SPEAKER Mr Brown you have the floor

MR BROWN Thank you. Certainly the cost goes up but for everything that you don't charge the Administration you are charging everybody else more. I don't think that you can just say, well we'll solve that problem by not charging the Administration. You can solve the problem with the public service wages by not paying them but that would be a ridiculous suggestion and with respect if we are going to decide not to charge the Administration for electricity or not to charge it for increases that is a deliberate decision to either accept a loss in electricity or to accept that the rest of the community should pay more to compensate for the electricity used by the Administration. It would be a great world if we could just juggle numbers around like that and make it work but it doesn't work

MR NOBBS Thank you Mr Speaker. Gentlemen may I just inform you that the last four cent increase that came from July 1<sup>st</sup> is built into the current budget so we are only really talking of this two cents. The previous increase was built into the budget as we were able to do that with the last adjustment

MR McCOY Mr Speaker thank you. I just need to correct Mr Brown. I'm not suggesting that we don't charge the Government for the electricity that they use, nor am I suggesting that we don't add the increase that we intend putting the price of electricity up to, that we don't add that to the Government's bill as well. I'm not suggesting that the community subsidises the Government for the use of electricity and I tell you I am concerned and I've asked questions in the House as to why Telecom is being asked to subsidise the Internet access to the school and to the Government. I'm not suggesting that we give the Government free electricity

MR WALKER Thank you Mr Speaker. I've listened with interest around the table and I think that there's a couple of things that we are missing the point on. One is that the consumption of this fuel at the increased price is happening right now. As I understood it took place on the 1<sup>st</sup> October. Any negotiation with the supplier is unlikely to have effect in the immediate future and will be well after the period that we are talking about which is the next three months. We have been told by our manager of the Electricity Undertaking that the cost of this increase is \$71,000 for the fuel to run the generators for the next three months. That is a fact as far as I can see and nobody is able to yet dispute the amount that we are going to consume. If we go for this two cent increase and if that is passed today, we will only be half recovering the cost of that \$71,000. Indeed we will have approximately \$35,500 which has to be found from somewhere else. The manager came down and talked to us and informed us that he is already deferring essential maintenance on the system to fund fuel increases which have happened in the past. I can't see how we can bury our heads in the sand and say that this is not happening. And it's all very well to think that at the end of three months this might all go away. I think somebody here did allude to that. The predictions are that it is going to go up further so if we get to the end of the three months and we've already subsidised it for \$35,000 and we have to increase it by another four cents and we go on subsidising it, we are just going further and further behind in what should be a user pays system. We've all agreed that that is the system we have. Unless we are prepared to change the user pays system to some other form of direct taxation in some way that we would have funds available to make the subsidy we are not really in a position to do that. We have to make the Electricity Undertaking at least break even and I think that is all the manager of the Electricity Undertaking is asking us to do therefore I'm saying that

I'm supporting at least the two cents but I would be in favour of the four cents. It is a user pays system and we have to cover \$71,000 from somewhere. We are fooling ourselves to take it from one pocket and put it in the other, thank you

MR COOK

Mr Speaker I just want to say this. I think it was said at one time that there are two things certain in life, death and taxes. I guess the person who used those expressions was trying to convey the ultimate reality about a situation that has to be faced up to. I have just listened to the debate right around the table and also to what Mr Walker has just said. I likewise find it extremely unpalatable to be here considering putting a further impost onto the community when I know that there are lots of rises all over the community for various services and expenses and there's a feeling of real concern about where it's going and how people are going to cope but I believe as we have committed to a user pay situation that we have to face the reality that these expenses have to be met. We have to bite the bullet, again that's a realistic appreciation of the situation and I like Mr Walker find myself persuaded of the view that the four cents rise as difficult as it is to contemplate having to impose that should be payable and the very minimum that I would agree to if it had to be agreed to is the two cents but even that doesn't seem to answer the very valid points that Mr Walker makes and in those circumstances I feel that I should convey to the community what I feel with considerable regret must be the course to be taken

DEPUTY SPEAKER

Thank you Mr Cook debate.

MR BATES

Mr Deputy Speaker thank you. Mr Walker mentioned the figure of \$35,000 would be necessary to subsidise the amount if we only charge two cents instead of four cents and that is correct. However, I was hoping that other factors which we haven't considered in that four cents, and that is the power correction factor, that is the possibility of running more efficient diesel engines before the end of the year may give us the ability and also the normal profitability of the Electricity Undertaking may be factors that can be taken into account and that \$35,000 would not be necessary. I wasn't saying as Mr Smith seemed to think that we are putting up the four cents to do these other projects. I was saying that if we only put it up two cents we are going to bleed the Electricity Undertaking of funds which they require to do these other projects. I did say in my amendment that if necessary the Revenue fund. I was hoping that the figure would be far less. Hoping that these other factors would allow the amount to be something less and the Electricity Undertaking has not always been a user pays undertaking. It has been a revenue cow for previous Governments. Previous Governments have bled it of funds. If those funds were left in the Electricity Undertaking then we would probably be able to absorb that \$35,000 but we've bled that \$35,000 and many more from the Electricity Undertaking in the past so we are not really asking for a handout here. I was hoping that we might get a windfall from some of these other things so that we could promptly benefit the community by making a subsidy which I would hope would be less than the \$35,000 but I do think just to charge the two cents is just putting our heads in the sand and putting the Electricity Undertaking into trouble unless we are prepared to make up the shortfall so that it can achieve its necessary programmes for this financial year

MR WALKER

Thank you Mr Deputy Speaker. If I could answer just a couple of those points. We have no guarantee of the windfall referred to. The manager of the Electricity Undertaking made it quite clear that he didn't know what the benefits would be from the power correction factor. To refer to other windfalls which are also completely unknown and on such a short time period of three months which is what we are talking about here that we are going to review it again at the end of three months because it's been indicated to us by the supplier that there may be a change again at the end of three months. We are already two weeks into that three months. I can't see how we can bury our heads in the sand and I repeat, we have to cover the costs so that they are at least treading water. We are not asking for a profit and I take the point that Mr

Bates has made but I can't see how we can in all essence subsidise a user pay system when we have committed ourselves to at least breaking even

MR BUFFETT

Thank you Mr Deputy Speaker. There really is no magic wand to be waved in this particular situation but before today ends we will have to vote on this matter because it is not a matter that can be delayed and so I would just like the opportunity to share my thoughts so that you will know the rationale behind my vote when we come to that. Over the last month the Chief Minister brought to us a proposal to increase the price of electricity by four cents. Most Members at that time found that really difficult to be an acceptable situation and certainly my thinking was that just five months ago it had increased from 28 cents to 32 cents, in other words, it had just suffered an increase of something like four cents and here was another proposal to put it up another four cents. Now there were good financial reasons for that which were explained to us by both the accounting people and by the Electricity Undertaking people. But there were a number of factors in my mind that needed further examination in the one instance and some degree of unacceptability in the other instance and I'll explain both of those. First of all the degree of unacceptability. Whilst the finances might indicate that this is what would be done normally in a purely business undertaking, the fact is that electricity is no longer something you can do without in the Norfolk Island community and those people who are able to afford it of course can buy it but there are many in the community who would find it quite difficult financially to be able to meet a four cents increase just five months ago and then another four cents increase forthwith. That is quite difficult for some family situation not only in the direct electricity bill when it comes in but also in the flow on costs for food and other items that they would need to absorb within the community so it's all very well for us to just say well that's what the book says. We need to be mindful of what the difficulties are out in the Norfolk Island community. We need to also take into account, Mr Bates mentioned this probably only five minutes ago. That in the earlier times when the Electricity Undertaking was doing well and earning a good amount of revenue, it was siphoned off and used in other community projects. It could do that at that time. The price of electricity was lower and it was earning good money on that basis. It may well be that now, the cycle has turned and one needs to take into account that there are now significant increases in this area and the Revenue fund might need to return some of that in some way. Now I'm not making that as a firm proposal but I think we need to see the balance of it in that context so that's more of a social issue which I mention. I think it's very important. The other is another commercial factor and that is, that it has been explained to us that the supplier of fuel in Norfolk Island has put the fuel up but without giving a very satisfactory explanation as to what the contractual arrangements are, if indeed there are any, and on what basis it is being done. It is just a letter to say, your fuel's gone up! Bang! Now in fact, unless there are very sound reasons for them doing that, then there should be a very hard nosed negotiation with them to work that out, better I feel than may be has been done before. Now I don't want to try and say that there hasn't been conversations and I don't want to say that there hasn't been correspondence, but in this quite difficult situation it may mean that we have some eyeball to eyeball negotiations with the principals, not with the agencies, in this matter so that the real situation is better worked out and that we just don't accept what comes at the end of a letter. Because we know ourselves it is quite easy to write a letter but it is more difficult to substantiate yourself face to face and I feel that that is something that needs to be done because the result of it is, if we just accept it, we have to go through this process and ask the community to pay. We have a brief to look after the community's interests and to go into bat and be protective of our community's situation. I wouldn't want to say that none of that has been done. I am wondering if it has been done to the maximum at this time to gain the maximum benefit for us. The situation therefore in my mind is this. It would be wrong to totally ignore where we are at and yet I think we need to alleviate to some extent, to the best extent we are able, the cost that is going on to the Norfolk Island community. Now this proposal halves the earlier proposal and I think that that in the difficulties of this situation is some element of a compromise. It doesn't say no, we just ignore all of this and we put our heads in the sand as some may have alluded to. I don't see this as



putting our heads in the sand. I think this is trying to find a workable compromise. But we do try and earn some further funds to be able to meet the commitments within the undertakings but we work on a basis that may have more practical application to it so that the amount has been halved in this motion. The other part of this motion is that we do get on and make some sound negotiation with the supplier. Now I know that it has been said that we are running in a period already that there has been indicated a price increase. Well maybe we have to find some way to try and absorb a portion of that in the meantime until such time as we are able to get a better and more satisfactory result. I wouldn't want it to be though that that is something that can be guaranteed but I think it's got to be a first step in trying to find a more satisfactory solution to where we are at. Now if it doesn't work then obviously we need to be more hard nosed about it. That's extremely difficult but we must try to gain maximum benefit for the community before we are led into asking to pay a horrendous price. 32 cents per unit for electricity is an absolute huge price. An absolute huge price and we shouldn't kid ourselves that the people in our community can just readily pay that and we should bear that in mind for many of the families in Norfolk Island who will be faced with that if we vote to increase this significantly so bearing all of that in mind I would support this motion. I would support the motion with the amendment and the amendment which is made by Mr Bates, is that in effect if there are important things that need to be done in the Electricity Undertaking we shouldn't run it down and we shouldn't forsake our maintenance but we should draw from the Revenue fund where we have on occasions taken from the Electricity Undertaking to prop up on earlier occasions so I don't see that as an untoward situation. I think it's regrettable that we've come to the stage where we have to do it, but if we have to do it, I don't think that it is the end of the world for us and I don't think it puts aside any principles that we might ever stand on in the past. If people start to talk about user pays, yes to the best extent we have tried to do that in many things, but having said that, bear in mind what has been already said. That we have coined money of the Electricity Undertaking in the past and we should be mindful that the cycle has now turned and we might need to return some of those moneys to make it continue in a proper functional manner. So when the time comes for the amendment to be proposed I'm going to support it for those sort of reasons and if that is the motion in an amended form that comes to us, I will support it again for those reasons. I say support it regrettably, because I don't want to put it up even two cents, but we are in a difficult situation as we have all absorbed around the table and there is no magic wand as I said at the very outset, and that in a sense is what I am forced to do I feel and that is my position Mr Deputy Speaker

MR BROWN Mr Deputy Speaker there's just one other aspect and the Chief Minister may know the answer to this. At present this motion does not include commencement dates. Should we be commencing it as from the 1<sup>st</sup> October to correspond with the date the fuel increased but also to correspond with what I understand is the effective date of the last electricity period or is that something that can be done when you formalise the actual increase

MR NOBBS Thank you Mr Deputy Speaker, I think we should specify from the date

MR BROWN Mr Deputy Speaker could I seek leave to add a few words to my motion and that is to add to the first sentence the words "as from 1 October 2000". I'm trying to avoid Mr Deputy Speaker the possibility that we might unintentionally cause a requirement for all the meters to have to be read again

DEPUTY SPEAKER Thank you. Further debate. We have I believe two amendments to the motion,

MR BUFFETT Make it one provided Mr Bates is happy to do so

MR BATES I have no problem with that but I believe my amendment needs to be put and if it is lost then we go back to the original motion

MR GARDNER Thank you Mr Deputy Speaker I had foreshadowed an amendment but the Chief Minister was quite right I think that the trigger to reduce the price of electricity per unit to the consumer was built into the previous price increase so I certainly won't be proceeding or seeking to amend the motion any SPEAKER Thank you. Further debate

DEPUTY SPEAKER Thank you. So we have Mr Bates amendment to the motion. Do you wish to put that amendment Mr Bates

MR BATES If it has been accepted I think it has to be put Mr Deputy Speaker

DEPUTY SPEAKER Then I will put the question Honourable Members

QUESTION PUT  
AGREED

The amendment stands, then I put the question that we vote on the motion as amended

QUESTION PUT  
AGREED

The ayes have it, that motion stands, but I believe there is one technicality

MR BROWN Mr Deputy Speaker the technicality is that it probably needs one additional thing to happen for the increase to apply and if that is that a regulation is required then the regulation will just take account of what we have just voted on so there's no doubt about what we have intended to be done and now it's just a question of the drafting people getting the regulations to reflect that

### **TIME EXTENSION**

MR BROWN Mr Deputy Speaker could I draw the Houses' attention to the time. It seems to me that we probably have a good hour and a half before we finish the programme if we are going to try and finish it tonight. Do we wish to try to do that or to come back in the morning

SPEAKER Could I just hear views from Members

MR COOK Mr Speaker I'm in considerable embarrassment because I'm on the plane or should be on the plane to fly to Noumea as the head of the delegation. All those arrangements have been made. I don't want to inconvenience Members but maybe my matters could be dealt with and then postpone

SPEAKER Could I just hear from around the table informally for the moment

MR BATES Mr Speaker, I think there might only be a couple of matters on here that might be contentious. I would like to see us attempt to finish

MR BROWN Mr Speaker, if Mr Cook was happy to adjourn the Immigration Amendment Bill I think we can finish in a reasonable time but I fear that that Bill will take quite some discussion

MR COOK Mr Speaker I am not prepared to adjourn it unless it is the wish of the House

MR BROWN Mr Speaker, I'm sorry. I meant adjourn until our next sitting, not to adjourn until tomorrow

MR COOK Well I had intended to proceed with the matter today and I rather felt that it would proceed. I would wish to try and hold that position if it please the House. This matter has been before the House now for the last three meetings and I really would like to dispose of it

SPEAKER I think going around the table Honourable Members there seems a majority view at this moment that we should proceed and get as much business as we are able to at this stage, so we will continue

MR NOBBS Thank you Mr Speaker my view if I may say is to bring the Immigration matters forward if there's some concern to proceed. Mine will be very quick

SPEAKER Yes, well if they are very quick then they will be disposed of quickly

#### **STATUE AMENDMENT MISCELLANEOUS PROVISIONS BILL**

MR NOBBS Thank you Mr Speaker this is an amendment to the Customs Act which provides for a clarification in the Customs Act in relation to the importation of firearms which takes into account the Firearms Act of 1999 and the Statute Amendment Fees Act there's a Statute Amendment there because of an incorrect section numbering. The Road Traffic rectifies an error in the Road Traffic Act, that is an Act not fully commenced which Section 7(b) created by amending the Act contains an additional and superfluous subsection 4 which was then inadvertently retained in the Act when it obtained assent. I don't think there's anything really contentious in those Mr Speaker

SPEAKER Thank you. Is there any debate on the introduction of that piece of legislation. No debate. Chief Minister

MR NOBBS Thank you Mr Speaker. I move that the motion be adjourned

SPEAKER Thank you. The question is that debate be adjourned and resumption of debate be made an made an Order of the Day for a subsequent day of Sitting

QUESTION PUT  
AGREED

The ayes have it, that matter is so adjourned

I will not call on Notice No 10 Honourable Members. We are not about to proceed with that matter at this moment

#### **BOOKMAKERS AMENDMENT BILL 2000**

MR GARDNER Thank you Mr Speaker. I present the Bookmakers Amendment Bill 2000 and move that the Bill be agreed to in principle. I table the explanatory memorandum to the Bill Mr Speaker. The purpose of this Bill is to recognise that there are broader and more sophisticated range of activities available to those

persons involved in the business of bookmaking and to bring those activities within the ambit of the legislation. particularly in view of the likelihood that persons who are granted gaming licences for Internet home gaming may also seek to become licenced as bookmakers and seek therefore to offer such betting activities in conjunction with gaming activities. Betting activities Mr Speaker involving simulation software are catered for as well as activities other than normally recognised sports. Software scrutiny and validation by the Gaming Authority are already provided for within the principle Act. The Bill further clarifies the discrepancy between the Bookmakers Act 1998 and the Gaming Act 1998 where the taking of a bet or wager was previously permissible only for a licenced bookmaker. Notwithstanding that a person licenced under the Gaming Act 1998 was also permitted to accept a wager under that Act without being a licenced bookmaker. In addition the Bill prohibits betting on the outcome of any election on Norfolk Island in line with a uniformed approach in most Australian states and other Commonwealth countries. This approach recognises the capacity for political manipulation or interference if betting was permitted in respect of public elections, thank you

SPEAKER Thank you Mr Gardner. Any debate. No further debate.

MR GARDNER Thank you Mr Speaker. I move that debate be adjourned and resumption of debate be made an made an Order of the Day for a subsequent day of Sitting

SPEAKER Thank you. The question is that debate be adjourned and resumption of debate be made an made an Order of the Day for a subsequent day of Sitting

QUESTION PUT  
AGREED

The ayes have it, that matter is so adjourned

### **EMPLOYMENT AMENDMENT NO 3 BILL 2000**

MR SMITH Mr Speaker, I present the Employment Amendment No 3 Bill 2000 and move that the Bill be agreed to in principle. I table the explanatory memorandum to the Bill Mr Speaker. The purpose of this Bill completes three amendments to the Employment Act 1998, which are intended to commence in their entirety on the same date. The Employment Act 2000 and the Employment Amendment No 2 Act 2000 have passed through the Legislative Assembly and are partially commenced but sections 1 and 2 only. The present Bill provides some changes to the Employment Amendment Act 2000 and requires employers to enter into written contracts with all employees in accordance with the requirements of the Act. It provides for a minimum rate of pay for employees phased in over two years with yearly reviews according to the effect of the retail price index and wage increases in the event of the RPI formula is greater than the rate of the preceding year. This calculation appears in the earlier Employment Amendment Act 2000 however, a review will now be held each 31 March to be effective on and from 1 July in each year. The Bill further provides a rate of payment for employees who work greater than the normal prescribed working hours in each day or week, that is an eight hour day and a standard 40 hour week. Employees are to be paid time and a half or 150% of normal hourly rates for such additional hours and this provision cannot be avoided by contract. In addition there is some consequential amendments to reflect the advent of the Employment Amendment Act in the year 2000 rather than 1999 and an amendment to complete the penalty for failure to comply with annual leave provisions from 20 penalty units to 40 penalty units. I was going to just table this Bill today because we've only just got it in the last day or so and I know there will be some debate on it but I would probably like to say today that this Bill is the result of the working committee into the Employment Act that we had set up earlier in

our time on this Assembly and it had various people on that and I thank them for the effort they've put into it and this amendment Bill is the result of the recommendations from those people and also people in the service, so when everybody's had their say I will move the adjournment to the next sitting

**MR GARDNER** Thank you Mr Speaker maybe if I could just draw Members attention to the fact that this is a Schedule 3 item and therefore if passed by this House will require also the endorsement of the Commonwealth in its capacity of being jointly responsible for labour and industrial relations employees compensation and occupational health and safety

**MR BROWN** Mr Speaker, if my understanding is correct, the minimum wage in both Australia and New Zealand is both less than our existing \$7.70 per hour. If my understanding is correct then the Minister's understanding of just what a minimum wage is, is in fact incorrect. I don't support this Bill. I think this Bill takes away too many of our existing freedoms. Freedoms both for the employee and the employer. It is a massive step backwards from the direction in which the earlier amendments were taking us. We were endeavouring to liberalise the system while providing a safety net of minimum wage and minimum conditions. But this is moving more towards a union award system which has no place in Norfolk Island. If the members of the Chamber of Commerce allow this to go through without trying to get a proper understanding of it and without telling the person who is seen as their representative in the Legislative Assembly that they don't agree with it, then I hope they won't come to us at a future time and complain when they realise the significant implications. At the very least there has to be at the same time as a change like this, a provision for salaried staff and at the very least there has to be a different system for the hospitality industry. For the hospitality industry to try to work around this proposed system would be quite unsatisfactory and the fact that it has to be different has been recognised in other places and at the very least there is the ability in other places for the hospitality industry and in fact a growing ability for all industries to have their own workplace agreements and I would certainly rather see an ability to introduce a workplace agreement than to see this passed. I regard it most seriously Mr Speaker. It is a very retrograde step. It is an extremely left wing step. It's a step that those in Canberra might well think is wonderful because it will put another part of the nail into Norfolk Island's coffin because it will have devastating impact on the commercial sector, and at the end of the day it's the commercial sector that pays the bills Mr Speaker. We can say what we like about customs staff really earning the customs revenue, and electricity staff really earning the electricity revenue, and other staff really earning the revenue that comes in from other Government charges but the fact is if you don't have a private sector you don't have a public sector. I think this is regrettable. I'll be voting against it but I hope that people such as the Chamber will at least take the time to have a look at it

**MR SMITH** Mr Speaker, I'm not surprised at Mr Brown's view about this because I think he was involved in getting the original amendment put together in the working group we had at the time. However, I think the time has come where Norfolk Island has to really look after the people who live and work here. I have seen evidence, even though the minimum rate was more than \$5.75, where an adult person was being paid \$5.75. Now if Mr Brown condones that sort of tourist type wages I would really be surprised. I would be surprised if Mr Brown would also expect a person in Norfolk Island to work for more than 40 hours per week, and in some cases up to 60 and 70 hours per week without extra remuneration during those hours. Around Australasia people have fought for years to try and get a reasonable working wage and conditions which has worked over many many years. There's been union involvement, award rates, safety nets that the Government has put in place just in case everything else fails. All we have is the minimum hourly rate. The minimum hourly rate in 1991 was introduced as \$5 per hour. That is nearly ten years ago and it is time that it kept up with the times. At the time I remember \$5 seemed to be around what people expected

to be paid as a reasonable hourly rate but as the Chief Minister keeps telling us, the costs have more than double over that time, tripled in some cases but the minimum hourly rate certainly hasn't. I don't think it is any longer fair to anybody who works in Norfolk Island to be earning below what would really equate to be below the poverty line. A simple survey was done recently and I talked to Members about that where a couple living in a home on average figures it would cost them at least \$480 and even one of the married people in the Legislative Assembly said, well I wish we could live on that and for a single person it's not much less than that so even at \$10 per hour on a normal 40 hour week people would only be surviving. Now that is becoming quite obvious when we talk about increasing charges, like our electricity or whatever it may be, it has a greater impact on the lower salary earner, particularly the ones on \$5.75 per hour. Part of the survey was done before we posed the minimum hourly rate, by telephone call and I think Mr Walker has some information on that, to check with employers to see what they were paying. Almost in every case they were paying a minimum of \$9 per hour which is what is proposed in this bill. Mr Walker may wish to speak, as it may be helpful to the debate

**MR WALKER** Thank you Mr Speaker, as chairman of the working group appointed by the Minister we did conduct a survey and the initiative for that survey actually came from around this table because the working group had been under the impression that the \$7.70 initially passed by this Legislative Assembly in February of this year would be acceptable as the minimum rate, however, when it was debated around this table in an informal meeting the indications were that that was nowhere near sufficient as a minimum rate therefore the working group felt that it needed to survey the community to find out what impact any increase above that proposed by the amendment would have. The result of that survey was that it would have very little impact because in almost every single occasion of the survey the base rate was in excess of what the working group proposed. Hence, that is why that figure was put to the Minister in our recommendations, which were then circulated to all Members and it was based on the fact that around this table we knew that if we put it forward as \$7.70 as previously passed it would not be acceptable

**MR BROWN** Mr Speaker, again, I say that I doubt that either the Minister or Mr Walker understands the nature of a minimum wage, but more importantly it is one thing to survey a business that operates 9 to 5 four days per week and two half days. There is no difficulty for that sort of business to roster its staff for only eight hours. There is no difficulty for that sort of business to roster its staff for no more than 40 hours per week. But there are plenty of other businesses and the hospitality industry is not the only one which don't have that kid glove luxury. There are plenty of other businesses that do from time to time have to get staff to work for more than 8 hours and that do from time to time have to get staff to work more than 40 hours in a week. There is no provision in this for averaging. What this says is that if you work for more than 8 hours per day the sword of Damocles comes down on you and if you are then going to want to increase the base to \$10 and insist on a 50% penalty all of a sudden you're insisting on a \$15 per hour rate and that is much more than any of the people you spoke are paying their staff. I don't think there are many employers in Norfolk Island who are stingy in what they actually pay but they ought to be able to get on with running their businesses, building a sound business that gives a bit of security to their families and staff. They don't want Governments coming along not understanding what they are doing and mucking it up. And when I say not understanding what they are doing let me tell you about a previous Member of this House. A lady Member who at the time of the increase to \$7.70 she was prominent in the Chamber of Commerce I should add, at the time of the increase to \$7.70 didn't give the slightest thought to the other possible consequences, she just announced to everyone that if they paid peanuts they were going to get monkeys and therefore the rate should go up. These things need to be thought out. And here you are wanting to put into legislation annual increases in accordance with the Retail Price Index. Mr Speaker the Retail Price Index was never introduced for the purpose of being the base of annual increases. I know that the Public Service Association feels that it is a pretty good way to try and get an increase now but

the fact is that that wasn't its purpose and it's not the purpose of the public sector remuneration and it shouldn't play any part in amendments to this Act. How fair is it that be it a public servant or someone wanting to rely on this minimum wage, is able to come along and say well, the Government put up a lot of taxes last year. Now we don't think that we should have to pay it and the public servants don't think they should have to pay it, therefore we want to be compensated for those increases and we think the only people who should actually pay it is Adrian Cook with his judges pension and Ronnie Nobbs with his pension from the Northern Territory and those who are in the private sector. Now that's not fair. That is not fair at all and this Legislative Assembly shouldn't be doing that. It needs a lot more thought. It needs talking to people who are actually affected by what you are proposing and in fairness, this has been put on the table, it will sit on the table for a month and those who are interested will be able to have a look and say something about it. Those who form part of the silent majority ;probably won't bother to look at it and will only start to whinge in a few months time when unfortunately it will be too late but I won't be supporting it Mr Speaker

MR WALKER Thank you Mr Speaker the Employment Amendment Bill 2000 which was passed by this Legislative Assembly in February and assented to later in February, had the clause in it under section 14 whereby the RPI was the way in which all increases in the future were to be set. This is prior to my coming on to this Legislative Assembly but I don't think it is prior to Mr Brown coming on to this Legislative Assembly and I think that he was one of the instigators on the working group that brought that bill forward under the guidance of the Minister who at the time was Mr Robertson. That formula for using the RPI was incorporated into a bill which is already an Act which we are seeking to amend. I'm staggered that Mr Brown is now tryng to tell me that using the RPI is the wrong way to go. This Legislative Assembly has already passed it. It is already a bill. It just hasn't commenced

MR BROWN Mr Speaker, it is the wrong way to go. Whether I was conned by the previous Minister or whether I was missing on the day or whether I voted against it I don't recall but it is the wrong way to go. Tax increases should be shared by everyone. It should not be a situation where 75% of the community come along, or more than that because we compensate the cost of living increases for our social welfare people as well, so it shouldn't be the case where 80% or more of the community are totally compensated for tax increases and its just the poor people like Mr Cook and Mr Nobbs and myself and Mr Walker's wife who are expected as people either earning income from offshore or in the local commercial sector that fund it for everybody. That's unfair

MR SMITH Mr Speaker, we'll try and get this done by dark and we haven't got that long to go,. As Mr Brown is aware, and all Members are aware, if they would like to propose amendments to the amendment I have here, that is fine. What we have come up with is what we believe is reasonable and based on fact and with the research that" been done with employers and employees the changes we are making in this amendment to the amendment are minimal except for the things that Mr Brown has picked up on, quite rightly is the minimum hourly rate based on what we have learnt from employers and employees, it does make it so that yes, if you do make somebody work after 40 hours, that you have to pay them extra. I don't know that it is fair to expect somebody to work more than a normal working week and not pay them any more. I know that does happen under the current circumstances but I think it is fairly well accepted now that a 40 hour week is a standard week and after that you really need a break from what you are doing but if you have to carry on you should get paid extra for it. I know that Mr Brown and I disagree on that particular fact. The other thing which I'm surprised hasn't been picked up but I suppose that comes later, is the fact that everybody has to have a contract. I've reminded Mr Brown so he may want to have more to say about that because the contract is an integral part of this

MR WALKER Well if maybe I can allude to what the Minister has alluded to and that is the reasoning behind everybody having a contract. On the working group and on the previous working group, representation to both of groups by both the Employment Conciliation Board and the Employment Tribunal who brought the facts and figures to the discussion along with the Employment Officer who is the first port of call when somebody has a complaint and in by far the greatest number of occasions where a dispute was irreconcilable was because of the lack of any contracts and it was a you said/Isaid situation. It was felt that by enforcing the fact that everybody must have a contract, we could overcome this situation whereby either the employer or the employee had a misunderstanding of what the terms and conditions of employment were and we felt that by bringing in this amendment whereby everybody has to have a contract we were protecting both parties from a great number of those disputes that have gone on in the past

MR BROWN Mr Speaker, any sensible employer would have a letter of appointment in any event. If an employer is so silly as to not protect himself by providing a letter of appointment well in a way he deserves to have a requirement that there be a formal contract, but the law already provides for the employee to ask for a formal contract if the employee wants one so just how far are we going to go in being our brother's keeper. There is a real risk of Legislative Assembly's going overboard in this fashion. But whether or not we insist on every employee having a contract, the most outrageous part of this proposal is the suggestion that the contracts then get checked by the Immigration Officer. Now surely the employer and the employee are entitled to confidentiality in terms of just what their hourly rate is. Sure. The hourly rate has to be more than whatever the minimum is but that doesn't mean that you have to parade down to the Immigration Officer to say please Sir, is it alright if I sign this contract. Quite deliberately the only requirement in terms of the Immigration Officer is when an application is made for a Temporary Entry Permit, a certificate is provided and signed by the employer and the employee to confirm that an employment contract has been signed. There are some pretty outrageous things in this amendment Mr Speaker and I really hope that employers and frankly, employees will take a good look at it and make some comment on it because what it is doing amongst other things is taking a lot away from the employee. Whether you want to realise it or not a lot of people come here to work and want to take the opportunity to put in big hours because they want to save money while their in Norfolk Island and if they've got the opportunity to work 50 hours in a week, they relish that opportunity. If they don't want to work more than 40 hours the law lets them say, I don't wish to work more than 40 hours thank you, and that's that. So there's not a big ogre out there that we've got to protect people from. It's either a situation where they say no, I don't want to work the extra hours thank you very much or they say yes, I would like the extra hours but I only want them if these are the conditions or yes, the conditions you've offered are adequate. Those issues should be left to the employer and the employee to sort out for themselves. I fully support the original concept of the Employment Act which was to provide a safety net. I do not support the concept of it becoming a union award

MR WALKER Thank you Mr Speaker I would just like to correct something that Mr Brown has stated, as being entirely incorrect. The Employment Amendment No 3 Bill 2000 before us, has an insertion into section 11(1) of subsection (3) which states "an employment contract referred to in section (1) shall be certified in the prescribed manner". It does not say anything about the Employment Officer. It has never said anything about the Employment Officer and the prescribed manner has yet to be determined

MR BROWN Mr Speaker, can I respond to that. Firstly I don't think I mentioned the Employment Officer. The Officer I mentioned was the Immigration Officer. Certainly if I said Employment Officer I apologise. I intended to say the Immigration Officer. And the Immigration Officer is the very person that has been



discussed in terms of being the person who would be prescribed and I don't think any of you would deny that

MR NOBBS Thank you. This Bill is being adjourned until the next meeting and I don't think we are getting anywhere tonight gentlemen if you would agree with me and so I'll have the last word if I may, I move with your concurrence

MR SMITH Mr Speaker, I seek the call

MR NOBBS I was going to move that the Bill be adjourned. Will you do that

MR SMITH Mr Speaker, I seek the call then. I'm quite happy to adjourn but Mr Brown has raised some issues. I think I said earlier on that I didn't intend to pursue this so that it could be passed at the next sitting, which means that it is obvious that it will get out to the public at some stage, but now that issues have been raised I would want to pursue them further in case people are frightened by what Mr Brown has been suggesting that we shouldn't be looking after the workers and I don't want that to be misconstrued. To improve the conditions at long last is very important. It is my intention Mr Speaker with the Member who is also a member of the Chamber of Commerce to discuss this with the Chamber and any business person who wishes to have free and frank discussion with us about what is proposed here

MR GARDNER I should certainly hope that that offer is extended to employees as well and not just to business people but briefly, I've taken on board some of the concerns that Mr Brown has raised and I agree wholeheartedly with them. I guess I've been in a very fortunate position in the 20 years that I've lived on Norfolk Island to have worked for some exceptional employers who have been prepared to show a great deal of flexibility in my employment conditions that I have had to work under and I appreciate that and the old adage of there always being one bad apple stands quite true here and it seems to me that a lot of the amendments that are being proposed here are driven by those few bad apples that exist around the place. I take extreme exception in knowing that when I get tossed out of this House that I'll probably go out there and seek to be employed by somebody and as a matter of law have to have a contract to be employed. I take real exception to that because I pride myself on being able to accept people on face value and on their word. And I've been bitten in the past and I'll probably be bitten in the future but that's one little freedom that I, as an employee, have always cherished and I have real difficulty in being told that I must have a contract if I want to work for anybody. Regarding the minimum wage I think there is a fine balancing act in that we are trying to establish a tourism industry and Mr Brown has alluded to the hospitality industry here, seems to be the main engine for driving our revenue base here on the Island and if we overdo the fixed costs that goes into providing that sort of thing suddenly we become terribly unattractive. Gone are the days when either Mum or Dad stayed at home and looked after the kids and only one partner went out to work. Gone are those days. I've never worked in those days. My wife and I both have worked and we've worked all our lives and we will continue to work all our lives, because firstly there's not enough people on the ground and secondly because other costs seem to have exceeded the salaries and everything else that have been paid but simply because people can no longer afford those massive salaries that were able to support a family of two adults and two children or whatever. This does need further looking at. I have been a member of this Working group. I wasn't invited to be a member of it in this Legislative Assembly. I don't know whether is because on a couple of occasions that I was invited to previous meetings of the working group and I was able to attend, that I was somewhat vocal at times in the representation of the employee

MR WALKER Thank you Mr Speaker I was only going to say exactly what the Minister has just said. I sincerely hope that the Minister for Commerce is intending to talk to any employee group that may approach him as well



information I trust will be of some assistance. My concerns as I've said before, go to the hardships occasioned to people by the delay in having resolutions to their affairs, particularly where a business purchase is involved. Of course special relationship people aren't affected by quota but I am concerned on a humanitarian basis to ensure that we don't create undue pressures on people. If my proposals are accepted in November then this proposal put forward by Mr Brown would certainly mean that we could start with a fresh new sheet and a whole new approach to the matter and we wouldn't have any lingering situation hanging around and that is very attractive in one sense and I make that point if I may but I won't be voting on this motion.

MR BATES  
Mr Speaker, as far as immigration controls go our present legislation is deficient. There are too many controls existing only in policy and policy as we all know, regularly fails. The quota is one control that we do have and although we must have a quota to retain that control we do in fact have a quota although it may be full. We are already struggling to keep up the essential commodities such electricity. We are talking about controlling vehicles, hire cars, some say that we are already over populated. Mr Cook I think on a previous occasion referred to the need to maintain a level of the quality of life for those already here. Mr Speaker until we have proper and fair control of legislation I cannot support an increase in the quota which I see as being really only to pay lip service to a few people subsisting. We might as well open the doors if each time we have people subsisting on a queue we increase the queue to let them in. I won't say any more tonight. It's getting late, but I don't intend to support the motion

MR NOBBS  
Thank you Mr Speaker. I won't be supporting the motion either as I've said for some time that we need to clarify this and I believe that if it had been taken on board in the last Legislative Assembly we would have had immigration well and truly fixed up by now so I won't be supporting this or any movement in the quota until such time as the Immigration Act, and I know that Mr Cook is working diligently on that difficult task, but he will be bringing something to the House which will be a move in that direction, in November and that is why I won't be voting for the motion

MR GARDNER  
Thank you Mr Speaker I think the Chief Minister earlier today mentioned something about the only way we can ever progress something on Norfolk Island is to stop it. Well in this case if you stopped immigration there is going to be no progress I can assure you of that. Secondly I have a great deal of faith and compliment the Minister for Immigration on his attempts to sort out some of the inadequacies that exist at the moment which are the cause of the dilemmas which we find ourselves faced with today and that is the discussion of a quota and I've been assured by the Minister that as best as he is able this should be more than likely the last time that we would need to seek an increase in the quota of this type before some new guidelines and legislation are proposed and that advise to me was as late as this morning. I think we can't afford to stop things from happening. There are people already on Island who would be affected by this. It's not like we are going to be suddenly inundated with fifteen extra people. To all intents and purposes those people are already here. We've talked long and hard about amendments that will be made, what is proposed. I think the Minister is right on the ball, it's going to be a happening thing. I have no difficulty in supporting this motion

MR McCOY  
Mr Speaker I've said right from the outset I won't be supporting the motion. Just by passing this motion there may not be an increase in the population but we've been forced on many occasions to increase the quota simply to satisfy the people who are subsisting. There has been in the past a desire to continually drive people here on a Temporary Entry Permit basis to become a General Entry Permit holder and I'm sure that many have become quite aware that there is nothing in law to say a person who is on a Temporary Entry Permit cannot get a new Temporary Entry Permit and therefore we've been passing these General Entry Permit quotas for many many years unnecessarily and I will not be supporting this one either

MR SMITH Mr Speaker, we have an Immigration Minister and the Minister has thought long and hard over this particular issue as was brought out in previous debates in previous sittings. He has spoken to me about it on a few occasions and he has come to the view that he expressed today that it is almost a humanitarian thing to do in approving these extra numbers and with his saying that he will be supporting it even though he won't be voting on it, I think that is a good indication where the Minister himself realises and understands that this is something that is not out of the ordinary. To increase the quota is nothing unusual and in fact the quota on previous occasions increased twice per year. We are well into the second half of this year. It's going to make things a little easier for some people. Other Members might not see that as a good thing but inevitably these people are here so this number takes that into account. The Minister has new moves coming out in Immigration which will be a better situation all around and I don't have any problem in supporting this at all

SPEAKER Thank you. Further debate Honourable Members. The question is that the motion be agreed to

#### QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR NOBBS	NO
MR BATES	NO
MR COOK	ABSTAIN
MR McCOY	NO
MR GARDNER	AYE
MR WALKER	AYE
MR SMITH	AYE
MR BROWN	AYE

The result of voting Honourable Members is the ayes 5 the noes 3 with one abstention, the ayes have it. The Motion is agreed

#### **IMMIGRATION AMENDMENT BILL 2000**

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

MR COOK Mr Speaker may it please you and the Members of the House. This matter is now in its third occasion before the House. There has been exhaustive discussion about it. The hour is late. I cut short my discussion, not because I regard this matter as being of the utmost significant and importance but I wish to have regard to our capacity to concentrate and think of the issues. There has been a considerable output of material on this matter. The local newspaper has carried articles from the officers of Immigration, I have conveyed Press Releases and Mr Dario Costello from the Department was made available to come here and answer Members questions and there has been an exhaustive input of material for the important resolution of this question. This matter is long overdue for resolution. It's been around for a long time and must be resolved. Back in 1984 you Sir, then as Chief Minister signed a Memorandum of Understanding with the Commonwealth Government dealing with non Australian and non New Zealand citizens in which the Government agreed with the Minister for Territories to have the final say on any aspects of General Entry Permits which had been processed here and had to be submitted for his approval in Canberra before ultimately those could be made. Obviously it was early days and the history of the Immigration Act, and a learning process was in place and matters and experience were being gained. I don't with the greatest respect suggest that there is anything

untoward in that Memorandum of Understanding being signed back in 1984 in fact I want to make it clear that it was probably the only course available at that stage but that agreement has now become no longer of any value or use really between the two governments. The situation must be the subject of clarification because the Department of Immigration has refused to give the Minister for Territories advise in respect of matters which had come before him for consideration under that Memorandum. The advise that the Minister for Territories invariably sought was whether or not the person seeking to have his permit approved which had been granted in principle by the Norfolk Island Government was a person who would otherwise be acceptable to Australia, in other words qualify for the issue of a visa to enter and remain in Australia and matters of character and health were questions which the Minister for Territories sought advise. That situation no longer retains because the Department of Immigration says they can only operate under the Australian legislation, they cannot operate under the legislation of Norfolk Island which of course is quite separate and quite distinct and of course we are very jealous in a very real sense of not only preserving our distinct power to deal with immigration but certainly improving it and advancing it into the areas of self Government as it very clearly should. We must go forward with some sense of understanding or co operation with the parallel immigration regime in Australia. The facts of life as already mentioned today have to always be paid regard to and there is no doubt that under the Norfolk Island Act although it guarantees us all sorts of proper things such as our move towards self government and our right for self determination still keeps a control over immigration. We have to progress this matter so it gets out of this situation of being a Schedule 3 matter to a Schedule 2 matter and we have control over our own immigration policies entirely. This proposed amendment to the immigration Act clears up a situation which was first thought to be met in 1994. I've already adverted to and I don't intend to go over and over this again, to the situation where an Australian visa would be required for a non Australian or non New Zealand citizen passport holder to travel to Norfolk Island at least to obtain a visitors permit. This situation was the subject of extensive draft Memorandum of Understanding at that time. It was sort to introduce a Norfolk Island visa as an alternative to an Australian visa over a two year period and eventually the then Minister for immigration the Hon John Brown indicated to the Commonwealth that he was prepared to sign the latest draft Memorandum of Understanding which indicated that Norfolk Island visas would only be granted in exception circumstances and this left really the Australian visa to be more likely than not the one obtained in most instances. The 1994 Act was never commenced. It remained in abeyance apart from a couple of formal section. In 1997 the Act was changed again to move from the Australian visa to include a New Zealand visa but it also included a provision about people having the right to enter Australia or New Zealand. Now there's been extensive material brought forward in relation to the difficulties with that. I'm taking it for granted and I believe I have every right to assume that every Member around this table has made themselves familiar with the material that has been put forward to them and in the paper and no doubt they have all had proper opportunity to consider that material and it will help them to form their views as to whether or not this Bill should be agreed to in principle. There is the additional matter that with Australian and New Zealand citizens coming here to apply for Temporary Entry Permits or General Entry Permits that it is not inappropriate to request that they bring some material which shows that they are persons who are not adversely known and instead of the situation which obtains very frequently here that persons do come to Norfolk Island, seek to obtain permits and they are on the Island and it is found that there are difficulties with their past performance with convictions or matters of that kind which on the face of it, might cause serious consideration be given to not allowing them to come to the Island. I'm satisfied with great respect to all those who may ultimately differ from me and I am old enough certainly not to think that my opinion need not carry the day. I can only put it forward as a matter which I believe to be important and significant. I believe it is supported adequately by the Australian Government which wants to work in tandem. It doesn't wish as I understand it if one fairly reads all the material which has come forward to take away any of our rights or powers to deal with our permits. This situation is to create the requirement of an Australian visa with all the facilities available to be in place to take

advantage of all the Australian resources and experience in gathering of material over the years to be able to make sure that our border controls are not violated or we are not left in a difficult or awkward position. We could talk or suggest all sorts of ideas and remedies. It is well past the time for talking. It is some six years down the track from when these matters were first raised and sort to be solved. I believe it's been time enough for everybody to have thought about what they should be doing. I've endeavored to bring this forward as an urgent matter and to have the resolution of the House upon it and I don't wish to say any more but I impress upon the Members to consider carefully all the material they have received. If somebody still believes that there is some form of hidden agenda or something to be read between the lines, well nobody has really come forward to state exactly what that is. There have been hints and suggestions that to pass this Bill would be a step backwards. I think it's a step forwards. The 1984 Memorandum of Understanding provided for an interference well well down the line like stopping somebody before they come into the front gate of your house rather than having to throw them out of the kitchen and I think this bill which I seek to have the House approve and recommend its acceptance very strongly to the House will be a situation of clarifying and putting in place something that has long been needed thank you

**MR BROWN** Mr Speaker, the 1984 Memorandum of Understanding dealt with General Entry Permit applicants. It may have also dealt with applicants for residency but the significant thing was the General Entry Permit applicant because you couldn't get to apply for residency unless you had in the first place got yourself a General Entry Permit. The Minister might not be aware that it simply has not been possible for people wishing to come from places other than Australia or New Zealand to simply come to Norfolk Island apply for a General Entry Permit and sit here. Those people have been in a position where they make their application and they stay overseas until their permit is dealt with. The front door Mr Speaker. The exact front door that Mr Cook talked of. But what the Minister is suggesting to us is we should let the Australian authorities into our kitchen. We should accept his assurances that this is a wonderful thing. Let them into our kitchen. Realise that we have given away the bulk of our immigration powers and then wonder how to get them back out of the kitchen. That's the action situation. And that is undesirable. If this Bill provided an additional mechanism for such people to be processed then that would be a good thing but it should not exclude our existing mechanism because if we are going to exclude our existing mechanisms it has to mean that we are in effective giving our immigration powers back to the Commonwealth. It can have no other meaning Mr Speaker and for that reason I'm opposed to it. If the Minister would come up with suitable amendments to make it absolutely clear that this is intended to be an additional mechanism then it would be fine. Because make no mistake, this doesn't just deal with visitors. This proposal is to deal with all forms of permits and it really does involve us giving our power to the Commonwealth. Let us accept their help because their help will be very worthwhile but let's not give our existing powers away. We do not need to do that in order to accept their help thank you

**MR NOBBS** Thank you Mr Speaker. I support the Minister in this proposal and I think the fear campaign that's been going on is a bit difficult to understand. I just draw your attention to an issue that happened about nine years ago and it was the Jim Jam issue. I understand that that cost something in the order of \$160,000 to rectify of which Norfolk Island had to contribute \$40,000. Now this sort of thing just can't go on. We are not in control of our immigration at the present time. It is a Schedule 3 item. The Minister is working to get the appeal situation here and get greater control than we have ever had probably since I don't know when, 1960's I guess when we didn't have a great immigration setup at all. I'm fully in support of the Minister on this proposal and I know it's very late in the day. I don't think there is any fear attached to it. I believe the Australian Government are providing us a service. This is our Act, this Immigration Amendment Bill, and it is something that the Commonwealth will be providing at no cost. I mean if we were to provide our own facilities throughout

the world it would cost us a considerable sum of money and adding to that we've also got this agreement with them in relation to removal of boat people and the like so I think it is a win situation for Norfolk Island and I will be supporting the proposal put by Mr Cook

MR GARDNER Thank you Mr Speaker. Members will be aware that I went on at some length at the previous sitting in regard to this. I had a lot of queries and questions because I was probably the last recipient of quite a deal of explanatory material circulated by the Minister. I didn't have a great deal of time to peruse that material but the opportunity I had at that time certainly rang a lot of alarm bells in my mind and certainly that I required more information. With due credit to the Minister, the Legal Staff in the Administration and Mr Dario Costello I've had the bulk of those answers provided to me to my satisfaction and I feel a lot more comfortable about the proposed legislation than I did this time last month. There are still a couple of very minor things that may appear minor, and I don't know just how significant they are and one in particular relates to one of those documents that I spoke to last month. That is regarding the provision of these electronic travel authorities and in that documentation most travel agents I believe can issue those, and an important statement in that documentation to bear in mind states "however it will be for the Norfolk Island Government to determine whether a person may actually travel to or stay on Norfolk Island". I have a notation there, and it hasn't exactly been clarified as how that will be policed. If a travel agent on the other side of the world issues an ETA which allows a person or technically gives somebody to travel to Australia and they come to the Island, how on earth is Norfolk Island going to know or be able to determine whether that person should actually travel to or stay on Norfolk Island if we are not in that loop. I'm supportive of the Bill but this is another one of those issues that seem to creep out. I apologise to the Minister for that. I've been through this Bill in some detail at the last sitting and asked a lot of questions and the bulk of those have been answered save for this one. I have some uncertainty with this but I think it worthy of noting that in all of this documentation quite clearly it has been stated that the Norfolk Island Government will remain in control of determining whether a person may actually travel to or stay on Norfolk Island

MR COOK Mr Speaker if I could respond. My understand to the ETA system is that it is available in some thirty two countries. It's a process whereby the travel agent or airline office have the facility to feed in the passport details of the person who is apply for an ETA. The ETA gives them the opportunity to travel to Australia or subject to it being showing up that there is no bar to that ETA. If there is any apparent doubt or difficulty with it, apparently the travel agent or airline operator is advised to advise the client that they should proceed to the nearest visa authority issuing place and make their application there. It isn't the case where the airline office as it were, issues the ETA. They put the details into their computer and they get the answer back from the Australian system as to whether or not that person is entitled to a valid visa to enter Australia so really that is the situation. I hope that answers Minister Gardner's question

MR GARDNER To me this is a terribly important piece of legislation that we are dealing with and I don't mean to delay things one iota but my reading of this documentation is that it will be for the Norfolk Island Government to determine whether a person may actually travel to or stay on Norfolk Island. If there is somebody overseas who does not qualify for an ETA but is determined that they wish to visit Norfolk Island and the Norfolk Island Government is of a mind that they wish that person to enter into Norfolk Island what arrangement is in place for that person to be able to travel to Norfolk Island. This documentation is telling me that that is possible

MR COOK Mr Speaker with great respect, all I can say is that the Minister is reading into the document a meaning which is only intended to show that what is happening is that Norfolk Island is providing for the whole situation this way and is really in control of who may travel to Norfolk Island and who may enter into Norfolk Island by virtue of the grant of a permit. The question of who may travel to Norfolk

Island is subject as is perfectly clear, to the prerequisite that they obtain a valid Australian visa of a certain extent of time and it is my understanding that that is the situation and I don't believe that there is any suggestion that there is any room for Norfolk Island apart from the Act which has been passed, to somehow or other decide to allow a person to enter without that visa

MR BROWN Mr Speaker, I wonder if the Minister for Immigration could just confirm whether my understanding of this situation is correct. And my understanding is that there is a memo which we've all been sent which says that all of this is in Norfolk Island's control and what the memo really means is that there is a Norfolk Island immigration Act pursuant to which the power to grant these permits has in effect been delegated to Australia and the full extent of Norfolk Island's control is that it could perhaps revoke that delegation. Is that really what the situation is

MR COOK Mr Speaker through you again, I though this had been discussed previously, the reality of the situation, there's been no delegation of any authority to grant permits. What is required under this Act is if a person is of non Australian or non New Zealand citizen is going to or intends to travel to Norfolk Island then before they arrive here they must obtain an Australian visa to travel here. That is a requirement of our Act. We haven't delegated this to anybody what we are taking advantage of, as the Chief Minister has said, is the facilities which are there to ensure that as far as we can ensure, the people are of good character, are not adversely known in any inappropriate way and also with apparently a good health situation, as is something touched on earlier today, are the people who we will allow to travel to Norfolk Island and then to initiate the processes of applying the full permission to stay here of which we have complete control

MR SMITH Mr Speaker, I've followed this with interest and have spoken to Mr Cook about it on various occasions and also the Administration to answer some of the queries that Mr Gardner had raised in the last meeting. There is a difficulty which actually arises with what we've got in front of us at the moment. We have in our imagination that people are going to be travelling from other places around the world to come to Norfolk Island and they would need to apply for a visa but actually, it takes into account people in New Zealand which is one of our major markets where they will not be able to travel to Norfolk Island without getting a visa. The Administrator's office was trying to confirm whether that would be right or not after I spoke to them and it appears that they wouldn't be able to if they are not the holder of a New Zealand passport, be able to come to Norfolk Island without getting an Australian visa. Now the figure that was given to me was that about 10% of the people who come here from New Zealand are foreign people who have a New Zealand visa which allows them to stay in that country for a certain amount of time and quite a few of our visitors actually come to Norfolk Island quite freely under our current system. With this in place those people would not be able to come here as freely as what they did before. They would have to apply for an Australian visa. Now that sounds easy. But I've worked at the airport when ETA's worked. Somebody turns up and you put all the information in. You don't grant the visa. You must contact the country that will give the visa and it is not always that simple but people when they travel they like it to be as simple as they can. If somebody has been coming here for years and they go to a travel agent and say they would like to go to Norfolk Island and it is said well you have to gain an Australian visa, they will say, well we'll go to Fiji. That is the situation we face. But the Minister and I have talked about this and he has promised that he will take that up with the department and see what we can do about that. I would be happy with that but I'm wondering whether a simple amendment in the Act as it stands might fix that. Where it says an Australian citizen holds and has shown an officer his or her passport, a New Zealand citizen who has shown an officer his or her New Zealand passport, it goes on to say a person who has been granted a visa to travel to and into Australia is valid for a period of no less than the time intended to be spent on Norfolk Island plus thirty days and has shown the officer evidence of that visa, that we do the same for New Zealand. One of the concerns



the Commonwealth appears to have is that they have no control over the visa free country people who can travel to Auckland and therefore travel onto Norfolk Island but if they were required to have a visa to go into New Zealand that would eliminate the other difficulty of people within New Zealand because they already have a visa to go into that country so perhaps a small amendment may be that it reads a New Zealand or Australian citizen who holds a passport, a person whose been granted a visa to travel and enter Australia or New Zealand. Those simple amendments might just take some of the concerns away that other Members have and it would certainly satisfy that concern that Geoff raised in the last metering about people who could be disadvantaged if they don't hold an Australian visa

MR COOK Mr Speaker through you, I really don't think at this stage it would be appropriate for me to suggest that I could agree to such an amendment. This is an Act which is intended to do the best it can to protect Norfolk Island and to maintain the integrity of its border controls. If there is a problem that might arise as is suggested by the number of tourist who might be inconvenience who might go elsewhere what I'm trying to do is deal with the reality of the dangers that Norfolk Island faces from having totally inadequate border controls at the present time. I did indicate to Minister Smith that if there was any approach that could be made to the Australia Government in the development of an Memorandum of Understanding which would clearly be required to have in place all the necessary operative conditions and that is intended to be carried out as a matter of urgency that I would raise the concerns that he has raised to see if the position of dealing with New Zealand tourists could be met. I don't believe that it would be appropriate in any way for me at all to agree or suggest that I could agree to adding that matter in view of the way in which the matter has progressed to this stage and to the fact that persons in New Zealand I understand who are other than New Zealand citizens and who hold foreign passports have what they call in their passports a returning visa and they have to have that. if they leave New Zealand for some reason, that visa is cancelled, which can happen for a variety of reasons it appears, then that person may very well be unable to return to New Zealand and creates a considerable number of problems. I don't believe hat at this stage I should agree to the amendment that has been put forward and I strongly urge that the matter be dealt with as it now stands

MR NOBBS Thank you Mr Speaker I just can't believe the scare tactics. We've got a situation where we've still got happening where people go to a travel agent in Australia and they are told that Norfolk Island's full and they can't come here and so they go somewhere else or they have to go and check it out so they say oh well, we can't wait around so we go to Fiji. Those things are still going on and they haven't been addressed to any degree. Now what we have is a situation where a person can go in and get a electronic travel authorities, we understand very very quickly. Now I can't see how you can improve things, and as Minister Cook has said just a few minutes ago, that those people coming here puts us in danger of them having their passports or their visas cancelled and we're stuck with them so I don't know, I can't believe this

MR GARDNER Thank you Mr Speaker certainly the issues I've raised today haven't been intended at all to delay the passage of this Bill. They are issues that ring in my ears from time to time and alert me to the future and what it may bring but certainly the issue that I raised today are not grounds for me to seek to prevent the passage of the Bill today. Most of the debate both last month and certainly today have centered around the Australian visa issue and not about, I don't think anybody has touched on any of the other provisions of the Bill and I have an issue there that may require subsequent amendment in the review of the immigration Act. I note in the insertion clause No 5 in this immigration amendment Bill that subsection 13(1) of the principle Act is amended by adding the following at the end of that subsection. Provided that a prescribed person shall not travel to or enter into Norfolk Island to make such application. I've no difficulty with that at all. I was meaning to touch on this in

adjournment debate but I'm sure my colleagues won't allow me to enter into debate in the adjournment session because I think they are all keen to get home for dinner so I will raise it now if I may and that relates to resources and some of the difficulties that certainly I face in a couple of my portfolios with delays and it certainly is no blame on people in the Service but delays in getting some advising that are required and a couple of cases in point are some planning issues I'm dealing with and also some immigration matters I'm dealing with that it's difficult to hold people at bay whilst I am awaiting advise from within the Service. This particular point here raises that same sort of issue that somebody won't travel or enter into Norfolk Island to make applications for these types of permits. I think somewhere there needs to be attached some sort of time requirement or time frame for those applications to be dealt with so that people aren't hanging around on the end of a string for months and months and months. These are just small things but I'm really just alerting the Minister to those sorts of issues that really need to be dealt with appropriately in amending legislation at a later date, maybe with the overall review of the immigration Act as it stands

**MR COOK** Mr Speaker the section 13 reads that a person who intends to enter into or has entered Norfolk Island may make an application for a visitors permit a Temporary Entry Permit or a General Entry Permit. Then this subsection (1) is extended as in clause 5 provides that a prescribed person shall not travel to or enter into Norfolk Island to make such application. I have received advise particularly from the Legal Service and the Legislative Council and it has been made as tight as possibly it can be made the question of somebody arriving here by boat or by air and saying that they have a right under section 13(1) to enter Norfolk Island to make an application for a visitors permit. In other words they have that right given to them by the Act so what we are more or less saying is well look, you don't that that right. Get your Australian visa and then you can come and make your application because as soon as you get your Australian visa you are no longer a prescribed persons

**MR GARDNER** Thank you Mr Speaker I certainly didn't mean to make an issue of that. The fact is that all too often people make applications for things and there is nothing to govern or determine a timeframe for when those applications must be dealt with. I think it is something that is overlooked too often

**MR COOK** Mr Speaker I'm sorry. May I say I misunderstood...

**SPEAER** Order Mr Cook. Mr Gardner has the floor

**MR GARDNER** However, just if I may refer back to the explanatory memorandum for the amendment bill, one of the dot points there says that section 5 prevents prescribed persons from entering Norfolk Island until they have first made application for an entry permit. I don't see anywhere that that prevents a person entering Norfolk Island after they have made that application. For example, a whole lot of boat people might mail in a whole lot of applications to the immigration officer on Norfolk Island and then suddenly turn up in a boat. They have made the application so they've done the right thing. It might sound silly. It might sound stupid, but if we are going to do it, let's do it properly

**MR COOK** Mr Speaker I'm really just trying to think of an adequate and proper reply. I don't wish to pass over Minister Gardner's concerns lightly. I've certainly taken advise on what he has said. These matters if they have to be attended to it would be unfortunate indeed if the main thrust of the Act was somehow lost from this situation and I hope he will accept that I've taken on board what he has said and will give every consideration to what may be necessary if it is necessary to cover that situation

**MR WALKER** Thank you Mr Speaker Mr Gardner touched on the fact that there didn't appear to be any debate on anything other than the visa situation.

I'm been sitting quietly because I spoke at some length about section 6 which talks about subsection 13(2) at a previous debate and I'm still not comfortable. I spoke at that time that I agreed with the thrust of what it was trying to do but I'm still not comfortable that we will be able to work with this piece of legislation if it is passed today and I pointed this out to the Minister at the time that there are implications here that we would contravene the discrimination Acts of other countries when advertising for staff if we have to put conditions in there that are contrary to their rules and regulations and so therefore this would become almost unworkable in my mind

MR COOK Mr Speaker through you in response to Mr Walker. The situation about requiring somebody who is either from Australia or New Zealand or is a non Australian or non New Zealand citizen, or whoever it might be who wants to apply for a permit to remain on Norfolk Island to have available a police clearance is a requirement of our law. It's not a condition which is laid down by the employer. It is a requirement that such persons who apply for permits to remain shall be equipped with a police clearance. Now we have been dealing with visa amendments of non Australian and non New Zealand citizens and this of course is part of an Act which is intended to relate to the general matters and concerns of persons of desirable character coming into Norfolk Island. Persons who would be regarded by the community as being fit and proper to live among them and if the situation of requirement of a police clearance form is laid down by the law I can't see with great respect to Mr Walker, how that goes against anti discrimination laws insofar as any particular advertising of employment conditions might be. A person no doubt would be informed that if they are going to come and undertake employment then it is necessary for them to make an application and have available a police clearance form which are readily available without any great difficulty in certainly all parts of Australia and New Zealand

MR GARDNER Thank you Mr Speaker Just maybe to put the Minister's mind at rest, I certainly have no difficulty with the passage of this bill today. Certainly my endeavours today have only been to alert Members and also the listening public to areas which will need some attention. I don't think that they are areas of significance that in their own right should prevent the passage of this Bill

SPEAKER Further debate. Any further participation. Honourable Members we are at the stage of the motion that the bill be agreed to in principle and if there is no further debate I will put that motion to you

#### QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	NO
MR NOBBS	AYE
MR BATES	AYE
MR COOK	AYE
MR McCOY	AYE
MR GARDNER	AYE
MR WALKER	NO
MR SMITH	AYE
MR BROWN	NO

The result of voting Honourable Members is the ayes 6 the noes 3 the ayes have it. We move to the detail stage. Mr Cook at the last sitting you foreshadowed detail stage amendments. Those were dated the 13<sup>th</sup> September. Mr Cook

MR COOK Mr Speaker I move that the detail stage amendments dated 13<sup>th</sup> September be taken as read and agreed to as a whole. Might I also ask your leave and the leave of the House to add two amendments which are entirely cosmetic

and I assure you this to be the case. In the bill itself in clause 6 under the heading Repeal on Substitution, it says subsection 13(2). Mr Speaker what I wanted to add after the words subsection 13(2) is "of the principle Act". I think the Draftsman has carried on from 5 where it refers to subsection 13(1) and then referred to subsection 13(2) so I ask that I have that opportunity to include that as a detail stage amendment and I have noticed that in the detail stage amendments I brought forward on the 13<sup>th</sup> September on the second page under Savings, it had the figure eight and that clearly should be the figure nine because the words above clearly referred to clause 9 so I ask that the figure nine be substituted for figure eight

SPEAKER Thank you. Leave is granted for those amendments to be made

MR COOK Mr Speaker thank you. I don't think it would serve any useful purpose for me to speak at any further length on these detail stage amendments. I think they've been before everybody for sufficient time for them to take them into consideration as part of the whole Act that has been in principle agreed to by the House

SPEAKER Thank you. Honourable Members is there any further debate before I put the question that the amendments be agreed to

QUESTION PUT  
AGREED  
MR BROWN ABSTAIN

Those amendments are agreed. Honourable Members could I ask you whether the clauses as amended are agreed to

QUESTION PUT  
AGREED  
MR BROWN ABSTAIN

Those clauses as amended are agreed to

The next question Honourable Members is that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED  
MR BROWN ABSTAIN

The remainder of the Bill is agreed to thank you

I now look for a final formal motion please

MR COOK Mr Speaker I move that the Bill as amended be agreed to

MR SPEAKER Thank you. Is there any further debate.

MR COOK I don't wish to put anything further to the House

SPEAKER Thank you. Any final debate from Honourable Members. I put the final question that the Bill as amended be agreed to

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	NO
MR NOBBS	AYE
MR BATES	AYE



SPEAKER Leave is granted Thank you Mr Walker. Further debate Honourable Members in this adjournment debate. If there is no further participation then I put to you the question that the House do now adjourn.

QUESTION PUT  
AGREED.

This House stands adjourned until Wednesday the 15<sup>th</sup> November, 2000 at 10.00 am.

