No. 106 which says that questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion and notice must be given of questions critical of the character or conduct of other persons - that is a notice which must appear on notice I understand.

MR. HOWARD: Then we could not draw and quarter a private citizen could we?

MRS. GRAY: Precisely. My term was perhaps a florid one but I do not see that officers of the Public Service should be accorded protection where perhaps a member of the public would not. I believe that this motion is dealing specifically with officers of the Public Service.

MR. HOWARD: Yes, it is dealing specifically with officers of the Public Service because we have, what would you call it, a proprietary, a managerial relationship to officers of the Public Service, we provide the money to pay for them, we hire the Chief Administrative Officer who oversights those people, the performance of their duty is a day by day concern of ours whereas somebody at Burns Philp or Miltons or the Trading Post or wherever, is not our day to day business.

MRS. GRAY: I would have thought all the more reason for it to be public.

MR. PRESIDENT: Mr. Sanders.

MR. SANDERS: I support what Mrs. Gray has said. I sincerely believe that because we are referring to public monies that the public ought to be fully informed by radio or any other means, as to where their money is going and the reason why something is supported or objected to or whatever the case may be.
MR. PRESIDENT: Mr. Howard you sought the call earlier, do you still wish to have the call?

MR. HOWARD: Yes, Mrs. Gray said that because it was Public Service and we have a responsibility, that is why she thought it should be public, I am not against having such debate public in Hansard but going over the radio where somebody is driving down the road and winking at a pretty girl and also listening to the radio and half hears something, I do not think that that is a responsible thing to deal with on the radio, I really do not, I think it is polite and courteous and reasonable to shut us off the air for a few minutes while we talk about such things.

MRS. GRAY: I fail to accept such differentiation.

MR. PRESIDENT: Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: I agree with Mr. Howard. If a member of the public is sufficiently interested the evidence will be recorded in Hansard and that is where they should see it in my view.

MR. PRESIDENT: Any further debate Honourable Members. Mr. Jackson.

MR. JACKSON: I wish to make it clear that I support the motion Mr. President.

MR. PRESIDENT: Mr. Brown.

MR. BROWN: Mr. President I am aware that on the Australian mainland, and I am sure that this applies in other places, there is at least a convention that a public servant in the event that he is criticised in relation to his public service duties in particular, cannot come out in public to defend himself, I do not know whether
that convention applies in Norfolk Island but I would expect that it does and if that is the case then surely this is a very sound reason for the proposed Standing Order to be passed by this Assembly today. I certainly do support the motion. I endorse what Mr. Howard has said to the effect that it does not make the discussion secret, the contents of the discussion can be obtained by any member of the public by going along and having a look at hansard. I support the motion Mr. President.

MR. PRESIDENT: Further debate Honourable Members. There being no further debate, the question is that the motion be agreed to.

Question - put
The House voted:

AYES, 6
Mr. Buffett
Mr. Howard
Mr. Brown
Mr. Christian-Bailey
Mr. Quintal
Mr. Jackson

NOES, 2
Mrs. Gray
Mr. Sanders

Motion agreed

CUSTOMS ORDINANCE 1913

MR. PRESIDENT: Notice No. 8, Customs Ordinance 1913, Mr. Howard.

MR. HOWARD: Thank you. I would like to make a motion that is on notice. I know it is a little bit unparliamentary but if I can talk to it for just a second so people can know what I am talking about before I read out this rather legalistic motion.
The purpose of the motion is to see that the equipment brought in by Boral for installing bulk gas supply facilities at Ball Bay be allowed in duty free. My view is that it should be duty free, that view is supported by others, I believe including the Collector of Customs, but it depends on what the Assembly wishes.

The motion reads as follows: That this House recommends to His Honour the Administrator of Norfolk Island pursuant to the provisions of section 2(2) of the Customs Ordinance 1913 and by writing under his hand, declare the following goods, namely the goods specified in a letter dated 24 November 1981 from Boral Gas Limited to His Honour the Administrator, copies of which letter have been tabled in this House, and circulated to Members, to be goods to which Item 66A of the First Schedule to the Customs Ordinance 1913 applies. What that motion means is that Boral has written a letter of 2½ pages itemising the equipment that it in fact brought in to help build that installation, ranging from some things as expensive as $32,000 worth of 506 empty gas cylinders down to $1.22 for 15 black stainless hex nipples. If this is authorised Boral will be required to give an undertaking that if it sells any of the things listed in this letter within two years they will then have to pay duty on them, but provided they stay there in the bulk gas installation and are used for the purpose of providing bulk gas supplies to the people of the Island, duty will not be charged. Now I think it is money which has been spent for what in effect is a public utility which is of benefit to everybody on the Island and I commend the motion.

MR. PRESIDENT: Further debate Honourable Members. Mrs. Gray.

MRS. GRAY: Yes, could I seek the meaning of section 2, subsection (2) of the Customs Ordinance please?

MR. PRESIDENT: Mr. Howard are you in a position to provide same.
MR. HOWARD: I am not but it should not take long.

MR. PRESIDENT: Whilst debate is continuing maybe I could ask the Clerk if he would be kind enough to gain a copy of that piece of legislation. Further debate at this time Honourable Members?

MR. HOWARD: I believe it says, subject to what the Clerk finds out, I believe it says that certain goods can be exempted from customs under certain conditions provided the Assembly or the Council recommends to the Administrator that that be done.

MR. PRESIDENT: Mr. Sanders.

MR. SANDERS: I support the motion. I believe it is a public service that is greatly beneficial to everybody who lives on the Island.

MR. PRESIDENT: Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: Thank you Mr. President. I would like to ask the Executive Member for Finance whether this is a duty draw-back or is this a duty that has not been paid?

MR. HOWARD: The answer is that discussions and correspondence have been going back and forth between Customs and Boral ever since the thing was put in. The duty has not been paid. It is not a duty draw-back. It is implicit in the situation that Boral hoped that duty would be exempted on it but they realised that there might be duty on it. It is still in discussion.

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

MR. JACKSON: Mr. President, is Mr. Howard aware if there was any request from Boral early in negotiations for such exemptions,
or was there any promise?

MR. HOWARD: No one person would have a full recollection of those negotiations, they were conducted by various people on various aspects of the situation. Mr. Blucher I think was in charge of fuels at that time and did a lot of negotiating with Boral, I think Mr. Buffett would have negotiated with them, I know that the Building Board negotiated with them because I was Chairman of the Board at that time and we made a couple of visits to the site and did a lot of dickering with the Boral people about trying to extract a better deal for the Island, getting better landscaping, getting better safety precautions, that sort of thing, but I cannot say, I do not recall from the dealings I had that duty was mentioned but it may well have been in negotiations with someone else.

MR. JACKSON: There are 2½, nearly 3 pages of exemptions and the highest commodity was 506 empty gas cylinders which represents in total $32,547. I noticed in this long list that the two main cylinders that were brought here by ship and towed into Ball Bay seem to be missing off the list of articles for exemption. I find myself in the position of thinking that Boral has us over a barrel. This is another monopoly control situation that exists on the Island and I suppose if we do not say alright Boral we will exempt what you have asked from duty then I am afraid we will place a burden on the community because Boral will lift the cost of their gas to recover what they have to pay out in duty, so therefore on behalf of the community, Mr. President, I would support the exemption from duty of the articles they list.

MR. PRESIDENT: Further debate Honourable Members? Mr. Howard.

MR. HOWARD: Yes I would like to comment on what Mr. Jackson has just said. I do not think they have got us over a barrel, I think we have got a choice, I think we can, being realistic, either
exempt the duty on this list of things or expect that as a business Boral is going to say well alright the duty is so much, we will have to get that back over the next two years by charging slightly higher gas prices, then the stinger is as far as I can see that having got the duty back by a slightly higher gas price over two years, we continue to pay the higher price from then on as well, now I think if we let them off duty in the beginning it is the cheapest way out, that is my view.

Mr. Quintal: I support the motion. Actually Boral can put up the charge for their gas at any time they like, whether we exempt them or not, and I think it is a good service for the Island and I support the motion.

Mr. President: The Clerk did find the reference, is there any further contribution that either Mrs. Gray or Mr. Howard would care to make in that respect or has it been tidied.

Mr. Howard: If Mrs. Gray and I could be assigned the services of two Queens Counsel for about a week he might be able to explain it to us.

Mr. President: Yes, I hope that is not going to be a call on public expenditure.

Any further participation in the debate on this matter Honourable Members? The question is that the motion be agreed.

Question - put
Motion agreed to unanimously

Immigration Policy

Mr. President: Notice No.9, Immigration Ordinance and Bill, Mr. Jackson.
MR. JACKSON: Mr. President, I move that this House being anxious about the continuing delay in the approval of the implementation of new appropriate immigration legislation, recommend that (a) no further enter and remain permits be granted under the present Immigration Ordinance; and (b) the Government takes and continues to take all action necessary to see that there is brought into law, as soon as possible, either the Immigration Bill passed by the previous Assembly or a new Bill which contains provisions having substantially the same effect as those contained in that Bill; and (c) progress in these matters be reported by the Executive Member responsible for Immigration to each meeting of the Assembly until the new Act comes into operation.

Mr. President in speaking to the motion it is quite clear that in fact this motion is calling for an embargo to be placed on the issuing of enter and remain permits, similar to the one that was in force a short while ago. Members will recall the history of the 1980 Immigration Bill. Prior to the Bill going to the drafting board Members of the First Legislative Assembly had very long sessions in debate where finally it was agreed that we had an Immigration Bill designed to cater for the needs of the people of Norfolk Island. The Bill was tabled in the House on 6th July 1980, where it lay until it came up for the second reading and debate on 13th August 1980, and may I add that the voting on the Bill was unanimous at those two sittings. Various courses of events have taken place since then. Recommendations for amendments to certain sections of the Bill because of foreshadowed objections by ethnic groups in Australia under the Racial Discrimination Act, and by the way the Racial Discrimination Act is an International Act, Mr. John Ewens the Commonwealth Legal Draftsman accompanied by Mr. Bill Syrette and in company with our own Legal Draftsman, Mr. Clive Borrowman, had discussions with Members of the First Legislative Assembly on 3 March 1981 in an attempt to have this particular section of the Bill amended. From that day in March of last year where the Bill has finally come to rest I am not sure. However I have made certain enquiries regarding the whereabouts of the Bill and it has been established that the Bill has not been to the Executive Council as yet and there has been legal advice given by our own legal officer concerning the wording of the particular section I
am referring to and that is section 18 of the Bill, which provides certain conditions, in other words who is of Pitcairn descent and not born on Norfolk Island. This section provides these persons with a right to apply for a general entry permit which of course is now known as an enter and remain permit, and I will quote the relevant section which is included in the Bill to give persons who are of Pitcairn descent the right to apply and I quote the particular section, section 18 - "where an applicant for a general entry permit satisfies the Executive Member that he or she is a descendant of a person who lived in Norfolk Island between 8th June 1856 and 31st December 1899 and that one of his or her parents was at some time ordinarily resident in Norfolk Island, the Executive Member shall grant the permit sought".

Now Members you will notice that it does not say that the Executive may grant a permit that is sought, it is spelt out loud and clear that the Executive Member shall grant the permit sought, therefore Mr. President it is imperative that the Immigration Bill designed and endorsed unanimously by the First Legislative Assembly and still waiting assent, should be finalised and returned to the Island. It concerns me that persons of Pitcairn descent who were unfortunate enough to have been born off the Island for no reason of their own, are being disadvantaged of their historical rights and in some instances they are suffering hardship, therefore I call on all Members to support this motion, especially the Minister responsible for Immigration, Mr. John Brown, to do all that is possible to have this Bill finalised and operative and in that way when this becomes a reality there will be no further need to continue the embargo on issuing enter and remain permits.

Members I commend the motion.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I would like to support the motion and once I have supported it I want to pose an amendment to it.

What Mr. Jackson says in his remarks is so, the Immigration
Bill that the First Assembly passed I thought was a good Bill, it was designed to meet Norfolk Island needs and it was strongly supported by the Assembly. It has gone into that black hole over in Canberra and it is neither one place or another. That is not satisfactory. Earlier today Mr. Buffett read us out a letter from the Minister for Home Affairs saying that for the time being until something else happened he was going to leave the Assembly's voting Bill in the same black hole, now the Norfolk Island Act does not create any black hole, the Norfolk Island Act says that when this Assembly passes a Bill that it has to be referred to the Governor-General, that the Governor-General shall either assent to it or not assent to it, I guess he can also propose amendments to it, but he has to do something with it, the Bill cannot be just for the convenience of the Department in Canberra, be put into a black hole and forgotten, that is shocking government, that is not one of the options that in fairness is open to the Australian Government and I think what they have done with some previous Bills and what they are doing with the Immigration Bill at the moment is not acceptable government and so I support almost everything that Mr. Jackson has said. On the other hand I do not think that our making speeches and passing votes in this Assembly is always going to cause Canberra to do what we would like them to do, sometimes we are just not going to be able to move them and one of the possibilities in connection with immigration is that if they are not going to pass our new Immigration Bill we may have to make the best possible use of the existing Immigration law and I think that that is not as hopeless a job as it may sound, I think we can probably live with the old Immigration law provided we enact proper policies for its use, now the amendment that I would like to propose - am I in order doing that, do I have leave to do that?

MR. DEPUTY PRESIDENT: Yes Mr. Howard.

MR. HOWARD: Could I ask leave to propose an amendment.
MR. DEPUTY PRESIDENT: Yes Mr. Howard. Leave is granted.

MR. HOWARD: What I want to do...

MR. BUFFETT: Point of order Mr. Deputy President, may we know what the amendment is before leave is sought of the House.

MR. HOWARD: I am happy to do it if that is proper procedure. What I would like to propose if I am given leave to do so is that we add 5 words at the end of paragraph (a). Paragraph (a) in Mr. Jackson's motion says that no further enter and remain permits be granted under the present Immigration Ordinance, now my point is that we may well want to use the old Immigration Ordinance and maybe for perfectly good and sound reasons we may want to begin issuing enter and remain permits under that old Ordinance once again. I want to insert some words that I do not think have any real legal effect but I think have an important change in the meaning of what Mr. Jackson has proposed, I want to add the words "until the House votes otherwise". What I am proposing is that that embargo on enter and remain permits stand until the House decides that it should not stand any more. Now I know that the House can change its mind but rather than putting what looks like a permanent freeze until the new law comes in, the new law may not come in, they may dog us around for years, and it may be that we will want to use the existing law as best we can. I do not see that it does any harm to insert those words because the House can do it anyway but I think it changes the flavour of the motion and if I am given leave I would like to propose that amendment.

MR. DEPUTY PRESIDENT: Leave is granted.

MR. JACKSON: Mr. Deputy President, in speaking to the amendment, I suppose Mr. Howard is well aware that the House can alter any motion at any time it sees fit, so as the motion stands in its entirety I proposed it that way for reasons that it may put some pressure on the Government, it may get the necessary advice from
legal officers, because it has been stated that the only difficulty with the Bill at present is the word "descent", and until the legal officers and the members of the Attorney-General's Department come to terms on this particular wording, well the Bill will return, because it has been stated in this House that the only objection to the Bill is the word "descent". Canberra sent back to Norfolk Island to amend that particular section and we agreed to it but upon advice from our own legal officers that it may have some difficulties in the future, and it would be foolish for anyone to act if the legal adviser has said that, so I would say to Mr. Howard in all sincerity that the motion as laid down I believe is in the best interests and may I add that it has the full support of all members of the Immigration Board.

MR. DEPUTY PRESIDENT: Mr. Jackson debate is supposed to be on the amendment.

MR. JACKSON: Well I am referring to the amendment. Mr. Howard drifted from one to the other in his explanation and I am attempting to do the same, if I am permitted to do so.

I would recommend that the motion as moved be endorsed in its present form.

MR. DEPUTY PRESIDENT: Is there any further debate on the amendment?

MR. JACKSON: Taking that further Mr. Deputy President I would request Mr. Howard to see it in that light because he is aware that the House can alter this motion at any other subsequent meeting.

MR. QUINTAL: Can I have a discussion or am I allowed to support the motion moved by Mr. Jackson?

MR. DEPUTY PRESIDENT: We are talking about the amendment. Is there any further debate on the amendment? Mr. Buffett.
MR. BUFFETT: Mr. Deputy President, I really see that it may really be repetitive of the true situation. I think whilst it may add some words, and that may be helpful in certain circumstances, I nevertheless feel that the original motion has the same effect as adding those words and especially if the original motion would stand with the backing of the Immigration Board and that they feel that that meets the needs that they see in the situation. I am inclined not to think the amendment is necessary.

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

MR. HOWARD: I do not know that the amendment needs to be thought to be necessary. I raise the question of whether the two speakers who have said it is unnecessary, whether they find any objection to it. I cannot imagine any reason why anyone would object to acknowledging in the motion that the House can change its mind later, I can see some advantage to including the words which is that the tone of the motion, never mind the strict legalities of it, the tone of the motion as it stands implies that this House does not want anymore enter and remain permits issued until the new Immigration Bill is law. Now that may not be wise, we may be implying something that in a sense ties our hands a little bit. Why tie our hands if we do not need to, what do we gain by tying our hands.

MR. DEPUTY PRESIDENT: Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: I had no doubt in sections (b) and (c) of Mr. Jackson's original motion...

MR. DEPUTY PRESIDENT: Is this on the amendment?

MR. CHRISTIAN-BAILEY: Yes, I am working up to the amendment, but I had reservations on section (a) - I was not too clear on that point but after listening to what has been said and the amendment that
has been proposed, I would support Mr. Howard's amendment.

MR. DEPUTY PRESIDENT: Is there any further debate on the amendment? There being no further debate the question is that the amendment be agreed.

Question - put
The House voted:

AYES, 5
Mr. Howard
Mr. Brown
Mr. Christian-Bailey
Mrs. Gray
Mr. Sanders

NOES, 3
Mr. Buffett
Mr. Quintal
Mr. Jackson

Amendment agreed.

MR. DEPUTY PRESIDENT: Is there any debate on the main motion? Mr. Howard.

MR. HOWARD: Yes, now that the main motion has been amended with those few additional words I want to say once again I support it, I thank Mr. Jackson for bringing it forward, I think it is a good motion, I am all for it.

MR. DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Deputy President, a little over a week ago I had the opportunity to discuss this matter with Mr. Jackson. I encouraged him at that stage to bring the motion before the House. This is a matter about which Mr. Jackson and the other members of the Immigration Review Board have given considerable thought and I have no doubt whatsoever that they believe that in order to properly police
the immigration laws at present, it is essential that this motion be passed by the House today and I support the motion.

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

MR. QUINTAL: Yes, seeing that the motion was lost I would just like to pass a few comments regarding immigration. In the past, immigration in my opinion has been a source of confusion, some persons seem to have no difficulty in getting into the Island and others seem to have quite a problem; some persons have had to wait for 8 years to get residency while other persons do not have to wait for the 5 year period of time. When the amended Immigration Bill comes back from Canberra the laws should be straightforward and easy to understand, let us hope this urgent Bill does not finish up like the amendments to the Liquor Ordinance which took 10 years for the change, so maybe the amendment might be a good one because it could be held up for another 10 years I suppose.

MR. DEPUTY PRESIDENT: Is there any further debate? I put the question that the motion as amended be agreed.

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

GOVERNMENTAL STRUCTURE - POLICY GROUPS

MR. DEPUTY PRESIDENT: Notice No.10, Mrs. Gray.

MRS. GRAY: Yes, Mr. Deputy President, I would like to move that the Government now form policy groups in line with previously
published principles. They were of course published in the
Norfolk Islander.

If I may.

MR. DEPUTY PRESIDENT: Yes Mrs. Gray.

MRS. GRAY: The role of the policy groups is seen as an
integral part of the revised system of government which was discussed
by the 9 Members at meetings which were held on 2nd and 3rd February.
The suggestion that the groups be formed was common to both systems
tabled at that meeting. The motion which I move is not a new
suggestion, neither is it a new idea. The Island's of Jersey and I
believe Guernsey make use of similar Committee arrangements in their
methods of government and the method there has been successful for
I think hundreds of years. With respect, I suggest that the time has
come now that the Executives are functioning, for the policy groups
in this Government to be formed. In effect the non Executive Members
of the Assembly are to become Members assisting, that is relating back
to the system which was before. It has been put forward that there be
2 Members assisting each of the 3 Executives, thus utilising all 9
Members of the Assembly. Appointment of various Members to community
Boards creates an automatic association between some Executives and
some Members, so the groups are or could be said to have already been
partially formed, it remains to establish formal and or informal
association for the other Members, and perhaps an outline of the two
areas of function may be permitted, and it was a definition accepted
at the meeting which I have already mentioned.

As briefly as possible the Executive Committee was and does
consist of the 3 Executive Members with the Chairman of the Executive
Committee presiding. The Executives shall be responsible to the
Assembly above them, to the policy group they represent, below them.
The Executive Committee shall set objectives, formulate policy,
establish priorities and allocate resources. Each Executive Member
is to carry out his executive responsibilities in accordance with
policies established by the Committee. Each Executive Member is to be
empowered to carry out any of the executive responsibilities of the other Executive Members when necessary because of their absence or inability to act.

What actually followed were two paragraphs which perhaps are not pertinent in this instance. We move to the policy groups - The function of the policy group which will consist of an Executive and two Members conferring with advisers when this is advantageous, is to gather from whatever source available, information and advice on the matters brought before it. The co-operation of the Chief Administrative Officer and or his Department Head should be sought as should that of members of the public. The policy group will design a programme and plan for action upon the matter. This may entail preliminary suggestions for the framework of a Bill.

If the wisdom of a directive by an Executive to his policy group is questioned, the matter should be returned to the Executive Committee for reconsideration and the objection of the group made known to the Executive Committee; If again rejected the matter should be debated by the Assembly as a whole. The Executive in each group carries the recommendations of his group to the Executive Committee in the knowledge that he has at least tacit agreement from his associate Members and that by the time the matter reaches the Assembly as a whole it will be familiar to five of the nine Members. The matter returns as a matter of course to the Executive Committee for final or semi-final approval and possible funding recommendations.

So that non Executive Members of the Assembly may carry out their respective responsibilities to the community it will be necessary for Executive Members to circulate their policy group and whenever practical the full membership of the Assembly with papers relevant to the functioning of his position in relation to the Assembly as a whole, that is the papers which may be considered necessary for Members to enable themselves to inform themselves upon matters which the Executive Member intends to or shall bring before the House. It will be in the interests of the community that such papers be available in advance of meetings of the House to allow each Member to seek advice and opinions, thus enabling him to contribute
fully to debate on issues before him. I understand the difficulties that have occurred in presentation of papers prior to this meeting. There is no doubt in my mind that the Executive Committee has been extremely busy during the past three weeks, however at this date it is only by informal avenues of communication that any of the lesser Members of the Assembly have been made aware of what progress is being made. To express this a little less formally, just what have you been doing? At the moment I do not know and neither do my fellow non executive colleagues.

Thank you Mr. Deputy President.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I support the motion. We are obviously not talking about passing a law here saying that the Policy Group Act requires that certain things shall be done, we are talking about a structure of operation which has no impediment to be put into effect right now. As far as I am concerned it has been in effect for a little bit. I have got a policy group which consists of Greg Quintal and Bill Sanders. Mrs. Gray mentioned the fact that the papers for this meeting for perfectly good reasons came to us late today, we just got them today, I think you will find that Mr. Quintal and Mr. Sanders both had quite a clear idea what the Executives have been talking about and what was likely to come before this meeting comfortably before the meeting, now nobody said to me you should do that. I am happy to do that, it is sensible, it is working, it suits me fine, I hope it suits Mr. Sanders and Mr. Quintal. I want to go on to say however that I think the idea of having a rigid, fixed, unchangeable assignment of two particular Members of the Assembly to one particular Executive is maybe too rigid to get the most advantage out of it. I think Members will want to be working in association with more than one Executive, for example Mr. Sanders has just been named to the Building Board, and while I consider that he is in my policy group for finance reasons, he is clearly going to be talking with Mr. Brown on building board matters and will need to be
talking with him about building board policies and building policies generally. I can see that there may be a need not for three policy groups but five, six, however many make sense. It seems to me policy groups ought to be formed in terms of what the subject is that wants particular study. There may well be a policy group needed to be established for considering the advent of television on Norfolk Island, I can think of a variety of policy groups that could make good sense. I like the idea, I support it, I do not want to see it get overly rigid and prevent us from doing things that are sensible if we want to do them in a sensible way.

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: Perhaps I should just take that up - yes certainly the groups that have sort of appeared just as a matter of as I said automatic allocation of Board under Executive Members, is that under Mr. Buffett because of his association with the Social Services Board you have the appointments of Alice Buffett and Greg Quintal; under the Executive Member responsible for building amongst other things, Mr. Brown, you have as you say observed Bill Sanders, and you have indicated that you have already formulated with Greg Quintal and with Bill Sanders, so there you have a framework and you also have a framework of an interchange of Members between groups.

MR. HOWARD: If I can answer that, in my particular portfolio of finance, Greg Quintal has been elected to the Social Services Board; on Social Services Board matters he will be working with Mr. Buffett who has social services in his portfolio, at the same time social services in most countries is the number one big budget item and it has a massive impact on finance, I think at the moment it is only about 10% of our budget but it is rising, it is significant in finance and as Member responsible for thinking about finance, I will get great value by having Mr. Quintal knowing what is going on in the social services world, now he will not report to me and ask me what he ought to do on the Social Services Board, that is Mr. Buffett's business not mine but helping me understand what the impact may be
on finance of social services thinking, very valuable. In the case of Mr. Sanders he and I have started working already on the beginnings of what I think will be probably a fairly lengthy examination of a whole range of financial aspects of the Island — how the accounting is done, who reports to whom, what checks there are, that sort of thing, and he and I will be working closely on that. I thought it would help if I illustrated how one particular policy group is working at the moment.

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

MR. JACKSON: Mr. Deputy President I presume I will have to make my comments with a fairly defensive attitude because this is the same policy that a group of six brought down to three of us on Tuesday 2nd February last. I was hoping that by the time we got to this situation that some of the six may have changed their minds. This paper was presented by Mrs. Gray on behalf of the group and I would like to ask Mrs. Gray whether she would clarify certain sections of this paper — is it to be policy as it stands now — four or five pages — is this what you are recommending to be policy at this particular stage?

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: Policy groups I am referring to Mr. Jackson, as were also suggested in the paper presented at that meeting by three other Members.

MR. JACKSON: I notice you read the conditions of the policy groups. But may I add Mr. Deputy President, that I do not wish to lean too hard on any other Government's method of operation. I consider we should stay on Norfolk Island and look after the needs of Norfolk Island, what they do in Guernsey — well it is a hell of a long way away. If this would work, and you have stated that you are confident that it will work, what I am concerned with is that
if the groups become bogged down how will information get to other groups. I notice in your paper that you placed David Buffett with Alice Buffett and Gilbert Jackson as the Education/Health policy group. Now with what goes on in Mr. Brown's, Mr. Bernie Christian-Bailey's and Mr. Sanders' area; and Mr. Howard's, Chloe Gray's and Greg Quintal's area, I would hope that there would be letters of correspondence on every item, that the mail is completely full of everything that goes on, not to wait until we come here to this Chamber and be presented with papers to be debated. I would hope that all executive leaders, if I may call them that, of policy groups, take note and circularise all information that is relevant to any issue that they may be debating and in that way not only five will come to the meeting convinced of any situation, perhaps you will get the whole nine of us in that situation, so therefore if only a certain few are going to be informed, and you have said in your statement that perhaps five will come to a meeting convinced of one situation, I would like to be one of the others perhaps.

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: I would not dispute that for a moment Mr. Jackson, just as there may be people within the five who dispute whatever it is that is going on.

If the main thrust of my argument is one of circulation of information, I understand that you would be prepared to accept that because that it was I seek. I also regret that you are referring to a paper which has been, by circumstances, rendered redundant.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I would like to express a very strongly opposing view to one thing that Mr. Jackson said. He said he thought everybody ought to be sending letters in every mail to everybody and talking about everything, so that everybody would know about everything before
an Assembly meeting and we could all come in maybe already having a majority of nine. I hope we are going to work in a very different direction. One of the big things that I am very pleased about is that things are being talked about out in the open instead of here and there back in the corners. I think there ought to be debate in this Assembly, I think there ought to be matters where people have not yet made up their minds and where the public can listen while we talk it back and forth and make up our minds. I want to discourage any system that tries to smooth out all the ruffles before we come into this room, let's let the ruffles and problems show here, let's let people hear what is troubling us, let's let people hear the opposing views, I think that is good.

MR. DEPUTY PRESIDENT: Is there any further debate? Mrs. Gray.

MRS. GRAY: Just if I may add to what Mr. Howard has said in that that highlights the point exactly of papers being fully circulated, is that you are aware of both the pros and cons, both for and against situations, not just coming into the House cold, being unaware.

MR. DEPUTY PRESIDENT: Any further debate? Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: Yes, I would like to say a word or two. I agree with Mrs. Gray's motion. I rather favour the idea that a policy group be more flexible, as I think Mr. Howard mentioned, and that we have a sort of floating group rather than being strictly rigid.

MR. DEPUTY PRESIDENT: Further debate? Mr. Buffett.
MR. BUFFETT: Mr. Deputy President I support the motion on this basis, because I understand it to say this - that the policy groups that have been referred to are not inflexible groups at all and it is not just a matter of lining people up in one little shoe box arrangement, but there is the facility to utilise the broad spectrum of the membership, where they have an interest and where there is some area that they can offer expertise. I think it is probably not advantageous to anyone to just try and segment somebody in an area where they are for example excluded from say television and radio just because they are in a slot which covers commerce for example. I think it would be best to take the more flexible view whereby people can be called upon in a wider range of areas of expertise. That is what I really interpret this motion to mean, we are not talking about previously published persons, we are talking about principles and they are groups, but that does not necessarily tie people just to one group, as I interpret the situation. I do nevertheless see one difficulty which I think is inherent in the form that we have in that you particularly have not got somebody there who has the responsibility of ensuring that there is co-ordination and that all the Members do have something to be so utilised in but I have said that on earlier occasions and I do not wish to pursue it overly now, but on the basis that I have mentioned I would support the motion as it stands on the basis that I interpret it to be what I have just said.

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

MR. HOWARD: If I can make one more comment. I take Mr. Buffett's point about ensuring co-ordination so that all Members can take a part - I do not think you can force people to take a part - I think people will take a part if they want to and if they are able to. Mrs. Gray has demonstrated in the past couple of weeks that she has interest in a lot of different things and she has made it her business to get interested and find out about them and begin stirring
and talking and learning and taking part, and I think that is the way it will be and those who want to be involved I think can be involved in these policy groups and those that are not that hot to be involved can lay back if they want to. I do not think we need to push anybody, I think it will happen if people want it to happen.

MR. DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: I do not think, Mr. Deputy President, that anybody wishes to lay back as Mr. Howard describes it, but at the same time these policy groups may meet when some other Members are not aware that they are meeting and discussing certain things and what I meant when I said the Members should be kept informed is that when policy groups are dealing with matters - such as Mr. Howard, Mrs. Gray and Mr. Greg Quintal dealing with financial matters on any policy or on any interpretation of any new legislation to be introduced - well I presume that Mr. Howard as leader of that group will notify all Members about what is going on in that group, that is what I mean, or any other group. I am sure that Mr. David Buffett will keep all the other Members informed of what is going on, it does not mean that you will have to race around like Mr. Howard said Mrs. Gray does. But as I have indicated, there may be times when groups are meeting of which perhaps other Members are not aware.

It is my intention to support the motion but I do appeal for the Members of groups to which I am not connected to keep all other Members informed of what is going on.

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: That is the whole point Mr. Jackson, and I must again protest to your reference to a paper which has been rendered redundant.

MR. DEPUTY PRESIDENT: Any further debate? I put the
question. The question is that the motion be agreed.

Question - put
Motion agreed to unanimously

TERMS & CONDITIONS OF APPOINTMENT OF MR. M.A. BAINS

MR. DEPUTY PRESIDENT: Notice No.11, Terms and Conditions of Appointment of Mr. M.A. Bains.

Before the motion referred to in this Notice can be moved I seek a motion from a Member that pursuant to Standing Order 72A, strangers be excluded and broadcast of the proceedings of the House be suspended during discussion on the matter referred to in the motion.

MR. BROWN: Mr. Deputy President I move that during discussion on the matter as mentioned in Notice No.11, strangers be excluded and the broadcast of the proceedings of the House be suspended.

MR. DEPUTY PRESIDENT: Any debate? Mr. Howard.

MR. HOWARD: It does not seem to me to be quite proper procedure to shut the radio off and ask that visitors to the gallery leave until we have said what the matter is, I think the public are entitled to know what the matter is that we believe we should deal with without it being broadcast.

MR. DEPUTY PRESIDENT: Mr. Howard as I have stated we will be discussing the terms and conditions of appointment of Mr. M.A. Bains.

MR. HOWARD: I was wondering whether the motion that Mr. Buffett is going to move should be moved before we withdraw. Can I talk to the point Mr. Deputy President. Mr. Bains
himself in discussing this kind of thing with us sometime in the past month or two said that in many parts of England at least, before any elected body goes into closed session, they need to say precisely what it is that they are going to talk about and vote to go into no broadcast session. I do not think just by naming the title of the motion we have adequately done that.

MR. DEPUTY PRESIDENT: Is it your wish that I read this Mr. Howard?

MR. HOWARD: I would be happy to vote for Mr. Brown's motion if I thought that then we were going to read out Mr. Buffett's motion before we shut the radio off so that the public will know what it is that we are talking about even though they cannot hear us.

MR. DEPUTY PRESIDENT: Mr. Buffett would you care to read your motion.

MR. BUFFETT: The motion that I have Mr. Deputy President is this - that this House resolves to recommend to the Administrator that the Determination dated 18th December 1979 of the terms and conditions of the appointment of Malcolm Arnold Bains to the office of Chief Administrative Officer be amended with effect from 18th December 1979, in the following manner - 1. By deleting Clause 1 thereof and inserting in its place the following clause: '1. The period of appointment shall be from 1st January 1980 until 28th February 1982'; and 2. By inserting after Clause 16 thereof the following clause: '17. The employee shall receive a gratuity in lieu of superannuation and long service leave, payable at the end of the completed term of employment. The amount of the gratuity shall be a sum equal to 10% of the salary paid to the employee in respect of the period of employment from 12th March 1981 to 28th February 1982, both dates inclusive'; and that completes the motion that I wish to move before the House Mr. Deputy President.
MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I am happy to support Mr. Brown's motion now.

MR. DEPUTY PRESIDENT: That broadcast of the proceedings of the House be suspended and that strangers be excluded.

MR. HOWARD: Yes, I presume it is going to be suspended for ten minutes or for however long it takes us to talk about this and then we go back on the air, is that right?

MR. DEPUTY PRESIDENT: I would assume so Mr. Howard. Mrs. Gray.

MRS. GRAY: Is there any method by which the House may adjourn this matter until the end of the proceedings?

MR. DEPUTY PRESIDENT: Would you like to move that.

MRS. GRAY: I so move.

MR. DEPUTY PRESIDENT: I put the question, that this matter be discussed at the end of the normal meeting.

MR. HOWARD: There is a problem, if we can debate that motion, at the end of the meeting is a motion that the House do now adjourn and then there is adjournment debate from various Members and then there is a vote on that adjournment motion, and then we are not a House anymore. I think we have to deal with this thing while we are a House, I think.

MRS. GRAY: As you wish, I withdraw.
MR. DEPUTY PRESIDENT: I put the question again, that broadcasting be suspended and that strangers be excluded.

Question - put

Motion agreed to unanimously

SUSPENSION OF BROADCAST & EXCLUSION OF STRANGERS

MR. BUFFETT: Mr. Deputy President, as Honourable Members are aware Mr. Malcolm Bains recently completed his term of employment in the office of Chief Administrative Officer of the Public Service of Norfolk Island. Honourable Members will no less be aware that Mr. Bains brought to his service in that position a wealth of experience and dedication and that his service in the position was most distinguished. The Government, this House, the people of the Island and members of the community generally, I think owe some consideration for his services there.

Mr. Bains was appointed to the office of Chief Administrative Officer by the Administrator of Norfolk Island upon the recommendation of the House in December of 1979 and his term of office was expressed for a period of two years from 1st January 1980. In fact, because a new Chief Administrative Officer could not be positioned until 1st March 1982, Mr. Bains remained in his office during that intervening period from 1st January 1982 until 28th February 1982, just a couple of days ago.

The first part of the motion before the House is to regularise that matter - to extend formally Mr. Bains' term of office for that intervening period.

It is probably unnecessary for me to remind Members that Mr. Bains' agreement to remain in office to fill the breach so to speak, greatly assisted the operations of the Government and the Public Service during those last two months.

The second part of the motion Mr. Deputy President, arises
from a decision taken by the Public Service Board during 1981 that there should be paid to contract officers, and those officers include the Government Medical Officer, the Dentist, the Legal Adviser and the Legislative Draftsman, for example, an allowance in lieu of superannuation and long service leave equal to 10% of their final salary under their contract in respect of each of the completed years of the terms of their employment. This allowance applies to the contracts of present contract employees with effect from 12th March 1981, the date upon which the Report of W.D. Scott and Associates, the Management Consultants engaged by the Public Service Board, was received by the Public Service Board. W.D. Scott and Co. had, in fact, recommended the payment of an allowance of between 20 and 30% to contract officers but the Public Service Board determined a more conservative figure of 10%. Contract employees are not of course eligible to join the Provident Fund that exists locally in Norfolk Island, nor are they eligible for furlough leave. The 10% paid to contract employees is considered by the Board to be a reasonable compensation in this regard particularly where, in the case of seconded Commonwealth or Australian State Public Servants, a condition of their secondment is that the Public Service Board contributes up to 20% of their mainland salary in respect of superannuation and long service leave.

As Members would be aware the position of Chief Administrative Officer is not subject to the Public Service Board's determination. The Chief Administrative Officer is of course appointed by the Administrator on the recommendation of this House. His terms and conditions of appointment are so determined on this House's recommendation. To place Mr. Bains in the position of the other contract officers who in fact are subject to his control within the Public Service and who have been granted the 10% gratuity by the Board, it is necessary for the House to so recommend to the Administrator, that is to recommend in terms of the second part of the motion that I earlier put before this House.

Mr. Deputy President at this stage I put to the Honourable Members the views of the Executive Committee as a whole, that view is
that at least with respect to the period of Mr. Bains' employment since 1st January 1982, the gratuity of 10% should be paid. At that time Mr. Bains' existing contract had concluded. He remained in the position to assist the Government and the Administration in the period prior to Mr. Gilchrist taking up office.

It is my understanding that an amendment is to be moved to the motion before the House to limit the period in respect of which the gratuity should be paid to the period from 1st January this year to 28th February, however I do not really want to address the amendment at this time, that is not proper for me to do, so I just mention it in the context that I have.

The motion that I have put before the House is that Mr. Bains should receive an allowance in respect of the period from 12th March 1981, the same date from which the allowance is payable to the other contract officers. It can of course be said, Mr. Deputy President, that Mr. Bains has his contract, it said nothing about a 10% gratuity, how can it be paid, but Mr. Deputy President, the Public Service Board has seen fit to grant this benefit to contract employees who also had commenced their employment here prior to 12th March 1981, for example the Legislative Draftsman, and I think in one particular case also the Legal Adviser - but I could be corrected upon that, maybe he did not start so early. No doubt the Board was impressed by the desirability of such a course by the material before it which, amongst other things, would have persuaded it that in contract officer situations throughout the world allowances of 20 to 30% are the order of the day. Norfolk Island of course Mr. Deputy President, is not other parts of the world, so the Board has determined the more modest figure I mentioned earlier of 10% to be more appropriate.

It must be pointed out Mr. Deputy President, that the granting of the allowance to other contract officers and not to the Chief Administrative Officer has had the effect of reducing the total remuneration of the previous Chief Administrative Officer below that of a number of employees within the Public Service who are in fact under his supervision, and I think that is surely an anomalous situation, and an anomaly to which the second part of the motion
before the House is directed.

I have circulated a letter dated 6th January 1982 to all Members, from the then Acting Administrator Mr. Tom Paterson, in his capacity as Chairman of the Public Service Board, in which he deals with this, what I consider to be, anomalous situation, and it is the view of the Public Service Board as expressed in this letter that this anomaly should not exist.

Mr. Deputy President it is really the prior period, bearing in mind what I have said earlier, of Mr. Bains' employment, that I address myself as there is not unanimity amongst the Executive Members on this, and I put this motion before the House in the interest of fair play and the preservation of relativities between senior members of the Norfolk Island Public Service. The issue really is a question of fairness. If the provisions apply to most of the senior contract employees with effect from 12th March 1981, why should it in fairness not equally apply to the senior office holder within the Service. As I say Mr. Deputy President, I do consider that it is basically in the interest of overall fairness, and on that basis I do commend the motion to the House Mr. Deputy President.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett.

MR. PRESIDENT: Debate Honourable Members. Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: Thank you Mr. President. I support the motion. It seems to me that it is most unfair for the most senior officer in the Public Service to be so disadvantaged in not receiving the 10% allowance paid to other senior officers. This situation the way I see it places him in sixth position in terms of total salary. It is my understanding that the Scott Report recommended the salary of the Chief Administrative Officer be substantially increased. The granting of this 10% allowance seems to me to be a small recompense for a situation which should not have been
allowed to happen perhaps and in recognition of the excellent work he has rendered to the Island and to the Government.

MR. PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. President I would like to move an amendment to the motion. I move that all words after "the period of appointment shall be from 1st January 1980 until 28th February 1982", be omitted.

Mr. President I wish to speak on my motion of amendment. Mr. Bains was appointed Chief Administrative Officer on 1st January 1980. He signed a contract on matters of salary to his satisfaction. The Public Service Board granted a 10% allowance effective from 12th March 1981, even though the public servants of Norfolk Island have the highest take home pay in the Commonwealth and in complete disregard for the public purse, for the economy of Norfolk Island and for the huge discrepancies in salaries between themselves and the private sector. Taking into consideration what I have just said, the Public Service Board, of which Mr. Bains was a member, granted all these increases in salaries and then upgraded all salaries to conform with the new increases and then complains that his own salary is not comparably higher, then he too seeks an increase and so this cancerous growth continues. If one of my cows were to have such a cancerous growth it would be destroyed immediately.

In the private sector of Norfolk Island most...

MR. PRESIDENT: Mr. Sanders, I just want to make sure that we are not contravening Standing Orders - you are not making those remarks in respect of specific persons?

MR. SANDERS: No, it was with reference to the Public Service Board.

In the private sector of Norfolk Island most people put their money where their mouth is. In the Public Service it would appear
that they put their mouth where their money is. (Remarks following withdrawn).

MR. PRESIDENT: Order. Mr. Sanders I ask you to withdraw those remarks.

MR. SANDERS: My apologies Mr. Buffett.

MR. PRESIDENT: Thank you. Please continue.

MR. SANDERS: I ask this House to uphold my amendment.

MR. HOWARD: Could I raise a question on rules. As the Chairman you asked Mr. Sanders to withdraw those remarks and he did. We are recording for hansard, having been withdrawn will the remark nonetheless appear in hansard?

MR. PRESIDENT: No it will not.

MR. HOWARD: It will disappear.

MR. PRESIDENT: Yes.

MR. HOWARD: Good. Thank you.

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

MR. HOWARD: First of all I want to say that while the memo to all Members that Mr. Buffett sent out describing this situation and putting it to you, said that all the Executive Members were agreed that this 10% should be paid at least from 1st January this year, that was true at the time he wrote that, I am not sure it is true now, I am not sure I agree even from 1st January. Part of my feeling at the time we agreed on that was that Mr. Bains had stayed over, he is a
very experienced man, I felt we needed him and that it was good of
him to stay over and I felt we owed him something. What happened
in the upshot was that Mr. Bains suddenly shot through on very short
notice, leaving unfinished things that he had said he would do before
he left, he had agreed to see to the writing of at least first drafts
of some very important policy papers that the Executive Committee
wants to get done and he undertook to do that. He, for whatever
reasons, and I suspect they had to do with his and his wife's being
personally affronted by things that have been happening on the Island,
but I do not know, for whatever reason, he suddenly changed his mind
and shot through leaving some things undone. I take a somewhat
different view about what the man has done for us in the light of
that.

Coming to less personalised matters and more to general
principles, Mr. Buffett referred to two main reasons why he supported
this motion, one is that it is essential to preserve relativity among
compensation to various people; the other was he said fairness. I
think we have got a problem with this concept of relativities. Mr.
Buffett said there was an anomaly here and that the anomaly was that
Mr. Bains' salary was not high enough, it was out of joint with
everybody else's. I want to put it to you that there is another kind
of anomaly that we ought to be conscious of which is that we can run
an advertisement in the press in Australia and New Zealand saying we
are looking for a new Chief Administrative Officer and we are
offering $20,000 the first year and $22,000 the second year plus
moving expenses, plus a subsidised house, plus a car, and that is good
enough to attract over 100 applications from some very qualified
people including Malcolm Bains who is as qualified as anybody you can
find, and he was delighted to take the post he was delighted to be the
winner of all those applicants on those terms. Now if we find that
after a year or so what he agreed to do is out of joint with the rest
of the Norfolk Island Public Service, I put it to you that maybe the
anomaly is not Malcolm Bains, maybe the anomaly is the Norfolk Island
Public Service and we may as a matter of fact be paying people at a
level which is a good deal above what we can get more qualified people by running ads in the press overseas. Now that is of concern to me. We are dealing with public money here, I think we have an obligation to spend it as well and get as much for our money as we possibly can. I think if we can hire Malcolm Bains to be Chief Administrative Officer for $20,000 the first year and $22,000 the second year, we ought to hire him, I think that is good, I do not think we then ought to feel sorry for him because somebody else has got a rise and give him more public money even though he was willing to work for $20,000 the first year and $22,000 the second. If we are talking about fairness in handling public money, I think we need to talk about spending the Island's money fairly and not in an extravagant way and I think paying more than you reasonably have to after careful, open, honest negotiations with an intelligent man who knew what he was doing, I think if you pay more than that maybe there is something wrong with your thinking.

MR. DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Deputy President there are a couple of points mentioned by Mr. Howard which I cannot agree with and I would just like to make mention of them and explain why I cannot agree with them.

It has been said by Mr. Howard that Mr. Bains did not finish his time here, he shot through, I think were the words used, and left unfinished business. I cannot agree with that. I do not consider that he shot through to use those words, it was explained beforehand that he would need to travel to the mainland on business to make some appointments in respect of the Public Service Board here. At that time it was thought that he may return after the new Chief Administrative Officer had arrived and that there may be some value in him staying on after the new Chief Administrative Officer had taken up his position but it was not a matter of him leaving the situation as I understand it and leaving a gap, not at all, the new
man came and has already occupied his position and seems to be handling the situation well. I challenge the fact that that inference has been made. Mr. Howard has said that consideration of this particular matter is one of feeling sorry for him, I do not think it is feeling sorry at all, I think it is a matter of fair play in the matter. What we are talking about is a contractual arrangement that was made over two years ago now and I think in the best interests of the employment/employee arrangements, we have got to show proper recognition of when a situation is fair and not fair, and the situation that we are now confronted with is one whereby there have been rises within other areas of the Public Service which are felt to be on a proper basis and they have in fact outstripped the old contractual arrangement, and I think we all understand some of the inflationary measures though we certainly do not like them but they do act in some areas and we I think should recognise this and not put somebody in a position of being unfairly treated. I think if we do want to attract good people, and when Mr. Bains was appointed over two years ago we did attract a good range of people, and this time we were to attract a good range of people, but in attracting a good range of people on this occasion we are offering exactly what I am proposing for Mr. Bains now, no I correct that, we could have if we had got somebody who was outside an Australian Government or State Public Service situation, as it is we have got somebody who was inside, but if it had been somebody who was outside, as Mr. Malcolm Bains is, we would have been offering exactly the same situation that I am now proposing for Mr. Bains and so it really does illustrate that what I am proposing for Mr. Bains is a fair situation in light of today's values, and that is proven by the fact that that is what we are offering the new man and I think that is how the matter should be fairly handled.

**MR. DEPUTY PRESIDENT:** Mr. Howard.

**MR. HOWARD:** Let's try to clear up this business of whether Mr. Bains shot through and whether he left jobs undone. Mr. Buffett
says he thinks that was a mis-statement on my part. On 11th February the Executive Committee met and discussed among many other things the preparation of policy papers on nine different subjects. Mr. Bains undertook to draft originally the first four of those policy papers. He left without drafting any of them. He handed us a draft that he had had in preparation sometime ago on the beginnings of a description of the Chief Administrative Officer’s job specifications. He had also undertaken to write drafts of three others. He left without doing those. How did I find out that Mr. Bains was leaving on a particular Tuesday, I found out because on the previous Thursday my wife bumped into Margaret Bains at a shop and Margaret said she was leaving Tuesday, Alice said when is Malcolm following you, Margaret said he is coming with me, I then straight away rang Malcolm Bains and I said Margaret has told Alice this, is it true and he said in some embarrassment, yes. That is the first I heard of it. This was on a Thursday and he was leaving the following Tuesday, totally unbeknown to me. When he undertook to write those four policies he said he would do them progressively within the coming month.

Now I have got a couple of other problems with the motion. I have got a problem that we are proposing to pay him 10% in lieu of superannuation, well that means in place of superannuation, it means because we are not paying him superannuation we will pay him this. We never undertook to pay him superannuation, he is already drawing substantial superannuation from his job in England. He is of an age, of an experience, of a financial position so that he was happy to take this job without any superannuation so we do not in my view need to offer him any money in lieu of superannuation. Superannuation was not part of the package.

Secondly, it is a tiny detail but it is a detail, the motion proposes that it now be construed that he was in our employ until 28th February. He left here on a Tuesday, I believe he had an interview with Mr. Gilchrist on Wednesday, I think he had some other interviews to do with Island business on Thursday, he may well have done some
Norfolk Island business on the Friday. Saturday was the 27th of February; Sunday was the 28th of February - now the man only made $103 a day, but why are we tacking on Saturday and Sunday and paying him another $206 for that weekend after he has left us. It is a tiny detail but why are we doing it, have we got $206 to throw away, why should we throw it to him.

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

MRS. GRAY: I suspect that if this were a Court of law there would have been a protest quite some time ago about hearsay evidence being presented. There are a number of points which Mr. Howard has raised which are known probably only to Mr. Howard and therefore I dispute that not calling you but...

MR. HOWARD: I share your dislike of hearsay evidence.

MRS. GRAY: The point about your saying that Mr. Bains undertook to prepare dot dot dot in the next month...

MR. HOWARD: Ask either of my colleagues in the Executive Committee, it was at an Executive Committee meeting. I think it is the minutes of that meeting which have not yet been confirmed but I think it is in the minutes.

MRS. GRAY: Again I sort of query the reports on conversations had by other people, again it is a minor point it probably is immaterial but the matter of three drafts being unwritten, I would suggest that demands on the Chief Administrative Officer at that time were rather intense from your point of view as Executives, I think you were meeting fairly consistently with him at that time.

MR. HOWARD: That is why he said he needed a month to do it.
MRS. GRAY: A point on salaries. I would suggest that most salaries are paid in calendar months. Again if you are allowed to cite hearsay evidence, so am I, and that was a report that as Mr. Bains was virtually boarding the aircraft on the weekend he was approached by his secretary with yet other business that he was completing at that time. I do not think there is any suggestion that he shot through and if the remark about sticky fingers has been removed from the record then I think the one about people shooting through should be too.

MR. HOWARD: So should Mrs. Gray’s reference to it.

MR. DEPUTY PRESIDENT: Any further debate? Mr. Buffett.

MR. BUFFETT: Let me make it quite clear, my understanding before Mr. Bains did leave he did indicate that the reports would not be completed before he left; it is my understanding that at a Committee meeting he did say that – the final one, I cannot remember exactly what day it was now but he did not just go away and leave a blank, he did say he would not complete them before he left.

MR. HOWARD: That is right, he handed them on to others to do.

MR. BUFFETT: That is right and said that he had made arrangements for them to be done in various quarters.

MR. HOWARD: Because he would not be there to do it.

MR. BUFFETT: Yes, because the end of his time had come.

MR. DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Without going into all the pros and cons of
what has been said, I also support the motion because when you look at the list here of the salaries of other members of the Public Service compared to what Mr. Bains received, he has been disadvantaged.

MR. DEPUTY PRESIDENT: Mr. Jackson I think we are debating the amendment.

MR. JACKSON: I do not support the amendment that is for sure but I support the motion.

MR. DEPUTY PRESIDENT: Any further debate? Mr. Quintal.

MR. QUINTAL: I would like to know Mr. Deputy President whether Mr. Bains is expecting this 10% or any money at all?

MR. DEPUTY PRESIDENT: I think Mr. Buffett can answer that question for you.

MR. BUFFETT: I am not too sure of the context?

MR. QUINTAL: Was Mr. Bains expecting to be paid 10% or any money at all? Did anyone give him the idea that he was going to receive some finance?

MR. HOWARD: I can answer the question. The proposal that he get 10% was put to the old Policy Committee of all nine Members of the old Assembly and it was voted down and there was then an objection, and that is the letter from the Administrator that Mr. Buffett circulated to us saying this decision puts him in a very bad position, would you please reconsider. So no, he did not expect that he would get it, he was obviously wanting to get it, hoping to get it but the Policy Committee had voted no and he knew that that vote had been taken.