MR. HOWARD: We are playing pass the ball here, I do not think it is mind either, I think it is the Public Service Board's question.

MRS. GRAY: Are you then satisfied that the Public Service Board has fixed an appropriate salary to attract the right kind of person.

MR. HOWARD: I have had a conversation with the Administrator who thinks that we may be paying much too little, it is something that needs to be examined, I assume the Public Service Board is examining it, it is not really ours to tell them to do so. The first response in recruiting a new doctor to a new assistant G.M.O., I think brought two applications. Some members of the Public Service Board concluded that that was because the pay being offered was too low, whether that is a fact I do not know, that is a judgement for the Public Service Board to make I think.

MINISTERIAL STATEMENTS

VISIT OF MINISTER FOR HOME AFFAIRS & ENVIRONMENT

MR. BUFFETT: I have one statement Mr. Deputy President, it concerns the visit of the Minister for Home Affairs & Environment.

The Administrator has advised that the Minister for Home Affairs & Environment, Mr. Ian Wilson, will visit Norfolk Island in May of this year. Mr. Wilson will be accompanied by officers of his Department and he will of course have discussions with Members of the Assembly during his visit and I will discuss with Members at a later time the matters to be raised with the Minister and likewise gain from the Minister a list of matters he would wish to raise with us.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Are there any more statements. Mr. Brown.
MR. BROWN: Thank you Mr. Deputy President, I have two statements.

The first statement is in relation to Immigration. I wish to report that I have appointed as an additional member of the Immigration Review Board Mr. W.W. Sanders, the Deputy President of this Assembly. Mr. Sanders will be assisting the present members of the Board Mr. Bennett, Mr. Cooper and Mr. Jackson in what is a very worthwhile community service. The functions of this Board are not pleasant and I would like to express my thanks to the members of the Board for the contribution that each of them are making.

TOURISM

MR. BROWN: The second statement Mr. Deputy President is in relation to tourism.

The tourist arrival figures for the month of March of this year and the comparative figures for March of last year have been circulated to all Members, and I wish to tender a copy of those figures at this stage. The figures show a decline from all ports. Overall the decline compared to the 1981 year is a decline of 33%; and the decline when compared to the 1980 is even higher, it is a decline of something closer to 50%. For the last year the decline was - from Sydney 197 visitors; from New Zealand 380 visitors; from Brisbane 13 visitors; and from Lord Howe Island 22 visitors.

Within the last week there has been an encouraging visit to Norfolk Island by two representatives of Air New Zealand. Constructive discussions took place with the Air New Zealand representatives and I have hope that the New Zealand position will start to improve as a result of these discussions in the not too distant future.

The recent visit by representatives of East-West was not equally encouraging. I hope that when East-West's current Court
problems in their take-over bid have been concluded, East-West may be able to give us cause to hope that the substantial drop in tourist numbers from Sydney since East-West took over the Sydney/Norfolk Island route in February 1978 will end.

I wish to advise Honourable Members of the appointment of Mr. Bernard Christian-Bailey to the Tourist Bureau in place of Mr. Howard who was previously the Assembly Member on the Bureau. Mr. Howard has resigned to enable Mr. Christian-Bailey's appointment. I have been advised by the Chamber of Commerce that Mr. Kevin Pereira intends to resign his position on the Tourist Bureau and the Chamber intends to recommend the appointment of Mr. Marcus Tilley in his place. Upon receipt of Mr. Pereira's resignation it is my intention to immediately appoint Mr. Tilley to the Tourist Bureau.

At present the Tourist Bureau is actively pursuing a programme of advertising and promoting Norfolk Island. The Bureau has engaged marketing and public relations consultants in Australia and New Zealand. A Norfolk Island supplement will shortly appear in the New Zealand Herald. A Norfolk Island video being prepared by Mr. Howard is expected to be completed within the next month. After what seems to have been years of what could be described as neglect by the Government of Norfolk Island of its tourist industry the members of the Tourist Bureau are putting in many hours of dedicated work. I would like to express my thanks to the members of the Bureau and to the Bureau staff for their endeavours in this regard.

Thank you Mr. Deputy President.

MR. DEPUTY PRESIDENT: Thank you Mr. Brown. Are there any more statements. Mr. Howard.

FINANCIAL REPORT

MR. HOWARD: I would like to table the financial report through the end of February and I would like, with leave of the House Mr. Deputy President, to ask if as a matter of normal routine these monthly reports can be included in Hansard, I do not think it would
cause complications to do so and I think it would help the fullness of the record in hansard. Can that be done by leave, I hope it can.

MR. DEPUTY PRESIDENT: Is leave granted. Leave is granted.

FINANCIAL INDICATIONS FOR EXECUTIVE MEMBER FOR FINANCE FOR eight MONTHS ENDED 28/2/82

FIGURES ARE IN THOUSANDS OF DOLLARS.

<table>
<thead>
<tr>
<th></th>
<th>1 (Last month)</th>
<th>2 (Same month last year)</th>
<th>3 (Comparison with previous year)</th>
<th>4 (Total to date)</th>
<th>5 (Revenue/Supply Proportion)</th>
<th>6 (Comparison last year to date)</th>
<th>7 (Total)</th>
<th>8 (Comparison)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Postal and Philatelic</td>
<td>$90</td>
<td>$60</td>
<td>+50%</td>
<td>$868</td>
<td>$803</td>
<td>+8%</td>
<td>$712</td>
<td>+22%</td>
</tr>
<tr>
<td>Customs</td>
<td>53</td>
<td>51</td>
<td>+4%</td>
<td>523</td>
<td>667</td>
<td>-22%</td>
<td>670</td>
<td>-22%</td>
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<tr>
<td>Liquor Bond</td>
<td>20</td>
<td>14</td>
<td>+43%</td>
<td>202</td>
<td>233</td>
<td>-13%</td>
<td>225</td>
<td>-10%</td>
</tr>
<tr>
<td>Il other revenue</td>
<td>82</td>
<td>76</td>
<td>+8%</td>
<td>664</td>
<td>532</td>
<td>+25%</td>
<td>534</td>
<td>+24%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>245</td>
<td>201</td>
<td>+22%</td>
<td>2257</td>
<td>2235</td>
<td>+1%</td>
<td>2141</td>
<td>+4%</td>
</tr>
</tbody>
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| **Expenditure** |               |                          |                                   |                  |                             |                                 |          |                |
| Salary (other than Education) | 114            | 93                       | +23%                              | 1043             | 1018                        | +2%                             | 852      | +22%           |
| Education (other than Capital) | 30             | 26                       | +15%                              | 239              | 239                         | --                              | 210      | +14%           |
| farewell Expenditure (other than Capital) | 77             | 59                       | +30%                              | 803              | 980                         | -18%                            | 532      | +5%            |
| **Total**      | 231           | 205                      | +13%                              | 2281             | 2474                        | -8%                             | 1775     | +29%           |
| **Revenue**    | 14            | -4                       | -24%                              |                   |                             |                                 | 366      |                |

OTE *Revenue/Supply Proportion - is an arbitrary calculation 1/12 of estimated Revenue or Supplied Funds multiplied by number of months to date.

EMARKS:

Although Revenue to hand is now only 1% ahead of the estimate on a direct 8/12 calculation, it is still $116,000 above what it was the same time the previous year. The previous year's figure of $2,141,000 was 65% of the total revenue for that year, and the present figure of $2,257,000 is 68% of the estimated figure for the year. Expenditure, although, greater than for the same period the previous year, is still running 8% behind supply.
MR. HOWARD: The results for the month of February were not as good as one might hope but they were not distressingly bad enough to cause alarm. Postal and Philatelic income improved a little bit over what it had been in January, it is still not up to the monthly level that we are hoping for through the year. Customs continued to be down substantially, so was Liquor Bond down substantially over what we need to be earning in order to achieve our revenue forecasts for the year. As a general comment I would say that we would be in considerable financial difficulty if it were not for what appears obvious to me from the figures to be a genuine effort in the Public Service to hold down expenses. The amount we have been spending in the last two months on expenditures of a miscellaneous kind and on capital expenditures is well below what we had expected to be spending when the year began, and it is because of that, I think, careful spending of money, restraint in spending of money, that we almost broke even last month. Revenue almost paid for all of our expenditures during the month. In my examination of the financial statement I do not see any extraordinary items that I particularly want to call attention to, the position is quite as it was last month.

I want to report that the financial situation in New South Wales in Mr. Wran's Government appears to be demanding enough on him so that they are looking to lay their hands on every cent they can.

We have now received an education bill up through the end of this last December. This is faster than we have ever been billed before for educational services. It means that at the next meeting I will have to come forward with another interim Supply Bill asking for another at least $150,000 to pay New South Wales up through the end of December.

That is all I have to report on Finance.

MR. JACKSON: I wish to note the statement and ask a question. I notice in last month's statement that expenditure was running at that particular month, at 4% below supply. I see a better situation in this month where expenditure is running 3% behind supply. Do you wish to comment on that.
MR. HOWARD: No, that was the point I was making when I referred to what seems to me from the figures to be an effort on the part of the Public Service to be careful with their spending. That effort seems to me to be showing up in the figures and that is the very kind of thing that twigs it to you when you look at the figures. I think care is being taken, I think we need to be taking care or we would be in trouble.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard. Is there any further debate. The question is that the statement be noted. The ayes have it.

INDEPENDENT STUDY OF WAGES COMPARATIVE TO THE NORFOLK ISLAND PUBLIC SERVICE

MR. HOWARD: I would like to make another statement if I may, related to the Public Service Board.

At our last meeting I reported that the Executive Committee had asked the Public Service Board if it would consider having an independent study made comparing wages in the Public Service on Norfolk Island and wages first of all in the private sector and wages in other jobs in the Island in which wages are set on the mainland rather than on Norfolk Island. I said at that time that I did not have a definitive answer from the Public Service Board as to what their response was, since then I have had an answer and the Board's answer is welcome and pleasing. I will quote only a sentence or two: "The Board would agree with your proposal that a further survey and one seen to be completely independent by the Island, should be undertaken. The Board welcomes the views of the Executive Members on what might be included in the terms of reference", and the Chairman of the Board ends his letter by saying: "We would like to take this opportunity of assuring the Government of our wholehearted support in pursuit of common aims and objectives throughout the forthcoming session". So that is good news. On behalf of the Executive Committee I have responded to that letter, thanking the Chairman and the Public Service
Board for it and complying with their request for the thoughts of the Executive Members on what might be included in the terms of reference. Among other things we have suggested that those three different areas be compared so far as wages and salaries are concerned; first of all the Public Service, secondly the private free enterprise part of the Island and thirdly other jobs on the Island in which compensation is set on the mainland. We have said that we think the comparisons should be adjusted to take into account various differences among jobs such as the difference in the number of hours worked, the calculation of overtime rates, the payment of superannuation, the availability of bonuses or other benefits, whether sick leave is available, workers compensation, what sort of paid leave is offered, what sort of holidays, what sort of long service leave, job security and so forth. I was pleased to note in the Chairman's reply that one of the reasons they welcomed the Executive Members views on the terms of reference was that they were conscious of the concern expressed to have the matter initiated as soon as possible and I believe they will be doing that, and so I am pleased to present that report.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard. Are there any further statements.

MR. JACKSON: Mr. Deputy President I have a question that I believe concerns not only myself but also the other Members.

MR. DEPUTY PRESIDENT: Is this with reference to the statement.

MR. JACKSON: Yes, to the statement that has just been made, and others.

MR. DEPUTY PRESIDENT: Would you move that the statement be noted.

MR. JACKSON: Yes, I move that the statement be noted. I have always been of the opinion that statements to be made
in this House, and I am asking this as a request to the three Executive Members, should be provided to Members before meetings, at least the night before or two nights before. We are provided with business papers but it is very difficult at times to follow statements such as has been presented by Mr. Howard, and for open government and open debate in this House I would like to have some input and discussion on these matters. I am asking the three Members if it is possible to make copies of statements they intend to present at meetings available to Members the night before or two nights before meetings.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I certainly think it is worth thinking about. I totally support Mr. Jackson's feeling that when Members can come to meetings informed as to what is going to be discussed that they can make more of a contribution. I would like to suggest that it be considered by the Standing Orders Committee, maybe there is something that can be done, maybe there is some compromise, halfway position that could be worked out such as a short summary of what the statement is going to be about, not necessarily word for word. In my case for example I had written out neither of those statements. If I can avoid doing that extra amount of work of having to compose a page and a half of written language four days before the meeting I would like to avoid it, but there may be some way that Mr. Jackson's wish could be solved fairly simply.

MR. DEPUTY PRESIDENT: Thank you Mr. Howard. Is there any further debate on that statement. The question is that the statement be noted. The ayes have it.

MESSAGES FROM THE ADMINISTRATOR

MR. DEPUTY PRESIDENT: I have to report that I have received messages from the Administrator as follows:
That he has reserved for the Governor-General's pleasure the Interpretation (Amendment) Act 1982, the Criminal Law (Amendment) Act 1982 and the Evidence (Amendment) Act 1982; and that on 5 March 1982 he assented to the Public Account Expenditure Act (No. 3) 1981-82 and the Public Moneys (Amendment) Act 1982.

NOTICES

POLICY FORMULATION - PARTICIPATION BY NON-EXECUTIVE MEMBERS AT MEETINGS

MR. DEPUTY PRESIDENT: Notice No. 1. Miss Buffett.

MISS BUFFETT: Thank you Mr. Deputy President. I move that between each monthly Legislative Assembly meeting the President of this Assembly call at least two meetings of all nine Members to give non-Executive Members the opportunity of contributing their views to all policy formation and thereby fully representing the people who elected them.

To address the motion. This is a result of my sincere belief that the Government can only benefit by allowing Legislative Assembly Members to participate in discussions and decisions that will form Government policy. That we can have input in these monthly meetings I feel is essential Mr. Deputy President, but my point of emphasis is that one meeting a month is not sufficient to cover all matters that have to be handled.

Members of this House collectively represent a wide scope of activities and interests of this Island and I feel it would be unwise to bypass the value that maybe derived from the membership of each. Also Mr. Deputy President I consider great advantage could be gained if at these proposed meetings, should the desirability arise, appropriate local experts could be invited to participate in discussion on the topic to which he or she is qualified.

So to round off, I would appreciate the opportunity of enjoying more frequently than monthly, meetings of all Members who
may wish to attend and hopefully standing orders may be implemented, and I would see no objection to the broadcast of these meetings. Thank you.

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

MR. HOWARD: Yes, can we debate the motion Mr. Deputy President.

MR. DEPUTY PRESIDENT: Yes Mr. Howard.

MR. HOWARD: I am concerned about the wording of the motion. I support a number of the objectives I think Miss Buffett is after. She says she wants the Members of the Assembly to have as much input into the policy forming of the Government as they are capable of making, I agree with that. She says that in her view one meeting a month is not enough. That may well be, one meeting a month may not be enough. She says that she thinks it is unwise to bypass the value of the input that Members of the Assembly are capable of making. I agree with that, totally. Unfortunately I think she, in my view, is, perhaps unintentionally, going about gaining those good things in a way that is going to cause some bad things. I think the effect of the motion as she has made it would simply be to recreate the old Policy Committee meetings at which Government policies, community issues are discussed behind closed doors. Miss Buffett said that she would be happy to have the meetings broadcast. I have trouble seeing why we should not have as many meetings of the Assembly as we want to have, I have trouble seeing why, if there is a need for more meetings, why we should not have them, I think we should. Now there is a substantial amount of power in the hands of us nine as the elected Members of the Norfolk Island Government. It is important that we use that power in a way that is intelligent and wise and that is according to procedures that have been laid down. The meetings of the Assembly function in that particular manner. The method of conducting these meetings has been carefully thought out, it has been refined over a couple of years through changes in the Standing Orders. The Assembly meetings provide
an orderly way for transacting business. More than that, Assembly meetings when they are called, are called by the Administrator and he is required to put a notice in the Gazette saying that there is going to be an Assembly meeting, then the public know that the Assembly is going to be meeting.

I would like to move an amendment to Miss Buffett's motion and I think in amended form the motion will accomplish everything that she wants to accomplish without any of the disadvantages that I think are involved in the way she has originally worded it, and I would like to move that the wording of the motion as put be changed to read, that the Members of the Assembly reaffirm their support for open Government and direct that all meetings of the full Assembly membership, at which community issues or proposed policies are debated or voted on, shall be convened and announced in the Gazette as provided by the Norfolk Island Act, and shall be open to the public and broadcast unless prohibited by Standing Order No.72A. No.72A is the Standing Order that we passed at the last meeting which provides that if we are going to discuss the conduct of someone in the Public Service or a Public Service Officer, that we close the meeting during that part of the discussion, apart from that I am moving that whenever the full nine meet, it be under the formal conditions established by the Norfolk Island Act and that the public be admitted to the meeting and that the meeting be broadcast except in that unusual circumstance.

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

MR. JACKSON: Can I ask Mr. Howard a question on his amendment.

In Miss Buffett's statement to her motion she placed a very valid point that she wished to see people in the community who have expertise in matters to be debated, invited to attend meetings, now do you anticipate that the people that Miss Buffett spoke of would be able to sit at this table here with us at an ordinary Assembly meeting.
MR. HOWARD: If that is a question to me it is not for me to answer it is for the nine Members to answer. Matters of that kind are governed I think entirely by the Standing Orders. Standing Orders are whatever the Assembly chooses to make them, we are not bound by any Standing Order if we want to change it, and if it is the wish of the majority to change Standing Orders to allow that to happen, I am certain it can be done.

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

MR. BUFFETT: Mr. Deputy President I am alarmed at the amendment to the motion put forward by Mr. Howard and the reasons that he has given. He is really saying that when all of the Members meet they must do so in the forum that we are experiencing now, in other words we sit down here with the microphones on and the public gallery open etc, and the tensions that accompany that situation, and that is the only time that the total membership - all nine Members - can meet, but of course he has not stated that there are other machinery matters which allow the Executive, the three, to meet quite freely and not be in the public glare. So he is really saying the Executive Members can do one thing but the non-Executive Members cannot, and I think that is a situation which is not at all one that should be tolerated by the House.

Mr. Deputy President this motion that is before us expresses a view that non-Executive Members of the Assembly are not sufficiently involved in the process of formulating policies. It also carries the inference that they are not sufficiently kept in the picture by Executive Members of what is happening in the circles of Government and that their representative role of the Norfolk Island community is being made unnecessarily difficult to fulfill. I think those views by non-Executive Members are entirely justified, and if I could relate some historical facts in the matter.

In January of 1982 leading up to the commencement of this the Second Legislative Assembly much to do was made of the policy of open government, with condemnation of so called secret meetings of the
Legislative Assembly. Two persons who publicly subscribed to such a policy are now Executive Members, that is Mr. Howard and Mr. Brown, and I would like to table two copies of the Norfolk Islander, one dated 23 January 1982 and the other is dated 16 January 1982, which clearly make these statements and includes the names of subscribers. During the early days of the present Assembly much to do was made of the proposed involvement of all Members of the Assembly and this was a principle used to imply that the former governmental arrangements were unsuitable and thereby of course influence newly elected Members of the Assembly to change the former system from a proven management system, not only in Norfolk Island but in many Governments of the world as well as in the management of private enterprise, to one which in my opinion contains untried, unsound methods of management and led Members into believing they might have a more meaningful part in the Government in Norfolk Island. Well now, since the makers of those promises to the community have been in positions of authority has there been a situation of increased participation by non-Executive Members and has there been more open government, the answer is very short and to the point - No, absolutely not. As far as so-called secret meetings are concerned, these have multiplied they have not reduced, even worse there has now been set up a formal machinery which I referred to at the outset, for secret conclaves of the Executive, that is ordinary and unscheduled meetings at which non-Executive Members will have no facility to participate and in some cases no notice of such meetings.

MR. HOWARD: Point of order Mr. Deputy President.

MR. DEPUTY PRESIDENT: What is your point of order Mr. Howard.

MR. HOWARD: I think what Mr. Buffett at the moment is getting carried away about is something that has not yet come before the House and does not yet exist. He is talking about a paper which will be introduced I think as Notice No. 3 of today's meeting and I think he is thrashing around about something that legally has no existence at this point.
MR. BUFFETT: Mr. Deputy President I take exception to the language used by Mr. Howard such as thrashing around etc. He earlier took exception when I made some comments, and I think it is unjustified.

MR. BROWN: Mr. Deputy President lets get on with the business and get away from this rubbishing.

MR. DEPUTY PRESIDENT: There is a point of order before the Chair. Would you repeat your point of order Mr. Howard.

MR. HOWARD: Yes, Mr. Buffett was talking about something which will come before this meeting under Notice No. 3 in a policy statement on executive authority, that has not yet come before the House and I do not think it is a suitable matter to be included in debate at this point, he is anticipating something that is going to be dealt with later.

MR. DEPUTY PRESIDENT: I think there is no point of order Mr. Howard. Please continue Mr. Buffett.

MR. BUFFETT: Thank you Mr. Deputy President.

I am addressing the matter of participation or non participation of all Members of the Legislative Assembly and of course the ancillary services that are available to them. I consider an ancillary farcical situation in that that I have already mentioned is that which the Chief Administrative Officer, the Government's principal adviser from the Public Service area, is excluded from some of the meetings which I have earlier referred to, and I think this is a lack of appreciation of the resources available to solve problems because by excluding the Chief Administrative Officer you shut off the facilities and manpower available for example from the Public Service, a resource that is valuable and efficient.

In the life of this the Second Legislative Assembly, except for the three formal sittings, including this one in this Chamber, there have been but few meetings of all the Members, that is Executive
and non-Executive Members, at which all could express their views, exchange views, bring forward matters no doubt of mutual interest, and have an input in matters which they do have a concern and obviously in many matters which they have some considerable expertise. There is of course much more reason behind the promotion of such a motion as this in the House and I should express that and the community should hear it. The community may think that all things are rosy, all OK at Kingston, because they do not hear a great deal from that area. They hear nothing or virtually nothing because the organisation has so drastically changed that there are now little secret conclaves that I referred to earlier which in some instances take Members by surprise and keep them in the dark, and if they are kept in the dark how do you think the community fares, they are really worse off than mushrooms.

Now, what has been done in the past two months, Mrs. Gray asked this question at the last sitting, virtually nothing except argue about and conduct what I consider to be a considerably non-productive paper warfare. It is all very well to have nice theories and principles but these are not worth a pinch of salt unless they are practical. I have already mentioned the present situation I think is not giving a fair participation by non-Executive Members, I have mentioned that I consider in some instances there exists the exclusion of non-Executive Members from deliberations. I can really see what I consider to be a totally unsatisfactory and really unjustified situation developing where Members are relegated to an obscure corner and the statutory authorities placed in a subservient position and I do not think that is good government in Norfolk Island.

One of the real difficulties in all this situation that I have endeavoured to describe Mr. Deputy President, is that the blame thereof is rubbing off on all of the Members, all of the Members of this House, they are being tarred with the brush too. It is therefore I think about time all Members more regularly met together to air and discuss these difficulties, to solve the present ones and get closer together so that future difficulties do not develop to the same proportion as now exists. All Members cannot know accurately, accurately, what is going on by remote control and if you only meet
once a month within the tensions of the public broadcast situation that I have mentioned, I think there are some difficulties.

Now let's look at the amendment proposed by Mr. Howard which is also before the House. He in fact I might say has replaced the entire original motion except for the first word if I interpret it correctly, and he does place the emphasis on open government. I think what has got to be understood is the so-called "open government" as Mr. Howard sees it, manifested in the policies that he has promoted. You have got to examine these things when you look at motions when they come before the House. I really consider that for him open government means dividing Executive Members from non-Executive Members in the matters that I have already described; not permitting participation at ordinary Executive meetings which they can attend, they just sit there, dumb. They are virtually excluded from non-scheduled meetings which can be called when two Executives decide.

Open government I think in his view means threats of criminal sanctions against a senior public servant, given secretly without reference to other Executive Members let alone to the non-Executive Members and based upon a totally misguided view of the law, that is totally misguided as has been confirmed by two legal sources that I am aware of to date, and I ask you is that open government. I think what is really thought is open government is we will tell you openly when we have decided what we want done and I do not think that is good enough for the Norfolk Island Legislative Assembly Mr. Deputy President, and I want to bring those matters to notice so that people know when they are looking at this motion that we are not talking about open government in much the same manner that we might think it should be, but those things that I have mentioned have been happening in the past and that is what Mr. Howard is promoting and I must fairly say publicly that I oppose them.

You can quite clearly see from what I have said that if that if what is meant by open government in the motion that has been promoted, it is plainly a sham. Non-Executive Members are expressing their concern in the original motion that has been mentioned and I share their concern and I encourage their participation, and as I have said on earlier occasions, I too would like to get on with the job but
there have been difficulties that we have experienced over the past few weeks that have prevented Members and some Executive Members from really getting on with their job and doing a job of work but have had to get over unnecessary obstacles in my view and it is not conducive to the good government of Norfolk Island.

I support the original motion that has been given by Miss Buffett.

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

MRS. GRAY: There is some suggestion that we should go back into some form of private meetings, even though in the final moments of Miss Buffett's statement she said she had no objection to the meetings being broadcast. At the moment Members will be aware, and the electorate, although no-one really has had the courtesy to tell them, that the Executive Committee meets regularly, non-Executive Members attend those meetings and policies are discussed by Executive Members, papers are called for, guidelines are established. That drafted policy comes to this House to be debated, it is not debated at Committee meetings in private or in secrecy by the nine Members, it is debated by the nine Members in this House. Further down the Notice Paper is a matter of policy to be introduced by an Executive Member. The suggestion is that the policy be adopted. The recommendations have been in the possession of Members for about 2½ weeks. I think we have had due time to consider them, study them, perhaps form opinions on them.

MR. DEPUTY PRESIDENT: Mrs. Gray the debate is supposed to be on the amendment.

MRS. GRAY: What I am trying to build up is a case for the amendment.

Mr. Buffett himself has called a meeting of Members to discuss water and drainage - he has called a group together - all who wish may contribute and in due course a draft policy or bill will come
forward to the House from that meeting for open debate and that is where the decisions will be taken. I think at the last sitting of this House unanimous support, with Miss Buffett in absentia, was given to the policy groups formation, that is in effect what will be happening.

I support Mr. Howard's motion or amendment to the motion.

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

MR. HOWARD: I would like to try to respond to a couple of the things that Mr. Buffett said. I am sorry he is so upset and feels that the Government is going so dreadfully badly and that everyone is being tarred with brushes of some kind and that the world is in a shambles. His world may be in a shambles but I think the Norfolk Island Government's world is in pretty good hands. I have had comments I am sure other Members have too, from many people all over the Island following the last meeting of the Assembly a month ago, of people who said that was the best Assembly meeting since the Assembly got going. That is because it was an open meeting and we were all discussing things fresh and with an open mind. One of the astonishing things about that last meeting was that not having cooked the whole thing up in advance in a Policy Committee behind closed doors, there was actually debate going on, there was actually thinking going on. On one question after another the votes split in a different way. That showed that people were listening and thinking. I have had a fantastic response, I am sure others have too, saying that that was a good meeting, that is the way meetings ought to be.

Mr. Buffett raised the question of the meetings of the Executive Committee being secret or closed or something. The Executive Committee cannot commit the Assembly, the Assembly can always override anything the Executive Committee or the Executives want to do. I think that the nine Members have delegated us three Executives to try to get on with the day to day to day things that need to be done in between Assembly meetings. What I am concerned about is the full
power of nine elected Members meeting in a closed session. Miss Buffett said she saw no reason that meetings could not be broadcast. Mr. Buffett said twice something about the tensions of the microphones being on, he clearly is thinking of closed meetings, he clearly is thinking of meetings that are not broadcast, there is nothing to prevent us nine from having all of the meetings we want of this Assembly, conducted in a proper formal way. If there have not been enough meetings of the Assembly I would want to put it to you that if the blame for that has to go to anyone personally, it should be to the President of the Assembly. We are free to meet as often as we want to meet and as there is business to be done. The amendment that I have put says let's do it in the proper way instead of recreating secret meetings where the radio is shut off and deals are made in private.

MR. DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: May I just respond to one matter mentioned by Mr. Howard. Whilst he has made capital in some areas that he does not want the total membership to conduct their affairs confidentially or publicly, however they wish, what he is trying to distract attention from is the fact that the Executive does meet secretly. On some occasions the other Members are permitted to be present, not participate, to be present, on other occasions for example un-scheduled meetings, they do not even get notice of what is going on until it has all happened and let me be clear and say that executive authority does lie in the hands of the Executive Members and they are the ones who can put their signatures to documents and actually give instructions and if any area should be under fairly close scrutiny, it should be that area, not in little conclaves that I have earlier described. That is some of the difficulties that I see in the matter.

MR. DEPUTY PRESIDENT: Is there any further debate on the amendment. Mr. Brown.
MR. BROWN: Mr. Deputy President I am disappointed that Mr. Buffett appears to be using this debate as a means to again climb the castle wall. The days of the old system are over, we now have a new system of Government. We now have three Executive Members who share the executive responsibilities. It is time Mr. Buffett accepted this and got on with the job but he refuses to do so. His criticism of the other Executive Members in this House today has been quite unfounded and quite disappointing. His attempt to white-ant the present system is similarly disappointing and in many areas misleading. It is also disappointing to report that I have experienced areas within my portfolio where interference has been caused by Mr. Buffett. I had hoped not to be bringing this matter up in this House today but in the light of what has been said by Mr. Buffett today I am starting to wonder whether in fact he is fair dinkum about wanting to get on with the job or whether he is simply using this as the opportunity to attempt to recreate the hysteria which he created within the Norfolk Island press shortly after the recent elections.

I fully support the amendment Mr. Deputy President. I feel that the amendment provides us with the means of continuing our commitment to open government. There has not, within my knowledge, been any occasion under our new system since it was decided that all Members would receive notice of Executive Committee meetings, on which all Members have not received such notice and it would only be in exceptional circumstances that Members would not receive notice of an Executive Committee meeting.

I fully support the amendment Mr. Deputy President.

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

MR. JACKSON: I wish to speak to the motion.

MR. DEPUTY PRESIDENT: Debate is on the amendment.

MR. JACKSON: Is debate on the motion closed.
MR. DEPUTY PRESIDENT: No, not yet.

MR. JACKSON: Alright, thank you.

MR. DEPUTY PRESIDENT: Is there any further debate on the amendment. There being no further debate...

Mr. Jackson I have just been corrected. If the amendment goes through you will not be able to speak on the original motion again. My understanding was that the only discussion there could be was on the amendment at the moment.

MR. HOWARD: Can I ask a question Mr. Deputy President.

MR. DEPUTY PRESIDENT: Yes Mr. Howard.

MR. HOWARD: If Mr. Jackson has some things that he wants to say about the original motion is it not possible that he can say those by arguing against my amendment, and if so he ought to be free to say them I think.

MR. JACKSON: I wish to speak to the motion. I do not want to argue about Mr. Howard's amendment or anything else. I wish to speak to the original motion.

MR. HOWARD: Point of order, he cannot do that, with respect Mr. Deputy President.

MR. JACKSON: Is there a ruling on this - has Mr. Howard a ruling from the Chair - is he the Clerk?

MR. DEPUTY PRESIDENT: I have been advised that he can speak to the motion and the amendment.

MR. JACKSON: You are trying to deny me the right to speak.

MR. DEPUTY PRESIDENT: May I query your ruling Mr. Deputy President. Mr. Jackson just said that he did not want to speak to the
amendment, now that is what we are debating right now and if he wants to speak to something other than the amendment then he is out of order.

MR. DEPUTY PRESIDENT: I have again been advised that he can speak to the motion and the amendment together.

MR. HOWARD: Right, thank you.

MR. JACKSON: Thank you Mr. Deputy President. I wish to refer to certain issues that have been raised prior to speaking to the motion. Mrs. Gray has said that Mr. Buffett has called a meeting of the nine Members together. I appreciate Mr. Buffett's efforts. Mr. Buffett called us all together to have discussions with the Chief Magistrate and what a healthy discussion we had. Mr. Buffett has indicated this afternoon that he will be calling a meeting of all Members to discuss a very important issue on the Island - water supply and sewerage. I have yet to be called together by the other two Executive Members to discuss any matter. However I will be looking forward in the future to all nine Members sitting down to formulate policies, similar to the ones we used to have where all Members have a say.

However as I have indicated from the beginning, I support Miss Buffett's motion. The cancellation and abandonment of Policy Committee meetings by the nine elected Members of the Legislative Assembly is a denial of democratic justice where elected Members to the Norfolk Island Legislative Assembly are being denied his or her input into policies to be formulated and implemented as Government policies. The attempt by certain Members to describe Policy Committee meetings of the First Legislative Assembly as secret meetings is nothing else but a lot of rubbish and the Member concerned is well aware of this. The true fact of the situation is that there has been an attempt to influence newly elected Members that this is the case. However it will surely fail because in my discussions with non-Executive Members the majority of those Members certainly wish to take part in policy matters.
Now let us turn to the present situation as I see it.
The Policy Committee meetings that were held in the First Legislative
Assembly with nine Members attending, are now being held by three
Members calling themselves the Executive Committee, discussing the
same policy matters that were previously discussed by nine Members.
Therefore where are the campaign slogans that appeared in election
policy statements for open government. I was aware that in the first
month of the Second Legislative Assembly a number of these Executive
Committee meetings were held by the three Members, and because of lack
of information on what was actually going on within a Government of
which I am elected, on 10 March I wrote to the three Executive Members;
Mr. Buffett, Mr. Brown and Mr. Howard, requesting permission to attend
the Executive Committee meetings as an observer. The next day, 11
March, I received a letter from Mr. Howard, and I will quote his
reply.

This letter was sent to all Members of the Legislative Assembly:
"The three Executive Members have discussed this subject and
are all agreed that all Members of the Legislative Assembly are most
welcome to attend Executive Committee meetings as observers", however
we had to subscribe to certain conditions. Mr. Howard went on - "For
the meetings to function properly we consider that two points need to
be noted, one is that observing Members of the Assembly are not to
participate in these meetings; the other is that the Committee is not
to have any obligation to notify all Members of the Assembly before the
Committee can meet nor to wait for any Members of the Assembly who
may arrive late", well that is fair enough - having to ask permission
to attend a meeting of three Members who want to exclude the non-
Executive Members and when they decide to admit us we had to sit back
at the end of the room and be silent when we could have at least had
input in certain issues that were being debated.

Now let us further examine what the three Executive Members
were discussing at these meetings and why Mr. Howard stated in his
letter that one of the conditions we would be allowed to attend would
be that observing Members would not be allowed to participate in these
meetings. The first scheduled Executive Committee meeting was held
on 17 March. Those in attendance were Mrs. Gray, Mr. Sanders and
myself. We accepted the invitation to attend this meeting. A second
meeting was held on 20 March and that was attended by all six non-
Executive Members, an attendance I can only attribute to the Members wishing to hear what is going on. Matters discussed at the first meeting on 17 March and the meeting on 29 March were all businesses previously discussed by Policy Committee meetings, attended by all nine elected Members. Now may we turn to the agenda of the meeting held on 17 March. The agenda was very exciting because they were all matters, as I have indicated, that were discussed in Policy Committee, items such as the relationship between the Public Service and the Executive; applications for Temporary Entry Permits; the registration of medical practitioners; and this is a classic this one — proposal of importation of onions from New Zealand — now how many times in this Assembly have I raised this question. I have raised this question on behalf of the importers of Norfolk Island to try and establish the importation of onions from New Zealand. It was resolved from that discussion on the proposed importation of onions, from New Zealand that the Member responsible should interview all the people who import onions from New Zealand and the growers on Norfolk Island, sitting six feet away...

MR. HOWARD: Point of order.

MR. DEPUTY PRESIDENT: Yes Mr. Howard what is the point.

MR. HOWARD: The point is that I wonder what this has to do with what we are debating really. If Mr. Jackson intends to go through the whole agenda of two Executive Committee meetings, it does not seem to me to be worthwhile.

MR. DEPUTY PRESIDENT: The point of order is taken, Mr. Jackson would you confine yourself to the debate please.

MR. JACKSON: If that is the case I will confine myself, but I reiterate that the input that the Members there could have had was denied.

I commend the first motion of Miss Buffett's and I support it.
MR. DEPUTY PRESIDENT: Is there any further debate on the amendment. Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: Thank you Mr. Deputy President. It is my understanding that this Assembly appointed the three Executives, we appointed the three Executives to get on and do a job of work. As far as I am concerned in my particular area of appointment, which is tourism, I have had an extremely busy work programme in this area and although I must say that I do appreciate the invitation I suppose to attend the meeting called by Mr. Buffett for discussion on the water and sewerage problem, it is my view that the Executive Members have been appointed by us to get on with the job.

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

MISS BUFFETT: Thank you Mr. Deputy President, if I might just say here that with respect to Mr. Howard's amendment I do not feel that the points are the same, to me it is a different motion really and I cannot support the amendment.

MR. BROWN: Mr. Deputy President I move that the amendment be put.

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

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

MR. BROWN: Mr. Deputy President I move that the question be now put.

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

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

UNSCHEDULED EXECUTIVE COMMITTEE MEETINGS

MR. DEPUTY PRESIDENT: Notice No.2, Mr. Jackson.

MR. JACKSON: Mr. Deputy President I move that unscheduled meetings of the Executive Committee should only be held when matters of extreme importance require the Committee's urgent and immediate consideration and the deliberations of any such unscheduled Executive Committee meetings be reported by the Chairman at the next scheduled Executive Committee meeting.

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

MR. JACKSON: Mr. Deputy President, it appears now that the
six non-Executive Members have been given permission to attend scheduled Executive Committee meetings as observers, some Members of the Executive have expressed that they may have to have unscheduled meetings at short notice where non-Executive Members cannot be notified in time to attend these meetings. My concern is that this may be an attempt to have the other six Members excluded from these meetings, therefore denying the other six Members of what is going on within the Government and that is the reason I have stated in my motion that unscheduled meetings should only be held when matters of extreme importance requires the Committee's urgent and immediate consideration and deliberation, and that the Chairman report such findings of these meetings at the next scheduled Executive Committee meeting.

This motion does not in any way restrict the three Members from having private discussions amongst themselves, as a matter of fact the more they have the better, however if policy matters are to be discussed all nine Members are entitled to know what is going on. I commend the motion.

MR. DEPUTY PRESIDENT: Yes Mr. Howard.

MR. HOWARD: Thank you. Again I am afraid that the motion is aimed at something other than what it seems to be aimed at. I think it has unintended bad effects.

There are three Executive Members, Mr. Buffett is at the Executive offices full time; Mr. Brown is there a good deal of the time; I am there usually a couple of times each day for half an hour or an hour.

MR. JACKSON: Point of order Mr. Deputy President. Is Mr. Howard moving an amendment or what is he speaking to.

MR. HOWARD: I am speaking to the motion that Mr. Jackson has moved.

MR. DEPUTY PRESIDENT: No point of order.
MR. HOWARD: I think that there are often things that come up that can be dealt with quickly that are not very complicated and it would be silly not to deal with them quickly, I think if all three Executives are in the Executive offices once or twice a day and there is something that can be dealt with readily and we are all there, we ought to be able to deal with it, now Mr. Jackson with this motion, is trying to set up an obstacle. I should point out that Mr. Buffett does not like the idea of these unscheduled meetings. I think the reason that he does not like them is that the Public Service are not there. The ordinary meetings of the Executive Committee, it has been agreed amongst us three Executives, are to be held on a basis where the Chief Administrative Officer is present and there is a minute secretary present, provided by the Chief Administrative Officer. It is a rather formal structure, it is not as formal as these meetings but it is rather formal. Agendas for those meetings, it has been agreed, will be compiled the previous week. The agenda is to be settled by the Chief Administrative Officer, that agenda then guides our discussion. That is a very cumbersome way of dealing with certain kinds of things that are not difficult to deal with and difficult to decide. If Mr. Jackson really is concerned about the non-Executive Members knowing what is going on in unscheduled meetings I think there is a much simpler way of making sure that they are kept informed, much more quickly than is proposed by Mr. Jackson, he proposes that if there are unscheduled meetings that they should be reported by the Chairman at the next scheduled Executive Committee meeting, now that might be ten days later or something like that.

I would like to move an amendment to Mr. Jackson's motion. Following his opening words "that unscheduled meetings of the Executive Committee should only be held" - I move that the words from there on be changed so that the motion would read "should only be held when agreed to by a majority of the Executive Members and that notification that any such meeting has been held should be sent immediately to all Members and minutes of the meeting be available for inspection by all Members at the Assembly offices the day following the meeting".

Now if there is something that can be decided readily by the three of us who are in the offices, it seems to me silly to wait ten
days to decide it, why don't we get together and talk it out and
decide it, having done so, my amendment proposes that all Members of
the Assembly would be notified immediately that the Executive Committee
had met in an unscheduled way and the next day at the Assembly offices
there would be minutes saying what went on at that meeting. Now I
think it is a mistake to prevent the Executive Members from meeting
quickly on the spur of the moment if there is something that is worth
dealing with, I think once having done that we have an obligation to
let all the Members know immediately what has happened, and that is
what is proposed in my amendment to the motion.

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

MISS BUFFETT: When can I speak in support of the motion. I
am a little confused now. Can I speak now.

MR. DEPUTY PRESIDENT: Its a small world Miss Buffett. Go
to it.

MISS BUFFETT: Thank you. Mr. Deputy President I support
Mr. Jackson's motion in that I feel discussions by the Executives are
desirable but I feel that unscheduled meetings should be unnecessary
except in extremely unusual circumstances here on this tiny Island
where people involved in Executive meetings are in all but adjacent
buildings. I am sure that the Executive Committee is mindful of their
own desire for open government and I would have liked to have seen
endorsement of Mr. Jackson's motion because I feel that there has to
be some good feeling that the Committee will only meet in circumstances
that are extremely important.

MR. DEPUTY PRESIDENT: Any further debate.

MR. JACKSON: I feel Mr. Deputy President that if the
amendment was to include "when matters of extreme importance require
the Committee's urgent and immediate consideration", it would be
acceptable. But just to have an unscheduled meeting for the sake of
having one and to exclude the other Members without even giving them the courtesy of being there. Mr. Howard has stated that minutes will be taken, who will compile them, one of the three Executive Members. Mr. Howard said that Mr. Buffett is complaining because members of the Public Service would not be in attendance. I would complain myself because the non-Executive Members are not in attendance. Why shouldn't we be notified of these meetings. As Miss Buffett said, are there Norfolk Island matters of such importance that you have to have numbers of unscheduled meetings where we would be excluded. By invitation we now have the right to attend scheduled Executive Committee meetings as observers, as I expressed in my earlier debate on the motion. I would not consider a get together in the President's office or a get together in Mr. Brown's office of a three way discussion on matters of local issues, just a discussion, unless it is of extreme importance that you have to convene a meeting - well then you have to convene - but on a little Island like this matters of such importance may arise, well how many times, how many times would you visualise having these unscheduled meetings, maybe there will be times, and maybe you will be able to explain the reasons for having it. However I do believe that with the inclusion of the words "unless of extreme urgency and immediate consideration and deliberation", I believe...

MR. DEPUTY PRESIDENT: Mr. Jackson, I believe that you cannot put that on unless you do it as...

MR. JACKSON: I am asking Mr. Howard perhaps to include that in his amendment.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I would like to comment on that. No, I would not for the world dream of putting those words in and I think for very good reasons. The reasons are that I do not think the Executive Committee ought to have unscheduled meetings and deal with extremely important matters except once in a fifty year period or something, I
think if there are extremely important matters that is when you want the nine around the table, that is when you call an Assembly meeting. My thought is that these unscheduled meetings can deal with things that are now extremely important that can be brought up, considered, done with, get them done.

MR. DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: Could we seek a definition at the moment of the difference between an unscheduled meeting of the Executive and an ordinary meeting of the Executive.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: That is to be proposed in a paper on executive authority I think, well maybe not - I will try to define the difference - the difference is that an ordinary meeting of the Executive Committee as resolved by the last Executive Committee meeting, is one that goes through a quite formal process. An agenda is drawn up the previous week by the Chief Administrative Officer, submission papers are followed in bringing matters forward to the Committee. The whole thing is a process that takes about six or seven days to get the meeting organised then you hold the meeting, their minutes flow on the following few days and it is a very highly structured thing.

Unscheduled meetings would be if David is in his office and John Brown and I are also there and there is something that we can deal with and solve, we say hey why don't we decide what to do about this.

Now I would like to draw another point, which is that the ultimate power over the Executives lies around this table. If the Members are informed of what happens at every Executive Committee meeting and if they do not like what they see happening, throw us out, that is what you should do, and as long as you know what is going on and you think we are doing a reasonable job, leave us in.
MR. DEPUTY PRESIDENT: Is there any further debate.

There being no further debate the question is that the motion as amended be agreed, sorry that the amendment be agreed.

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

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

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

The motion as amended agreed.
EXECUTIVE AUTHORITY & THE EXECUTIVE COMMITTEE

MR. DEPUTY PRESIDENT: Notice No. 3, Mr. Howard.

MR. HOWARD: Thank you Mr. Deputy President. I have a good deal of pleasure in presenting a motion which I have been asked by the Executive Committee to present. It is a long motion, there are a lot of words in it. With leave of the House I would like to describe in just a few words what it is about.

MR. DEPUTY PRESIDENT: Is leave granted. Leave is granted Mr. Howard.

MR. HOWARD: One of the basic aims of the Executive Committee is to start trying to get down in writing firm policies by which the Island should be governed. The laws of the Island do not set out everything, a lot of things are left unsaid in laws. One of the Executive Committee's basic aims is to begin getting written policies that will be available to the whole community, saying how things are supposed to work. It is our proposal that those policies when they are on important matters, should be considered by the Assembly and if the Assembly agrees that they be adopted as Legislative Assembly policy they would then have to be followed by the Executive Committee and by everyone else under the authority of the Assembly, unless the Assembly at some future time wanted to change them, but until change came that would be the policy and anyone on the Island would be able to go down and get a copy of it and see what the policy is and know where he stood.

The first policy that the Executive Committee is recommending to the Assembly for adoption, if the Assembly sees fit, has to do with executive authority itself and with the Executive Committee, and I move that the Executive Committee policy on this matter be adopted as Legislative Assembly policy, namely:

1. Executive authority is the authority to decide what will be done in a particular matter. Executive authority is created by law and can be exercised only in accordance with the law;
2. The laws of Norfolk Island give executive authority on various matters to various individuals or bodies. Among the persons and bodies who have executive authority for certain matters are, the Minister of the Commonwealth Government who has Norfolk Island affairs in his portfolio; the Administrator; the Executive Members of the Legislative Assembly; the Chief Administrative Officer; the Collector of Customs; the Hospital Board; the Public Service Board; the Tourist Bureau; and others.

3. The Australian Parliament, in the Norfolk Island Act 1979, gave executive authority for many specific matters to the Executive Members elected by the Legislative Assembly. These matters are listed in Schedules 2 and 3 of the Norfolk Island Act or are specified in other laws such as the Social Services Act, that have come into effect since the Norfolk Island Act.

4. Each Executive Member of the Assembly has executive authority for all of the matters referred to in 3 above. For convenience, efficiency and clarity, each Executive Member is assigned a portfolio of certain matters and is expected to pay particular attention to seeing that they are managed properly. These portfolios are set out in an Administrative Arrangements Order published in the Norfolk Island Government Gazette.

5. Executive Members do not have any fixed term of office. The various Executive Offices are created by the Legislative Assembly, and both the offices and the Executive Members holding them may be changed at any time by the formal vote of the Assembly. An Executive Member's ability to exercise executive authority is dependent on his retaining the confidence of the majority of the Assembly.

6. As the result of votes by the Members of the Assembly in February 1982 - 

(a) three Executive Offices were established - Executive Member for Administration, Education & Health; Executive Member for Planning, Tourism & Commerce; Executive Member for Finance.

(b) three Members were elected to those offices - Mr. Buffett, Mr. Brown and Mr. Howard.

(c) the Executive Members were constituted as the Executive Committee of the Legislative Assembly.
(d) the three Executive Members were given equal status within the Executive Committee with chairmanship of the Committee's meetings rotating at each meeting.
(c) each Executive Member was required to exercise executive authority over matters in his portfolio in accordance with policies adopted by the Assembly or by the Executive Committee as a body.

The Executive Offices established by resolution of the Assembly on 10 February 1982 are offices recognised by the Norfolk Island Act. The election of Members of the Assembly to those offices has a statutory effect which is recognised by the Norfolk Island Act and which carries with it executive authority under enactments where executive authority may be exercised by an Executive Member. The election of those Members to Executive Offices constitutes them members of the Executive Council and confers certain powers in that regard in terms of the Norfolk Island Act.

Matters included in (c), (d) and (e) above — and I interject here that that is the formation of the Executive Committee and the equality of status within that Committee among the three Members and the requirement that each Member exercise authority over his portfolio as the Assembly or the Executive Committee resolves—those matters are determined by Legislative Assembly policy rather than by legislation, and acceptance by Executive Members who are nominated to Executive Offices, carries with it their acceptance of this policy.

7. Policies to be followed by the Executive Members may be established at either of two levels. At the highest level are Assembly policies adopted by the Assembly as a whole, which must be observed unless changed by future vote of the Assembly. At a lower level are Executive Committee policies adopted by the Committee which may be changed either by the Assembly or by the Committee.

8. While each Executive Member is required to carry out his executive authority in accordance with Assembly or Committee policies, he is free to express disagreement with any policy and to argue that the policy should be changed, either in the Executive Committee or in meetings of the Assembly.
9. The meeting procedures of the Executive Committee are as the Committee determines.

10. The Executive Committee is responsible for informing the Chief Administrative Officer what the policies of the Assembly and the Committee are, and in matters in which the Assembly or its Executive Members have authority or responsibility, the Chief Administrative Officer is required to see that these policies are carried out by the Public Service. Only Executive Members of the Assembly may give directions to the Chief Administrative Officer concerning the carrying out of these policies. Except as authorised or required by law or as approved by the Chief Administrative Officer, neither Executive nor non-Executive Members of the Assembly may give directions to any other member of the Public Service.

This proposed policy which has been adopted by the Executive Committee I think lays a foundation from which further policies can be considered and debated and established in a way that is clear for everyone to see.

I have moved this motion and presented this recommended policy, which is recommended by the Executive Committee, I wish to propose slight amendments to it on my own behalf, not as a member of the Executive Committee but on my own behalf, but if there is debate to be had on the proposed policy in general before that...

MR. DEPUTY PRESIDENT: I must put the question first.

MR. HOWARD: Fine, yes please do.

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

MR. HOWARD: I am happy to have other debate on the policy in general before I move my minor amendments if that is the wish of Members.

MR. DEPUTY PRESIDENT: Is there any debate.
MISS BUFFETT: I think we might as well hear the amendments before we start voicing opinions on anything.

MR. DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I am happy to move them. I need leave to do so, leave of the President.

MR. DEPUTY PRESIDENT: Leave is granted.

MR. HOWARD: Thank you. The changes that I want to propose are few.

In item 4 I believe there is a bit of confusion. Item 4 begins, 'Each Executive Member of the Assembly has executive authority for all the matters referred to in 3 above' - that is all of the matters in Schedules 2 and 3. It goes on - 'For convenience, efficiency and clarity, each Executive Member is assigned a portfolio'. I think it would help policy if no reference were made at that point to the fact that all three Members participate in the formation or in the carrying out of all Schedule 2 and Schedule 3 executive authority. I think that can be left to be picked up later on in (e) at the top of page 3 in your yellow Notice Paper, which says, 'Each Executive Member was required to exercise executive authority, in accordance with policies adopted by the Executive Committee'. My amendments are these - first of all in item 4 on page 2, eliminate all words down to the word 'each' and begin item 4 with that word. So it would simply say 'Each Executive Member is assigned a portfolio of certain matters and is expected to pay particular attention to seeing that they are managed properly. These portfolios are set out in an Administrative Arrangements Order published in the Norfolk Island Government Gazette'.

The additional amendments that I am proposing have to do with bringing up to date in the present, items (c), (d) and (e) on the bottom of page 2 and the top of page 3. They are - first of all in (c) to say the Executive Members 'are' constituted as the Executive Committee rather than 'were'; in (d) to say the three Executive Members 'hold' equal status, rather than 'were given' equal status;
and in (e) to say each Executive Member 'is' required, rather than 'was' required.

I think those amendments will clarify people's understanding of the policy when they read it.

MR. DEPUTY PRESIDENT: The question is that the amendments be agreed. Is there any debate. There being no debate...

MISS BUFFETT: Can I just ask one question Mr. Deputy President. Mr. Howard was this agreed to by all Executives. Your motion as put before us is an agreement of all Executive Members, is that right.

MR. HOWARD: If I can answer that and perhaps answer a little bit more, I probably should have said this.

The proposed policy as you see it in the yellow Notice Paper has been agreed to by all members of the Executive Committee. It has also been carefully screened by the Legal Adviser; it has been considered by the Chief Administrative Officer; it has been looked over by the Administrator who was not asked to approve it but said he thought it was good and a good step in the right direction. It has been quite carefully considered, and it is recommended to the Legislative Assembly after a lot of thought.

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

Question - put

Amendments agreed.

MR. DEPUTY PRESIDENT: Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: Yes Mr. Deputy President there is a further amendment in my name - to item 10 - that the words 'except Assembly staff' be included at the end of item 10.
MR. DEPUTY PRESIDENT: The question is that the amendment be agreed, is there any debate. Mr. Buffett.

MR. BUFFETT: Mr. Deputy President, it may well turn out at some later time that such an amendment is appropriate but as we are aware we have already asked the Chief Administrative Officer at this time to give some thought to certain proposals in respect of staffing in the Assembly area. I would prefer those proposals to be examined and discussed before making any hard and fast rule so to speak in these guidelines at this time.

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

MR. HOWARD: I entirely support the amendment, I think it is a good addition. There has been a lot going on in the Executive Committee that I think all Members are aware of, during the past couple of weeks there has been a considerable amount of tension, there has been disagreement on some matters with what is legally correct, how we should best function, how the Assembly can function. One of the matters that has been put to us is that the staff of the Public Service who work for the Assembly, and I am thinking of the Legal Adviser, sorry, excuse me, the Legal Draftsman, the Clerk of the Assembly; Bella Wilson the secretary in the Executive Offices; Mrs. Graham the assistant to the Clerk. It has been put to us that those people do not really work for the Assembly, they work for the Public Service and they must not do anything unless the Chief Administrative Officer tells them they may do it, and if they are asked to do certain things by the Assembly they may want to go to the Chief Administrative Officer and say should I do that, or if they do something for an Executive Member or for a Member of the Assembly they are then supposedly to go tell the Chief Administrative Officer what they have been asked to do.

In a conversation with the Administrator I enquired how the Public Service staff in the Administrator's office work and whether
they work for his instructions or whether they are instructed by
the Chief Administrative Officer, and he made it perfectly clear that
they take instructions from the Administrator, and I asked him
whether staff in his office who are members of the Norfolk Island
Public Service, if they felt they wanted to tell the Chief
Administrative Officer about something that had happened in the
Administrator's office, were they free to do that and the
Administrator said they most certainly are not, he said the
confidentiality of what goes on in this office stays absolutely in
this office and he made it clear that in his office members of the
Public Service who are assigned to help the Administrator's office
are working for the Administrator. The Public Service Board may set
their terms and conditions but they are working in response to the
needs of the Administrator. I think the Assembly must have and is
entitled to that same kind of support. I think the addition of the
words 'except Assembly staff' anticipates that we, to some extent,
have such staff now, we may well want more such staff in the future,
and I think the words are a very important addition.

I support the amendment.

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

MR. BROWN: Mr. Deputy President I agree with what Mr. Howard
has said and I fully support the amendment.

MR. DEPUTY PRESIDENT: Thank you. Any further debate.

MISS BUMFITT: In my opinion if we add something now it is
like a letter, having been written and signed authoritatively, has a
postscript added by an unauthorised person, those three words not
having gone through the machinery that the rest of it went through.

That is just my opinion.

MR. DEPUTY PRESIDENT: Any further debate. Mrs. Gray.
MRS. GRAY: I believe there are some grounds of definition still remaining. I am prepared to leave the matter in abeyance for the time being, that is until the other matters are made clear.

MR. DEPUTY PRESIDENT: This is to Mr. Christian-Bailey's amendment. Is there any further debate. Mr. Buffett.

MR. BUFFETT: Mr. Deputy President when this notice paper came out, I think on Friday, this was the first occasion that it had been so called publicly aired. This amendment, the last amendment, which we have just addressed, I have already said, has been considered in a somewhat wider context and recommendations and answers to that wider context have not yet come forward. I think we might be rushing a bit. Maybe if we can examine those other aspects, maybe an adjournment on that matter might assist the assessment of it.

MR. DEPUTY PRESIDENT: You are referring to Mr. Christian-Bailey's amendment 'except Assembly stuff'.

MR. BUFFETT: Well in fact it has all just hit the street so to speak.

MR. DEPUTY PRESIDENT: Do you move the adjournment of debate.

MR. BUFFETT: I am happy to move the adjournment Mr. Deputy President.

MR. DEPUTY PRESIDENT: The question is that debate be adjourned, and the adjourned debate be made an order of the day for the next sitting.

MR. HOWARD: Could we have debate Mr. Deputy President. My vote was no.
MR. DEPUTY PRESIDENT: The question is that debate be adjourned.

Question - put

The House voted:

AYES, 3
Mr. Buffett
Miss Buffett
Mr. Jackson

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

MR. DEPUTY PRESIDENT: Ayes 3; Noes 6, the motion is not carried.

The question is that the amendment be agreed.

Question - put

The House voted:

AYES, 5
Mr. Howard
Mr. Brown
Mr. Christian-Bailey
Mr. Quintal
Mr. Sanders

NOES, 4
Mr. Buffett
Mrs. Gray
Miss Buffett
Mr. Jackson

MR. DEPUTY PRESIDENT: Ayes 5, Noes 4, the amendment is carried.

The question is that the motion, as amended, be agreed. Is there any debate. Mr. Howard.

MR. HOWARD: Only a comment Mr. Deputy President which is that it would be my intention, assuming the Assembly endorses this
policy and other policies on equally important matters in the future, to do everything I can to see that those policies are printed up with the same formality and care that the laws are printed up and are made available to people on request at the Administration offices and there it is in black and white for people to see.

MR. DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Deputy President I would like some clarification on two points.

In item 7 Mr. Howard has indicated in his motion that policies to be followed by the Executive Members may be established at either of two levels. At the highest level are Assembly policies, adopted by the Assembly as a whole, which must be observed unless changed by future vote of the Assembly. Now this is the point where I need clarity - At a lower level are Executive Committee policies, adopted by the Committee, which may be changed either by the Assembly or by the Committee - does that mean...

MR. DEPUTY PRESIDENT: What do you want clarification on.

MR. JACKSON: Item 7 in the motion. does that mean that policies can be altered by either the Assembly or by the three man Executive Committee, which by motion could be carried by two Members of the Executive Committee.

MR. HOWARD: It means that the Assembly is supreme, it means that the Assembly has control of all policies.

MR. JACKSON: It does not say that, it says - At a lower level are Executive Committee policies, adopted by the Committee, which may be changed either by the Assembly or by the Committee - it means that the Committee can change those policies. Now would you say whether that is a fact or not a fact.
MR. HOWARD: I will try to. It is the intention that on any important matter that the Executive Committee will consider it and try to work out what it thinks is a sound policy and the Executive Committee will then adopt that policy. At that point it will be only an Executive Committee policy, it will not be binding on the Assembly in any way.

MR. JACKSON: Mr. Howard we have spoken about important matters and unimportant matters here this afternoon, now you are saying that only important matters will come back to the Assembly, now what about unimportant matters. The three man Committee, which could result in a two man vote, could alter that policy, any policy.

MR. HOWARD: No, not true, could not alter any policy, could alter any Committee policy. If the policy concerns a matter of broad importance, clearly the Executive Committee will want the Assembly to debate it and to have the Assembly endorse it or change it or say no that is not what we want or whatever the Assembly majority believes. I think in practice you will find that a policy which is formed by the Executive Committee and never goes up to the Assembly will be on trivial matters, on small things.

MR. JACKSON: Well then for instance if an Assembly meeting is three weeks away and the three man Executive wanted to change a policy, would it be their intention to change that policy as an Executive decision or to call all Members together and debate the issue.

MR. HOWARD: The Executive Committee would have no power to change an Assembly policy, none whatsoever. Only the Assembly can change an Assembly policy.

MR. JACKSON: What about a policy that has been drawn up by the Executive Committee.
MR. HOWARD: If it is only an Executive Committee policy it does not have the weight of the Assembly behind it.

MR. JACKSON: But you can act on that decision, the Executive Committee decision, you have the power to act as Minister responsible on any portfolio.

MR. HOWARD: I can only say that all Members will have access to all such actions by the Executive Committee and if the membership thinks that the Executive Committee is acting irresponsibly, it will over-rule the Executive Committee, it will put us back in our place or it will sack us.

MR. JACKSON: Mr. Deputy President just one more point to clarify the issue. I am not tearing it apart but I need clarity and I am sure the other Members and members of the public need some clarity. For instance if an airline is to be given rights to come into Norfolk Island, and an agreement is to be entered into, and I am using this only as an example, and Mr. Brown holds that executive responsibility, Mr. Brown can act because of his executive responsibility within that portfolio. He can act, as I see it, within his executive role, he can enter into the agreement with the airline company...

MR. BROWN: Unless it is Norfolk Island Airlines.

MR. JACKSON: I didn't know you had any shares left in it John. He can enter into the agreement without consulting the rest of the 8 Members. Now I know you have that power, it is written in here that the Executive Member who holds responsibility can enter into an agreement on that particular issue. Now the point that I am raising is should that even eventuate would the Executive Members, whichever one of the three maybe concerned in making that decision, take it to the rest of the Members so that they can have some input and some debate into the decision to be made.
MR. HOWARD: I am sure it would depend on how important this imaginary agreement was...

MR. JACKSON: I would say an airline agreement would be a major one.

MR. HOWARD: Well suppose Mr. Brown as the Executive Member for transport matters reached an agreement with East-West Airlines that it was alright if they switched from having white sickie bags to blue sickie bags, now if he...

MR. JACKSON: Point of order. Mr. Howard is treating this as a joke. I am serious.

MR. DEPUTY PRESIDENT: I think the whole thing has gotten out of hand. The question was is there any debate on the motion as amended, I think talking about fictitious things is quite irrelevant to the debate at the moment.

MR. JACKSON: Mr. Deputy President I do not consider it fictitious because it states here that the Executive Committee...

MR. DEPUTY PRESIDENT: I would imagine their powers would be included in the Act wouldn't they, without having to sit around here discussing it all.

MR. JACKSON: Alright if you wish to close debate on the issue, it suits me.

MR. DEPUTY PRESIDENT: Would you confine your remarks to the debate. Is there any further discussion on the motion as amended. There being no further discussion the question is that the motion as amended be agreed.

Question - put
Motion, as amended, agreed to unanimously.
AVAILABILITY OF CLERK/DRAFTSMAN FOR MEMBER'S PRIVATE ASSEMBLY WORK

MR. PRESIDENT: Continuing with the Notice Paper Honourable Members. Notice No. 4, Availability of Clerk/Draftsman for Member's private Assembly work, Mr. Sanders.

MR. SANDERS: Yes Mr. President, I move that this House, being of the opinion that the ends of democracy are best served by well informed Members able to initiate and amend policy, directs the President and Executive Members to take such action as may be necessary to ensure that a reasonable amount of the Clerk/Legislative Draftsman's time is available for their work.

Mr. President in speaking to the motion I just wish to convey to the House what did happen and why this came about. On the morning of Monday 8 March last I phoned the Draftsman of the Assembly for an appointment to see if and when it was convenient for him to attend to some matters concerning the Assembly for which I needed drafting. I was advised by him that on instruction from the Chief Administrative Officer, he was not permitted to do any work for Assembly Members without the Chief Administrative Officer's prior consent. I find this situation too incredible to be true, that as an elected Member of the Assembly I had to seek permission of a person who was appointed by the Assembly to do the work I was elected for. Consequently I ask this House to uphold my motion so that we may go about our duties without these ever occurring obstacles.

MR. PRESIDENT: Miss Buffett.

MISS BUFFETT: Mr. President I do appreciate Mr. Sanders' point and I think the request embodied in the motion is quite legitimat could I draw attention however to clauses (b) and (c) of Access to the Legislative Draftsman from the Chief Administrative Officer's report of March 26 this year, which states, firstly in (b) that Members may approach the Draftsman direct to give instructions for non-government Bills. Before drafting such Bills the Draftsman should inform me of
instructions so that I can advise the Executive Committee and obtain its approval for the drafting of the Bill. Then in clause (c) it states that Members may approach the Draftsman direct to give instructions to draft amendments to Bills before the House. I should be informed of such instructions so that I can inform the Executive Committee, but the Draftsman may prepare the amendment without further authorisation.

As I see it Mr. President, two very important procedures operate within these clauses. Firstly the avoidance of secret legislation being presented without other Members having the opportunity to consider the provisions and secondly the Chief Administrative Officer fulfils the obligation he has of keeping the Executive Committee of the Legislative Assembly informed. In view of the fact that Members have full access to the Legislative Draftsman, subject only to the Chief Administrative Officer being kept informed of what is being done, I am of the opinion, with respect to the mover, that this motion is unnecessary.

MR. PRESIDENT: Mr. Howard.

MR. HOWARD: I read a particular word in the motion with a great deal of emphasis in my own mind, it is the second last word. The motion asks that a reasonable amount of the Clerk/Legislative Draftsman's time be available for their work, that is for the work of the Members of the Assembly. I think if you read it carefully, what that means is that the Clerk/Legislative Draftsman is to be available to help an individual Member of the Assembly in confidence with him, to do what he requires done and not at the same time to be doing somebody else's work, not at the same time to be informing the Chief Administrative Officer, not at the same time to be informing the Executive Members. I want to speak as strongly as I can in support of the non-Executive Members' rights in this matter. I think that each Member of the Assembly, up until now, has had the right to introduce a Bill or an amendment of his own, if he wants to, without telling anybody about it until the meeting begins. I think that is a very
valuable right for the Members to have. I do not want to see that right taken away from the Members. There is plenty of time once we meet as nine, to consider what is being proposed, and if we do not like it and the majority are against it, it will get voted down. I do not think that it should be built into the system that a Member carrying out what he sees as his private duty to the good government of Norfolk Island, has to have his plans disclosed to us Executive Members or to the Chief Administrative Officer, I do not think it is our business to insist that we know. I think it is the right of the private Member to be able to have his own secrecy until the meeting begins, and I therefore place great importance on the meaning of their work - to me that means the work of the individual MLA, and I quite disagree with what Miss Buffett says. I think she says that we want to avoid secret legislation - sure we want to avoid secret legislation, it does not become legislation until the Assembly has dealt with it, but to avoid the right of privacy and secrecy of each individual Member, I do not want to avoid that I want to protect it. Secondly she said that the Chief Administrative Officer has an obligation to keep the Executive Members and the Executive Committee informed. I do not think he has any such obligation to inform us about what other Members are doing; I think if Bill Sanders or Greg Quintal or Alice Buffett wants to get a Bill prepared and put it on the table in the Assembly meeting, you have every right to do that in your own confidence and I think you are entitled to have the help of a competent Draftsman to prepare it in good form. If the Draftsman is not available on that basis, what will happen is that people who want to do things in privacy will do their own drafting, they will not do it as well as the Draftsman can do it and I think it is in the interests of the House to have the drafting well done.

So I support the motion as it originally stands, I think it is very necessary and I think the confidence to the individual Member is an essential part of it.

MR. BROWN: I support the motion Mr. President.

MR. PRESIDENT: Mr. Quintal.
MR. QUINTAL: I also support the motion Mr. President. I feel that it is our right to have the Legislative Draftsman available to all Members. Since the Draftsman has been on holidays I have approached the Chief Administrative Officer on several matters and he has been most helpful, but I would like to see that we have the privilege of the time of the Draftsman.

MR. PRESIDENT: Miss Buffett.

MISS BUFFETT: Mr. President may I point out to Mr. Quintal that that is my point, we have the time of the Draftsman but I believe that if we are using a Government Draftsman, after all it is Government, matters should be suitable, there may be unsuitable matters.

MR. PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. President I really cannot see the need for the argument on this issue because facilities are at present available at the Clerk/Draftsman's office. It has been made quite clear that if any non-Executive Member wished to approach the Clerk/Draftsman to prepare motions or amendments, he can rightly do so. However I do see some problems if a Member wishes to prepare a Bill, which every Member has that right and I endorse everything that has been said for the non-Executive Members rights to prepare a private Members Bill, however what priority does a Member have, does he have priority over an Executive Member. Now when the Government actually gets into full swing and the Bills start coming forward and the Draftsman is really flat stick, where does the non-Executive Member come in, does he go and put his on top of the Executive Member's or does there have to be some priority. Those facilities are available to us now and it has been spelt out in the Chief Administrative Officer's report. As far as motions and amendments are concerned we can walk into the office down there downstairs any time we like but it is the priority over the presentation of a Bill that needs clarification. No doubt if the Draftsman has the available time then no doubt he will go about
preparing it but what is the procedure if he complains that he is too busy and he has to see the Chief Administrative Officer to get some priorities and get into line, what happens then.

MR. PRESIDENT: Mrs. Gray.

MRS. GRAY: Mr. President I do not have any problem with the Chief Administrative Officer being informed that a non-Executive Member requires the services of the Legal Draftsman, what I do object to is that the Chief Administrative Officer suggests that he should be advised or informed of the instructions. I do see perhaps a potential betrayal there, where a private Members Bill should remain confidential.

MR. PRESIDENT: Mr. Sanders had the call.

MR. SANDERS: At no time was I suggesting that we should have over-riding authority on an Executive, but I was definitely meaning that I should not have to ask the Chief Administrative Officer's permission to have this work done, I do not believe that that was what I was elected for.

MR. PRESIDENT: Mr. Howard.

MR. HOWARD: I think there is a possible situation that we need to bear in mind that we want to guard against. If an MLA is on the outs with the Executive Committee and wants to have a go at something that the Executive Committee do not want him to have a go at, and the Chief Administrative Officer finds out that that MLA wants a Bill drafted to do something, and tells the Executive Committee, the Executive Committee says to the Chief Administrative Officer tell him the Draftsman is swamped, do not give him the time. I think we ought to prevent that happening, I think we need to leave the discretion to the Draftsman and if he get overloaded with too much work I think he should say to somebody look I am overloaded with work and then you use priorities but you do not clear everything single thing that every MLA wants done. That is my view.
MR. PRESIDENT: Miss Buffett.

MISS BUFFETT: Thank you Mr. President. I would think that in that situation Mr. President that a private Member could bring the matter into the House and force the matter into the open for legislation.

MR. PRESIDENT: Mr. Sanders.

MR. SANDERS: It was not my intention if I wished to do something to drag it out for an extra month so that the House could finally give me permission to ask the Chief Administrative Officer so I could turn around and do what I wanted to do a month ago. That was not my intention at all.

MR. PRESIDENT: Further debate Honourable Members. Honourable Members I wish to make one comment from the Chair in this matter. Can I say at the outset that what has been addressed to date is the area of the Legislative Draftsman and I do not wish to address that at all, I have no responsibility to do so, what I do wish to address is the matter of the President and the Clerk. I just say this that I regret that Members may feel that they have to use such language as directing the President in the matter that is before the House when I am sure there has been no impediment of which I am aware to date, that the time spent on matters for Members has been a difficulty. Again I stress that I am not addressing the matter of the Legislative Draftsman I am addressing the matter of the Clerk - we know he is the same person but I refer to his duties as the Clerk in the area that I have responsibility. If there has been any difficulty I do say that no Member whatsoever has raised the matter with me. Should that be the case of course I would have been most happy to make some adjustment in those arrangements. I am neither speaking for or against the motion, I wish nevertheless to make those comments as it effects the clerkship of this House.
MR. SANDERS: Mr. President if there is any inference taken from that that there was a slight on the President I apologise, that was my error, I meant all the Executives, and the President of course being one of them, my apologies.

MR. PRESIDENT: Thank you very much Mr. Sanders, I accept those remarks. Mr. Howard.

MR. HOWARD: I do not see any slur in the word direct at all. I think that the Assembly has the power to direct its officers in anything it wants to direct them to do, I think the Assembly is supreme, I do not see either the Executive Members or the President of the Assembly as somehow having been placed in a position higher than the Assembly. I think we are the servants of the Assembly, I think we are subject to direction by the Assembly and I am concerned by the overtone in Mr. Buffett's last comment that he will not be directed by this Assembly, I think he will be directed by this Assembly and he better get used to the idea, that is where the power lies, with the Assembly not with we your servants.

MR. PRESIDENT: I do not wish to enter into the debate on the matter, I really wish to make comments that the President of the Assembly is of course at the command of the Members of the Assembly, it is merely regretted that Members may feel that to get a result they really have to make a formal direction. I was really making the point that if there were some difficulties I would have welcomed it being mentioned to me and they could have been solved in such a manner without having to resort to a formal so called direction.

MR. HOWARD: Your point is gracefully made and I accept it.

MR. PRESIDENT: Thank you Mr. Howard. Is there any further debate Honourable Members. There being no further debate the question is that the motion be agreed.

Question - put
Motion agreed to unanimously.
ACCESS TO ADMINISTRATION FILES

MR. PRESIDENT: Notice No.5, Access to Administration Files, Mr. Sanders.

MR. SANDERS: Mr. President, I move that this House, being of the opinion that the Members need to have, for the purpose of carrying out the functions for which they were elected, full knowledge of all activities of the Administration, directs the Executive Members to take such action as may be necessary including if appropriate, the promotion of legislation to secure to Members access to the files of the Administration, subject to such limitations as to confidentiality as may be reasonable.

Mr. President in view of the fact that yesterday an independent legal opinion was received by the Executive Members I would ask leave of this House to ask Mr. Brown who is a solicitor to clarify the legal position on these matters, and if it be legal, for this House to support my motion so that we may go about the duties for which we were elected.

MR. PRESIDENT: Mr. Brown do you wish to enter the debate.

MR. BROWN: I do not think it is appropriate Mr. President that I give a legal opinion in relation to the matter however I would seek to tender a copy of the opinion, this is an opinion of Mr. James Duncan McIntyre, Solicitor, of Norfolk Island, it is dated 2 April 1982 and this opinion was sought by me pursuant to a resolution of the Executive Committee and in accordance with that resolution I have circulated copies of the opinion to all of the Members and as I said I would seek to now tender a copy of that opinion.

MR. PRESIDENT: Mr. Howard.

MR. HOWARD: A question Mr. President. Does tender mean the same thing as table.