has seemed to me once or twice in the past that the charges in our scale for copies of Bills and laws seem to me to be pretty high and if this is done on a per page basis, it is a big thick Bill and it might cost $20 or something, I do not know, and I hope that copies could be made available for borrowing by people who want to have a look but do not want to spend the $20, I hope that is the case.

MR. CHAIRMAN: Thank you Mr. Howard. Further debate Honourable Members. Mr. Quintal.

MR. QUINTAL: I would just like to say that my copy would be made available to anyone who wants to have a look at it.

MR. CHAIRMAN: Thank you. Miss Buffett.

MISS BUFFETT: Mr. Chairman It does not matter to me whether there are copies printed for loan, but I would think when we want a copy say of people who are enrolled and copies of Acts we can purchase them and then if there are any alterations to this Act well I should imagine the pages that would be altered probably would be of a very nominal charge, it does not really matter.

MR. CHAIRMAN: Further debate Honourable Members. Mr. Jackson.

MR. JACKSON: Mr. Chairman, this Road Traffic Bill lay on the table in the First Assembly and it met with a lot of discussion, it was introduced by Mr. Duncan McIntyre, it was discussed within the community and I myself showed reservations to certain sections of the Bill and I still do. The Bill itself as it stands now is word for word to the previous Bill that was introduced into the House, the only difference with the Bill now is that some penalties have been reduced, which I support and I am very pleased to see that some of the penalties have been reduced. However the main objection that I had to this Bill was section 32 which stated that if the Police apprehended anyone under the influence they could be put away for the night or the whole day without any redress. In the event of the Police apprehending anyone and they say that in their opinion he or she is under the
influence, there is no provision in this Bill for the apprehending Constable to take that person to be tested, even if the offender requests it. Now if someone is apprehended and the Police say that in their opinion that person is under the influence and they are locked away in a cell for the night, by the next morning all evidence has disappeared, it is only his word then against the Police.

Before Dr. Alan King left the Island I was so concerned about this section that I had a long discussion with him. Dr. King also thought there should be some means of certification, whether it is a blood test or a urine test, and please do not think that I would want to introduce a breathalyser test because that is not in my mind, but I do believe that we have facilities at the hospital where a test could be taken, whether it be a blood test or a urine test. Now perhaps if someone is apprehended they might not want a test, they might go quietly, but then again in our small close knit community, where differences sometimes occur, not only amongst ourselves and our fellow workers and our fellow Assembly men, but they also occur sometimes with the Police. I think it is only just and right that there should be provisions in this Bill where any person apprehended under the clauses that exist in section 32 should have the right, on request, to be tested at the hospital.

The other section that I oppose is section 38 which means that it would be compulsory for motor cyclists to wear safety helmets. Now we know on the Island that just introducing laws to compel someone to do something is perhaps not in the best interests, but encourage people by all means. I notice of late people on motor cycles wearing helmets and this is through education and encouragement for their best interests perhaps by their parents. We also see now where children riding horses along the banks are also wearing safety helmets, children going to school are also wearing safety helmets. There is no compulsion written into this Bill to force those children to wear a helmet on a push bike or to force the kids to wear helmets while riding horses so I cannot see why we should with our speed limit, force the cyclists to wear helmets - encourage it by all means but do not force it.

I therefore come to the other section which I oppose and have differences with, and that is section 39 in the Bill. Section 39
states that you must wear protective footwear. Well goodness what is protective footwear - laceup jackboots or what. I know that things should be outlawed but if anyone wants to go to the beach or go up the road and perhaps get a loaf of bread, they have to rig themselves up, put on their safety helmet and get their boots out of the garage and put them on before they can drive up to B.P.'s or any other shop to get some groceries. Once again I say encourage it by all means.

We were fortunate when the Chief Magistrate from Canberra was on Norfolk the President arranged for Members to have discussions with him, Mr. Hermes I believe his name was, and it was a very informative discussion, and I raised these three particular questions as well as others, with Mr. Hermes, and he was of the opinion himself on the main item that I raised with him that there is no provision in the Bill for the apprehending Police Officer to take anyone to the hospital. Well from my observations of the Chief Magistrate I think he was shocked and he himself believes that there should be such provisions in this Bill. As I have indicated earlier, someone may not want to go but it is the right of the individual that I am concerned with, he or she has the right to ask to be taken for a test, because after all I do not think any Police Officer on Norfolk Island has had any medical experience to certify anyone who he considers to be under the influence, so therefore that is one of the main objections I have with the Bill.

If we are going to introduce some of these penalties written in the Bill such as safety helmets and footwear and others, I notice in the Bill there are no provisions perhaps to be inflicted on the adults of the Island. Perhaps it should be written into the Bill that there should be safety belts worn. Now can anyone tell me the difference on the mainland between wearing a helmet or a safety belt. If you get caught without your safety belt on the statistics show that there has been just as many deaths attributed to people not wearing safety belts. Now is it that penalties in this Bill when it was drafted in the first place, were only directed to the youth and the elders go scott free. It is not as if I am advocating that there should be safety belts but why impose penalties on the youngsters of Norfolk Island when there are no penalties of the same character being proposed for the adults.

Mr. Chairman I raise those views so that the public can hear them
and I cannot see why simple provisions cannot be written into it so that instead of being thrown into a cell for the night you could be taken at your request to the hospital and tested because as far as I can see, and I spoke to Dr. Alan King, there are provisions at the hospital for them to carry out such tests.

Thank you Mr. Chairman.

MR. CHAIRMAN: Thank you Mr. Jackson. Miss Buffett.

MISS BUFFETT: Thank you Mr. Chairman. I wish to fully support Mr. Jackson's comments on section 32 of the Bill. I support him wholeheartedly there. There are instances where people can suffer from sicknesses that appear to be very much as if they were intoxicated, diabetics for one carry a card to say that if they appear to be intoxicated they are in the throes of a diabetic coma sort of thing. This kind of thing can happen so it could be quite embarrassing if a person were imprisoned or penalised for something of which they were quite innocent, not only that, for all the other points I support Mr. Jackson's comments regarding section 32 particularly.

MR. CHAIRMAN: Thank you Miss Buffett. Further debate Honourable Members.

Will a Member move the adjournment of the debate.

Debate (on motion by Mr. Buffett) adjourned.

Resumption of debate made an order of the day for the next sitting.

COMPANIES (LOCAL COMPANIES) BILL 1982

MR. CHAIRMAN: Notice No. 10. Mr. Buffett.

MR. BUFFETT: Mr. Chairman I present the Companies (Local Companies) Bill 1982 and I move that the Bill be agreed to in principle.

MR. CHAIRMAN: The question is that the Bill be agreed to in principle. Mr. Buffett.
MR. BUFFETT: Mr. Chairman the Companies Ordinance 1926 makes provision for companies to seek to be approved by the Registrar of Companies as a local company in respect of any year in which it files an annual return, and the conferment of local company status has the following consequences for a company. First of all it pays a filing fee of $55 on the filing of its annual return rather than a fee of $325; and secondly it becomes exempt from the absentee landowners levy regardless of what business it carries on. Basically the requirements for local company status are as follows. The company must be formed under part 1 of the New South Wales Companies Act as it applies in Norfolk Island and the company must be carrying on business in Norfolk Island and must be engaged principally in a specified activity, and the central management and control of the company must also be in Norfolk Island and the voting control of the company must be exercised by residents of Norfolk Island, resident meaning in this legislation, ordinarily resident. The legislative intention of these provisions is that truly local corporate concerns should avoid the payment of large filing fees and also absentee landowners levy. This provision is capable of being circumvented under the present arrangements by device of appointing resident nominee shareholders who have no real interest in the assets of the company but who on the face of the company's records have voting control.

This Bill requires a company seeking local company status to lodge with the Registrar documents in support of its application and these documents are to be prescribed within the legislation. The documents to be prescribed will be documents necessary to enable the Registrar to determine whether local company status is really established. It is anticipated that this will include a statement by each shareholder as to the existence of any Trust or any other arrangement effecting his beneficial interest in his shareholdings, of effecting his right to vote in the company's affairs and a statement by each Director as to the exercise of any agreement effecting the free exercise of his discretion in the management of the company. It is hoped Mr. Chairman that this amending legislation will prevent any circumvention of the existing legislation.

MR. CHAIRMAN: Thank you Mr. Buffett. Further debate Honourable
Members. Mr. Howard.

MR. HOWARD: Thank you. I think the Bill is another nail in the coffin of the old tax haven and I am delighted to see it and I am going to support it fully.

MR. CHAIRMAN: Thank you. Mr. Brown.

MR. BROWN: I support the Bill.

MR. CHAIRMAN: Thank you. Mr. Jackson.

MR. JACKSON: I am glad to hear that local company status will be able to be defined and then once and for all perhaps we can say that our Island is not contributing to the scheme operating in Australia and elsewhere but we can say we are raising our revenue through means of our own.

MR. CHAIRMAN: Further debate Honourable Members. Will a Member move the adjournment of the debate.

Debate (on motion by Mr. Howard) adjourned.
Resumption of debate made an order of the day for the next sitting.

COURT OF PETTY SESSIONS (AMENDMENT) BILL 1982

MR. CHAIRMAN: Notice No. 11. Mr. Buffett.

MR. BUFFETT: Mr. Chairman I present the Court of Petty Sessions (Amendment) Bill 1982 being a Bill for an Act to amend the Court of Petty Sessions Ordinance 1960, and I move that the Bill be agreed to in principle.

MR. CHAIRMAN: The question is that the Bill be agreed to in principle. Mr. Buffett.
MR. BUFFETT: Mr. Chairman as the Court of Petty Sessions Ordinance now stands a defendant has 10 days to enter a defence to a default summons, that is a summons for a debt or liquidation claim. If a defence is filed the action is to be set down for trial at such sittings as the Chief Magistrate directs. Now in fact as the Chief Magistrate is based in Canberra, and we just had a visit from him within recent times, about a month and a bit ago now, Mr. Hermes, and in fact Mr. Jackson referred to him in debate on an earlier matter, and as he does not live in the Island but in fact is based in Canberra, the procedure that I have mentioned is really now followed. What really happens is that the Clerk of the Court sets down a defended matter for hearing at the next sittings of the Court and usually without reference to the Chief Magistrate who is located in Canberra, and in practice the present system works well and is the most logical and convenient method of setting down defended claims for hearing and it is considered that the Ordinance should be amended so as to give statutory effect to this present practice and that basically is what the Bill defines Mr. Chairman, and I commend the Bill to the House on that basis. A short amendment but an important one.

MR. CHAIRMAN: Debate Honourable Members. Will a Member move the adjournment of the debate.

Debate (on motion by Mr. Sanders) adjourned.

Resumption of debate made an order of the day for the next sitting.

TIMBER LICENCES (AMENDMENT) BILL 1982

MR. CHAIRMAN: Notice No. 12. Mr. Buffett.

MR. BUFFETT: Mr. Chairman I present the Timber Licences (Amendment) Bill 1982 and I move that the Bill be agreed to in principle.

MR. CHAIRMAN: The question is that the Bill be agreed to in principle. Mr. Buffett.

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MR. BUFFETT: Mr. Chairman this again is a short amendment but quite an important one. Under the present arrangements licences can be granted for the collection of pine seed on Crown land and of course such licences are granted and people do make such collections. In earlier times the principal collections has been on Crown land that is basically in a Reserve situation and not Crown land that in fact is leased to individual persons, but in fact the legislation does cover that sort of circumstances, in other words if a licence is granted it can be interpreted on the basis that it allows persons to go on Crown land that is already leased to individuals. Now the provision of this piece of legislation makes an amendment that not only must you have written authority from the appropriate authority to collect pine seeds from Crown land but if it happens to be a piece of Crown land that is leased to an individual you also need to have the approval of the lessee, the person who holds the Crown lease, and that is the purpose of the intention, to correct an anomalous situation that really has only started to come forward in recent years when persons have really widened their activities to sometimes collect from private, not really private, it is Crown land still but held by a private individual, and sometimes it has been without the consent of the lessee and this is a difficulty that this will remedy.

MR. CHAIRMAN: Thank you Mr. Buffett. Debate Honourable Members. Mr. Howard.

MR. HOWARD: Could I ask if anyone knows whether there is a penalty in the law as it stands now for collecting pine seed illegally.

MR. CHAIRMAN: Mr. Buffett.

MR. BUFFETT: I have not got the original piece of legislation in front of me Mr. Chairman and so I am not able to answer that. If the green book is available it might come to light fairly readily.

MR. CHAIRMAN: The answer to your question Mr. Howard is $30 I am told.

MR. HOWARD: Thank you.
MR. CHAIRMAN: Mr. Quintal.

MR. QUINTAL: I feel that this Bill is a very good one because it does protect the owners of leasehold property. In the past at times you could see persons coming into your own paddock and picking up seeds without permission and I do not think that is very fair. There is another matter also regarding pines, it seems to me that the Forestry Officer has the right to direct any sawmill owners to cut a pine on a leasehold property and I think there should be some provision to protect the owners of a government lease because I feel that the person who has paid lease on their property should have the first and last say of who should have the pine trees on a government leasehold property, and not a sawmiller just coming in and cutting the trees without the authority of the owner, and I would like if there is no Ordinance to cover this situation, I would like to see a further amendment at a later date.

MR. CHAIRMAN: Thank you Mr. Quintal. Further debate Honourable Members.

MR. QUINTAL: I will find out if that is covered by the Ordinance.

MR. CHAIRMAN: Any further debate Honourable Members. Will a Member move the adjournment of the debate.

Debate (on motion by Mr. Sanders) adjourned.

Resumption of debate made an order of the day for the next sitting.

BUILDING (AMENDMENT) BILL 1982

MR. CHAIRMAN: Notice No.13. Mr. Sanders.

MR. SANDERS: Mr. Chairman I present the Building (Amendment) Bill 1982. I move that the Bill be agreed to in principle.
MR. CHAIRMAN: The question is Honourable Members that the Bill be agreed to in principle. Mr. Sanders.

MR. SANDERS: Mr. Chairman, the purpose of this amendment Bill is to establish the right of the persons who are not only building but the persons who live next door or in the same street. It would prevent unsightly buildings being erected in unsuitable areas; it would prevent persons like myself who live on rural land from building my pigsty on the boundary with my neighbour who operates a guest house. It is not intended to hassle or cause obstructions. There would be no automatic exemptions which would allow a person to build a garage and then when nobody is looking turn it into accommodation. It would eradicate the confusion which arises when a building is started and then the builder claims he did not know he should not have commenced without approval. The Executive Member by notice in the Gazette may make exemptions such as a house may be built on a certain section of land if the land is so big and the house is going to be single storey and is going to be so far from the boundaries. It is obviously desirable to have the whole Ordinance rewritten but this amendment would, if passed, give the first step in Island planning which would give some measure of control in the interim. It would stop the abuse of privilege and I ask all Members as responsible persons to support this Bill.

MR. CHAIRMAN: Thank you Mr. Sanders. Any debate Honourable Members. Mr. Buffett.

MR. BUFFETT: Mr. Chairman the Bill that has been presented at this time is one that I should say strikes at one of the basic traditional aspects of Norfolk Island and that really is being able to build on ones freehold property in the Island. I know that this is one of the traditional things as I have said but I do know however that there are considerable changes that have happened in the community over a number of years and we are finding ourselves in probably more difficult situations as far as building in Norfolk Island is concerned. I think that maybe there will come a time when we need to have some restriction additional to that that exists at present but I think if we are to have that it can only be in the context of an overall plan
being demonstrated to be beneficial to the Island, and I think that overall plan has got to be demonstrated in this House and demonstrated to the community at large. Nobody has shown me at this time what is going to be the overall plan as far as building in Norfolk Island is concerned, nobody is able to demonstrate to me in clear and concrete terms why there should be a restriction in areas a, b and c. The only area that has been demonstrated to me that there should be restriction is in the Kingston and Arthur's Vale area, and I accept that, it has been examined and it has been looked at with great scrutiny and I can accept that but I cannot relate that that has got to extend totally to all of Norfolk Island, it has not been demonstrated to me at this time and I think it needs to be demonstrated not only to me and to other Members but to the community at large and until that can be done I would not find it acceptable to place a blanket arrangement on the total Island in respect of buildings, as I have said it is one of those traditional things and before you just put tradition aside, and it is something that effects most families here, I think you have got to have very good reason and be able to demonstrate and show and explain that reason, I do not think it is good enough to just quote one or two examples that may have happened in recent times may have even happened in recent months, I do not think it is good enough to say just because that happened to a couple of people in a couple of areas that you have got to penalise the total Island in taking away one of these traditional aspects, and that is how I view it at this moment.

MR. CHAIRMAN: Thank you Mr. Buffett. Further debate Honourable Members. Mrs. Gray.

MRS. GRAY: I would suggest that the reason no-one can show you a plan - to Mr. Buffett - is that no-one has done anything about it in the past and this Bill is surely an attempt to prevent further abuse of what has until now been a privilege. I would intend to follow the formula suggested earlier at the meeting, if the Executive Member responsible agrees that the motion does not contravene proposed legislation or policy I should support it. Norfolk has been developing along lines which may generally be termed unsightly for too long and if
some of this can be curbed by attention to detail I am all for it. We have had an increase of cases which abuse the privileges of freedom in the area of building and construction and this is a recommendation which should safeguard the attraction or the appearance of Norfolk Island both for its inhabitants and its visitors. I certainly support it Mr. Chairman.

MR. CHAIRMAN: Thank you Mrs. Gray. Further debate. Mr. Howard.

MR. HOWARD: There are two levels on which I worry about the Bill. The first one is the one Mr. Buffett was talking about, whether we should control building of residences on freehold property. I do not think I favour that, I am not sure, I think it is something that ought to be debated. I think the Building Board has come to the point where the majority of members of the Board think the time has come where we do need to control private residences as well as other kinds of buildings. I am quite happy to hear that debated. I think I lean away from it but I think it is something that we need to talk about. On a quite different level I have a concern about the part of the Bill that Mr. Sanders has moved which puts the teeth into it which says that the Executive Member may by notice published in the gazette, declare certain things. I think that puts too much power in the hands of the Executive Member. If one man even though he is an Executive Member can simply by putting something in the gazette alter people's ability to use their freehold land, I think that is too much power in one man's hands. I would like to see if it is necessary that we begin controlling residential building on freehold land, I think if that is necessary we want to make sure that the ground rules are in the first place clear before we vote on a Bill like this, I would like to know what that gazette notice is going to say before we make it possible and secondly I would like see it required to have more than the support of just one Executive Member, I would like to see the sort of conditions proposed there go through the House for example before being allowed to be gazetted. I am nervous about the idea of one Executive Member being able to point his finger at the gazette and say bang people cannot do that anymore.
MR. CHAIRMAN: Further debate Honourable Members. Mr. Sanders.

MR. SANDERS: I would just like to speak on one point that Mr. Howard has just made about all this power in the hands of one Executive Member. I would like to remind Mr. Howard that the Executive Member — any of the three — cannot do as you please because if any of you three get naughty there is six of us who will throw you out.

MR. CHAIRMAN: Mr. Quintal.

MR. QUINTAL: Mr. Chairman this matter has been in the minds not only of this Assembly but it was dealt with by the Advisory Council many years ago and I would like to give it further thought. I do realise that there has been some shocking buildings put up in the past and I do know that a person can have one of the worst pigstys on the Island alongside his neighbour who might have a nice property and a nice home, I suppose a person who is in that situation could get rid of the pigs as a public nuisance part of the system. I do think though that with freehold property the freehold property on Norfolk Island was created by grants that were given to the people of the Island, Pitcairn descendants, in 1856. The grants were 50 acres and 26 acres of land and I am beginning to wonder whether it would be a good idea to introduce a Bill like this or not. I will need time to think about it before I make up my mind on the matter.

MR. CHAIRMAN: Thank you Mr. Quintal. Mr. Jackson.

MR. JACKSON: Mr. Chairman this Bill as far as I am concerned is interfering and is trespassing on one of the dearest things of the people of Norfolk Island, on what they call their own, their freehold land. Here is a Bill to reintroduce contentious attitudes that were on the Island when the Kingston and Arthur's Vale area was declared a designated area. Here is a Bill to say that the whole of the Island will be a designated area, freehold land and all, for the purposes of building. Now to me I cannot accept that. As Mr. Buffett said, it is one of our old traditions and we have certainly seen some of those disappear, they are rapidly eroding away. I consider that at present
there is enough building control. The Building Board has control over all buildings on Crown lease land, they have control over commercial buildings, they have control over apartments, tourist apartments. To say that everyone who wishes to put up a dwelling whether they have the necessary finance to finish it or not, should have approval, they might build and add on and add on and add on but that is their prerogative. I would also like to see a plan set down because this Bill when it is introduced no matter what you attempt to build on your land you will have to submit a plan, so I cannot support it. Mrs. Gray has said we have had this privilege for too long, well let me answer Mrs. Gray, I hope this privilege will last a bit longer for our people to build on their land, until it comes the time when it is proved that it is needed, that a Bill of this nature is needed, and up until now it has not been proved that it is needed. It is true that someone might have stepped out of line recently and built something that is an eyesore or built a stand to put a tank on which was an eyesore, well good gracious you are not going to cane the whole Island just for that. If one child plays up in class you are not going to get the whole class out front and give them a flogging. I do believe that these old traditions must be preserved until there is something more definite, a more defined plan to come before the Members here and to be presented to us to debate on what areas can be built on and what areas cannot be built on. I cannot see that someone living out at Simons Water would need to have a permit to build a dwelling out there. We have all the necessary permits from the airport right up to Middlegate, in all of that area you have got to have permission to build, you have got to have plans to build, so why extend it to the whole of the Island. Therefore Mr. Chairman this Bill does not have my approval.

MR. CHAIRMAN: Thank you Mr. Jackson. Further debate Honourable Members. Mr. Sanders.

MR. SANDERS: Mr. Chairman the words 'traditional rights' have been continually bandied around to do as we please with complete disregard for others. The so called traditions started some years ago when a group of men thinking as their rights stole a ship, they then sailed the ship to a small Island and again using their so called rights
they burnt the ship. The name of the vessel was H.M.S. Bounty.

MR. QUINTAL: Point of order Mr. Chairman. He is accusing us of stealing.

MR. CHAIRMAN: No point of order Mr. Quintal.

MR. SANDERS: Again using their rights, their traditional rights, they started killing each other. In 1856 descendants of these people, our forefathers, arrived on Norfolk Island and again using their traditional rights in the name of freedom, started to wreck all the old prisons. Now 135 years later in the name of progress we have nice homes, modern appliances, cars, electricity, tarsealed roads etc, and as you are all aware starting from yesterday, a modern airport. I find it incredible that there are still people who in the name of traditional rights would not help to prevent a slum town or diseases from bad sanitation, simply by having a small measure of control on what is going to be built where, on any given piece of land. I would like to remind all Members here today that the alternate word for freedom is not irresponsibility. I ask you all to support this amendment.

MR. CHAIRMAN: Thank you Mr. Sanders. Further debate. Mr. Buffett.

MR. BUFFETT: Mr. Chairman I must say with the greatest of respect to Mr. Sanders I take some exception to the fact that he might refer to the dignified, the beautiful, the well placed, the much admired Norfolk Island homes that exist on this Island which were built within the traditional arrangements, to put them in the category of, and I quote "slums", is quite inappropriate, and I think one of the best examples that can be taken as to the good results of tradition in this Island is to look at many of those Island homes that exist which were built within that context, I think they are one of the best examples that this Island can show as to how they have treated their traditional rights in this Island.

MR. CHAIRMAN: Thank you Mr. Buffett. Further debate. Mr. Sanders.
MR. SANDERS: I take objection to what Mr. Buffett has just said. I made no reference that the homes that we have here are slums; I said it was to prevent slums. There is nothing under the Ordinance as it stands for anybody to go and build whatever they like and indeed we would have one.

MR. CHAIRMAN: Further debate. Mr. Howard.

MR. HOWARD: I think there is a very valid point in what Mr. Buffett has said that there seems to be not just on Norfolk but in many parts of the world, a deterioration in the sense of personal pride and community responsibility and I think that is to be deeply regretted, I think whatever we can do to try to reverse that trend we ought to try to do on this Island, I think it is a pity that we have to try to legislate against it rather than trying to reverse the trend. I just wanted to express that bit of support.

MR. CHAIRMAN: Thank you Mr. Howard. Further debate. Mr. Sanders.

MR. SANDERS: Just one question if I could through you Mr. Chairman, to ask the Executive Member if he is going to support his Building Board. Mr. Brown.

MR. BROWN: I am keenly awaiting the reaction of the community to this Bill Honourable Members. It is a Bill which has the full support of the Building Board. The Building Board is not attempting to create again the situation which occurred in the Kingston and Arthur's Vale area when the erection of further buildings was basically prohibited. This is not a situation where we are attempting to prohibit the erection of further buildings, it is a situation where we are attempting to control what is going to be built and to control to an extent where it is going to be built, but it is not an attempt in any way to prevent a reasonable building from being erected. Unfortunately at the moment there is some doubt as to what control the Building Board does have in some areas and two very recent constructions in Grassy Road have been mentioned today in that regard. The Building
Board is anxious to ensure that if someone wants to build a house, it will be a house rather than something that looks far more like an aircraft hanger.

Mr. Jackson has made reference to a child playing up in class and he quite rightly wants to ensure that if one child plays up in class we do not bring the whole of the class out the front of the room to be caned, but sadly we do need, if we are to cane the child that plays up, to have some form of law to enable us to do that, and although I fully accept what has been said about basic rights in the past some of these rights by some people have been abused. Sadly as has been mentioned in this House within recent days, many Island families have sold their land, land that we hear they have great pride in and that they regard as their inheritance but nevertheless for whatever reason at times they choose to sell it or to subdivide it and sell part of it, sometimes shortly after that we see them driving a new car. It is undesirable to bring in a law which is not necessary but the Building Board does regard this as being a necessary law. As I said I keenly await the comment of the members of the community in relation to it and if the community supports this Bill and if the Building Board continues to support it, it will certainly be my intention to support it when the time comes to vote on it.

MR. CHAIRMAN: Thank you Mr. Brown. Miss Buffett.

MISS BUFFETT: Mr. Chairman I would like to put forward the view that I realise that it is desirable to have some form of control of those who are going to contravene privileged situations that we have here but we could I am sure come in at this problem through other angles. If there is to be prevention of a pigsty outside of a bedroom window or such, why not bring in a short law for the prevention of that. If you do not want a joinery shop outside of an accommodation house where guests want to sleep in in the mornings, probably there is the availability of resources to create a law for the prevention of that particular type of raucous noise within proximity of residences. For health reasons you could cover other matters, you could say you can build anything you want providing you do not interfere with this, that and the other with other people, and then you are not caning the whole
class, so it is worth giving some thought in that direction I think.

MR. CHAIRMAN: Thank you Miss Buffett. Any further debate Honourable Members. Will a Member move the adjournment of the debate.

Debate (on motion by Mr. Sanders) adjourned.

Resumption of debate made an order of the day for the next sitting.

ORDERS OF THE DAY

ACCESS TO ADMINISTRATION FILES

MR. CHAIRMAN: Order of the day No.1, Access to Administration Files. Mr. Jackson to resume. Mr. Jackson.

MR. JACKSON: Mr. Chairman I notice my name on the bottom of this notice paper.

Mr. Chairman I made my point quite clear at the last sitting that I do not support this motion. I see in this motion a much more deeper involvement in gaining access to files than what is written into this motion. I asked a question concerning files at the last sitting. The question was not answered. I was of the opinion that previous debate in this House resolved this issue and that any Member who wishes to gain further information for the purpose of carrying out his or her work programme, has only to approach the Chief Administrative Officer and the information sought will be made available to all Members. Now what is wrong with that. I cannot see anything wrong with that, approaching the Chief Administrative Officer seeking the necessary information that you need. I have sought information and advice through the Chief Administrative Officer and I am quite satisfied with those arrangements. Therefore Mr. Chairman I strongly oppose a motion which seeks to introduce legislation for the random perusal of confidential files. I do not support the motion.
MR. CHAIRMAN: Mr. Howard.

MR. HOWARD: Thank you. I think events in some ways have overtaken the motion. I think it may be well for the benefit of people who are listening if I read the motion out which was originally made I think by Mr. Sanders. He moved "That this House, being of the opinion that Members need to have, for the purpose of carrying out the functions for which they were elected, full knowledge of all activities of the Administration, directs the Executive Member to take such action as may be necessary, including, if appropriate, the promotion of legislation, to secure to Members access to the files of the Administration, subject to such limitations as to confidentiality as may be reasonable".

This is a matter that the Executive Members have spent a great deal of time on, including the seeking of an outside legal opinion, and all Members may not be aware that the matter I think has been pretty well resolved and I would like to quote from the minutes of the meeting of the Executive Committee of 26 April - "on this question it was agreed by the Executive Committee as policy that files should be withheld from Executive Members only under the following three circumstances: (1) the file does not relate to an appropriate area of executive authority; (2) the file is the property of a statutory body including the Commonwealth that has directed the Chief Administrative Officer not to make the file available; or (3) the Chief Administrative Officer states his belief that the file is being requested for a purpose other than proper exercise of executive authority".

My own feeling is that those three conditions under which a file might be withheld from an Executive Member, are all quite reasonable, I do not object to any of those. The Executive Committee minute ends with the statement "The Chief Administrative Officer expressed his agreement with this policy".

There is now no longer any question that when an Executive Member asks for a file that has to do with his area of executive authority and if he needs it for proper governmental reasons and no-one can state a belief to the contrary, and unless the file belongs to somebody else who has put wraps around it, the Executive Member gets the file and that is the beginning and the end of it. The lack of agreement, that
difference in points of view about files that existed some time ago, now seems to me to be gone. That does not deal with the question of the ability of an MLA, a Member of the Assembly who is not an Executive Member, to ask for a file, and the situation at the moment is that Executive Members may ask for and shall be given files except under those very rare exceptions that I referred to. If an MLA wants to see a file it appears to me that the MLA's access to the file is to ask one of the Executive Members if he may please see the file, once a file has been given to an Executive Member under proper circumstances it is then in the custody of that Executive Member and it is left to his discretion to use it in ways that he thinks are proper government and he may use it as he sees fit in the proper governing of the Island, and it is perfectly clear to me that in many circumstances that would include handing the file, showing it to any Member of the Assembly who has reason for wanting to see it. So I think what appeared to be a very serious problem, hampering our ability to find out what the state of the play was on many matters, I think the situation has been pretty well resolved. I would like to say in addition simply that the Executive Committee in its discussions on this, turned out in the end to have quite strong support as far as I could tell, from the Administrator and from the Department of Home Affairs. The Administrator informed us that the attitude of the Department of Home Affairs was that while files before 1979, files up until this Assembly was created, are the property of the Commonwealth, they do not see how on earth we could govern the place unless we had access to those files and they saw no reason in the world to lay down any law or ruling against our having access to them, so I think the serious problem that existed has been pretty well resolved.

MR. CHAIRMAN: Thank you Mr. Howard. Further debate Honourable Members. Miss Buffett.

MISS BUFFETT: I am perfectly satisfied with the resolution by the three Executive Members Mr. Chairman on the matter of files. I have had no problems with enquiries that I have had to make in my work regarding Assembly. I feel that the matter is now resolved and would hope that it is.
MR. CHAIRMAN: Thank you Miss Buffett. Mr. Sanders.

MR. SANDERS: As I understand it the matter is resolved. I feel that if any Executive went out of his way to put excessive obstacles in the way that I would lobby amongst the other six to remove the Executive.

MR. HOWARD: Mr. Chairman I simply wanted to make the additional point that Mr. Sanders original motion, which I think was a valid and important and useful and helpful motion a month ago when it was put, the motion says that if legislation were necessary that should be pursued, and I do not think at this point that any legislation is necessary.

MR. CHAIRMAN: Thank you Mr. Howard. Mr. Sanders.

MR. SANDERS: It was my original motion and I agree with Mr. Howard.

MR. CHAIRMAN: Further debate Honourable Members.

MR. JACKSON: I move that the question be put.

MR. CHAIRMAN: The question is that the question be put.

Question - put
Motion agreed to unanimously

MR. CHAIRMAN: There being no further debate the question is that the motion be agreed.

Question - put
Motion agreed to unanimously.

PUBLIC SERVICE (AMENDMENT) BILL 1982

MR. CHAIRMAN: Order of the day No.2. Public Service (Amendment) Bill 1982. Mr. Howard to resume.
MR. HOWARD: Yes I have the call I think Mr. Chairman.

This is the second meeting on which we have considered this Bill which was introduced by Mr. Sanders at our April meeting. The object of the Bill is to increase the number of members on the Public Service Board. The proposal is that additions be made to the Public Service Ordinance which shall provide that there be not 3 but 5 members, the 2 additional members being what this Bill refers to as independent Board members. It is the intention of the Bill that the independent 2 Board members would be appointed by the Administrator on the recommendation of the Legislative Assembly. It also provides several other things including the fact that a person is not eligible to be appointed to be an independent Board member if he is an officer or employee of the Administration or of the Commonwealth, or if he is a Member of the Legislative Assembly. As I understand Mr. Sanders' intention in bringing this Bill it was to enlarge and enhance the ability of the Public Service Board to take a broad view of the serious questions that it is dealing with. My understanding is that in Australia most Public Service Boards as a matter of fact have almost entirely independent members and that as a rule the number of members of the Public Service or people associated with the Public Service in a Public Service Board is a very small minority. I think it would be a very helpful thing for the Island to have 2 members of the community experienced in management of organisations, experienced in economics, in financial matters, sitting with the Public Service Board adding their experience and judgement to the wisdom of the Board's conclusions. I think it would be an excellent move. I am under the impression that the Department of Home Affairs, the Commonwealth, will have no objection to such a Bill. It is one that I believe will require assent by the Governor-General but my impression is that the Commonwealth thinks this is a good idea too and I certainly strongly support it.

MR. CHAIRMAN: Thank you Mr. Howard. Further debate. Mr. Buffett.

MR. BUFFETT: Mr. Chairman, if there are ways of improving anything, including the Public Service Board, I think there is great merit in such an examination of that. My view about the proposal at this time is this, that within the next couple of weeks we are going to have a
visit by the Minister. Mr. Howard has already mentioned that this is a matter with which one needs to have assent by the Governor-General. Now this means that in going to the Governor-General it needs to go to the Minister and I am coming to the opinion that there may be some value in having some discussion with the Minister about this particular matter and the matter of the Public Service Board generally before we actually finalise it. We then have the opportunity of some discussion, maybe to-ing and fro-ing or whatever and to hear each others thoughts before we go firm on the matter. If we go firm on the matter now it needs to go through the formal machinery and then needs to come back, if that is the case, it might be approved, I am not saying, but it does not offer the chance of some informal discussion on the matter, and I would be of a view that we might have that discussion with the Minister and on that basis I would like to wait before we finalise the Bill and I would be happy at some time to propose that we leave it until the next sitting so that might happen, then we can consider it in light of those discussions.

MR. CHAIRMAN: Thank you Mr. Buffett. Further debate. Mr. Sanders.

MR. SANDERS: The Public Service is there to serve the public and yet approximately 80% of that public is not represented on the Public Service Board. That 80% of the people also help to provide the public money and should have some say in its spending. Two more persons representing the other 80% of electors is not excessive. I again would like this amendment to be upheld by this Assembly.

MR. CHAIRMAN: Is there any further debate. Mr. Buffett.

MR. BUFFETT: Mr. Chairman I acknowledge what Mr. Sanders is saying about 80%, what I was really referring to was the practicalities of the fact that it has got to go through the Minister's office, and I am saying there may be value in having some informal discussion before we channel it through his office so that we have either got him on side or we know his views or whatever in respect of this matter, and on that basis I would propose that we leave it until we have had a talk with
him, and on that basis I would move an adjournment of it until we have.

MR. CHAIRMAN: The question is that the Bill be adjourned.

MR. HOWARD: Was such a motion put, I do not think it was. Did Mr. Buffett move it.

MR. BUFFETT: Yes, if that was not clear I am happy to make it clear Mr. Chairman, I am sorry if I did not make it clear.

MR. CHAIRMAN: The question is that the Bill be adjourned.

Question - put
The House voted -

AYES, 5
Mr. Buffett
Mr. Christian-Bailey
Mrs. Gray
Miss Buffett
Mr. Jackson

NOES, 4
Mr. Howard
Mr. Brown
Mr. Quintal
Mr. Sanders

Motion agreed

Debate (on motion by Mr. Buffett) adjourned

Resumption of debate made an order of the day for the next sitting.

NOTICES Cont'd.

CHAMBER OF COMMERCE SUBMISSION ON CUSTOMS DUTY


MISS BUFFETT: Thank you. Mr. Chairman I move that the submission
by the Norfolk Island Chamber of Commerce in respect of customs duty be considered and noted.

I present this motion in order to encourage as much community involvement in the matter of customs tariff review as possible. Since I gave notice of this motion to the Assembly Clerk more submissions have been received by some Members, I do not know whether by all Members, and I see that Mrs. Gray intends moving an amendment to include them in this discussion and notation, an amendment which readily receives my full support.

I wish to table the review of the customs tariff, May 1982, submitted by the Chamber of Commerce and also letters from them which I shall read if I may so that nothing is taken out of context and there can be no misconstruction or misunderstanding of what they say - is it alright to read them.

I will need to refer to some items from the submission and I will ask you to bear with the fact that the Chamber of Commerce has given a choice of three types of imposition of customs tariff. I cannot say that I agree with them, I cannot possibly agree to the imposition of customs tariff any further on food and petrol because I think it strikes at the people with families and already on low incomes or set incomes that do not allow for much play there. So I will bring forth the main points of the review. In one case they wish to exempt goods solely imported for official use, Commonwealth imports, medical equipment and medical supplies for use in the Norfolk Island Hospital, drugs for dispensing on prescription, wheelchairs and medical aides for disabled people etc, parcel gifts, quite a few things, solar hot water heaters which encourages the use of natural resources. Then in Schedule 2 I see motor vehicles 15%, benzine and motor petrol 15% which would rather flatten the community, confectionery including health food bars - the children will have to cough up more; carbonated soft drinks of course that will effect more than the children, that will effect the other purchasers which could effect tourists as well when they are on holidays; jewellery, cosmetics, perfumes and toiletries 10%; essential footstuffs some defined as 21¾%, all other foods and groceries 5%; all other imports except those listed in the exemption schedule 5%. Then in Schedule 3 the recommendation is 5% overall on the foodstuffs and grocery items with compensation by way of additional payments to pensioners of a whole $1.11 a week; 2½% on essential
foodstuffs and 5% on all other foodstuffs and grocery items with compensation by way of additional payment to pensioners whether they are on $50 a week or $500 a week the increase hits the person just the same in exactly the same amount in a big percentage to the small wage earner; essential foodstuffs free, 5% on all foodstuffs and grocery items. I noted then just looking through this submission the term essential foodstuffs. Essential foodstuffs to a man with a young family of varying ages from the crib to the school leaver has quite a different table set in front of him and a different type of larder to the pensioner or not necessarily a person in receipt of a pension but a person on a fixed income of a lower rate who does not have to be fed up on weetbix and totally different type foods to baby foods etc, so there would have to be a differentiation there. There has been a lot of work put into this but I feel that there are so many representatives from the community that the families are hit here hardest because one family wage sometimes feeds in excess of four mouths, with young families it is very seldom that you have the opportunity of two to earn a living because the mother is needed at home, and they are usually paying off a car or a home unless they are fortunate enough not to have either but a lot of people do and I feel that we cannot as a Government possibly consider the imposition of duty on food at all in any extension of the matters we have duty on now, and some of them I think should come off, and in a place where there is no public transport whatsoever I feel that if anything customs duty should not be increased on petrol and there should be an allowance for one car every so many years to a family exceeding four off the purchase price duty payable on a car. However I will come up with all those in weeks to come.

I will read this letter dated May 4 from the Chamber of Commerce with your indulgence:

"Dear Sirs, We attach for your consideration the Chamber of Commerce submission and recommendations in relation to the First Schedule of the Customs Ordinance as endorsed by a general meeting of the Chamber on Monday 3 May 1982. The submission deals with two major areas, (1) the long standing problem of tariff classifications and interpretations of the outdated 1913 Ordinance and the anomalies that the Ordinance presents in the 1980's. We believe the Chamber's
recommendations go a long way towards resolving these problems; (2) the more recent problem of decreasing tourist numbers, tourist spending and customs revenue. The Chamber's submission in removing the anomalies referred to above, has not done so by applying a flat rate of duty to all items. The review has looked at commodities individually in the light of what percentage of duty each commodity can reasonably bear, whilst allowing it to be competitive and attractive to the tourist, yet not placing too great a burden on the Island consumer.

Ideally, the Chamber would have liked a result of three rates of duty, a basic rate, a high rate and a low rate. Our findings did not raise a sum of revenue which we felt was reasonable for the Island needs, nor make any dramatic change in the price of many tourist goods. A fourth rate has been added after assessment of the items which would not bear the highest rate envisaged but could bear more than the basic rate. The Island's shopping image and the private enterprise section of the economy both are in urgent need of tangible assistance. Minor adjustments of tariff rates will not achieve this. It seems anomalous to recommend liquor as a free item whilst simultaneously recommending a duty on foods and groceries. In this regard Norfolk must make the decision as to where it earns its income, from tourists or from the residents" — I hate to add here that I do not know what Philatelic and the Bond have been doing over past years — "If Norfolk is to continue to rely almost solely on tourism for its economy it must nurture the tourist to the best of its ability, though not, of course, at unreasonable expense to the resident. The modest increases proposed in items that affect the residents are not seen to be unreasonable". It goes on to say "They are fair in that contribution is made on a "user pays" basis and is made by all sections of the community, including temporary entry and short term residents.

The ultimate situation would be to have the full advantage of a duty free port and the funds that would generate and circulate into the economy from such a status. If that is not to be, the Chamber requests the Government's earnest consideration of the attached submission which is based on the combined commercial judgment and working experience of the full range of the Chamber members".

The other letter written on 11 May 1982 says:

"Further to the submission lodged by the Chamber last week,
some Assembly Members have approached the Chamber with questions relating to the list of "sample baskets".

We appreciate their questions and the opportunity to elaborate. We had hoped to have discussions with you prior to any debate of the submission as a number of points need amplification due to our efforts to confine the submission to the findings of the Chamber.

The questions that have been raised with us to date are - 'how accurate are the sample baskets and are they indicative of the cost of living'. The sample baskets are just that - samples. They are not meant to be authoritative nor to imply that that amount per week is what people need to live. The lists are an average guide to basic items people buy on a regular basis which would be affected if a duty was applied to all goods and groceries, bearing in mind that some of the items listed are already dutiable. They do not include luxury items and do not allow for personal likes or quantities used. For instance, many people find one weetbix sufficient for breakfast, others love them and eat three or four. They do not include convenience foods or pet food. No allowance has been made for fresh fish or local vegetables as obviously these two items, being local, would not be subjected to duty and do not come into the question. An allowance of $15 or $5 respectively was made for meat on the basis that a proportion of meat purchased could be local meat, if desired, and that local meat would not be subject to duty. In other words, we have worked on a basis that perhaps $15 a week of the weekly meat bill may be a dutiable item. The lists were prepared by average working people with children on the basis of their own experience. Obviously, ten different people could make up sample lists and come up with ten different answers.

The lists are meant to be helpful in giving Assembly Members a base from which to work in deliberating the question of duty on foods and groceries, bearing in mind the three options offered, including one option that essential foodstuffs be free", essential foodstuffs I repeat. "They are not meant to and do not assert a cost of living figure and any attempt to construe them as such would be quite inaccurate and misleading.

We appreciate the question put to us and hope further questions will be forthcoming from Assembly Members for elaboration or clarification".
Well they are the two letters and a lot of work has gone into those letters and submissions. I have since received a further submission from Mr. A.J. Cuthbertson on behalf of Burns Philp Mr. Chairman, and he makes a very pertinent comment, and I shall table the documents since I am quoting from them, but he makes a very pertinent comment here when he says - "I feel that we had insufficient time to fully look into the matter and that due to the haste with which the submission was prepared we lost sight of one of our main objectives - to simplify the system", and I think he has hit the nail on the head because the whole sight has been lost in that.

MR. CHAIRMAN: Any further debate. Mrs. Gray.

MRS. GRAY: That is the first time I have heard a submission presented in the negative, it has been fascinating.

MISS BUFFETT: I had not quite finished I might add.

MRS. GRAY: I beg your pardon.

MISS BUFFETT: I am sorry but I have heard longer deliberations in this chamber and I have had to condition myself to bearing that so I hope all other Members can do that.

In the submission that I have presented for notation and discussion I would like to bring to Member's notice that in the report on the enquiry into tourism by the First Legislative Assembly Select Committee its introductory recommendations read "That the Legislative Assembly should (1) recognise tourism as the basis of the economy and (2) ensure that all its policies regard Norfolk primarily as the home of its residents and not primarily as a tourist resort".

I am of the opinion that the members of the Chamber of Commerce should remember to regard these two items when trying to weigh out their problems of customs tariffs.

Thank you for your forebearance.

MR. CHAIRMAN: Thank you Miss Buffett. Mrs. Gray.
MRS. GRAY: As Miss Buffett mentioned in speaking to her submission I would like to move an amendment to her motion of which she is aware as are other Members. I would like to move that the motion contained in notice number 14 be amended by adding after the word 'Commerce', the words "and any other submissions that have been submitted to Members of the Legislative Assembly", I would hope that that could include papers associated with the submissions which would include specifically a letter dated 4 May from the Chamber of Commerce which deals with some of the criticisms which Miss Buffett has already brought forward.

MR. CHAIRMAN: The question is is the amendment agreed.

Question - put
Motion agreed to unanimously

MR. CHAIRMAN: Mrs. Gray to continue please.

MRS. GRAY: I am not sure that I want to make a presentation at this stage, Miss Buffett has dealt somewhat summarily with Mr. Cuthbertson's submission on behalf of Burns Philp, the other one which I have to hand and which has been circulated amongst Members is merely a comment on Mr. Cuthbertson's proposal. Is it the wish that I read the letter which has been addressed to the Executive Committee dated 4 May which answers some of Miss Buffett's criticisms.

MR. CHAIRMAN: You may if you want to Mrs. Gray.

MRS. GRAY: How long is it, good question, a page and a bit. Members have been circulated with copies but perhaps the members of the Chamber would like that it be heard in the House.

MR. BUFFETT: Dated 4 May is it.

MRS. GRAY: Correct.

MR. BUFFETT: That is the original letter.
MRS. GRAY: It is addressed to the Executive Committee with copies circulated to all Members.

MR. BUFFETT: It starts "We attach for your consideration".

MRS. GRAY: Correct.

MR. BUFFETT: We have just had that one read by Miss Buffett.

MRS. GRAY: I beg your pardon, it is dated 11 May, also addressed to the Executive Committee.

MISS BUFFETT: I have read that also.

MRS. GRAY: In that case Miss Buffett has covered all the submissions that I have to hand. I would ask whether anyone else has any further submissions.

MR. CHAIRMAN: Mr. Howard.

MR. HOWARD: Yes the Administration has been working on the problem for some time and has just a couple of days ago made a submission just to the Executive Committee at this point, the Executive Committee has not yet met to consider it, the three of us have copies of it and will meet and consider it as soon as we can, but yes another submission has been received and a very important one too.

MR. CHAIRMAN: Mr. Jackson.

MR. JACKSON: I am very pleased to hear Mr. Howard state that he has a submission and the three Executive Members are going to meet to discuss it. Now here we are discussing a motion that has been on the notice paper since Friday of last week, now if that submission has been in the Executive Member's possession since then, why is it not being tabled now so that we can all discuss it.
MR. CHAIRMAN: Further debate. Mr. Howard.

MR. HOWARD: I am happy to answer Mr. Jackson's question. It is because it is a submission made by the Chief Administrative Officer and he is making it to the Executive Committee and he has marked it confidential and it is his paper at this point, put to the Executive Committee for consideration and I think we have an obligation to consider it. Now maybe Mr. Jackson does not think there ought to be an Executive Committee at all, maybe he thinks we ought to go back to the old Policy Committee and settle all these things in private...

MR. JACKSON: Point of order.

MR. HOWARD: I beg your pardon, I am sure there is no point of order. Mr. Jackson has made a number of remarks at the sitting we adjourned from on Wednesday in which he is protesting and objecting that all nine Members cannot enter into debate at the Executive Committee meetings. There are reasons for that; the reasons are that the Executive Committee was appointed to get some of the spade work done to plough through a lot of material to serve it up to the House in a reasonably thought through form so that the House could deal with it without all nine Members having to do all the work on the whole Island all together. Mr. Jackson may not like the idea of an Executive Committee, he may wish that he were there able to cast a vote, if so the House is quite open to making him an Executive Member and he will then become a member of the Executive Committee but until that happens or until the Executive Committee is disbanded, that is the way the system works.

MR. CHAIRMAN: Mr. Jackson.

MR. JACKSON: Mr. Chairman. May I use Mrs. Gray's phraseology of a while ago - what a negative reply.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Thank you Mr. Acting Deputy President. It has certainly been the case that a small minority of the Members of this House have not been expressing full support to the existing system of
Government, however a democracy is what we have here, we do not have oppression by the minority and until the system changes in accordance with the wish of the majority...

MISS BUFFETT: Are we speaking to a motion or what.

MR. BROWN: We must proceed in the normal way. I am disappointed that after the effort that the Chamber of Commerce and other people have gone to in the preparation of the submissions which have been tabled today, Miss Buffett has treated them so cruelly. The submissions have been circulated around all of the Members of this Assembly and quite properly they have been tabled in this House today. Had I thought that Miss Buffett was going to treat with such contempt the persons who put together...

MISS BUFFETT: There was no contempt at all in that and I am asking you to withdraw that.

MR. HOWARD: Interjections are not proper behaviour in this House.

MISS BUFFETT: How do I appeal to the Chair in this regard. There was no contempt at all.

MR. CHAIRMAN: Point of order sustained.

MR. BROWN: Thank you. Had I thought that these submissions were going to be treated in this way I would at least have made a point of prior to this meeting apologising to those that have put all the effort into them, for the treatment that they have already received. These are important submissions which have been put together after a lot of careful consideration, they are now put to the House for this House to consider them and make its own assessment of their merits and I hope that we will act fairly when we do assess these, I hope that we will take advantage of all the effort that has been put into their preparation and that we will not simply attempt to dismiss them out of hand because of the fact that we may not particularly like a few of the people who have participated in putting them together. These are
submissions which require quite a deal of thought. As has been said the Chief Administrative Officer presently has a submission about to be considered by the Executive Committee. It is only proper that the results of that consideration also be brought before the House so that when all of these matters are considered all of the available information is being considered at once rather than only some of it, so having regard to these things Mr. Acting Deputy President, I would move that further discussion on this matter be adjourned until the next sitting of this House.

MR. CHAIRMAN: The question is that debate be adjourned.

Debate (on motion by Mr. Brown) adjourned.

Resumption of debate made an order of the day for the next sitting.

**CUSTOMS (AMENDMENT) BILL 1982**

MR. CHAIRMAN: Notice No. 15 Honourable Members. The Customs (Amendment) Bill 1982. Mr. Jackson.

MR. JACKSON : Mr. Chairman I present the Customs (Amendment) Bill 1982 and I move that the Bill be agreed to in principle.

MR. CHAIRMAN: The question is that the Bill be agreed to in principle. Mr. Jackson.

MR. JACKSON: This amendment Mr. Chairman is to amend the First Schedule to the principal Ordinance by omitting item 10 and substituting, "10. Oils including petrol, shale, benzine, benzoline, gasoline, pentane, petrol; and other petroleum, shale, spirits, power kerosine, lubricating oils, residual oils and crude petroleum, butane, lighting fuels, naphtha, white spirits, ethol alcohol, methylated, turpentine substitutes, cresols, wood preserving oils, vegetable oils and goods of a like nature - Free".

Mr. Chairman we have just dealt with submissions that have been tabled by Miss Buffett, and I must add that they are coming left, right and centre. They are all coming in to amend the Customs Ordinance 1913.
So far I have received submissions from the Chamber of Commerce, from Mr. Tony Nathys Proprietor of the Swiss House, from Mrs. Thelma V. Reynolds of Max's, Mr. Pereira from Miltons, a joint submission by the three major cigarette importers in Norfolk Island, Mr. Geoff Bennett, Mr. Stuart Coulston and Mr. & Mrs. Keith Jarvis, and also Mr. Angus Cuthbertson. All of these submissions have been directed to reducing duty to attract more tourists. Well that is good Mr. Chairman, there is nothing wrong with that at all, there is no-one around this table more concerned about the tourist trade than what I am, but what about the residents, the people who live on Norfolk, the people whose home is here. Not one word in all these submissions recommends easing the ever increasing cost of living for the family man, the family with young children, low wage earners, senior citizens, pensioners. As a matter of fact it is just the opposite. The Chamber of Commerce in these submissions recommend that duty on petrol be increased from 9% to 15%. What would happen then if this submission is approved. There is a recommended duty to be placed on food, in the Chamber of Commerce's submission, they recommend between 2½% and 5% on all food items. Now if this recommendation of 15% is placed on petrol, what extra costs then would be on the food on the shelves of the shops on Norfolk Island, because what will the carters do when they find out that they have to pay more for their petrol, is it not natural that they will charge more for cartage fees, so all this will be handed back to the people who have to buy these essential commodities to exist. Kids lollies have been increased to 15%, soft drinks to 15%. Mr. Chairman I am not prepared to sit back and allow the concessions to go in one direction and commit the people of Norfolk Island to a higher cost of living, therefore in presenting this amendment to the Customs Ordinance to reduce duty on petrol, I request that you take into consideration this submission in line with the others, and I would also like this submission on petrol to be taken into consideration.

Thank you Mr. Chairman.

MR. CHAIRMAN: Thank you Mr. Jackson. Further debate Honourable Members. Mr. Brown.

MR. BROWN: Thank you Mr. Acting Deputy President. It is my belief that it would not be proper to deal in isolation with any amendment
to the customs tariffs and that we should rather be dealing with the whole question as one question, and having regard to that I would move that further debate on this item be adjourned until the next sitting of this House.

MR. CHAIRMAN: The question is that debate be adjourned until the next sitting of the House.

Debate (on motion by Mr. Brown) adjourned.

Resumption of debate made an order of the day for the next sitting.

ORDERS OF THE DAY Cont'd

CUSTOMS (AMENDMENT) BILL 1982

MR. CHAIRMAN: Order of the day No. 3, Customs (Amendment) Bill 1982. Mr. Brown to resume. Mr. Brown.

MR. BROWN: Thank you Mr. Acting Deputy President. I have just said that I feel that it is not appropriate to deal in isolation with any customs tariff matter at this stage when a major review is under consideration. Having regard to that I would in fact move at this stage that further debate on this matter be adjourned until the next sitting of this House.

MR. CHAIRMAN: The question is that debate be adjourned.

Debate (on motion by Mr. Brown) adjourned.

Resumption of debate made an order of the day for the next sitting.

NEXT SITTING DAY

MR. CHAIRMAN: Fixing of the next sitting day. Mr. Brown.
MR. BROWN: Thank you Mr. Acting Deputy President. I move that this House at its rising adjourn until Wednesday 2 June 1982 at 2 p.m.

MR. CHAIRMAN: The question is that the House at its rising adjourn until Wednesday 2 June 1982 at 2 p.m. Any debate Honourable Members. Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman. I would just like to mention that these continued adjournments of matters that have been in the House, I think I can recall on the Customs (Amendment) Bill at the last meeting that it appeared that it was going to be the practice that used to exist if you can keep in delaying it, delay it. I believe this matter is so important, and I believe that these people need an injection of faith immediately. I would like to suggest that the adjournment be no longer than a fortnight.

MR. CHAIRMAN: What is your suggested date Mr. Sanders.

MR. SANDERS: What is a fortnight from last Wednesday - about 26 May.

MR. HOWARD: Debate on that motion Mr. Chairman.

MR. CHAIRMAN: The question is that Mr. Sanders amendment be agreed. Any debate. Mr. Howard.

MR. HOWARD: Yes thank you. One sort of overshadowing matter that ought to be taken into account is the budget and Supply Bill for the coming year, which in the past couple of years has been introduced in the first meeting in June and then dealt with again at an extra meeting in the middle of June. I do not think that that legislation is going to be ready by 26 May.

MR. SANDERS: I would imagine Mr. Chairman that there is so much to talk about on this Customs (Amendment) Bill that it would probably take us a whole meeting just on this alone.
MR. CHAIRMAN: Miss Buffett.

MISS BUFFETT: I will support Mr. Sanders in this motion, and I feel that if the question we are debating at the moment is Mr. Brown's adjournment of the meeting until 2 June, I presume, Mr. Sanders...

MR. CHAIRMAN: We are discussing the adjournment until 26 May.

MISS BUFFETT: Yes alright, I support Mr. Sanders that we have a meeting on 26 May in view of the fact that we will still, I would say, essentially have to be having the meeting on 2 June anyway, there are so many matters to be discussed.

MR. CHAIRMAN: Further debate Honourable Members. The question is that the amendment be agreed.

Question - put

MR. JACKSON: Could I move an amendment to that, that there be an extra meeting on the 26th of May to deal with this, and then also on 2 June.

MR. SANDERS: I would imagine after the meeting on the 26th that the date would be set for the following meeting.

MR. CHAIRMAN: It will be decided at the next meeting on the 26th Mr. Jackson.

The House voted -

AYES, 8
Mr. Buffett
Mr. Brown
Mr. Christian-Bailey
Mrs. Gray
Mr. Quintal
Miss Buffett
Mr. Jackson
Mr. Sanders

NOES, 1
Mr. Howard
Amendment agreed

MR. CHAIRMAN: The question is that the motion as amended be agreed.

Question - put
Motion agreed to unanimously

ADJOURNMENT

MR. HOWARD: I move that the House do now adjourn.

MR. CHAIRMAN: Any debate.

ADJOURNMENT DEBATE

MR. CHAIRMAN: Mr. Buffett

MR. BUFFETT: Mr. Chairman at the sitting on Wednesday, two days ago now, and the April sitting, which was the sitting before that, reports of the Auditor-General were addressed.

There has been selective reading from the report in this House and also from printed proceedings of the Senate Estimates Committee B. Another document that has been mentioned in this context is the Auditor-General's report to Parliament.

There is shared concern that any difficulty brought to notice by audit should be taken seriously, and this I endorse of course. Most people of course think of the Auditor-General as a hallowed authority, although I must say that this is not borne out in all circumstances. I know there will be shared concern that when our affairs are subject to examination as they are annually in the context that I have mentioned, that the system which needs to operate in Norfolk Island is the one that is practical for us.

I have examined Mr. Chairman, the document which was tabled in
this House in April, and note with concern that another Australian instrumentality continues not to understand how things operate in Norfolk Island and continues to use as their benchmark of judgement, how things are done in Canberra, in the great big national capital. This is reflected for example in the Auditor-General's report where it is stated that, and I quote, "the comparable Australian system has been used as a reference point", and it is further stated that this system is that which is used in the Australian bureaucracy known as the Australian Treasury System.

I am pleased to note that the Chief Administrative Officer has advised that the suitability or otherwise of this system applying in Norfolk Island should be reviewed.

I think it should also be mentioned that the Auditor-General is now seeking an annual fee of something like $15,000 or $18,000, I cannot recall which is the exact figure but it is in that vicinity, until last month of course they had not sought such a fee, and ways are being sought to determine whether such a fee is realistic. When this matter was addressed on Wednesday last I had hoped that the full range of information would be available to Members and to the public but not all of the reports were brought forward. For example the Chief Administrative Officer and his staff has examined in detail the Auditor-General's report and has made comments in response, and these comments have been made available to the Executive Committee. Some comments show where difficulties have been remedied upon being brought to notice, and I should correct an impression that they have only just been remedied within the last two or three weeks, in fact some of them have been remedied some many months ago. Some are still in the process of being remedied but a good many of the practices the Administration is using and which were adversely commented upon by the Auditor-General and received that comment on the basis of being compared with the Australian Treasury System, it has been shown that these systems that apply here or being used here, are in fact practical for Norfolk Island's purposes and there is a recommendation that such practical methods continue.

I would like to quote you some examples from the Chief Administrative Officer's reports. For example the Auditor-General mentions in respect of Division 301/2/03, vehicles and plant maintenance
and running expenses, the Auditor-General observed that he saw a certain anomaly in this area in relation to the charging of all fuel and oil to this particular account and then removing a credit for fuels and oils distributed to the various vehicle votes. The Auditor-General suggested that we should not post refunds to the 301/2/03 account but that we should create separate heads of expenditure to offset the refunds. The Administration does not agree of course that the solution suggested by the Auditor-General is either practical or in accordance with good accounting practice, further it would create even more anomalies. Neither does the Administration agree that it is good practice to create heads of expenditure for the purpose of making refunds of revenue. Fuel is purchased in bulk quantities and then broken up and charged against the various sections that use the fuel on an as required basis. The current practice allows a check of total fuel used by all of the areas of the Administration including the business undertakings, and it concludes in that particular one "it is recommended therefore that the current procedure is more practical than that suggested by the Auditor-General and should be retained".

Another example I would like to quote is this - the Auditor-General makes reference to transactions of the Norfolk Island Public Account in that it should be recorded on a cash basis and linked to a reconciliation of the financial year as defined in section 6 of the Public Moneys Ordinance, and the Chief Administrative Officer on his examination has pointed out that there is some confusion here, the Auditor appears to be confused between transactions in the Norfolk Island Public Account and transactions in the Administration bank account. Bank reconciliations are carried out monthly. Cash transactions of the Norfolk Island Public Account are recorded in the books of the day they are processed, regardless of the day they appear on the bank statement. It is impossible to bank one days taking on the same day the bank closes its doors at 3 p.m. and the Administration does not close until 4 p.m. The banking of the finance and supply branch are made daily on the following working day. If the Auditor-General's view is accepted it will mean the Administration will have to close off the books on the second last working day in June to enable the cash receipts to be banked by the 30th of June. This of course would be contrary to section 6 of
the Public Moneys Ordinance. This viewpoint is difficult to reconcile with the Auditor-General's opening remarks that accounting procedures should reflect the requirements of the legislation, and the comment in respect of that particular section concludes by saying, "it is recommended therefore that the current practice be continued since it reflects the requirements of the legislation".

Mr. Chairman there are others that I could read but I do not really want to take time because it is quite lengthy, what I would like to do is table this report which documents all of the matters that I have mentioned and a number of others, so that Members may well be able to see those details and of course it being tabled the public might have access to it also. Honourable Members will see from the two quotations that I did make that it will be interesting to have the full spectrum of reports on this matter that I have described, and I table that if I may Mr. Chairman.

MR. CHAIRMAN: Thank you Mr. Buffett. Any further debate in the adjournment debate Honourable Members.

The question is that the House do now adjourn.

House adjourned at 5.02 p.m. until Wednesday 26 May 1982 at 2 p.m.