MR. DEPUTY PRESIDENT: Thank you Mr. Christian-Bailey. Mr. Howard.

MR. HOWARD: Thank you. I support the motion too. There are three or four comments that I would like to make about it. First of all I think it ought to be called the Kipling motion, bearing in mind the opening words of Kipling's poem called Recessional which are 'Lord God by whom we hold dominion over palm and pine', anyway, I am a little troubled by a conflict in what Jack Huckstep is suggesting we look into and in the point of the motion and Mr. Jackson saying that he would not support a scheme that prevents anyone selling seeds wherever they want to, I think that is part of the very core of what Jack Huckstep is proposing here, there is a conflict there that concerns me. I would like to make this point that money is short on the Island at this time, short in the Administration, we are sailing very close to the wind. The Chief Administrative Officer has once or twice floated gentle cautions to us as an Assembly not to put too much of a burden on the Public Service unless we are willing to pay for the additional people and time to do the additional work that we have asked them to do, in other words if we want to load them up with work we should expect to pay the cost of the people that need to do the work and I think we need to be conscious of that. I therefore would like to observe that this proposal that Jack Huckstep has made is a very complex proposal, it has got a lot of aspects to it that need to be looked into - discussions with Australia about interest free loans, the possible market for the seeds, how the numbers would work out, who is competent to grow and so on and so on and so on, and I would like to ask if it can possibly be done, assuming the motion passes, and I support it, that Mr. Buffett as the Executive Member do this examination of the proposal as much as he possibly can himself rather than handing it over to the Public Service and saying look dig into this and give me a report on it. I do not think we want to have two or three people in the Public Service spending three or four weeks or three or four months slaving away on a report on this proposal, I think we ought to look at it ourselves first and I would like to ask Mr. Buffett in the first instance if he will do the thinking and reviewing and scratching around to try to make an assessment of whether the idea is a goer or not. Lastly I want to say or echo what Greg said, I say good on Jack Huckstep, I think the more suggestions we
get from the community about what might be good for the Island the better, I applaud him for his initiative.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard. Mr. Buffett.

MR. BUFFETT: Thank you Mr. Deputy President. I have discussed this matter with Mr. Huckstep, he has been kind enough to elaborate upon his letter which he wrote to all Members of the Legislative Assembly, I have also discussed it with what I consider to be the major supplier of seed in Norfolk Island, Mr. Owen Evans, I have also talked with other respected horticulturalists in Norfolk Island who engage in either the growing of seed or seedlings for either local consumption or for export. Subsequent to my conversation with Mr. Mark Hayes he has very kindly documented some of his views which is the letter that has been referred to by Mr. Jackson and Mrs. Gray, earlier in the discussion that we have had this afternoon, it is the letter dated 4 July, and I am grateful for those persons and others who I have talked about this matter with in putting forward their views. The proposal that is put forward by Mr. Huckstep is for examination of a scheme which as I interpret it would considerably change the existing arrangements that exist in the Island, if of course it did not do that it would not be a proposal at all that would go forward in any way. I would just like to make mention to Members of the House that what in fact is already happening in Norfolk Island is a slow but very careful process of developing a seedling industry, which is what this paper talks about, a careful process that is being done in such a manner as to preserve the existing traditional organisation, the existing standard, the existing quality and the existing quantity of seed, of employment and all of those other things that surround this particular horticultural industry. I would also make mention that some government assistance has been sought to try and solve some quarantine inhibitions to markets and this is presently being pursued and I example a plant pest and disease survey which regretably I must also say is taking much longer than has been indicated by the quarantine authorities who undertook this particular study, but to further clarify what it is about it is an exercise to relax plant requirements for palm and pine seedlings into Australia, it is in fact exactly what Mr. Mark Hayes has mentioned in his second last paragraph
where he says this, and I quote from his letter—"I personally feel that the Government's time would be better spent in establishing a free trade, that is no import, quarantine and number restrictions between Australia and New Zealand", that is of course including Norfolk Island, "to open up off season markets". I just wanted to mention for Members information that there is an effort within the present machinery to try and do such things. So it may well be that the aim of this paper maybe achieved through the application of diligent private enterprise without governmental intervention being necessary. I think it also can be said that those already engaged in the industry either as growers, buyers, exporters or the like, are in fact contributors to the economy, they provide employment, they provide inflow of funds by exports and the industry provides at present a wide range of support for the economy of Norfolk Island. I think there needs to be examination of the question as to whether in fact this can support a vast number of additional persons breaking into the market, one probably needs to examine what the saturation point is so that in fact it is not exceeded and we come to a situation whereby not only the passion fruit industry and the bean seed industry and the banana industry have all boomed and they have busted, and we do not want to be led into a situation of that happening again, I think it is something that we must bear foremost in our mind that we should preserve some of the traditional aspects which in this particular industry has been going on for a number of generations in this Island, probably almost 100 years, in which the industry has gone on and in fact has gone from strength to strength by careful and diligent application, it is probably the exception in that it has not gone bust like all of the others that have been involved in the agricultural industry boom and bust situation. Mr. Howard has mentioned from Kipling's Recessional, dominion over palm and pine, we should not forget the last line of that particular Recessional which says 'Lord God of hosts be with us yet, lest we forget', so lets not forget about those boom and bust situations. Really if the additional people breaking into the market means jeopardisation and destroying of what I term a quiet existing structure, I would find difficulty in supporting such a situation, we have already seen with the palm industry a spasm of inflated prices for palm seeds which occured about two years ago, it did cause confusion in the market
and in fact such prices could not be sustained and you found great confusion and difficulty which caused a great hiccup. Let me say although I have said all of that, I have no difficulty in examining a seed and seedlings study but it will need to be one that causes no detriment in my view to the existing traditional concepts and participation. I have already asked a number of agricultural and horticultural industry participants to meet with me in this particular context and I am of course happy to conduct such a meeting as a starting point in any investigation. I just want to make one point which is taking up a point that has earlier been mentioned and there was the word monopoly mentioned in respect of seeds in the Island, it is my interpretation that there are probably dozens and dozens of persons who grow palm seed in Norfolk Island and those persons make up their own mind who they want to sell their seed to, if they all or most of them choose to patronise one or two persons, that is their choice and I do not see that as being a monopolistic situation.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Mr. Quintal.

MR. QUINTAL: Mr. Deputy President I would like to mention something that Mrs. Gray said, it is my understanding that as far as cloning is concerned you can clone most plants, with a pine tree you can either clone from pine trees and you can also take tips and there are literally millions of tips on one pine tree that could be reproduced and then you get the same results again by cloning, but it is my belief, my strong belief, and I have been told this on good authority, that it is impossible to clone a palm tree, and if that is so I think we are very fortunate because that means that a palm tree can only be reproduced by a seed, and so therefore I believe that palm trees would probably hold their prices for many years to come. Mr. Alan Patterson when he was over in England, he was there for quite some time, and he is a brother-in-law of Mr. Mark Hayes, he told me that the quality of the palm trees supplied by Holland which I suppose the seed either comes from Norfolk Island or Lord Howe Island, the trees that they supply to the English market and other markets are far superior to the palms that are produced on Norfolk Island or Lord Howe Island, and therefore it might be quite difficult if an industry such as Mr. Huckstep envisages was ever started here, it is evident to me that if it did get underway
there would have to be drastic changes in the production of the palm
trees, and he also said that Holland supplied trees to other parts of
the world and he did not think that we could compete against Holland
in the production of palm trees, ever.

MR. DEPUTY PRESIDENT: Thank you Mr. Quintal. Miss Buffett.

MISS BUFFETT: Thank you Mr. Deputy President, I would like to address
Mr. Jackson's motion and before expanding my analysis may I thank Mr.
Huckstep for submitting his views regarding what could be most
advantageous to a secondary industry on Norfolk Island. Firstly I
shall discuss Mr. Huckstep's submission paper, paragraph by paragraph
and then secondly his letter. During this address or preceding it, I
shall most likely make references to the Bureau of Agricultural Economics
Canberra, Occasional Paper No. 46 entitled The Prospects for Rural
Development on Norfolk Island. The study and preparation of the report
were the responsibility of Mr. R.F. Woolcott of the Project Economics
section of the Agricultural Economics Bureau and the report arose as the
result of a request by the Norfolk Island Council to the Department of
Capital Territories which was at that time responsible for Norfolk Island
matters for a study of the prospects of achieving a viable rural
economy and the actions that would be needed, undoubtedly Mr. Quintal
was probably on the Council at the time. Mr. Woolcott visited Norfolk
Island to assess problems first hand and to obtain all the available
information for the study. The study undertaken less than five years
ago was designed to set out the broad factors underlying the viability
of the rural sector and its significance in the Island economy, however
it does not provide a detailed assessment of the prospects of each
technical feasible commodity and this is where Mr. Huckstep comes in
with his proposal, however I feel that this paper sufficiently covers
certain aspects that we may need. Mr. Huckstep states that the palm
seed industry is currently exporting from Norfolk Island approximately
400 bushels of kentia palm seed and suggests a feasibility study of the
banning of seed for export and replacing it with the export of seedlings.
At how many years after germination a palm would net a return of $2 I
am not at the moment qualified to say, I tried to check it out
unsuccessfully for today. However my current investigations have
produced the figure of 5 cents profit for a five inch palm seedling and
approximately 2 cents for a very small pine. Now another supplier has
told me that an actual price ex Sydney to a destination for a 5 cent seedling had been 32 cents at one time and 28 cents another, so deduct from that their costs and deduct again the cost from here to Sydney, and I have a note here until magic craft supercede aircraft I cannot envisage reliable regular air freight services during the peak tourist seasons when freight space is minimal, however on those figures there is still a few hundred thousand dollars, but I think the calculation is questionable on those figures, as has been pointed out by another Member I think. Quite respectful of Mr. Huckstep's suggestion of enlisting the assistance of the Commonwealth Government to investigate the marketing and transportation from Norfolk Island, together with quarantine regulations of the various countries of import, I recognise no advantage other than perhaps gaining trade connections, however I would welcome enlightenment in this matter. Then in the next paragraph I suggest that we are by all means at liberty to notify all overseas buyers that in the first year only 80% of the crop would be exported as seed, the remaining 20% would be planted on Norfolk Island, then the second year 60% and so on, but under no circumstances could I imagine our buyers confronted by any great problem, they would simply satisfy their demand for seeds that they wanted from us by placing another order elsewhere and we would risk losing a large order of both seeds and possibly seedlings, I would not like to risk it. Mr. Deputy President I would like to mention at this juncture that the establishment of a kentia palm seed export industry on Norfolk Island has expanded to its present magnitude as a direct result of over 80 years of unselfish patience, foresight, gently courteous business ethics and very hard work, hand cleared steep hillsides and valleys and constant intensive hand labour yield nothing in return for anything up to fifteen years, or an average of 13 years before there is any return of a seed. That is how long it takes before you will sell the first palm seed. As long as the grower who has done the hard ground work continues to reap the benefits of his or her honest labour I will be happy but I openly state my apprehension of another situation where covetousness may once more see too many bees around the one honey pot and not a decent feed for any. A knowledge of the Island's history encourages caution. Paragraph 5 explains the changeover period would give interested people on the Island a chance to establish themselves in the business of growing seedlings while the buyers were restructuring their operations
on supposedly 20% less seed than they ordered resulting in a shortfall of their supply and of course profit. Mr. Huckstep has suggested distribution of seeds by way of lot or similar to persons who can prove they are capable of successfully operating in the venture with due regard to anyone already involved in this business and seed prices could be set at current values with provision for normal increases such as the market could stand, now it is such as the market could stand that really concerns me because who will vary the price when the seeds that were exported will be sold locally and it is the plants that will be exported. Everyone is free to choose whichever method they earn, whatever they need to support themselves and whom ever else they wish or are obliged to support. I cannot think of one instance where anyone has gone to the Government and whilst expressing the desire to pursue a livelihood, expected the Commonwealth Government to provide them with an interest free loan and the seeds for planting and then controlling the future price of the seeds that they will need to buy in order to make their own unrestricted profit, however I wholeheartedly support the idea of Mr. Huckstep's in the establishment of a primary industry perhaps in which these things could be incorporated, but certainly nothing to do with a scheme that would virtually pirate the local palm seed trade. I would endorse the concept of the Administration expanding into the palm and pine seed and seedling industry if overseas demand were to indicate such desirability but not to take the business from the private enterprise that are already operating, I think if we nationalise one thing we will have to nationalise the lot and that would include tourism and all the others, I do not think we could snatch from one and not the other. I see the desirability of seedlings being a part of the Government's primary industry department however I think to impose an export levy on each plant would damage the industry which is already greatly disadvantaged by heavy freight charges. We already export a goodly amount of seedlings, I doubt if I would really even agree to a nominal export entry charge to cover Administration costs because a few cents matter per seedling. I declare confidence in those traders already in the palm and pine seed business both traditionally long standing and the young ones following the enterprise. All have worked hard, honestly and admirably and I respect the caution they have exercised along these years. Except for the freeze which exists on
tourist accommodation, trade is free here so far. As a matter of fact the freedom and lightheartedness of our way of life is drawing very many to settle here. I see great potential as I have said before in primary industry and food production for local consumption particularly, and have stated so in the last Assembly a year ago and moves in this direction are already being made I believe by the Minister responsible and any moves in these directions in private enterprise in which I know the interest is expanding, indicates that there is a stirring of primary industry interest in the Island from which probably a slump in another interest would be quite a blessing. Balance the economy I say but do not overload or swamp any more areas. Government can do so much and each individual citizen must conscientiously try to do the rest.

There is nothing to stop anyone entering the business and Mr. Huckstep no doubt realises this, he knows this, but to wait until the hard clearing, fencing, rat-proofing, growing, hand watering where possible, and thirteen to fifteen years of expensive non productive weeding before the first yield has been established and then to try and push those people into a situation where they can no longer operate the business they have spent their lives building up, would be most unethical and distasteful. God has given us the magnificent resource of Norfolk Island and ourselves and nothing has come easy in the palm and pine industry or any other industry here. I know that Mr. Huckstep will now realise that to reap the seed and seedlings of what looks an easy neglected industry will require typical Norfolk endurance and being satisfied with ones lot rather than scooping the benefits of anyone else's wisdom. In closing may I say that I support the concept of Mr. Jackson's motion that Mr. Huckstep's submission in respect of the establishment of a kentia palm and Norfolk Island pine industry on Norfolk Island contains proposals worthy of further investigation but with very great respect to Mr. Huckstep and I do not mean this at all unkindly, I strongly oppose any restriction that may interfere with (1) the people who already participate in the free trade in seeds and seedlings and any product of the kentia palm and Norfolk Island pine already; and (2) any proposal to ban the export of their seed.

Thank you.

MR. DEPUTY PRESIDENT: Thank you Miss Buffett. Any further debate.
Mr. Jackson.
MR. JACKSON: Mr. Deputy President, the debate has been very healthy and it appears at this stage that if the motion went as it did it is not often that one that I place on the notice paper gets by. I made it quite clear in my opening remarks that I would not support a proposal or scheme that takes away the rights of the individual. The submission recommends a change to an old established industry on Norfolk Island. As Miss Buffett has just explained the people who have been involved in the industry over the years and well back to the turn of the century are the ones concerned with this proposal. I indicated earlier that I placed it on the notice paper for discussion and as I have stated it has been a healthy discussion, it has been a discussion where respect has been paid to the people who over the years have worked hard and for little return at times. There are many factors that we have got to look into in this situation. I believe the public and especially those who operate and conduct the palm seed industry, should have the right to examine this further before a decision is made here now to examine further such a motion that has been so ably debated here in this House and which has therefore been educational, and to clearly qualify the full basis of this submission by Mr. Jack Huckstep I would seek the permission of the House to adjourn any decision on this until the next sitting of the House so that members of the community can give their views because as I have stated they are entitled to that opportunity, so I would if I am permitted, move such an adjournment.

MR. DEPUTY PRESIDENT: Thank you Mr. Jackson. The question is that the motion be adjourned.

Question - put
Motion agreed to unanimously.

DISPOSAL OF SEWERAGE EFFLUENT

MR. DEPUTY PRESIDENT: Notice No. 6. Mr. Jackson to move the motion appearing on the notice paper in your name.

MR. JACKSON: Mr. Deputy President I move the following motion - "That
this House, appalled at the present position with regard to the
disposal of sewerage effluent, and the resulting pollution of water
supplies, requests the executive member to bring before this House at
its next sitting for approval by the House, the Government's proposals
to correct this extremely serious situation, such proposals to include
the immediate discontinuance of all disposal of sewerage effluent down
bores".

Mr. Deputy President we heard this afternoon the Minister responsible
for health in reply to a question which I submitted on notice, outline
the serious situation regarding the health risk to the community of
pollution to our ground water supply by sewerage effluent. Health
officers of the past have continually warned of the serious risk of
the outbreak of diseases such as typhoid or cholera. As far back as
1968 Dr. Davis, the then G.M.O. at the hospital, submitted a report to
the Council and to the press regarding the seriousness of the situation
in the Burnt Pine area, where he stated in one of his reports that the
underground water was heavily polluted by animal and human excreta.
Now I feel that over past years these warnings have been continually
swept under the carpet and it is my feeling that there may be an attempt
to further put aside these warnings which according to reports has
reached a crisis level. If it is a cost factor and we cannot afford a
scheme well I believe the Minister for Finance should say so. However
I will wait and see what happens as the motion requests that the
Minister for Health bring before this House at its next sitting for
approval by this House, the Government's proposals to correct this
extremely serious situation. I commend the motion.

MR. DEPUTY PRESIDENT: Thank you Mr. Jackson. Mr. Howard.

MR. HOWARD: Water protection needs serious, careful attention, it is
important to peoples health, it is important to the continuity of
Norfolk Island tourism. It is not a subject on which responsible people
ought to jump to emotional conclusions or make hasty statements. We
learnt that, to the Island's cost, in the imaginary Dengue Fever scare
that frightened everyone some months ago and which turned out to be a
very damaging false alarm. The Norfolk Island Government is giving
serious, careful attention to water protection. The Government has the
Falkland and Fitzgerald recommendation in hand and is taking it very seriously. The Government has set in train a professional review of those recommendations. The Government has directed that legislation be drafted and brought before the Legislative Assembly to phase out the disposal of effluent down bores by the end of this year. This resolution adds nothing useful to the serious, careful programme that is being pursued. The resolution simply aims to stir up emotions and to demand hasty actions in a field where emotions and hasty actions should be avoided. I am sure that Mr. Buffett the Executive Member, will be bringing forward to the House a responsible and logical set of proposals just as soon as they can properly be perfected, I see no advantage in our dealing with a resolution that asks him to behave in some different way or that puts pressure on him to act before it is wise to act; I therefore move that debate on this motion be adjourned.

MR. DEPUTY PRESIDENT: The question is that the debate be adjourned.

Question - put
The House voted:

AYES, 4  
Mr. Howard  
Mr. Brown  
Mr. Christian-Bailey  
Mr. Quintal

NOES, 3  
Mrs. Gray  
Miss Buffett  
Mr. Jackson

ABSTENTIONS, 2  
Mr. Buffett  
Mr. Sanders

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

POLICE OFFENCES (AMENDMENT) BILL 1982


MRS. GRAY: I wish to present the Police Offences (Amendment) Bill 1982
and I move that the Bill be agreed in principle. I would like to say that the presentation of this Bill comes about as a result of the answer to a question on notice to the Executive Member for Planning, Tourism & Commerce in which...Mr. Deputy President I have been made aware that there are no copies of this Bill available...

MR. BUFFETT: Mr. Deputy President I raise a point of order that notice may well have been given in respect of this Bill but I have not received it nor just looking around the table have any other Members.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett.

MR. HOWARD: I move that debate be adjourned.

MR. DEPUTY PRESIDENT: The question is that the debate be adjourned.

Question put
Motion agreed (Mrs. Gray abstaining)
Debate (on motion by Mr. Howard) adjourned
Resumption of debate made an order of the day for the next sitting.

ORDERS OF THE DAY

DEPARTURE FEE (AMENDMENT) BILL 1982

MR. DEPUTY PRESIDENT: Orders of the Day. No.1 - Mr. Howard.

MR. HOWARD: Thank you. The Departure Fee (Amendment) Bill. There is a complicated background to this thing and I will try to go through it to make sure we know where we are. The Departure Fee (Amendment) Bill was introduced, I introduced it in the beginning, to clarify who was a visitor to Norfolk Island and who was not and to make clear that some people such as crews of visiting ships are not visitors and should not have to pay the departure fee. The Bill as I first introduced it was largely a technicality correcting something that was not clear in the existing law. In the debate on the original Bill Mr. Jackson moved an
amendment to add an additional thought to the Bill which was that school students who live on Norfolk who are able to come home several times a year to see their families here should not have to pay the departure fee when they leave to go back for their continuation of schooling. In the amendment that Mr. Jackson moved he included as subsection (iii) that the person had to be the son or daughter of a resident under the Immigration Ordinance. Mr. Sanders was not happy with that and he moved an amendment to the amendment that that particular requirement that the person be the child of a resident under the Immigration Ordinance, should be left out. I think I confused the situation a little bit during the debate by suddenly worrying that that might excuse from the departure fee all school children from anywhere who happened to be holidaying here and were going back to continue their schooling. Since then it has been made clear to me by the Legislative Draftsman that that would not happen. I am therefore in support of Mr. Jackson's idea that we should exempt school children who are going back to school from the Island from paying the departure tax. I also support the amendment that we are in the course of debating now which is Mr. Sanders' amendment to eliminate the requirement that they have to be the children of residents, I think if they are the children of any family that lives here on the Island they should be exempt, and so I will stop saying what I am saying simply by supporting Mr. Sanders' amendment which would have the effect of not requiring that the exemption be given only to the children of residents, capital R, Immigration Ordinance, residents, but would apply to all school children living on Norfolk Island who were going back to the mainland to continue their education. I support Mr. Sanders' amendment.

MR. DEPUTY PRESIDENT: Any further debate. Mrs. Gray.

MRS. GRAY: I would like to say one thing, there was only one question that arose in my mind at the time of debate on this question and that is how is the residency for lack of a better word, of a child to be established quickly at the airport, and I come back to something that I wanted consideration given to quite some time ago and that is the endorsement of passports to that effect, it is a suggestion, nothing more but I do ask the question, how would this be established quickly at the airport.
MR. DEPUTY PRESIDENT: I would imagine that just the purchase of a ticket here would be virtual proof of the fact would it not.

MRS. GRAY: My children for example do not purchase their tickets on the Island.

MR. DEPUTY PRESIDENT: Mr. Buffett would you care to answer.

MR. BUFFETT: Well I answer it in another way Mr. Deputy President, this proposal in fact means deletion of item 3 and if item 3 is deleted there is no such requirement to prove it.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Mr. Howard.

MR. HOWARD: It would still be a requirement to prove that you do live on Norfolk Island even though you may not be the child of a resident, and it may be that Pam at the airport, or whoever is handling the departure tax, knows every child on the Island but there might be some questions and I can see merit, and I do not immediately see any complication, in Mrs. Gray's idea of if you are going to go to Australia you have got to have a passport to go there, I cannot see what is wrong with having the Norfolk Island Administration certify in a persons passport that they are ordinarily resident on Norfolk Island, or something of that kind.

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: I see Mr. Buffett's point in that the onus as far as the law is concerned would fall on the person being disproved rather than the fact that they were resident, however I hold on the endorsement of a passport, I think it would cut a lot of corners.

MR. DEPUTY PRESIDENT: Any further debate. Mr. Jackson.

MR. JACKSON: I do believe while we are debating the particular question of whose onus it is on, I believe the onus would be on the parents to make sure they claim exemption from payment of the departure fee, that they would have a certificate or some paper from the school,
the same as persons leaving for treatment overseas, such as a returned Serviceman who is called away for an examination or a checkup, the onus is on him because he has to go to the hospital and get the doctor to initial that he is going away for examination because he has been requested to do so. Now under similar circumstances the onus should be on the parents to clear that. Getting back to the original amendment which I placed, and I accepted the amendment to that amendment which Mr. Sanders put, we are debating now Mr. Sanders' amendment to the amendment which was my original amendment to the Departure Fee (Amendment) Bill, as I get it, by deleting the last part of the amendment that I placed in and altering the word resident to one of non resident, also that it can be proved that they are leaving the Island not permanently but leaving the Island to further their education, now I see no objection in altering my original amendment but it stems from the first amendment that was placed to the Departure Fee (Amendment) Bill, and I support it.

MR. DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Deputy President I intend to support both amendments and to then support the amended motion, but this is subject to one thing; if once we have watched this system work for a few months we find that in order to allow people to depart without paying their $5 departure tax we are creating somewhere within the Administration $10 or $15 worth of work, I think we will need to reconsider it.

MR. DEPUTY PRESIDENT: Thank you Mr. Brown. Any further debate. The question is that the amendment as amended be agreed.

MR. HOWARD: Point of order, Mr. Chairman shouldn't we agree on the amendment to the amendment first.

MR. DEPUTY PRESIDENT: I just asked that.

MR. HOWARD: I thought you said as amended.

MR. DEPUTY PRESIDENT: Is there any further debate. The question is
that the amendment as amended be agreed.

Question - put
Motion agreed to unanimously

MR. DEPUTY PRESIDENT: Will somebody move that the Bill be agreed.

MR. HOWARD: I move it.

MR. DEPUTY PRESIDENT: The question is that the Bill be agreed.

Question - put
Motion agreed to unanimously
Bill (on motion by Mr. Howard) agreed to.

ROAD TRAFFIC BILL 1982

MR. DEPUTY PRESIDENT: The Road Traffic Bill, Order of the Day No.2. The question is that the Bill be agreed to in principle. Mr. Buffett.

MR. BUFFETT: Thank you Mr. Deputy President. This particular Order stands in my name Mr. Deputy President, it concerns the Road Traffic Bill 1982. This Bill was introduced more recently on 12 May of this year Mr. Deputy President, I have earlier explained to the House that it was in another form introduced in the final days of the last Legislative Assembly but on the expiration of that Assembly of course the legislation that had not been completed also expired and has been now reintroduced and that first reintroduction date was the 12th of May. It therefore made public quite a lengthy tome of legislation with the title Road Traffic Bill 1982. Upon that piece of legislation being tabled I did call a meeting of a number of persons who were involved in various ways with motor traffic, people such as the Police, Magistrates, Members of this Assembly, the Government Medical Officer, the Legal Adviser, the Legislative Draftsman, and others, and that meeting came up with a number of amendments to the original piece of legislation. Those amendments were prepared and circulated to Members of this House. Those
amendments caused further thought and promoted further discussion and
a second meeting was called by myself on 7 July to further discuss the
original Bill and the amendments that had arisen out of that and to see
if there were any other thoughts that needed to be clarified, it was
basically the original persons that I have earlier referred to. I
might say that these meetings that have been held in respect of this
weighty piece of legislation were most helpful, I think those who
participated as well as being able to contribute a great deal of useful
information also probably learnt a little too also, from each other that
is, when we so met. Arising out of all that final amendments have been
prepared in respect of that original piece of legislation and those
final amendments have been circulated to Members and are before Members
today. We are at the stage now Mr. Deputy President of firstly agreeing
to the Bill in principle, if that stage is successful then I will seek
the indulgence of the House to tackle the detail stage wherein I will
individually move those particular amendments that have been circulated
to Members for their examination and prior knowledge of. So at this
time I am seeking Members concurrence to agree to the Bill in principle
and then tackle the details when we come to that. I commend the motion
of agreement in principle to the House Mr. Deputy President.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. The question is that the
Bill be agreed to in principle.

Question - put

Motion agreed to unanimously

MR. DEPUTY PRESIDENT: Is it the wish of the House to dispense with the
detail stage.

Detail Stage

MR. DEPUTY PRESIDENT: Are clauses 1 to 2 agreed.

Question - put

Motion agreed to unanimously

Clauses 1 to 2 agreed.
MR. DEPUTY PRESIDENT: Is clause 3 agreed. Mr. Buffett do you have an amendment.

MR. BUFFETT: Yes, this commences the amendments that I have and that are on the sheet that has been distributed to Members. Firstly I move amendment number 1 which stands in respect of this Bill Mr. Deputy President, and just by way of explanation I mention what this particular amendment proposes. This proposed amendment provides that failing to stop and render assistance after a road accident is a major offence and therefore makes an offender liable to disqualification.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Is the amendment agreed.

Question - put
Motion agreed to unanimously


Question - put
Motion agreed to unanimously
Clause 3, as amended, agreed.

MR. HOWARD: May I raise a question.

MR. DEPUTY PRESIDENT: Yes Mr. Howard.

MR. HOWARD: I do not know whether it is significant or not, in the amendment that Mr. Buffett just moved and that we adopted, on the sheet as it was distributed to me it is described as going in clause 3, page 3, and I think it goes in clause 3, page 4, whether that is a significant thing that needs to be fixed now I am not sure but it does from my copy belong on page 4 not page 3.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard, I will ask the Clerk to clarify the matter.

MRS. GRAY: Can I just ask what the date is at the top of the page.

MR. BUFFETT: 25.8.81. It should show page 4 Mr. Deputy President.
MR. DEPUTY PRESIDENT: Are clauses 4 to 6 inclusive, agreed.

Question - put
Motion agreed to unanimously
Clauses 4 to 6 agreed.

MR. DEPUTY PRESIDENT: Is clause 7 agreed. Mr. Buffett do you have an amendment.

MR. BUFFETT: I move an amendment which is amendment number 2 on the circulated sheet Mr. Deputy President and I explain that the purpose of this proposed amendment is to increase the penalties for driving an unregistered vehicle to more appropriate levels.

MR. DEPUTY PRESIDENT: The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously

MR. DEPUTY PRESIDENT: Mr. Buffett will you move amendment number 3.

MR. BUFFETT: I will move amendment number 3 Mr. Deputy President.

MR. DEPUTY PRESIDENT: The question is that amendment number 3 be agreed.

Question - put
Motion agreed to unanimously

MR. DEPUTY PRESIDENT: Is there any debate. Is clause 7, as amended, agreed.

Question - put
Motion agreed to unanimously
Clause 7, as amended, agreed.

MR. DEPUTY PRESIDENT: Are clauses 8 to 12 inclusive, agreed.

MR. BUFFETT: Before we progress that far Mr. Deputy President, I have a clause 3(a) which also should have been circulated, and this
particular amendment makes it clear that the Registrar must refuse to register a vehicle as a public or private hire car if the applicant is not normally resident in the Island.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 3(a) agreed.

MR. DEPUTY PRESIDENT: Is clause 14 agreed.

Question - put
Motion agreed to unanimously
Clause 14 agreed.

MR. DEPUTY PRESIDENT: Is clause 15 agreed. Mr. Buffett do you have an amendment.

MR. BUFFETT: I have an amendment which is amendment number 4 Mr. Deputy President, and if I may just explain it Mr. Deputy President. The purpose of this proposed amendment is to increase to 16 years the age a person must attain before he may drive a motor vehicle on a road being a motor cycle of 125cc's or less and other consequential amendments. The position of a person who at present has not attained 16 years but has a learner's licence is retained by a later provision or later proposed amendments to the transitional provisions.

MR. DEPUTY PRESIDENT: The question is that the amendment be agreed.

Question - put

MR. DEPUTY PRESIDENT: Is there any debate. Mr. Jackson.

MR. JACKSON: Mr. Deputy President I oppose the amendment to clause 15 which seeks to alter the age from 15 to 16. There is no better place than Norfolk Island for a child of 15 to be given a learner's licence, and the reason for increasing the age from 15 to 16 in my opinion is not warranted. Here on Norfolk Island we have tried to educate a
teenager to use his cycle on the open roads to use it in the manner directed by the Registrar when he is issued with his learner's permit and to better his responsibility to be able to use the road and break him in so that when he leaves the Island he will have a very good knowledge of road sense, to be able to handle a machine of a certain capacity, of 125cc's, to give him responsibility, and I consider the alteration is not in keeping with Norfolk Island, here we are with very little congestion, we have open spaces, and he can educate himself until he is 16 when he would be able to do away with his learner's plate and get a licence to drive a machine by himself or herself, therefore on that basis I oppose the alteration of the age from 15 to 16 as amended by Mr. Buffett in clause 15.

MR. DEPUTY PRESIDENT: Is there any further debate. Mr. Quintal.

MR. QUINTAL: Yes Mr. Chairman, I agree with Mr. Jackson on this matter. I think that local persons have a great disadvantage on a lot of children or persons who come over to Norfolk Island from the mainland especially from cities, most of our young people here by the time they have attained the age of 15 they are already quite capable of handling a motor cycle. There are lots of paddocks on the Island, and private properties and you can even see children riding motor bikes at around 5 or 6 years of age, some of them, and by the time they are 15 they are quite capable of looking after a machine and riding it properly, and it is not very difficult to learn the laws of the roads. The other thing is too, I was in the Council at the time when the idea of giving 15 year olds a licence, and one of the main reasons for giving them the licence at that time is what I have said already, and the other thing is that a lot of children on the mainland can go and have a look at the zoo and they can go places that our children cannot visit and they have more entertainment than the children on the Island, and I do believe also that if a young person of 15 years is given a licence it will help to keep them out of mischief.

MR. DEPUTY PRESIDENT: Thank you Mr. Quintal. Is there any further debate. Mr. Howard.

MR. HOWARD: My memory does not serve me exactly as to how this
amendment came to be made but I have the impression that it was proposed that the age be raised to 16 on the recommendation of the Police and the Magistrates, and I wonder if Mr. Buffett can speak to us on those points. If they had grounds enough for wanting to suggest it, I think we ought to hear the other side as well.

MR. BUFFETT: Yes thank you. I mentioned when I introduced this matter earlier this afternoon Mr. Deputy President that I have conducted two meetings of various people who have a good deal of knowledge about the road traffic situation and its various parameters, it has included the Magistrates, the Chairman of the Bench of Magistrates, the Police and others that I have mentioned. It was particularly felt by the majority of that group that the community would be better served to wait an additional year to see extra maturity in respect of persons who might be given approval to handle motor vehicles of the nature that is described in this particular piece of legislation on a public road where they needed to contend with the general public traffic and the general public traffic contend with them, and it was felt that there was greater maturity in making the amendment that is before the House now, that is raising it by one year. That particular proposal was discussed, discussed at quite some length, but it was the mature opinion especially by the Magistrates and I might say that these are representatives from the persons who need to examine cases that might come before Courts, and I might also say this, it was not just a matter of that it was even wider than that, it was opinion expressed by persons who in fact have had the experience of children of those age groups and their experience has shown that that extra year does add considerably to a mature attitude of using vehicles and it is that attitude that I am endeavouring to bring forward in respect of this amendment.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Is there any further debate. Mr. Howard.

MR. HOWARD: If we were talking about taking away learner's permits that people have now I would oppose that, as we are not talking about that, as we are talking about the future issuing of new permits, I support the amendment.
MR. DEPUTY PRESIDENT: Thank you Mr. Howard. Is there any further debate. Miss Buffett.

MISS BUFFETT: Yes thank you Mr. Deputy President. I feel if I am to be held responsible for anything happening I would prefer to be held responsible for safeguarding a child's life and safeguarding an accident situation. I still realise that children at that age would be no less hazard on the roads than on a pushbike, I would like to question whether pushbikes cause any problems on roads with that age group.

MR. DEPUTY PRESIDENT: Thank you Miss Buffett. Is there any further debate. Mr. Jackson.

MR. JACKSON: Mr. Deputy President, I appreciate Mr. Buffett stating that he called two meetings of learned people and Members of the Assembly attended, I attended one of those meetings and in attendance was the Sergeant of Police and also the Chief Magistrate. I argued that the age of 15 should be retained, the explanation that the Sergeant of Police gave was that 15 year olds were not responsible and would not do what he says, he said they were uncontrollable. It poses a question to me and perhaps to some of the other Members, when does a teenager become responsible, does he become responsible at 15 or does he become responsible at 16. I appreciate what Mr. Quintal has said, that there are limited opportunities here on the Island for our teenagers and at 15 I consider a child of Norfolk Island who knows his way around Norfolk Island is a responsible enough person to have a learner's permit and ride a bike of the prescribed 1200cc's. There is a remedy for a child who is uncontrollable and who is playing up on the road, he should be told now look you either straighten yourself up or your licence will be withdrawn, and I tell you there has only to be a couple of those withdrawals and the kids would soon smarten themselves up, if there is any, I am not saying that there is any but the Sergeant did say they are uncontrollable and that they would not take any notice of him, to me that is not a good enough excuse to up it from 15 to 16. Therefore I believe it is not called for, the age limit should remain at 15 as I have indicated on the need fora bike on Norfolk, the need for transport to school and the need to get around the Island at that age, and I have stated before and I will state again I consider a child of 15 mature
enough, but in the event as has been stated by Sergeant Bernie Smith that they are irresponsible well he has the power in his hands to say well alright if you cannot behave yourself on that bike you will not have your licence much longer.

MR. DEPUTY PRESIDENT: Thank you Mr. Jackson. Is there any further debate. Mr. Buffett.

MR. BUFFETT: Mr. Deputy President I would like to make it clear that the amendment that I am proposing is not an effort to try and describe anyone as irresponsible or uncontrollable...

MR. JACKSON: Point of order, I did not say Mr. Buffett was saying that.

MR. BUFFETT: The purpose of the amendment is trying to recognise that there is a stated marked increase in responsible attitude, which is a little different to another description and it is on that basis for the best interests of those who are in this age category and for the best interests of the community at large, I know it is a difficult thing Mr. Deputy President to bring something forward like this that might in some way be seen and has been described as a little restrictive in what is of course the normal wish of youngsters of that age to want to get around the Island and be mobile in many respects, I understand that, however I feel that this Assembly needs to take into account the best ages for responsible attitudes when in fact they do have command of a vehicle that is travelling on a public highway, and it is that sort of thinking that has been taken into account when this matter has been raised.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Is there any further debate. Mr. Quintal.

MR. QUINTAL: Yes, the only other thing I would like to say Mr. Deputy President is that it would be quite disappointing for children who will be reaching the age of 15 if the amendment is passed, to feel that they will not be getting a licence for a further year, and in the past it has been given to children of 15 years, and the sudden change will not be a happy one for those persons attaining the age of 15.
MR. DEPUTY PRESIDENT: Thank you Mr. Quintal. Mr. Howard.

MR. HOWARD: I agree with Mr. Quintal, I think it would also be disappointing to the 15 year old and the family and friends of the 15 year old who got a licence if we do not make this amendment against the advice of the Magistrates and the Police if he gets into an accident, because we would not follow the advice of the Magistrates and the Police.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard. There being no further debate the question is that the amendment be agreed.

Question - put

The House voted:

AYES, 7
Mr. Buffett
Mr. Howard
Mr. Brown
Mr. Christian-Bailey
Mrs. Gray
Miss Buffett
Mr. Sanders

NOES, 2
Mr. Quintal
Mr. Jackson

Amendment agreed
Clause 15, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 16 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Amendment number 5 Mr. Deputy President.

MR. DEPUTY PRESIDENT: It is on my paper as 5 and 6.

MR. BUFFETT: Quite so, yes, both amendments 5 and 6. If I might seek your indulgence in tackling them separately though Mr. Deputy President. Thank you. The first one, number 5, relates to this situation, this provides, or the provision is intended to give the Registrar the
opportunity to check that an applicant has some basic knowledge of road laws before he is allowed a learner's licence to take a vehicle on a public highway.

MR. DEPUTY PRESIDENT: Is there any further debate. Two Members have just left the House; would you like to leave debate on that. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously

MR. DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Thank you Mr. Deputy President, I come to number 6 which as you rightly pointed out to me is also in clause 16. This particular amendment increases to 16 years the age a person must attain before the Registrar may issue to him a learner's licence and is consequent upon the earlier amendment that we have spoken about, amendment number 4.

MR. DEPUTY PRESIDENT: Is there any further debate. The question is that the amendment be agreed.

Question - put
Motion agreed to

MR. DEPUTY PRESIDENT: Is clause 16 as amended, agreed.

Question - put
Motion agreed to unanimously
Clause 16, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 17 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Thank you Mr. Deputy President. Amendment number 7 which amends clause 17(4)(a) - the Bill at present proposes that a drivers licence should remain in force for five years instead of the present one year. The proposed amendment reduces this period to three years.
MR. DEPUTY PRESIDENT: Is there any debate. Mr. Howard.

MR. HOWARD: Could I have a little explanation why this is a good idea, why isn't five years more convenient and better than three.

MR. DEPUTY PRESIDENT: Would you care to answer Mr. Buffett.

MR. BUFFETT: Mr. Deputy President it was thought that five years, bear in mind that it is one year at present, it is annually renewed, it is thought at five years you have a greater period of time before any licensing in particular is reviewed, you also have a financial consideration in that if you renew it more readily you may well have a more revenue earning situation, although that in some ways can cut the other way too, but you do not handle it as many times and you may have some cost saving, it depends on how it is handled. The proposed amendment which is to three years takes it off an annual basis of having to be worried about it I suppose you might say but it does not lengthen it to three years that you are not able to give some reasonable review in a shorter period of time.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Mr. Howard.

MR. HOWARD: Does anybody know, isn't it five years in New South Wales.

MR. DEPUTY PRESIDENT: It is three I think.

MR. HOWARD: Is it.

MR. DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Deputy President it is my understanding that five year licences are available in a number of parts of the world for anyone who travels overseas the convenience of having an international licence valid for five years rather than having to renew it at shorter intervals is quite worthwhile. I do not propose to support the amendment, I was impressed with the initial proposal that the licences be valid for five years and I am still impressed with that proposal.

MRS. GRAY: I think the reduction to three years also took into account the number of people who were temporarily resident on Norfolk in that they did not have to renew a licence for five years, they were only obliged to do it for three years and the subsequent cost accordingly.

MR. DEPUTY PRESIDENT: Any further debate.

MR. BUFFETT: I confirm that that is another factor that escaped my attention, and bear in mind that there are something like 400 or 500 persons on the Island who have temporary entry permit status, I think that is about the figure.

MR. QUINTAL: Mr. Deputy President I would think then that the five year period would be a better one revenue wise ... I will say it again if you like - I would think that the five year period would be far better than the three year period revenue wise.

MR. BUFFETT: That is of course Mr. Deputy President if you want to rip people off.

MR. QUINTAL: I am not referring to ripping anyone off.

MR. DEPUTY PRESIDENT: Thank you Mr. Quintal. Is there any further debate. The question is that the amendment be agreed to.

Question - put
The House voted:

AYES, 6
Mr. Buffett
Mr. Christian-Bailey
Mrs. Gray
Miss Buffett
Mr. Jackson
Mr. Sanders

NOES, 3
Mr. Howard
Mr. Brown
Mr. Quintal

Amendment agreed
Clause 17, as amended, agreed.
MR. DEPUTY PRESIDENT: Are clauses 18 to 31 inclusive, agreed.

Question - put
Motion agreed to unanimously
Clauses 18 to 31 inclusive, agreed.

MR. DEPUTY PRESIDENT: Is clause 32 agreed. Mr. Buffett do you have an amendment.

MR. BUFFETT: Yes I do, quite a lengthy amendment in respect of this particular one Mr. Deputy President. It is amendment number 8 as circulated, and I explain in respect of this amendment, it covers something like four and a bit pages, the amendment proposes to give a person who is suspected of driving or of attempting to drive under the influence of drink or of drugs, a right to have a sample of his blood taken for analysis and for the analyst's certificate to be used as evidence in any subsequent proceedings. That is the basis of those amendments which cover those number of pages Mr. Deputy President. It is a significant amendment to the original Bill.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Is there any debate. Mr. Jackson.

MR. JACKSON: I support the amendment; I support it for the reason that it finally got there. Right from the beginning of this Bill this section has been a contentious one. The defendant had no right to claim if he is apprehended that he is not in a condition he is alleged to be, now an amendment has been placed to give him that right, that he would be given a blood test if he so desired, and I wholeheartedly support it.

MR. DEPUTY PRESIDENT: Thank you Mr. Jackson. Is there any further debate. Mr. Howard.

MR. HOWARD: Yes, I want to oppose the amendment. This may sound a little strange, for reasons I do not fully understand. The reasons are a conversation that I had with Duncan McIntyre, and he has persuaded me of a view. I take note of his view on matters in this Bill because this whole monumental Road Traffic Bill is the result of an immense amount of
work that he did while he was on the Legislative Assembly in combing through the old law and bringing us this close to having an up to date, good, new law which the Island badly needs. I understand and agree with Mr. Jackson's wish to give the defendant rights, and it had been my intention to support this amendment because it allows someone to say I am not drunk, take me to the hospital I want my blood tested, he does not have to do that but he has that right and I fully side with Mr. Jackson in wanting to ensure the rights of people and to make certain that they are not in a position where they can be pushed around and have no recourse, but it has been pointed out to me that if we add to the law a procedure for taking a blood test and that procedure specifies what it means to be under the influence of drink, namely that it means a concentration of 0.08 grams of alcohol in 100 milimetres of blood, if that degree of alcohol is found in blood, that will be taken to be proof that the person was driving under the influence. If the concentration is less than that amount that will be taken to be proof that the person was not under the influence of drink. Once that precise measurement of what it means to be under the influence of drink is set down in the law, it is put to me by Duncan McIntyre, and I have to accept the wisdom of his view, that it will then be extremely difficult to get convictions for the accusation that a person was driving under the influence of drink because that person if he is astute, will not get a blood test taken and he will then say prove that I had .08 grams of alcohol in my blood.

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: I do not really know how to call this point of order but Mr. Howard is referring to an obsolete set of amendments.

MR. HOWARD: Am I.

MR. DEPUTY PRESIDENT: I agree with you.

MR. HOWARD: I am terribly sorry that I went on that long.

MRS. GRAY: I did not know how to stop you, I'm sorry.
MR. DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Deputy President may I confirm this situation, that the amendments that are now before the House do provide that in certain situations a person may have a blood test taken to determine the content of alcohol or otherwise. The law in no way at all indicates what the benchmark is as to whether you reach a certain level you are then automatically drunk or automatically not drunk for example, to put it bluntly. There is no such specific direction in the piece of legislation, it was earlier considered I might say and it was earlier documented that this might be an approach to the matter, however I have mentioned two meetings in which we have talked about these matters at great length and the result of that is that yes there should be means whereby an analysis can be made and that analysis can be brought forward by either parties before the Courts but it does not give an automatic indicator. It has been explained that some persons for example are better able to cope with a higher or a lower quantity within their blood of alcohol or drug, and it is not always accurate to say just because you show an analysis with X% that it means one way or the other, but it does mean that it can be done and brought forward as a factor for consideration by the Bench in assessing such cases that are brought before the Magistrates. I hope that helps clarify the situation.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett.

MR. HOWARD: Well if I am one confused MLA I appreciate being helped out of my confusion, the ones I am looking at are dated the 4th of June.

MRS. GRAY: May I just say that I think the basic reasons for the change in the amendment was based on the points that Mr. Howard was bringing forward.

MR. HOWARD: I apologise for having wasted your time.

MR. DEPUTY PRESIDENT: Thank you. Mr. Brown.

MR. BROWN: Mr. Deputy President I still have one problem with this in that it appears that the amendment will make a blood test compulsory
unless the person by writing signed by him waives his right to have the sample taken, I am somewhat concerned at the potential for assault here. It may be purely hypothetical, but if someone does not in writing waive his right to have a sample taken then the police have got a duty to take him along somewhere, have blood extracted from him and then have the blood analysed. I would far prefer to see this worded in such a way that if the person in writing says that he wants to have his blood sample taken it can then be done rather than have it compulsory.

MR. DEPUTY PRESIDENT: Is there any further debate. Miss Buffett.

MISS BUFFETT: In view of Mr. Brown's views and comments may I suggest that this particular clause be adjourned for the timebeing.

MR. HOWARD: I have the same wish that Miss Buffett has but I do not know what the effect on our proceedings is, whether that means that the debate on the whole Bill has to be suspended and adjourned to another meeting. I think the point is an important one.

MR. DEPUTY PRESIDENT: Is there any further debate. Mr. Buffett.

MR. BUFFETT: I just point out that in respect of the matter that Mr. Brown referred to, refers to a person being arrested and by writing signed by him waives his right to have a sample of his blood taken, it provides for that situation that Mr. Brown has mentioned but it also provides for other circumstances where it is impractical to take a sample of that persons blood. What I am saying is that you are not in a situation of having compulsory assault upon a person, there is a provision here which shows that if it is not possible in certain circumstances then that is also circumstances which are equal to writing signed by the person who is so arrested, in other words it covers both situations.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Mr. Howard.

MR. HOWARD: Would it be sensible for me to ask Mr. Buffett who is the sponsor of the Bill, if we go ahead and adopt this amendment as it is
put if he could undertake to examine this question that Mr. Brown has raised with the Legal Adviser between now and the next meeting and if it looks as though we have made an error or ought to think about that particular thing again, to bring a new amending Bill to change this particular part of the Bill that we may have gone on and adopted today.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard, would you reply to that Mr. Buffett.

MR. BUFFETT: I can say two things Mr. Deputy President, firstly that the Legal Draftsman has confirmed what I just said in respect of explanation, but secondly most certainly I can give an assurance.

MR. DEPUTY PRESIDENT: Thank you. Miss Buffett.

MISS BUFFETT: In view of the fact that the Legal Draftsman has investigated that, I wish to withdraw my suggestion of an amendment.

MR. DEPUTY PRESIDENT: Is there any further debate. Mr. Howard.

MR. HOWARD: I am happy to support it if we can find out quickly whether we may have acted without taking fully into account Mr. Brown's objection, we then will have made a mistake that will endure for a month and can be corrected at the next meeting, and if Mr. Buffett will see to that then I am happy to support the amendment.

MR. BROWN: I would be happy to support the amendment on that basis Mr. Deputy President.

MR. DEPUTY PRESIDENT: Thank you. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 32, as amended, agreed.

MR. DEPUTY PRESIDENT: Are clauses 33 to 34 inclusive, agreed.
Question - put
Motion agreed to unanimously
Clauses 33 to 34 agreed.

MR. DEPUTY PRESIDENT: Is clause 35 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: This is covered by amendment number 9 Mr. Deputy President, and the impact of this particular amending proposal is that the proposed amendment increases the penalties for making false statements in order to obtain licences etc, to more appropriate levels.

MR. DEPUTY PRESIDENT: The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 35, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 36 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Amendment number 10 Mr. Deputy President proposes again an increase in penalties for forging etc licences, to more appropriate levels.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 36, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 37 agreed.

Question - put
Motion agreed to unanimously
Clause 37 agreed.

MR. DEPUTY PRESIDENT: Is clause 38 agreed. Mr. Buffett you have an amendment.
MR. BUFFETT: Thank you Mr. Deputy President, it is amendment number 11 upon the circulated amendments, clause 38, page 69. By way of explanation I mention that this proposed amendment provides that instead of stating what are approved helmets, the clause will allow a type of helmet which is to be worn to be prescribed by regulation.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 38, as amended, agreed.

MR. DEPUTY PRESIDENT: Are clauses 39 to 45 inclusive, agreed.

Question - put
Motion agreed to unanimously
Clauses 39 to 45 inclusive, agreed.

MR. DEPUTY PRESIDENT: Is clause 46 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: It is amendment number 12 upon the circulated amendments. Clause 46(1), page 80. These words in fact were omitted by error when the draft was amended. I propose amendment number 12 Mr. Deputy President.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 46, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 47 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Yes, amendment number 13 Mr. Deputy President. I explain that the omission of this clause, which is the proposal, is
consequent upon the proposed amendments to increase the minimum driving age to 16.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 47, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 48 agreed.

Question - put
Motion agreed to unanimously
Clause 48 agreed.

MR. DEPUTY PRESIDENT: Is clause 49 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Amendment number 14 Mr. Deputy President.

MR. DEPUTY PRESIDENT: Amendments 14, 15 and 16.

MR. BUFFETT: If you so wish Mr. Deputy President, I am very happy to take it that way, yes, they all relate to the increase of penalties for failing to stop and render assistance, for failing to report a serious road accident and for giving wrong information following an accident, the raising of penalties to appropriate levels, in respect of amendments 14, 15 and 16.

MR. DEPUTY PRESIDENT: The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 49, as amended, agreed.

MRS. GRAY: That is 1, 2 and 4.

MR. DEPUTY PRESIDENT: Which one is that Mrs. Gray.
MR. BUFFETT: Yes I confirm that Mr. Deputy President for clarification, what I have just read, 14 refers to 49(1), 15 refers to 49(2) and 16 refers to clause 49(4).

MR. DEPUTY PRESIDENT: Is clause 50 agreed.

Question - put
Motion agreed to unanimously
Clause 50 agreed.

MR. DEPUTY PRESIDENT: Is clause 51 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Amendment number 17 Mr. Deputy President. This proposed amendment provides additional and necessary grounds upon which an Executive Member may close a road.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 51, as amended, agreed.

MR. DEPUTY PRESIDENT: Are clauses 52 to 55 inclusive, agreed.

Question - put
Motion agreed to unanimously
Clauses 52 to 55 inclusive, agreed.

MR. DEPUTY PRESIDENT: Is clause 56 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Thank you Mr. Deputy President, it relates to amendment number 18. Clause 56, page 99. The proposed amendments, (a) it is intended to make it clear that although for example a driving licence issued under the old Motor Vehicle Ordinance 1929 continues in force until the new Act, it only continues in force for the same period as it would have continued in force under the old Ordinance, that is one year
from the 31st of December, not three years from the date of issue, and (b) if a person under 16 is already driving a small motor cycle when the new Act comes into operation, he may continue to do so if at that time he has a learner's licence already issued under the old Ordinance.

MR. DEPUTY PRESIDENT: Is there any debate. The question is that the amendment be agreed.

Question - put
Motion agreed to unanimously
Clause 56, as amended, agreed.

MR. DEPUTY PRESIDENT: Is clause 57 agreed. Mr. Buffett you have an amendment.

MR. BUFFETT: Yes, amendment number 19 Mr. Deputy President. 19 is 57(7), page 108 and amendment number 20 is clause 57(8), page 110. The first, the proposed amendment is intended to make it clear that although a person may not hold more than once licence issued on Norfolk Island, he may in addition to a licence issued on Norfolk Island hold a licence issued elsewhere. The second one is intended to clarify a possible query. May we tackle these then.

MR. DEPUTY PRESIDENT: Do you want to do them separately Mr. Buffett.

MR. BUFFETT: I am quite happy whichever way the House is happy to receive them, I am happy to take them both together.

MR. DEPUTY PRESIDENT: We will take them both together, is there any debate. The question is that amendments 19 and 20 be agreed.

Question - put
Motion agreed to unanimously
Clause 57, as amended, agreed.

MR. BUFFETT: May I clarify one thing Mr. Deputy President that Mrs. Gray raised as a query. On page 71 of the original Bill it says, clause 39, 'unless he is wearing approved footwear which is appropriately adjusted
on his foot' - in fact when I originally presented the Bill that had been changed to 'feet' on the presented copy, the grammar may not have been corrected on all of the copies that were circulated, my apologies for that, it does read 'feet'.

MR. DEPUTY PRESIDENT: Will somebody move that the Bill be agreed to.

MR. BUFFETT: I will so move Mr. Deputy President.

MR. DEPUTY PRESIDENT: Is there any debate.

MR. HOWARD: I would simply like to note that it is a historic occasion, it has been a long battle to get this remarkable improvement in the laws through, and here we are.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard. The question is that the Bill be agreed.

Question - put
Motion agreed to unanimously
Bill, as amended, agreed.

MR. ACTING DEPUTY PRESIDENT: Mr. Quintal.

MR. QUINTAL: I would like to say that the time is getting quite late, there is a school concert on tonight and there is quite a lot of business to get through yet and I wondered if the rest of the Members would think it fit to adjourn the meeting.

MR. SANDERS: I believe Mr. Chairman that there is only one more matter and that is the Building Bill.

MR. ACTING DEPUTY PRESIDENT: Is it the wish of the Members to adjourn the meeting.

MR. SANDERS: No.
MR. ACTING DEPUTY PRESIDENT: Do we adjourn the meeting to a date to be fixed.

MR. QUINTAL: I have not moved that because there is only one more matter on the business paper.

MR. ACTING DEPUTY PRESIDENT: We will continue then.

BUILDING (AMENDMENT) BILL 1982

MR. ACTING DEPUTY PRESIDENT: The Building (Amendment) Bill 1982. Mr. Jackson.

MR. JACKSON: Mr. Chairman, I moved an amendment at the last sitting, I do not know what stage we are at now, whether Mr. Sanders has the floor.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson we are at the stage where the Bill is to be agreed to in principle.

MR. JACKSON: Well Mr. Sanders has the floor then.

MR. ACTING DEPUTY PRESIDENT: It says here Mr. Jackson to resume. The question is that the Bill be agreed to in principle.

MR. JACKSON: If I am to be called upon to speak at this stage, it is my intention to move an amendment.

MR. ACTING DEPUTY PRESIDENT: We have to agree to the Bill in principle first. The question is that the Bill be agreed to in principle.

Question - put
The House voted:

AYES, 6
Mr. Howard
Mr. Brown
Mr. Christian-Bailey
Mrs. Gray
Mr. Quintal
Mr. Sanders

NOES, 3
Mr. Buffett
Miss Buffett
Mr. Jackson

Bill agreed to in principle.
MR. ACTING DEPUTY PRESIDENT: Is it the wish of the House to dispense with the detail stage.

Detail Stage

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman, it is my intention to move an amendment to Mr. Sanders' Bill. I strongly oppose the Building (Amendment) Bill of Mr. Sanders' as his amendment will require approval to be obtained for the erection or alteration of all buildings thus creating the whole of Norfolk Island a designated area, similar to the Kingston and Arthur's Vale area, and we are well aware of the public reaction when that Bill was introduced. At present certain building activities are exempt from the necessities of obtaining approval, such as private dwellings on freehold land and agricultural buildings in particular. I agree that the present system is open to abuse but the proposal to bring all building activities under control goes too far, especially when the definition of alteration is considered it includes all alterations to the inside or outside of a building. If Mr. Sanders' Bill is passed in its present form it will be necessary for approval to be obtained to carry out all internal alterations as well as external alterations to a person's own home. The amendment which I propose to Mr. Sanders' Bill is designed to exempt from part 3 of the Ordinance certain classes of building activities, however by defining those classes with precision to prevent the sort of abuses to which the present provisions of the Ordinance are open. What this amendment proposes is that rather than bring all building activities under control, there should be set out in a schedule to the principal Ordinance certain types of building activity that can be carried out without approval. This amendment accordingly proposes an amendment to section 15(1) of the Ordinance to give effect to the proposed schedule and insert into the principal Ordinance a schedule setting out exempt buildings. The schedule firstly defines certain technical terms used in the schedule; paragraph 2 of the schedule sets out in eight paragraphs the classes of activity for which building approval could not be required, these are - it is not necessary to get approval for the erection of a single storey dwelling house with a floor area of not more than 150 square metres, about 15 squares, this
is a reasonably sized home, it would still of course be possible to build a larger home but approval would be required. The purpose of this limit is to prevent the erection of a large commercial type building under the pretence that it is a dwelling house and at the same time it leaves free from interference a land owner who wishes to build a reasonably sized home. No approval is required for the alteration of a dwelling house provided that there is no increase in floor area beyond 50% of the original 150 square metres and that the building is not converted into a two storey building and that the building does not increase in floor area above 250 square metres, about 25 squares, and that separate flats are not created. Any other alteration other than what I have just stated would require approval. The purpose of the proposed condition is to prevent for example a small house being converted into a block of flats or even a warehouse, without approval, and at the same time it leaves the house owner sufficient freedom to carry out alterations that may become possible through an improved financial situation or because of additions to the family. No approval is required to erect a garage provided it is no more than 4 metres high and 50 square metres, which represents about 450 square feet in floor area, this would allow a fairly large garage to be built without approval. No approval is required to erect other domestic buildings of not more than 4 metres in height, this is to prevent tool sheds, fowl runs and such things to be built without approval. No approval is required for minor alterations to garages and other domestic buildings. No approval is required for the erection for a house of domestic water tanks provided such tanks other than a header tank are not more than 3 metres in height. No approval is required to erect fences, gates etc, and no approval is required to erect agricultural buildings not more than 4 metres in height or 400 square metres in area, this would enable the construction of a reasonably large diary or similar building on an acre or more of agricultural land.

Mr. Chairman the purpose of these amendments proposed to Mr. Sanders' Bill is to avoid the loop holes that exist under the present law but at the same time to avoid the unnecessary infringement upon the rights of the freehold land owner. These amendments seek a compromise between total control and total freedom to do whatever one likes, such freedom has been abused in the past. The proposed omission of clauses 3 and 6
from Mr. Sanders' Bill will retain complete control in respect of the designated area.
I commend the amendment Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. Chairman, Mr. Jackson has just said that there is an abundance of loop holes in the existing Ordinance. My amendment was to correct all these things. Mr. Jackson's amendment to my amendment puts them right back in again. There would be in effect with Mr. Jackson's amendment almost no change in the Ordinance at all to the existing one that we have, and the purpose of amending it in the first place was to prevent all these things from happening. Mr. Jackson previously stated this evening when he was referring to boarding houses that people had sheds or garages....

MR. JACKSON: Point of order, I did not describe any place as sheds or garages, and I ask for that to be withdrawn.

MR. SANDERS: These places were used...

MR. JACKSON: Is the Clerk not listening, or you Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: There is no point of order Mr. Jackson.

MR. SANDERS: These places were being used for accommodation for temporary entry permit holders. Mr. Jackson seems to have a little bit of difficulty in working out exactly where these poor people should live, he does not want them to live in a guest house and he does not want them to live in private accommodation, and he also states that you cannot build whatever you want but he wants all the loop holes to say that you can build garages and do exactly as you please.
I oppose the amendment. There should be no exemptions.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Howard.

MR. HOWARD: I agree with Mr. Jackson's concern and with the concern that
I think was shown by Mr. Buffett and Miss Buffett as well as Mr. Jackson when the motion to agree in principle was voted on. What we are talking about is the control of peoples ability to use their private freehold land to build the kind of home that they want to build on it, and that is a big step for the Island. I oppose Mr. Jackson's proposed amendment because it spells out in great detail exactly the kind of buildings that people can build without approval. I do not know what consideration has been given to whether these are the right numbers, the right sizes, the right heights and so on, I do not know whether they have been properly reasoned through or whether they have simply been taken from someone else's zoning ordinance or what the source of them is. I do not even want to go this far in restricting peoples right to use private property. I intend to vote against this amendment and if this amendment does not pass I intend to move a different amendment which would say that people can build whatever they like on freehold land unless regulations put before the House by the Executive Member after studying the situation are agreed to by the House, and I am proposing for the timebeing that there be no restriction beyond what there is now, but I am proposing that we think some more about whether some controls may not be needed on private residential building and if so, rather than trying to specify exactly what those controls should be in a few minutes of debate here, to have them considered, have those controls considered by the Executive Member and brought to the House and debated at length for what they are. So I oppose the amendment that Mr. Jackson has brought but I am totally on his side in being very reluctant to begin encroaching on peoples right to use their own land as they want for their own residential purposes.

MR. ACTING DEPUTY PRESIDENT: Further debate Honourable Members. Mr. Quintal.

MR. QUINTAL: Mr. Chairman, I feel that in the past the people of the Island have used their heads regarding buildings. When the Pitcairners first arrived on Norfolk, I must harp back on this but I do not mind doing it, I am always harping back on that, they had the right to build what they liked on their freehold property and their freehold land was very dear to them, I know Mr. Sanders has thought different on another
occasion and he has condemned the people for selling their land, but that has been done anywhere in the world. Persons who own their land, it is their kingdom, and freehold land you can either keep or sell, and the more ordinances and laws that we put forward the less freedom that the people of the Island will have, and I for one would not like to see regulations or restrictions put on to any freehold property. I think people have been very sensible, they have built well back from the roads, and except for one or two ugly buildings on the Island, and one in particular that I am referring to has been improved and looks considerably better. I feel that people are sensible and I think it is up to us to support those people and allow them to build what they like, because as I have said before there are some beautiful buildings here, especially some of the old homes that the Norfolk Islanders built, and I would not like to see a restriction of any description placed on any freehold property at this stage.

MR. ACTING DEPUTY PRESIDENT: Further debate Honourable Members. Mr. Brown.

MR. BROWN: Thank you Mr. Chairman. I have spoken at some length with Mr. Sanders in relation to his motion, I have spoken at some length to Mr. Jackson in relation to his proposed amendment. The important part of what Mr. Sanders is trying to get at is not to prevent responsible people from building nice houses. There can be little doubt that 98% of the people who want to build a house want to build a nice house and want to site it nicely on the land, want it to be something that they can be proud of and something that they will hand down to their children. I do not really think that to ask those people to prepare a plan and to have the plan approved is a great sacrifice. I certainly do not think it is a great sacrifice if that enables us to stop that other 2% from putting up buildings which are either different types of buildings to the types that we would like to see built or are buildings which detract from the beauty and the tranquillity of Norfolk Island. Mr. Jackson spoke earlier this afternoon about water pollution problems, there is little doubt in my mind that we are going to have to look very closely at by legislation requiring people to make application to instal septic tanks or sewerage plants or whatever on properties they may be contemplating building on, to some extent we already have such a requirement, but our
enforcement of that requirement is going to quite clearly need to be far more strictly considered. It may be that we will have to decide that there are close on enough houses with septic tanks and that unless places are going to be totally on pump out or instal their own sewerage treatment plants, perhaps we will find that we cannot allow them to be built at all, there may be a whole host of problems that we are going to have to look at a little way down the track. We are going to have to look at this same type of problem when we are looking at the overall question of Island planning. Because the whole question is going to have to be reviewed in any event, I am inclined to support Mr. Sanders' motion to prevent the problem getting any worse in the meanwhile and then when the time comes when we are considering the whole question if we find that that has in practice turned out to be unreasonable well we can review it at that time. For that reason I propose to support Mr. Sanders' motion and not to support the proposed amendment.

MR. ACTING DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Acting Deputy President, my views are well known on the matter of further restrictions in respect of traditional freehold lands in Norfolk Island, I made my views known when this matter was first introduced. It appears what we have now of course is the existing situation, a proposal by Mr. Sanders for total control in respect of traditional lands in the Island, we have a motion amending that from Mr. Jackson whereby there are certain specifications set down, and we have a foreshadowed motion by Mr. Howard in which he indicates that if there is to be any encroachment upon traditional freehold lands in the Island, it would need to be first of all brought before this Assembly for discussion in this public forum, no doubt with specific proposals as to areas and types etc. I have earlier said that I certainly could not support Mr. Sanders' proposal. I in fact find difficulty in supporting the proposal for restrictions that have been mentioned by Mr. Jackson. If I am forced to entertain the idea of some amendment to the existing legislation, I would prefer that it be something that can be examined in depth and brought before this Assembly, and really that means more in keeping with the motion that Mr. Howard has foreshadowed. It is a matter that is recognised by us all I feel that planning legislation is being
pursued and it may come a day where we have got to revise our existing laws in respect of the utilisation of land in Norfolk Island, but I think if we do come to that situation and if we do come to that and then at that time need to consider some further restrictive arrangements especially in respect of freehold land, I think it has got to be done with a great deal more documentation and study and facts and figures as to the percentage of detriment that may be caused, has been caused in the past or may be in the future, that we very clearly examine what we in fact are letting go of in respect of traditional uses of land, and we would need to show quite clearly what the advantages were if in fact we were in a position where we needed to consider relinquishing some of those. I do not feel that we have reached a stage whereby there has been satisfactory argument shown that we need to relinquish those traditional aspects. Mr. Quintal this evening has made mention of something that I have also mentioned in the past that when you consider the traditional aspects of the Island as far as buildings are concerned, it is not that which in fact has caused the difficulties that we have been faced with in recent years and really what is being proposed now is a piece of legislation that will be to the disadvantage and detriment of that particular principle because some people have obviously not played the game and they have tried to get around the so called conventions and rules that have been accepted and utilised in the community. I really have made it clear that I cannot support the amendment, I find difficulty in supporting the amendment to the amendment. If the foreshadowed amendment has its opportunity to come forward well we will look at that at the time. I am opposed to any move at this time that will take away the traditional aspects of buildings and associated structures in Norfolk Island.

MR. ACTING DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: Thank you Mr. Acting Deputy President. I have a feeling that the point is not being made strongly enough that the idea behind the original amendment to the Bill put forward by Mr. Sanders is not to prevent people from building what they like where they like and how they like but to protect those who have already built homes attractively and well sited from having unsightly, ill-considered buildings plonked
possibly right under their noses, and I am not for a moment suggesting that all and every building proposed falls into that category, in fact exactly the opposite. If buildings are to be erected in places of particular beauty or in parts of the Island already well developed, the original amendment to the Bill does not prevent them being erected, neither does it prevent the small home, the palatial mansion, the shack for the cow bale or anything else from being built, the Bill merely asks that people submit their proposals so that all factors may be taken into account, and the Bill seeks to ensure that buildings will fit into their surroundings, the natural ones and the man made ones. It is common place everywhere, well just about everywhere, lets say elsewhere, that fall drawings and descriptions of proposed developments appear on site and in local newspapers, and that is legislation designed to protect the existing situation, not to prevent development. I do not see this as a Bill designed to force rights to be relinquished but in fact to protect those things and those buildings, those people who have already built their homes, selected their sites carefully. I do commend the original amendment to the Bill.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I do not agree with Mrs. Gray’s view of what the original Bill did, and I think we need to talk about the original Bill to some extent to understand the amendment that Mr. Jackson is putting to it. The original Bill as put by Mr. Sanders, section 4, clause 4, says section 15 of the principal Ordinance is amended by omitting certain subsections. Those are the sub-sections that say private people can build on their own land as they like, and Mr. Sanders’ Bill says wipe that, scrub it. Mr. Sanders’ Bill then goes on to say that there should be a procedure for allowing certain kinds of buildings to be built without putting a plan in, and the Executive Member may declare what those are. Well I do not like that, I do not like that much power in any Executive Member’s hands, I do not care who the Executive Member is, whether it is Mr. Buffett or Mr. Brown or me or Mr. Jones ten years from now, I do not like an Executive Member having that kind of power. I think that that vital kind of control or release of people from control, ought to be debated in the Assembly and I am against putting that amount of power in
a single man's hands. If something in the Standing Orders said that it were impossible for me to move an amendment and only one amendment could be moved to a Bill and it was either take the original Bill or take Mr. Jackson's amendment, I would take Mr. Jackson's amendment, rather than the original Bill, or for preference if that were the choice, I would simply vote against the original Bill, just negative it. I think the original Bill does a great deal to wipe out a freedom that people have had with their own land here for a long time and I agree wholeheartedly with Mr. Buffett, I see a definite detriment in the Bill and I do not yet think the need for it has been shown.

MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Thank you Mr. Acting Deputy President. I made my views fairly clear in the first mention of this Bill and they have not changed, I do not think that either pieces of legislation before us at the moment is the answer. I prefer to leave the situation as it is without any restrictions on building until eventually a Planning Bill comes through, if and when. I do not know what I am supposed to support or not support, I would prefer to support the amendment but I reject the motion.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman, I thought I had made it very clear when this first started quite a few months ago now, in answer to Mr. Howard's statement about what happens if an Executive Member does something naughty, as far as I am concerned as I have said before we would sack him, and that quickly. I do not feel that this gives any Executive any more power than what you have over money or that Mr. Buffett has over education and health. I believe if you Executives are not prepared to acknowledge that an Executive should have this power, then perhaps you should not be one. I have stated previously that the only persons who could possibly object to these amendments are people who by their very objection must be irresponsible persons, persons who are not interested in maintaining the Island's natural beauty and environment for future generations. These same people would be the first to complain if a shoddy building or pigsty or fowl run etc were built.
right on their boundaries. The proposed amendments to my amendment really do nothing other than allow a person to do exactly as he pleases, and the whole purpose in the first place was to prevent this from happening. There is much grandstanding about traditional rights, public health, water and sewerage and contamination of our underground streams yet the very persons who would spend many thousands of dollars of public money on research are not prepared to help protect the public at the source of most of the problems. I ask all Members to support this amendment as I do. Thank you Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman I am not clear which amendment Mr. Sanders is speaking about. I certainly do not support his amendment to the Bill, I have made that quite clear. I could not support amendments of the nature he proposes in the House to turn the whole Island into a designated area. It has been stated around the House that that is not on.

MR. ACTING DEPUTY PRESIDENT: We are debating your amendment Mr. Jackson.

MR. JACKSON: I am speaking to both. My amendment to Mr. Sanders' Bill is a compromise, it is a compromise from total control as Mr. Sanders' Bill proposes and a boycott on every building that one wishes to put up, to one amended so that you have total freedom to do what you would like on your own land to a certain degree, that is what my amendment proposes. My amendment proposes that you can build without approval in the first instance up to 15 squares if you do not want to get yourself tied up with the banks with financial difficulties, and then you may want to extend later on. In my amendment you can extend 50% to an approximate floor area of 25 squares, and the dwelling cannot be converted into flats. My proposal also does not give any right to anyone to build a double storey house, you must get approval; and if you want to build a bigger house than what I have estimated then you must also get approval. But it gives a person the right to build on his own land to a certain size because of two things; it gives him the traditional right because of his freehold land to build a home of 15 squares which represents an ordinary size three bedroom home, and that is reasonable; and he can extend that
by 50% without approval, he does not need approval. Now when we speak about anyone needing permission or having to submit plans to build anything whatsoever, I can see it, but I do not take it as far as Mr. Sanders would. You will develop all the pimps and tip-offs because as soon as someone hears someone hammering in the middle of the night, he is altering something, he is changing his house and he has got no permit to do it, so what sort of situation is that that you cannot do anything under the Bill that is proposed by Mr. Sanders. At least the one that I have put up gives some freedom to the people of Norfolk Island so that they can build a home without approval, they do not have to rush down and put in a sketched plan if they want just to build a little one bedroom cottage, or they want to put up a shed down the back - you have get approval, that is the proposal by Mr. Sanders. My amendment does not go that far, my amendment gives total freedom to build whatever you like up to a certain area, now if that is not a compromise.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Quintal.

MR. QUINTAL: Mr. Chairman. I am going to treat Mr. Jackson and Mr. Sanders in the same manner. I do not intend supporting the amendments that they have suggested. Mr. Sanders mentioned about pigstys being put up alongside buildings, under the Police Offences Ordinance, under removal of nuisances, it says -"if any privvy, pigsty or any other matter or thing in any place is or becomes a nuisance to any of the inhabitants of that place, a Magistrate upon complaint on oath thereof made to him by any such inhabitant, and after due investigation of the complaint, may by notice in writing order that every or any such privvy, pigsty or other matter or thing being a nuisance, shall be remedied or removed within seven days after the notice has been given to the owner or occupier of the premises wherein the nuisance exists or has been left for the owner or occupier at his last or usual place of abode or on the premises". That means that a pigsty can be moved at any time or a public nuisance can be moved. We have had long debate on this matter and if Mr. Howard moves an amendment to the amendments I do intend supporting that and I feel that we have a Planning Bill coming up and we could wait for that and I do not think any harm will be done in the meantime, that is my opinion.
MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Sanders.

MR. SANDERS: Thank you Mr. Chairman, it is only to state that it appears that those who live on Crown land have no difficulty in submitting their plans which their lease arrangements insist on. I have not heard any complaints at all. I do not think that if it was borrowed capital from a bank that they would be allowed to build it without furnishing some sort of plan, and I would doubt very much if they already have the plan if they cannot afford a 5-cent stamp to send it to the secretary of the Building Board then I suggest that they stop building.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: Mr. Sanders may not have heard any complaints from people on Crown lease land, I ask the question why do they pay so much more for freehold.

MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Just a comment thank you Mr. Acting Deputy President that Mr. Quintal comes in in support of a view that I put forward in the first place that I maintain we can control by other laws most of the offensive problems caused at the moment, we do not have many and I do not think we will have.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: The thing I believe Mr. Chairman that is going to be of interest in the very near future, very near, there is much talk about instant water disposal, sewerage and everything, town planning, which all has to be done in a hurry, and yet nobody is the slightest bit interested about the premises that has to hook up to it, I believe these people are just grandstanding and are not in the slightest bit interested in the thousands of dollars that have been spent for engineers. The interesting thing is going to be the record when we see who are the responsible persons and who are the irresponsible persons, in hansard.
MR. ACTING DEPUTY PRESIDENT: Further debate. No further debate. The question is that Mr. Jackson's amendment be agreed to.

Question - put

The House voted:

AYES, 1
Mr. Jackson

NOES, 8
Mr. Buffett
Mr. Howard
Mr. Brown
Mr. Christian-Bailey
Mrs. Gray
Mr. Quintal
Miss Buffett
Mr. Sanders

Amendment not agreed.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: The proposed amendment that has been circulated in my name is an effort, with help from the Legislative Draftsman, to say leave in the Building Ordinance as there is now, freedom from control for residential and agricultural buildings for the moment. The amendment that I am proposing goes on to say that regulations covering such buildings may be made in the future, but that such regulations shall not be made except after a copy of the proposed regulation has been laid before the Assembly and has been passed by the Assembly or amended by the Assembly. The reason that I put this amendment is that I sense in the minds of a lot of people that I respect around the Island, a feeling that maybe the time has come, maybe we are close to it, when residential buildings perhaps ought to be regulated. I have not come to that view myself but many that I respect do have that view. I believe the Building Board majority feels that way. I think the time may be approaching or near when the Island should regulate residential buildings. I do not think the time is yet. I am not prepared to support Mr. Sanders' original Bill as he put it because that means that residential buildings are regulated as from the day that Bill passes. My amendment simply proposes
that we leave freehold land freehold, leave it free, let people build on it what they like as long as it is for residential or agricultural purposes, but that if in due course, and it could be at the next meeting, the Executive Member comes to the Assembly saying I propose the following regulations on residential and agricultural buildings, we will then be able to debate those specific regulations, we may pass them, we may not pass them, but I would like to look at them more closely at greater length than we have had a chance to do today, and that is the purpose of my amendment, it is acknowledging that there may be some feeling in the community that the time may be approaching and this would allow it to happen in the future with proper consideration by the House but not until the House had debated and approved. That is the point of my amendment.

MR. ACTING DEPUTY PRESIDENT: Further debate. Mr. Buffett.

MR. BUFFETT: Mr. Acting Deputy President I see that that particular amendment does at this time protect the traditional aspects which I have been so concerned about and I have expressed my concern in this House. It does appear to offer that protection at this time. I would be willing to countenance such an amendment, I have said earlier that I would certainly not countenance support of Mr. Sanders' original amendment. I think this is something that I could live with.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. Chairman I would like to repeat exactly everything I have already said...

MR. BUFFETT: Please don't.

MR. SANDERS: Well I won't but I would like it to be recorded that all that I have said would be said again. I find it interesting that Mr. Howard said in his statement that he is quite happy that the Executive Member bring such things forward to the House, maybe next meeting as he said, when just five minutes ago he did not want the Executive Member to have any such power. I think that anybody who would not agree that
everybody is worth looking after, not just the people who have freehold, everybody who lives on the Island, surely they too have to be considered. As I said before it would be interesting to see who are the responsible persons. Thank you Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I may have made a mis-statement about my amendment. I said that it would be up to the Executive Member to propose such regulations, and I suddenly wonder if that is right. I believe anybody, any Member, could propose such a regulation, I do not think it would have to be even in the hands of an Executive Member. But the point is that the power would be in the Assembly, not in the hands of any person, and if the Assembly majority wanted to impose restrictions they could impose restrictions, if the majority did not want to impose restrictions then they would not be imposed.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. Howard must be suggesting that the Building Board does not come under the portfolio of any Executives.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: No Mr. Chairman I was simply looking at the wording of it and I see no mention of the Executive Member in the amendment as I put it, it does not restrict that privilege to him.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Chairman, Mr. Jackson had given a lot of thought to the amendment that he proposed tonight and although I did not support that amendment, I am very sympathetic to a lot of what he was attempting to achieve. Similarly Mr. Howard has put a lot of thought into his amendment, again I am very sympathetic to a lot of what he wants to achieve. Nevertheless I propose to support Mr. Sanders' motion as it is and to not support the present proposed amendment. I won't be greatly
disappointed if the proposed amendment is successful because there is a lot in that that is good. At some stage we are going to have to have power over items such as the preservation and replanting of trees, the siting of buildings and the means of access to the buildings, advertising and other external writings and symbols on buildings, the colour and external cladding of buildings, the height of gates, fences, walls and other means of enclosing land, and the height and floor areas of buildings. Certainly when our overall Island planning legislation comes for consideration by the House, these are areas which will have to be attacked at that stage if it has not been done before. As I said although I find a lot of merit in the proposed amendment, I do not intend to support it, I intend to support Mr. Sanders' motion as it stands.


MRS. GRAY: Mr. Acting Deputy President, it is a little difficult I suppose for those listening to us if I start asking questions and things because they are not aware of what is in Mr. Howard's amendment, but the notes I have I have phrased in that they are questions to Mr. Howard, perhaps I could be indulged to put them and he can decide whether or not to answer them. Do I understand correctly that the proposal you have put before us, permits building subject to regulations laid down by the Assembly governing siting and external appearance, without formal application, that is there are regulations which you anticipate the Assembly will lay down.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: That is not wrong but it is not really what I am driving at. What it says is that private and residential and agricultural buildings shall go on being unregulated as they have been in the past but this establishes a future possibility that regulations could be proposed that would limit such things.

MRS. GRAY: You are not specifically proposing them now.
MR. HOWARD: No. The amendment sets up a procedure by which such regulations might in the future be made if the Assembly wants to make them but it does not say that there shall be regulations. It starts out by saying 'residential and agricultural buildings shall continue to be free of regulation until regulations may be made in the future'.

MRS. GRAY: May I then further understand, through you Mr. Acting Deputy President, who will draw up the regulations, who will finally interpret them and most important at what stage will designs and plans be required and by whom.

MR. HOWARD: Mrs. Gray is asking a legal question that I may not be competent to answer, but my intention with the amendment is that regulations could be proposed by anyone. I would assume that they would be proposed either by Mr. Buffett as the Executive Member responsible for buildings or that they would be proposed by Mr. Brown as the Executive Member for Planning who might have concern of a broader nature that would lead him to want to propose certain regulations. He says he supports Mr. Sanders' original Bill and he is favour of some regulations, he would be a perfectly sensible person to propose such regulations. But the amendment as I have put it simply says we will leave it until that day, until someone has thought through regulations and brings them to the House and argues why they are needed and supports the need for them.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman, I wonder if what Mrs. Gray has just stated in questions to Mr. Howard, and Mr. Howard's answer, whether Mr. Howard is not sure or uncertain. Well if he is not sure and he is not certain how the regulations will be put forward, I think it would be very pertinent that his amendment be adjourned until the next sitting. We can clear up the original amendment. I cannot support the original amendment that was brought into the House by Mr. Sanders, and my views have been made abundantly clear over the past two and a half years of my stand on control over people without a proposed Planning Bill. Total control to me is way out. I placed in the House this afternoon an alternative amendment, well that alternative amendment has been defeated,
now in no way can I vote for Mr. Sanders' original amendment because that provides for total control of all buildings on the Island and declares the Island a designated area. If I have to choose I would have to support the amendment proposed by Mr. Howard, but I have grave doubts now after listening to Mr. Howard that he does not know, that we may have to get a legal opinion. Well if the Members are agreeable I would suggest that we adjourn the debate on that proposed amendment of Mr. Howard's until we get that legal opinion or a more clarified explanation, and I move in that direction.

MR. ACTING DEPUTY PRESIDENT: The question is that the debate be adjourned.

Question - put
Motion agreed
Debate (on motion by Mr. Jackson) adjourned
Resumption of debate made an Order of the Day for the next sitting.

DISCHARGE OF ORDERS OF THE DAY

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I would like to move without notice, I seek leave to do so, that Orders of the Day 4, 5, 6 & 7 be discharged. They are four matters that have carried over from several previous meetings, some going back to 14 May, and time has caught up with a number of them and passed them by. A couple had to do with customs amendments, and we have totally amended the Customs Ordinance since then; one had to do with the tallying of the votes in the January election, and that has been overtaken by the visit of two men from the electoral office in Canberra; The final one on immigration policy - Miss Buffett who originally brought the matter is content to have it be considered discharged, it too has been carried over since the May meeting, and I move that all four of those be discharged.

MR. ACTING DEPUTY PRESIDENT: Further debate. The question is that Orders of the Day numbered 4 to 7 inclusive on the Notice Paper be
discharged.

Question - put
Motion agreed to unanimously.

**NEXT SITTING DAY**

MISS BUFFETT: I move that the House at its rising adjourn until Wednesday 1st September 1982 at 2 p.m.

MR. ACTING DEPUTY PRESIDENT: Any debate Honourable Members. The question is that the motion be agreed.

Question - put
Motion agreed to unanimously.

**ADJOURNMENT**

MR. BROWN: Mr. Chairman I move that the House do now adjourn.

**ADJOURNMENT DEBATE**

MR. ACTING DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: Perhaps I should apologise in advance for prolonging proceedings but I would like to address something that I foreshadowed as a motion I had originally intended to put at this meeting. The House hasn't sat now for more than a month and during that time I suspect even though it may be short, more people have come to terms with what must be recognised as the beginning of hard times for Norfolk Island along with the rest of the world. At the last sitting we dealt with the budget and during that debate I mentioned that it was my intention to bring forward at this sitting a motion which requested the CAO to make recommendations for cutting expenditure when the financial figures which are usually supplied monthly were presented. I have since spoken with the CAO, the Executive Member responsible for Finance and other
Executive Members and tend to agree with them that the floor of this House is not the place for such recommendations to first be aired. It is however my understanding that such recommendations will go as a matter of course to the meetings of the Executive, but I would just like if I may to highlight some of the areas which seem on the surface at least, and I stress that, to warrant an investigatory exercise, and again I say areas which I think might be looked at to see if economies may be practiced. We have already had some information forward today about the carriage of mail by Norfolk Island Airlines rather than by East-West or perhaps in addition to East-West, and that could well reduce costs, it certainly sounds like it on the surface of things, to say nothing of the improved service it could offer to residents. And it is possible that the electricity generating costs could be reduced - I understand that the main generator may be running at less than optimum levels and would therefore be using more fuel than necessary, incidentally pushing up costs to consumers, and I wonder why we are not using smaller generators during the hours of least load. Just incidentally the British Government has plsn to privatise - is the word they are using - British Telecom, food for thought there. Queensland is a State recognised by some as having its act well put together, Joe Bjelke Peterson is right now considering bringing private enterprise contractors into certain areas in place of State workers. And there is a deal going with the - yes I know Mr. Jackson does not like my reference to other people and the way they do things but I think sometimes we can learn from their mistakes - there is a deal going with the Department of Housing and Construction that was, it is now Transport and Construction I think, an undertaking that roads will be made good after the airport upgrading, and I wonder what sort of consideration can be given to calling for private tenders in that area. There was a question asked in this House some months ago about whether or not the bottle shop was to be leased to private enterprise. At that time the suggestion was denied, but perhaps the time has come to reconsider. There is now a common duty to be levied and I suspect it has been levied on a much reduced quantity of goods. The last ships have brought goods for Anzcan, the airport, and very little else I believe. We have a number of people collecting much less duty and attending far fewer aircraft and their situation is so obvious that I suspect that they are
probably quite embarrassed about sitting around trying to occupy
themselves. Let me say here and now that my suggestions are not ones
which would entail people losing jobs — it is a matter of removing
capital costs and running costs from the private purse. The job hold
is transferred to private enterprise employ along with the areas of
employment — no-one loses their job, but hopefully the Government might
divest itself of a fair wack of capital cost. At what stage do we
begin to see the private use of Administration vehicles, equipment,
stationery, postage facilities and probably a lot more, stopped. There
is continuing comment about airfares being paid for trips to the mainland
by public service staff, does this still occur, is it still justified.
I am not sure of the circumstances under which it came to pass, perhaps
the circumstances no longer apply. When will heads be pulled from sand
to look at the questions. I do not believe that this is a time for
making money or raising revenue, it is a time for cutting costs, for
containing expenditure, looking to see how efficiently each area is
operating. The world economic situation, and thus our own, is rapidly
deteriorating. What will we do when revenue drops. Where will cuts be
made. I ask these questions of the Executive Member responsible for
Finance and I ask them of all Executive Members. It is a problem with
which they will have to deal, each in their own area of responsibility,
in the very near future. Thank you Mr. Acting Deputy President.

MR. ACTING DEPUTY PRESIDENT: Thank you Mrs. Gray. Miss Buffett.

MISS BUFFETT: Thank you Mr. Acting Deputy President, may I pass one
comment, the core of Mrs. Gray’s address to me appears that when there
is concern the strike is at the people who have always lived here,
industry — in itself the Administration is an industry, it has employed
a lot of people, produced a lot of money, these people keep the shops
buoyant, they clothe their children, they keep the car sales places
going, they are private citizens, so in other words if the garages do
not have enough work to do, move the Administration staff out and get
private enterprise to do it. Not with me. Thank you.

MR. ACTING DEPUTY PRESIDENT: Further debate. The question is that the
House do now adjourn.

House adjourned at 7:01 p.m. until Wednesday 1st
September 1982 at 2 p.m.