MR. BROWN: Mr. Acting Deputy President, I agree with Miss Buffett's desire to prevent speculation in land. In a community such as Norfolk Island speculation in land cannot be healthy. However we could do great damage to people by passing the motion that is proposed by Miss Buffett. I certainly will not be able to support that motion, but I feel that Miss Buffett is quite likely to be in solid agreement with the proposals for revision of our subdivisional policies which I hope to bring forward to the Executive Committee in two weeks time. I think that it is in relation to subdivision itself that we will find the means to prevent speculation, but as I said I cannot support the present motion.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Brown. Further debate Honourable Members. There being no further debate the question is that the motion be agreed.

Question put
Motion not agreed

SUSPENSION OF HOUSE

MR. HOWARD: Mr. President the hour is getting late, we are not going to get through the substantial additional amount of stuff on the notice paper and a number of those things are things that should not wait until our next meeting, and I would like to propose that we adjourn until some suitable time for the rest of the Members - suspend until Friday, Wednesday, today week at 2 p.m.

MR. ACTING DEPUTY PRESIDENT: The question is that the House be suspended until Wednesday. Any debate. The question is that the House be suspended until Wednesday next at 2 p.m.

Question put
Motion agreed to unanimously

Sitting suspended at 6 p.m. until Wednesday 8 September 1982 at 2 p.m.
RESUMPTION OF SITTING (2 p.m. 8 September 1982)

MR. ACTING DEPUTY PRESIDENT: Resumption of the meeting of last Wednesday 1 September Honourable Members. Mr. Brown.

PERSONAL STATEMENT

MR. BROWN - RESIGNATION FROM OFFICE OF EXECUTIVE MEMBER

MR. BROWN: Mr. Chairman. I made a statement last week about an article referring to me which had appeared in the Norfolk Islander. I do not propose to repeat that statement but I should add to it. Over the last 8 or 9 days I have had a number of discussions with the Administrator in relation to the matter and on Monday of this week I advised the Administrator that I intended today to stand down as Executive Member for Planning, Tourism and Commerce. Shortly before lunch today I delivered a letter of resignation to that effect to the Administrator. I have done this in the belief that such action is in accordance with the highest traditions of the Westminster system and in the knowledge that such action will best enable me to counter the false accusations which have been made against me. I intend to give my successor my fullest support.

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

APPOINTMENT OF EXECUTIVE MEMBER FOR PLANNING, TOURISM & COMMERCE

MR. HOWARD: Mr. Chairman I would like in the light of Mr. Brown's statement leave to move that the Assembly recommend a replacement for that ministerial position.

MR. ACTING DEPUTY PRESIDENT: Is leave granted Honourable Members? (Leave granted).

MR. HOWARD: I would like to move that the Assembly recommend to the
Administrator that the Administrator appoint William Sanders to be Executive Member for Planning, Tourism and Commerce.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Howard. Any debate Honourable Members. Mr. Jackson.

MR. JACKSON: I would like to move an amendment to that motion moved by Mr. Howard. I move that Miss Alice Buffett be this Assembly's nominee as Executive Member.

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

Question put
The House voted -

AYES, 3
Mr. Buffett
Miss Buffett
Mr. Jackson

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

ABSTENTIONS, 1
Mr. Quintal

Amendment not agreed.

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

Question put
Motion agreed to.

MR. ACTING DEPUTY PRESIDENT: Notice No.7. Mr. Sanders.
POSITION OF CHIEF ADMINISTRATIVE OFFICER

MR. HOWARD: Mr. Acting Deputy President, I wonder if I could seek leave to make a motion concerning a matter that is of considerable concern to the Island, namely the position of Chief Administrative Officer.

MR. ACTING DEPUTY PRESIDENT: Is leave granted Honourable Members? (Leave granted).

MR. HOWARD: I will state my motion first Mr. Chairman and then I would like to talk to it.

My motion is that the House recommend to the Administrator that the appointment of John Gilchrist as Chief Administrative Officer be terminated forthwith and that in accord with the terms of his conditions of employment that he be given one month's remuneration in lieu of notice. I am sorry to have to put this motion.

Mr. Chairman there is a question which needs to be decided before I continue speaking, which is whether the discussion of this subject is bound by one of our Standing Orders - 72A, which we agreed on some months ago, to the effect that we would not discuss the affairs of any individual in open session but that we would close the meeting for that period of time. I feel the House should decide that before I continue, but I would like to give a little bit of background if I may as to what the nature of that question is.

In a radio broadcast this morning, Mr. Buffett referred to an intention or a proposal that if the subject were debated that it would be conducted in secrecy and that no records would be kept. It had been my thought some days ago that if there were to be discussion of the CAC's position that in courtesy to him and in following the Standing Orders, the session should be closed, and as I felt that there might be some personal remarks made that might be hurtful to persons, that it might, in Mr. Gilchrist's interest, be best if no record were kept of that debate. We discussed this very question at a long meeting of the Executive this morning at which all Members of the Assembly attended, and in the course of that meeting we adjourned the Executive Committee meeting for a while and invited the comments of all Members
on the question of whether the debate that I am proposing should be in open session or in closed session and whether records should be kept of it. The feeling of the 9 people was not unanimous but we concluded, and I certainly supported this idea, that we talk with Mr. Gilchrist himself before this meeting to see how he felt about it, whether he would prefer that we discuss it openly and let chips fall where they may or whether he would prefer that we follow our Standing Orders and discuss it privately. I have made every effort I can to get in touch with Mr. Gilchrist, through his secretary, through ringing places in Burnt Pine where I heard he was at the moment, and just missing him in each place. His secretary met me at the door as the meeting began today and said that she had done her best and just simply could not reach him. I am sorry I have been unable to know his views about it, so I am not sure how the proper procedure flows at this point but I am going to put to you that I think the House should decide whether the discussion of the motion I put should be one in full open session with the radio on so that the community can listen, or whether it should be in a closed session in which the broadcast for the moment is suspended but in which verbatim hansard records are kept and made public as soon as they can be made available, or whether the session should be closed and no records kept. My own preference among those is that the meeting should be open but I don't think I am in the majority in feeling that. I think the majority feel that we should abide by our Standing Orders and have the meeting closed but hansard records kept until this subject is over. Could I ask you Mr. Chairman to decide how we ought to proceed from here.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard would you move that Standing Orders be suspended so that the matter can be discussed.

MR. HOWARD: Yes, I expect to get voted down but I would like Standing Orders to be suspended so that the matter might be discussed openly so that the people of the Island who have been concerned at what is happening, concerned to make certain that the man we are talking about, receives graceful and dignified treatment. I move that Standing Orders be suspended.
MR. JACKSON: Mr. Chairman I seek leave to propose a motion that the meeting...

MR. ACTING DEPUTY PRESIDENT: There is already a motion before the House Mr. Jackson.

MR. JACKSON: There is a motion to suspend Standing Orders so that the meeting should be open, I support that.

MR. ACTING DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Acting Deputy President, the matter that we are to address is one really that relates to the preservation of dignity and respect in relation to an individual. Most of the proceedings to date in respect of this matter have been in fact done behind closed doors with no public knowledge about the true facts of the matter and I think that is a gross disservice to all of the people who are involved and I certainly would support the matter be openly aired so that the facts of the matter can be quite clearly and publicly seen in the matter. I would support that in fact we discuss it where people can see the matter.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: I have in the past opposed any discussion on any person going off the air. It was my understanding prior to lunch that if we didn't have John Gilchrist's consent that it should not be public. That consent has not been given. I would oppose the motion.

MR. ACTING DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: I voted against the adoption of Standing Order 72A along with Mr. Sanders and I am against creating circumstances or extraordinary circumstances to discuss a matter. If contact had been made with John Gilchrist to ascertain his wishes in the matter I would have been happy to go along with the suspension. Acknowledging public interest I can only abide by the majority wishes of the House.
MR. ACTING DEPUTY PRESIDENT: Mr. Quintal.

MR. QUINTAL: Mr. Acting Deputy President, I would also have liked to have known whether Mr. Gilchrist had preferred this matter to be discussed in open or in committee. I feel that this is a matter that could develop into some mud slinging and I feel that it would be far better and more decent to have the matter discussed in committee.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman, with due respect to what Mr. Quintal has just said, if this discussion took place and facts were tabled and discussed I am certain none of the allegations that Mr. Quintal has referred to would be done. Therefore in the interest of the public and the community as a whole and of policy statements that were presented to the community prior to the last election in January where a main policy was open government, and now here Members around this table are departing away from one of their main important issues that they used in campaign elections for open government, well if that policy is to be continued, here is the place to show where there should be open government.

MR. HOWARD: Point of order. I am not sure where it falls in all our long Standing Orders, I want to put the point that we are dealing with a very serious matter and I think we need to deal with it intelligently and calmly and fairly and decently. I think we need to behave like mature adult people. I feel this is not a proper time for shouting and accusations, I think it is a time for clear heads and for decency and for wisdom and I think that the tone of Mr. Jackson's remarks must somehow because they harm the Assembly be out of order.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson, continue please.

MR. JACKSON: I have made my point Mr. Acting Deputy President on the situation which is that I support the motion which is before the House of an open debate on this particular issue.
MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Mr. Acting Deputy President I feel that as the matter has been openly stated publicly that Mr. Gilchrist is to leave the Public Service, I feel that the whole matter should be aired and I would support that it be open.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Chairman, normally I would feel that we should attempt to preserve the dignity and self-respect of any individual and that matters affecting a particular individual should not be discussed in open meeting, however a number of events have changed my view as to the particular case before us today. The President of this House went on the radio this morning and gave quite a lengthy speech which I understand was repeated two further times. My understanding from speaking with him before this meeting is that he obtained the approval of the Chief Administrative Officer before he went ahead and made that speech. The Chief Administrative Officer has therefore consented to the matter being put in the public arena. The presence of a large number of public servants demonstrating outside this House today is another matter which we must consider and under the circumstances, although I would normally agree with Mr. Sanders and would normally feel that such a matter be dealt with behind closed doors, I propose to support Mr. Howard's motion.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: On hearing Mr. Brown's statement right now, I withdraw my opposition to the motion.

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

MR. QUINTAL: I have no objection to this matter being dealt with in public, the only thing is that I thought it might be saving Mr. Gilchrist from embarrassment, but as far as I am concerned it can be either one way or the other.
MR. BROWN: I move that the question be put Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: And that Standing Orders be suspended -

Question - put
Motion agreed

MR. HOWARD: Mr. Chairman may I resume my debate on the motion.

MR. ACTING DEPUTY PRESIDENT: I have two letters to read from the Administrator Mr. Howard if I may do so.
The first one reads:

"The Hon. D.E. Buffett, MLA, President, Norfolk Island Legislative Assembly, Norfolk Island.

My dear President, I wish to inform you that I received last evening the attached letter of resignation from Mr. Gilchrist, the Chief Administrative Officer. The letter was submitted to me in accordance with section 8(6) of the Norfolk Island Public Service Ordinance 1979. The letter contains the reasons for this sudden action and I am sure that you will wish to bring it to the attention of the Executive Members for their consideration. The letter seeks a stay of 3 months for personal family reasons and I would appreciate your advice and that of your colleagues as to whether this request is acceptable. I understand that the contract between Mr. Gilchrist and the Norfolk Island Government provides only for one month's notice on the part of either party, however, the Assembly may wish to vary this period in the interests of a more harmonious termination of appointment. I have advised Mr. Gilchrist that I have accepted his resignation with regret but am seeking clarification and advice from the Assembly regarding the date on which it is to be effective.

Yours sincerely, R.E. Trebilco, Administrator".

The second letter from His Honour the Administrator reads:

"My dear President, On Wednesday 7 May 1980 the Legislative Assembly unanimously agreed to the following resolution:

'That this House recommends to the Administrator that until
further notice from the Legislative Assembly, Mr. Gilbert Hitch be appointed to act as Chief Administrative Officer when the Chief Administrative Officer Mr. M.A. Bains is absent from duty and that the terms and conditions applicable to the appointment of Mr. Bains apply to Mr. Hitch.

On 9 May 1980 pursuant to section 8(3) of the Public Service Ordinance 1979 the then Administrator appointed Mr. Hitch to act as Chief Administrative Officer during any vacancy of the office of Chief Administrative Officer while the Chief Administrative Officer is absent from duty.

This is to inform you that on 7 September 1982 in accordance with section 8(6) of the Public Service Ordinance 1979 Mr. Hitch delivered to me the attached letter of resignation from that appointment. I have accepted Mr. Hitch's resignation and would be grateful if the Assembly could now recommend the appointment of a suitable nominee to act as Chief Administrative Officer. Yours sincerely."

Continue please Mr. Howard.

MR. HOWARD: Thank you. As Members know there is a system in the Executive Committee where the chairmanship of the meeting rotates among us three Executive Members once each month. Now by virtue of the fact that it was my turn I was Chairman of the meeting that was held yesterday of the three Executive Members to consider the first of those two letters that you have just read, and I think it would help clarify the situation and lead into the debate of the question that I have put if I read out the minutes of that meeting of the Executive Committee that was held yesterday at 12.30. The minutes of that meeting are as follows:

Mr. Brown, Mr. Buffett and Mr. Howard met to consider correspondence from the Administrator to the President concerning the resignation the previous day of the Chief Administrative Officer. In his letter the Administrator had asked for advice concerning the date on which the resignation was to have effect. The Committee resolved that Mr. Gilchrist's resignation should be acknowledged forthwith; that the Administrator should be advised that the Committee recommended that Mr. Gilchrist should be paid one month's remuneration in lieu of one month's
notice specified in the Chief Administrative Officer's contract of employment; and that the Administrator be advised that Mr. Hitch should be notified that he would be expected to assume Mr. Gilchrist's duties as Acting Chief Administrative Officer from the close of business on 8 September 1982. Mr. Buffett asked that his contrary view be recorded, namely that Mr. Gilchrist should continue in office until the close of business on 16 December 1982.

The Committee further resolved that Mr. Gilchrist's concern about his daughter's ability to finish the Norfolk school term should be given due consideration and that the Administrator should be informed that the Committee's view was that subject to any earlier requirement by the Administration for the use of the residence now occupied by Mr. Gilchrist and his family, Mr. Gilchrist should be permitted to continue in occupancy of the house at the present subsidised rent level through to 16 December 1982 and that he and his family should be accorded appropriate immigration status to permit them to remain on the Island through that date. These two recommendations, that is that Mr. Gilchrist retain the use of the house until the school term is over and that his family be given appropriate immigration status, were to be made subject to Mr. Gilchrist's avoidance of any involvement in the Island's administrative and political affairs during the period from 9 September to 16 December. It was agreed that the Chairman of the next Executive Committee meeting, that is myself, would convey the above to the Administrator at once. So that was the meeting that we held yesterday at midday. I then went to the Administrator and conveyed to him the Committee's advice which was what he had asked for in his letter. Later during the afternoon the Administrator informed Mr. Brown and has subsequently informed Mr. Buffett and me that he was told by Mr. Gilchrist that Mr. Gilchrist's view was that he had resigned as of 16 December and not before, and that if he was wanted to leave his position before then it would be necessary that he be dismissed. That changed the situation. The Administrator's request to the Executive Committee that we give advice on when the resignation date should be became a sort of non-event. The Executive Committee met again this morning to discuss that situation. There was a, I don't know quite what to call it, whether it was a strong concern, whether it was a worry, whether it was an accusation, I am not certain of the right word, in Mr. Buffett's radio talk this morning, that there was an
intent to hide things and to do things behind closed doors and he used that same phrase in speaking a minute ago, and I have no such wish. At the Executive Committee meeting this morning at which all Members were present, listening, the problem that we needed to resolve as a Government with respect to Mr. Gilchrist was discussed at great length, and I have spoken to Mr. Brown about this. If Mr. Buffett as the third Executive Member would agree and if he wants matters to be fully aired, I would like to propose that I now play a tape recording of that meeting this morning so that Members, and more importantly so that all people who live on the Island can hear for themselves and judge the nature of that discussion, the nature of the problems that we are facing, the difficulty of our job, the difficulty of the CAO's job, the efforts that are being made to speak fairly openly, to be fair, and if Mr. Buffett agrees, I believe Mr. Brown agrees, I would like to play the tape of our meeting this morning. Does Mr. Buffett agree with that proposal.

MR. BUFFETT: Mr. Acting Deputy President, I have no difficulty with making the information available at that meeting, either on tape or in some other form. Let me point out however that this is a House in which we sit and which we are at liberty now to state our views if we so wish and I wonder whether we need to re-hash another meeting when we have the opportunity to state what we think about the matter now, this very moment, in lieu of taking another step, one removed from that particular situation.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman, may I add that at the meeting this morning it was not all Members views aired on this tape recorder that Mr. Howard has produced here on the table, it was only the views...

MR. BROWN: Point of order Mr. Chairman. With respect, Mr. Jackson is misleading this House. The meeting this morning was a meeting of the Executive Committee, of Mr. Howard, Mr. Buffett and myself. It is grossly misleading to suggest as Mr. Jackson is, that there should have been any other voices recorded.
MR. JACKSON: That is the point I wished to draw to the public's attention and Mr. Brown has graciously done it for me. I would like to express that we were not asked anything to be taped this morning and at the end of the Executive Committee meeting we were asked for our views. Well I was reluctant to give my views because I stated that I would rather give my views in here in the Assembly where it is the correct place to give any views.

MR. BROWN: Point of order Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson you will be given the opportunity to present views later. Mr. Buffett I think had the call.

MR. BUFFETT: Mr. Acting Deputy President, on reflecting on this particular matter this factor does occur to me in respect of the recording at that particular meeting - Mr. Howard brought along a tape recorder in which he without any ado turned on and recorded the proceedings. It certainly was not made known to me that at a subsequent time it in fact would be publicly played, word for word. Of course I think if I had known that I might have been able to add views so that it might not have appeared one sided or picked up other views. Now that I see the picture it seems reasonably obvious that Mr. Howard at that time certainly knew that this is what he was going to use it for.

MR. HOWARD: Point of order Mr. Chairman. It is the same point that I raised concerning Mr. Jackson before. We are dealing with hard questions, the Island has problems, it is our elected duty, all of us, to try and solve them as decently and fairly as we can. Impugning bad motives to people, slinging bits of mud, is not going to help us get there, and I would like to ask you to ask Mr. Buffett to try to suppress himself from saying things of that kind.

MR. ACTING DEPUTY PRESIDENT: Point of order sustained.

MR. BUFFETT: Thank you Mr. Acting Deputy President. I would like to make the point that whilst I do not have any difficulty in the facts being known as to what that meeting was, and I am not overly fussed how
the recording is played or made available to people, I do think however that we have the opportunity in this Chamber to say first-hand what our views are, and not only the three Executive Members, and I think that is an important point, but all Members, so they equally put their views in this Chamber of 9 persons. Having considered that view I would prefer Mr. Acting Deputy President that Members in fact, and that is all of the Members, put their own first-hand personal views instead of relying on a recording of a meeting.

MR. ACTING DEPUTY PRESIDENT: Mr. Brown.

MR. BROWN: Mr. Chairman as I understand Mr. Howard's suggestion, it is merely to play the transcript of this morning's meeting so that members of the public will know what went on at that meeting, that was a meeting at which the public could not attend, and what Mr. Howard has said to me is that he would like to play that tape so that people could know what was said this morning and could be reassured that there was no effort being made to lynch the particular gentleman. There was no suggestion on Mr. Howard's part, as I understand it, that any effort be made to prevent all of the Members then having their say in this House. I am sure that what he is after is some form of introduction to the discussion today, and once that tape has been played, in the event that it has been played, every Member will have his or her opportunity to comment further.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman, there is no doubt that both Mr. Howard and Mr. Brown would be prepared to play the tape because they, with Mr. Buffett, are the only three voices and statements that you will hear on it. In this hour and a half discussion, which is how long it took to conduct the Executive Committee meeting, their views were aired, their recommendations were stated, and if I had been given the opportunity to take part in this debate I certainly would have. Now I do believe that it is unfair, certainly to the other 6 non-executive Members to sit here for an hour and a half listening to a deliberation which took place this morning. I would say that I would agree if we could stop
the tape at certain times to allow us to elaborate and discuss points that were raised this morning - that would be in the best interests, but to sit here and listen to one and a half hours of a tape of a meeting that has been conducted by 3 Members in a closed session this morning when none of the 6 non-executive Members had any opportunity or were not invited as a matter of fact, to take part in debate until the later part of the meeting when the tape recorder was switched off, to me that is not justice, that is denying the six non-executive Members here around this table...

MR. BROWN: Point of order, Mr. Jackson is imputing improper motives Mr. Chairman, to Mr. Howard. I ask that the comment be withdrawn in fact Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mrs. Gray.

MRS. GRAY: I respect the confidentiality of Executive Committee meetings Mr. President and I should need the unanimous support of all 3 Executives to break that convention.

MR. HOWARD: Yes I support that same point, that is why I asked if I had Mr. Buffett's agreement of the idea on doing that. There is confidentiality in Executive Committee meetings both for the people taking part in them and for the Members of the Assembly who were there with the privilege of watching and seeing what the Executives do and how they behave. I was greatly troubled by the radio broadcast this morning in which Mr. Buffett breached that confidentiality of Executive Committee meetings. If Mr. Buffett does not want the tape of this morning's discussion played, it is his privilege to say no there is not unanimity among the Executive for releasing the information, if he prefers that that not be done. I would be quite happy, rather than playing the tape to ask that it be transcribed and that copies be made available with the next hansard of this meeting that we are having today, with the additional thought that if that is what Mr. Buffett prefers, then I would strongly urge fair-minded people in the community to hold off making snap judgements until they have read that transcript. The reason I proposed revealing what went on in this morning's meeting was
that I think the community on the whole, the thoughtful, decent people of the community, would find great reassurance in the way our business was conducted this morning. It was steady, it was calm, it was almost without exception, courteous. I think everyone was trying as best they could to express their own views, their own beliefs. There was a chance for each of the Executive Members to discuss all of the views that he wanted to express. I think the community will get reassurance from it, and if Mr. Buffett prefers that it be transcribed rather than taking up our time now, I would be willing to accept that as a compromise but I would again urge people on the Island to get their hands on that transcript as soon as it is available and have a read and decide for themselves whether, in the words of a roneoed piece of paper that was given to me in the course of a demonstration before the meeting began today, I think the meeting was conducted in a way which involved decency and honourable conduct, and I think the community would like to know that.

MR. ACTING DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Acting Deputy President, there are two things that I would like to draw from what has just been said. The first relates to the confidentiality of meetings of the Executive Committee. There was some accusation that in fact I had breached the proceedings of that meeting. I would just like to draw attention to Mr. Howard's own breach in that he has at this meeting, just a few moments ago, read the full minutes of a particular meeting, minutes of an unscheduled meeting of the Executive Committee held at the Assembly Executive Offices at 12.30 on 7 September 1982, and he went on for one, two, three, four, five, six paragraphs, read it word for word. That was not done with my approval. I have no objection to it I might say but it was not done with my approval beforehand. I have no objection to the detail being made, I want to make that quite clear, but for someone to say that you have and I have not, is just not quite the correct picture to present and that is all I wanted to make clear about that.

MR. HOWARD: Mr. Buffett of course is quite right, I did not ask the permission of the Executives to read that out, I think if they were
concerned about that minute being read out, that they might have objected as I began doing so. Certainly no-one else on the Assembly had a similar opportunity with Mr. Buffett's radio broadcast this morning, which I consider a very different thing from bringing the matter before the Legislative Assembly. The first thing any of us knew Mr. Buffett was on the air using the radio station for political purposes and I think that is an entirely different matter from the minutes that I have just read out.

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

MR. BUFFETT: Thank you for that confirmation about the breach situation that Mr. Howard has mentioned. The suggestion by Mr. Howard was that in lieu of playing this recording, which does go on for some considerable time, an hour and a half, and to have it transcribed and available, I am not concerned how else it becomes available, I am very happy for it to be available, I just have a reservation whereby we all sit down and have an equal say that the topic should be monopolised by just three persons within this Executive. If there is any chance of misinterpretation, in other words an interpretation that I am trying to not make that information available, I think I would change my view and agree that it be done now, because that is not my purpose at all. I think possibly to have a copy transcribed might be an equal way to make the information available and I am very happy that either course be followed.

MR. HOWARD: Alternatively, perhaps the tape of this morning's meeting could simply be played on VLB2NI at some convenient time and people could listen to it as well as being transcribed.

MR. BUFFETT: I am very happy with that also.

MR. HOWARD: If that suits Mr. Buffett and he feels strongly that he would want to get on with the business with all nine Members talking, I think it is important that the public do know what happened at that meeting this morning and I would be content, and as current Executive Chairman I will put in motion steps to see that that tape does get
transcribed and that it does get put on 2NI, if that is suitable to Mr. Buffett. I will take the responsibility for seeing that that gets done.

MR. ACTING DEPUTY PRESIDENT: Incorporated into Hansard.

MR. HOWARD: I do not know that it can be incorporated in Hansard but issued along with Hansard.

MR. ACTING DEPUTY PRESIDENT: You can move that the transcript be incorporated in Hansard, if you wish.

MR. HOWARD: Well I would be happy to move that it be incorporated in Hansard.

MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: I do not feel very much disposed to sit here for another hour and a half on top of the two hours this morning, but I do feel that in view of the comments made by Mr. Howard regarding this morning's Executive meeting and his and Mr. Brown's desire to have it played, the people who are listening would now be curious as to what actually did go on, it does not matter what we say now, if we put that meeting off and have it re-broadcast at a later date, the impact will not be there. I feel that if the discussion is going to be carried on now at all to do with Mr. Gilchrist's resignation, that the tape should be played beforehand, and I would ask the Executive Members, through you Mr. Chairman, whether they would consider that thought that I have just put to you.

MR. ACTING DEPUTY PRESIDENT: Further debate.

MR. HOWARD: The motion is that it be recorded in Hansard at the moment isn't it.

MR. ACTING DEPUTY PRESIDENT: That is right.
MR. HOWARD: There seems to be another question still as to whether it be played now. I do not know what the will of the House is, I am happy either way.

MR. ACTING DEPUTY PRESIDENT: I put the question that the tape be played.

Question - put
Motion agreed.

THE TAPE WAS PLAYED BUT PROVED TO BE UNINTELLIGIBLE OVER THE RADIO
- SEE ANNEXURE TO THIS HANSARD FOR TRANSCRIPT OF THE EXECUTIVE COMMITTEE MEETING -

MR. HOWARD: Mrs. LeCren who is running the console for the radio tells me that while the broadcast is coming through reasonably well on her console that it is unintelligible over the radio. I am sorry about that, it is not a professional tape. If it suits the House I will hand the tape over to VL2NI and see if they can get better quality out of it than I am getting with this machine through this microphone, if that is agreeable to the House.

MR. ACTING DEPUTY PRESIDENT: Is that agreeable to the House. Any further debate. Mr. Howard.

MR. HOWARD: I am sorry that problems sometimes get as difficult as they do. The Chief Administrative Officer is the Head of the Public Service of Norfolk Island. The Norfolk Island Act says that - is it the Norfolk Island Act, it may be the Public Service Ordinance - it provides that the Chief Administrative Officer will be selected by the Legislative Assembly and the Assembly will recommend to the Administrator that the Administrator appoint a particular person to be CAO. It is clear beyond any question that the CAO's primary job is to be the cooperative collaborating representative of the Assembly and of the Executive in managing the Administration. In the light of the events of the past few days, I think it must be clear to everyone that the relationship between Mr. Gilchrist and the Executive and the Assembly
can never again be the kind of co-operative collaborating relationship that is necessary for the job to be carried out well. In one part of Mr. Gilchrist's letter of resignation he says that in the light of various things, he says 'I would find it impossible to continue as an effective Chief Administrative Officer for the full term of my appointment', and I think the question that we are faced with now is a very simple one, that it is not workable for him to attempt to carry out that job. He certainly acknowledges that it is not possible for him to do it for the full original two years. I think if that is not possible then it is not possible even for another month or two, and I think it is a situation where what we should do is nod to each other, shake hands and go off in opposite directions. I see nothing but harm to the Island in insisting that a man fulfil a position from which he wants to resign, attempting to carry out a job that depends on a relationship that he no longer ever again can have, and I think those are the simple facts and I think little more need be said.

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

MISS BUFFETT: Mr. Acting Deputy President, I feel that the position of the Chief Administrative Officer as is set out at the moment, with his having responsibility in the direction of the Administrator as well as the Assembly, has never really been accepted by some of the Executive of this Second Assembly. I feel that some of the Executive have felt that the position of the CAO must be solely that responsible to the Executive, and of course it has been brought in as a working policy for the CAO since then. The Chief Administrative Officer had already been engaged before this time, and the whole matter as I see it is to remove the post of the Chief Administrative Officer who is not totally responsible to this Assembly or to the Executive of this Assembly. I feel that in the case of Mr. Gilchrist, as he is being named and not just his post, that I would like to exonerate his ability. It appears that his ability has been questioned considerably. I should imagine that it would have been for some reasons to be given for his removal. I would like to have been able to see a different situation than has been put before us at the moment in this matter, I feel most uncomfortable to be a part of this situation, which I feel is not only undignified, it is an unjust situation in respect of the Executives
handling of Mr. Gilchrist himself. Mr. Gilchrist has made recommendations to do with matters that he has researched for Norfolk Island, for the Norfolk Island Government, he has taken up very capably matters to do with water and sewerage, he has come back with answers that have not satisfied everybody within the community, he has not said yes to everything that should have been done, he has put forward proposals that will be for the good health for the future of Norfolk Island. He is a town planner, he knows what he is talking about technically, in engineering matters and in surveying matters. He would be the ideal person in a situation where sewerage is a big problem, like it is here at the moment, and will have to be undertaken. He knows about septic tanks, he knows what he is talking about. He has come up with answers that have been the result of a lot of research and the result of a lot of knowledgeable input, with his qualifications he is the only man here who could have done it. I would like to quote from the reply from the Department of Transport and Housing to the Department of Home Affairs and Environment regarding the report prepared by Mr. Gilchrist - The CAO has reviewed comprehensively the numerous reports prepared since 1965 concerning water supply and waste water management on Norfolk Island and the Department commends the CAO for the thoroughness of his investigations and for the concise nature of his report.

I think in the short time that the CAO has been here we, and I most certainly do, should commend him for his efforts and not only his working hour efforts, for his devotion to the job. He has taken a personal interest as well as being Chief Administrative Officer. He is held in very high regard by everyone. As you are aware, for some years the Department of Health has recommended that the first step be taken should be the provision of a piped sewerage scheme in Burnt Pine and, provided no contamination occurs at Ball Bay, the Fitzgerald report supported. There are a lot of things, one, two, three, four, five points, from the Department of Health, in support of this very efficient Chief Administrative Officer who now we appear not to be having. To get back to the point that his term of office be ended, immediately, I feel that this is a most undesirable move Mr. Acting Deputy President and I deeply regret that this kind of management, or lack of management, comes from this Government. We have had a fair
time in office, that is the Second Assembly has had a few months in office now, and I think that the Executive could handle a situation such as this far better and more decently than it has been handled. I regret that he will be going and as I stated this morning when I was given the opportunity of speaking at the meeting, I would wish to have seen the matter resolved, I would have liked to have seen Mr. Gilchrist asked to remain, and the matter discussed like mature men. Rather than this we have turned it into a situation of chopping off the head of another Department, chopping off the Head of Government, and now we have chopped off the Head of the Public Service, so the whole situation leaves the Government of Norfolk Island wide open to plunder, and I am sincerely distressed and very deeply concerned about the grave situation that we are in.

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

MRS. GRAY: I would like to ask the indulgence of the House because I would like to go back into the circumstances which, I believe, led up to what in Norfolk Island terms is probably a political crisis. I would like to go back to the days of Administrator Pickerd and O'Leary who created a new Public Service position about every six weeks. I would like to go back to the inception of the Legislative Assembly where Mr. Buffett, Mr. Jackson and Mr. Williams were Members of the Assembly. They were openly acknowledged as supportive of the Public Service. Then move onto Malcolm Bains' term as Chief Administrative Officer, where almost simultaneous to the new Assembly, he created department heads within the Administration with some pretty big titles, and it is my understanding that it was his hope that those people would acquire the skills which went to support those titles in the time that he was Chief Administrative Officer. Regretably he left I think, before that plan was carried out fully. We had a by-election at which perhaps the support of the Public Service within the Assembly was increased. We had Mr. Buffett, Mr. Williams, Mr. Jackson and Alice Buffett on the Assembly. Then we had an election and what might be termed the balance of power with the Assembly, changed. There was no longer a majority membership within the Assembly seen to be supporting the Public Service. Meetings were held immediately following the elections. There was a meeting in the first week or so of February
and one of the major issues decided at that meeting perhaps - let me rephrase that - there were a number of major issues decided at that meeting. There was the decision about, or the discussion about, who was to take executive office, there was discussion about policy groups. We reached a crisis point in those discussions, and I would like to remind Members that those discussions took place in the Committee Room here and some discussion even in this room, informally. Those discussions broke down, strangely enough, on the composition, the membership of the policy groups. A policy group was designed to support an Executive Member and to integrate department heads of the Public Service into the Legislative Assembly. Mr. Howard lost patience during those discussions and to some extent so did John Brown. They had been granted their support as Executive Members, they were alright Jack. On 3 March a motion was put before the House on the structure of Government. It received unanimous support, there was to be a formalising of the policy group situation. It was suggested at that time, generally, around the table, that those policy groups should not be strictly formed in that two non-executive Members should be responsible to one Executive Member in a strict sense. I think it met with the approval of this House that those groups be formed on a flexible basis. I do not have to tell you that those groups have not been formed. One of the major purposes of the policy group formation and the function of them, was to integrate the Public Service with Members of the Assembly, I cannot stress that strongly enough, in particular the heads of departments and obviously the CAO. Very often there is not a great deal of point of everyone involving themselves in everything. I know I have had discussions with Mr. Jackson on this, he feels that everyone should be jack-of-all-trades. I admit I cannot do that. The Executive rode into office on the backs of non-executive Members. Once they were in office they neglected to ensure that the second part of the design was built. Consequently I do not believe that many of the non-executive Members of the Assembly are directly involved with the CAO or anyone else in the Public Service. One way and another, between the three Executives and the CAO there has been a brick wall built, by the CAO to keep non-executive Members away from his department heads, and by the Executive Members who failed to grant access to department heads via policy groups.

I do not in fact wish to support the action which is being taken by the
Executive, in fact I think the authority of the Executive has been grossly exceeded in provoking the situation which now exists. I wish to disassociate myself, as may other non-executive Members, from the actions which led to documents being placed before John Gilchrist on Monday last. A matter of French justice was alluded to in this House last sitting, last week, and this smacks to me of another version of it. The man has been tried and found guilty without his knowledge, without his having had right of reply. The events of this morning have made the situation very difficult. The letter of resignation of the CAO has been made public. On an informal basis we have perhaps learnt that that was with his permission, and so has that of the Legal Adviser, I suspect perhaps without his permission. There are statements in those letters which made it extremely difficult, or have made it extremely difficult for us to decide the issue before us. I would like to mention just a couple of points. I consider that there was a breach of confidentiality in the use of the letters of resignation of the Chief Administrative Officer and of Paul Rosser. I consider that there was a breach of confidentiality of the Executive Committee convention in broadcast of the motion tabled in the Executive Committee meeting this morning. I also feel very strongly about the breach of the radio station policy which dictates that the radio station shall not be used for political purposes. I feel that that has been shockingly abused.

That is all I wish to say at the moment Mr. Acting Deputy President.

MR. ACTING DEPUTY PRESIDENT: Thank you Mrs. Gray. Mr. Quintal.

MR. QUINTAL: Mr. Chairman. I have been on the Advisory Council for more than 20 years and I have never in all that time had to meet up with such a difficult and serious task that we have to deal with today. I feel that there has been a definite break-down in lack of communication between the Assembly and the Public Service and I feel if we had had this communication that was so necessary, I feel that this matter would never never have happened. There is a definite hate of the Assembly by the Public Service, maybe there is reason for that, I do not know. I know that we have been slandered through the press by certain members of the Public Service and some of the letters that have
been published, I don't care what the Public Service thinks, I think they are disgraceful and sometimes not warranted, and nobody likes to be called a rat hiding behind somebody else, and I object to that, but I do feel that the break-down has been caused by not having communications between the two parties. I wish to say something further later on.

MR. ACTING DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: May I just add here in reply to a comment made by Mrs. Gray that whenever I have sought information for my research through the CAO I have always had that information that I required at my disposal with courtesy from his branch heads. I can speak of nothing but co-operation from any area of the Public Service. I have lived here nearly all my life, I am very fortunate I daresay in being able to communicate very well with most people. There has never before been this supposed ill-feeling between the Public Service and the Assembly. I think it is more in the statement that there is ill-feeling rather than there being ill-feeling. I think that it has been brought up in this House so often that people are starting to feel that there is ill-feeling. I think it is a term being used, producing that result, whether accidentally or what, but that is what is happening. I do not believe that the President of the Assembly used the radio for political purposes. I believe that from the bottom of his heart he brought to the community of Norfolk Island a situation that is of such serious importance that it should interest every Norfolk Islander. The importance of the resignation of the Head of the Public Service, as well as the resignation of the Legal Adviser, is a very serious situation. It proves that something is radically wrong. I say that as a Government we are failing. Thank you.

MR. ACTING DEPUTY PRESIDENT: Thank you Miss Buffett. Mr. Jackson.

MR. JACKSON: Mr. Chairman. I congratulate Mr. Buffett for bringing this matter of importance to the notice of the public this morning, and no doubt the public has reacted and would want to know more of what is taking place considering the imminent dismissal of Mr. John Gilchrist.
If we look back into events just after the 1982 election, that is the election for the Second Assembly, Mrs. Gray has described what took place in the early days of the election, and I endorse those statements that the Executive Members were selected not by all those who are present here now, but only a few. A meeting was called early in the life of the Second Assembly by the Executive Members to discuss the important matter of who was to be secretary to the Executive Committee. A recommendation from an Executive Member, who was Chairman of that meeting at that time, who I believe was Mr. Howard, made a recommendation to that particular meeting that Mr. Clive Borrowman should be secretary to the Executive Committee. The non-executive Members in attendance at this meeting were concerned at some conflicting evidence that started to emerge as we tried to draw out more information, and a meeting that was to take only say half an hour, was not completed until about five o'clock that afternoon because the Members realised that to gain this extra information that was desired, Malcolm Bains should be called into the discussion. I was appointed to go and get Malcolm Bains and he came into the discussion in the Committee Room. Now Malcolm Bains' assessment of the situation that was presented to us at that meeting was that it was incorrect...

MR. HOWARD: Point of order Mr. Chairman. I think that we have talked a couple of times so far in this discussion today about confidentiality of Executive Committee meetings. Mr. Buffett has said that he felt compelled to make the disclosures that he did on the radio this morning; I explained why I had read out the minutes of the meeting held yesterday, but I do not think there has been any general cancelling of the confidentiality of Executive meetings and that is what Mr. Jackson is breaching right now.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. Chairman, I say here in the House is the place, it is supreme, it takes precedence of any discussion that is conducted in the Committee Room. Therefore I take objection to what Mr. Howard has taken a point of order on.

However, at this meeting Mr. Bains explained that a true assessment had not been given, but through a desire by Mr. Brown and Mr. Howard to
have Mr. Clive Borrowman...

MR. BROWN: Point of order Mr. Chairman. Mr. Jackson is grossly breaching privilege. If he is not going to desist Mr. Chairman, it is my proposal to move that Mr. Jackson be no longer heard. It is a gross breach of confidence.

MR. ACTING DEPUTY PRESIDENT: Those in favour say aye.

MR. BUFFETT: What is the question.

MR. ACTING DEPUTY PRESIDENT: That Mr. Jackson be no longer heard.

MR. BUFFETT: No, I do not agree with that motion.

MR. HOWARD: Is there debate on such a motion.

MR. BROWN: My words were that in the event that Mr. Jackson does not desist I would propose to move such a motion. If Mr. Jackson is going to undertake to desist from such breach of confidence I will not move a motion.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson to continue please.

MR. JACKSON: It became apparent Mr. Chairman, not long after this discussion that Executive Committee meetings were being conducted without any knowledge or any information coming back to the non-executive Members. I then wrote to the three Executive Members requesting permission to attend Executive Committee meetings, and a reply came back that gave all non-executive Members permission to attend. The point that I wish to make Mr. Chairman is that at these meetings where we were not able to participate in debate but only to attend as observers, it appeared to me at this stage that there was confrontation between the Chief Administrative Officer and two of the Executive Members, and this confrontation developed over a time. We all remember that much debate has taken place in this House, through motions, on the files issue. A legal opinion was sought from our own
Legal Adviser Mr. Paul Rosser and he gave his opinion on the particular issue, but that never satisfied two of the Executive Members, they sought an independent legal opinion from an outside lawyer, Mr. Duncan McIntyre. Mr. McIntyre's opinion came back practically identical to Mr. Paul Rosser's interpretation and it went on and on from there. On the question of pollution, there were points placed before the Executive Members for immediate action to areas within Burnt Pine, places where it was considered there was the most damage - now what better man could there be before the Executive Committee than Mr. Gilchrist. Mr. Gilchrist's services were obtained by the Commonwealth Government to speak in Perth on views of water pollution and planning.

Mr. John Brown engaged Mr. John Gilchrist to hold a meeting at the school which was attended by interested parties and Members of the Legislative Assembly and Members of the Executive Committee, and we had a lengthy discussion because we realised, as Mr. John Brown did, that Mr. Gilchrist had knowledge within this field and he had been recommended by the Department of Home Affairs, by Guttridge, Haskins and Davy. Mr. D.B. Travers, the First Assistant Director-General of the Medical Services Division said in one of his reports, and I quote - "It seems doubtful that the Norfolk Island authorities will have the finance for the proposed sewerage scheme and a possible water supply and would require additional finance from the Commonwealth Government". Now the reply from the Department of Home Affairs through Mr. Travers, was in part 'This Department would be prepared to support any proposal that your Minister would wish to make on this matter'. Now to say that Mr. Gilchrist has let the Executive Committee down, or this is his responsible job as a CAO is utterly irresponsible. Miss Buffett has quoted from reports of the Department of Housing and Construction, comments supporting Mr. John Gilchrist, a man who is to be axed here this afternoon...
MR. JACKSON: And a case is being built up Mr. Chairman to support the reasons. At these confrontation meetings I drew the attention of Mr. Greg Quintal to the tax, of disagreement of two of the Executive Members to Mr. John Gilchrist, and I believe, and I say this without being facetious in any way, that a personal vendetta was conducted against Mr. John Gilchrist.

MR. HOWARD: Point of order, that is a reflection on Members – the words 'personal vendetta'.

MR. ACTING DEPUTY PRESIDENT: Sustained.

MR. HOWARD: Could I ask that Mr. Jackson be ordered to withdraw those words.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson would you withdraw those words please.

MR. JACKSON: If someone opposes the words 'personal vendetta', I withdraw.

Much was said this morning at the meeting that Mr. Howard attempted to play a tape of, and I would like to draw attention to a statement of Mr. Howard's at the last meeting when he made reference to people in opposition, and tried to discredit certain Members of this House, saying they should be seated together because they appear to be in opposition.

MR. SANDERS: Excuse me Mr. Chairman I believe this is irrelevant.

MR. JACKSON: It appears to me that anyone who opposes...

MR. SANDERS: Point of order.

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

MR. SANDERS: The discussion of Mr. Howard's with reference to seating last meeting has nothing to do with the matter that is at issue.

MR. ACTING DEPUTY PRESIDENT: Mr. Jackson would you keep relevant to the motion please.
MR. JACKSON: The point that I wish to relate to Mr. President is that much discussion took place this morning between the three Executive Members to define what a 'yes' man is and what a 'no' man is, and no doubt when the tape is heard the public will be aware of what was said concerning this particular matter. I do believe an injustice has been done to Mr. John Gilchrist. John Gilchrist tendered his resignation, he tendered it in a manner that I cannot see any reason why it could not be accepted because he gave logical reasons why he wished to resign and wished to give three month's notice. But here this afternoon we will most likely see a motion shortening or altering the terms of Mr. John Gilchrist's resignation. I do believe we will have to go a long way before we find a man who is as qualified, who has the knowledge as far as we are concerned here on Norfolk Island as far as water pollution and pollution within Burnt Pine and the hotel area, and in engaging another man with the same qualifications as we have here already in Mr. John Gilchrist, and it would be a disservice to the community for Mr. John Gilchrist to leave this Island when we are at the stage when water samples have been taken and bacteria as has been described previously has been discovered in the underground water. I will conclude by saying that I fully support the terms of resignation submitted by Mr. John Gilchrist and I will vote accordingly.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders.

MR. SANDERS: At the commencement of this Assembly meeting, which started last Wednesday, this is only the adjourned meeting, there was much talk about integrity, decency, dignity, natural course of justice, even though there was a concerted move by a few people to have John Brown discredited, even though he was innocent until proven guilty. There were certain persons who thought that we should have this kangaroo court and hanging even though a Supreme Court Judge did not. Dignity disappeared this morning with the President's radio broadcast when confidential executive information was made public. Mr. Gilchrist's contract was that notice could be given one month either way. It would be an impossibility to have him in a managerial position after his own statement in his letter of resignation that, and I quote, "I would find it impossible to continue as an efficient CAO". If so, this
is not the man for the job. I believe his contract should terminate immediately. Thank you Mr. Chairman.

MR. ACTING DEPUTY PRESIDENT: Mr. Sanders would you take the chair please.

MR. DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Thank you Mr. Deputy President. Can I preface my remarks by saying, because it has been mentioned a couple of times in debate upon this matter, when I spoke this morning on the radio I quoted two letters – letters of resignation. I did not read those letters without the approval of the authors of those letters. I would just like to make that plain.

Mr. Deputy President this particular matter that is before us, really, I think, needs to be considered in two parts. The first relates to the basic situation as to whether there is any substance for the removal of the Chief Administrative Officer. We do know that Mr. Gilchrist is a man who has qualifications that are extremely useful to Norfolk Island in the general sense, and useful and necessary in the task of being Chief Administrative Officer in the Norfolk Island Public Service. We all know that the Norfolk Island Public Service has the Chief Administrative Officer as its head. It is in fact an extremely difficult task, we should recognise that also. It is a task in which he has a responsibility to serve two masters you may say, the Executive in one sense and the Administrator in another, bearing in mind that we are still in a developing situation whereby the Australian Government retains authority in some areas and some areas have been transferred by legislation to the Norfolk Island Government. I have mentioned that this is a difficult task. It has been my experience that with the Chief Administrative Officer that we have now, and with his predecessor Mr. Bains, that they have assiduously devoted themselves to the task of getting around that difficult situation. The present incumbent Mr. Gilchrist has, I think, done it with great credit, despite the difficulties. Now in addition to those difficulties that I have mentioned, we have another difficulty in that it is obvious from the promotion of this motion today that some Members of the Executive find the relationship with Mr. Gilchrist difficult to say the least. It has
not been clearly shown to me in this House the detail of any objections as to the quality of his service. I hold the quality of his service in the highest regard. It has been mentioned this afternoon some areas in which Mr. Gilchrist has recently been involving himself as the Chief Administrative Officer. I am aware of reports from senior officers and large and senior departments within the Commonwealth Public Service which have commended him for that particular task. I am aware also, Mr. Deputy President, that a very well respected engineering firm has also commended his particular efforts in that study, and I am particularly referring to the water and sewerage study that Mr. Gilchrist undertook of recent times and presented the report to us — a difficult report, some difficult decisions to be taken, and continue to be, but in fact it was applying his expertise which is necessary to us here in Norfolk Island. For some reason or another there are Members of the Executive who feel, I consider, that he is not a 'yes' man. It is my view we do not wish to have a 'yes' man in the role of Chief Administrative Officer, it needs to be a person who will objectively examine each task and each job that is placed before him and will objectively come forward with an answer, a solution, a recommendation. Whether in fact that pleases the Executive or not, I do not think is his prime task. I think it is his prime task to offer the best advice on a particular matter. Most certainly I am aware that in the past, and I think I should make this point, I think I should make the point that with Chief Administrative Officer's generally it has been quite clearly shown that the advice that has been brought forward from that quarter has not always been pleasing to the Executive, they might not have liked it, they might not have liked that particular recommendation or that way of doing things, but in fact if you did not make an objective assessment, if you did not put forward the best solution that you considered was appropriate in the circumstances and you only put forward what somebody wanted to hear, you are a 'yes' man, and I have made the point quite clear that we in fact do not wish to have somebody like that. I feel that there has been some thought that because recommendations do not come forward with the answers that somebody wants to hear that there has been difficulty with the person who has in fact authored those answers or collated them in some particular instances. I think this sort of situation has
developed in some quarters to confrontation with some Executive Members. I am most happy to say that I have not experienced confrontation either with the existing Chief Administrative Officer nor the previous Chief Administrative Officer but I think it has developed with some at this time and it has developed to a situation that I think is without substance but by this continued confrontation that Mr. Gilchrist has been moved into a situation of being forced to resign his appointment. I for my part certainly regret that that situation has developed. As I have said, I have endeavoured to point out what I feel are important qualifications and important experience that he has carried out in Norfolk Island, and I abhor that in fact somebody has totally unnecessarily been forced to that situation. Now the second part of what I consider to be the difficulty in this matter concerns the method in which action has been taken to dispense with the services of Mr. Gilchrist. I think it has been clearly shown already in debate that there has been not a fair opportunity for the detail to be put to Mr. Gilchrist as to why, after he of his own volition, although I think certainly influenced by difficulties, tendered his resignation. It has not been clearly shown to him as to why that resignation in what would be a gentlemanly, a dignified and self respecting way of going about it, why in fact there needs to be strong moves to do otherwise. I think one needs to consider a number of other things. We have had the difficult situation of late whereby there has been criticism of the Government and of individuals in the Government. The response to that criticism has been - 'if you carry out that sort of thing I will slap a law suit on you'...

MR. BROWN: Point of order Mr. Chairman.

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

MR. BROWN: The comments being made by Mr. Buffett at this stage are in my submission offensive and not relevant to the discussion.

MR. DEPUTY PRESIDENT: Your point is sustained.

MR. BUFFETT: I withdraw then Mr. Deputy President.
MR. DEPUTY PRESIDENT: Thank you Mr. Buffett.

MR. BUFFETT: I was trying to point out that in fact in this particular instance where an officer, the most senior officer within the Norfolk Island Public Service, because he is not a 'yes' man situation, he is removed. I think that is extremely poor justice to say the very least. We have all experienced this afternoon on arriving at this House, Mr. Deputy President, a number of public servants and a number of persons in the private sector who in fact have shown they consider that the treatment being offered to the principal man in the Norfolk Island Public Service is not good enough. They have thought so strongly that they in fact have come to make their views known in what is probably the best manner that they are able at this time to their elected representatives who sit in this Chamber, debate these matters and decide matters. It has been passed to me that those persons who did assemble outside to make their views known have all subscribed to a document which says this - "The purpose of this meeting is to demonstrate the support that John Gilchrist has within the Public Service of Norfolk Island. We protest the efforts of those who control the Government of this Island to deny John Gilchrist the opportunity of resigning gracefully and with dignity. It is our view that the determination of those Members of the Government to bring about his immediate dismissal with one months pay in lieu of notice is an affront to decency and fair dealing. Although principally we demonstrate our support for John Gilchrist, the issue is larger than that, it is a question of decency versus indency, honourable conduct versus shameful conduct". And there are 142 signatures subscribed to that document, and for the records of the House I table that document Mr. Deputy President.

We have come to the situation whereby it has been said that because of confrontation or because of personality difficulties or whatever, that some Executive Members are no longer able to work with the Chief Administrative Officer and on that basis they all cast a vote to remove him. I think in some circumstances such as these there would be better justice to be seen if in fact there was a proper enquiry into the rights and wrongs by someone qualified to make such a decision and not basing it upon necessarily the individual views of those who are
involved in the conflict. I think that that is a matter which would show much more justice in the situation than in fact what we have witnessed over the past few days, and as we know those circumstances have shown that there has been no detail provided to the person who in fact is to receive notification to be removed from one of the most important jobs in Norfolk Island. I have already said that I am appalled at that action, what I regret is also that I have some feeling which I hope is wrong that Members may have already made up their minds about this matter, I would hope that they would quite clearly see the common decency that is involved in this matter, that they would see dignity and self respect not only for the person that we are addressing but in fact for themselves in taking a decision. I would hope that they would also bear in mind the good name of Norfolk Island in coming to a balanced, a fair and a decision that will stand the assessment of justice in times to come. Having said all of that of course Mr. Deputy President, you will quite realise that I am not able to support a motion which endeavours to remove the Chief Administrative Officer from his post. I consider that he has done a tremendous task in the job. Having done a tremendous task, I do not see that that gives good grounds for his removal.

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

MR. BROWN: Thank you Mr. Deputy President. The Chief Administrative Officer has already resigned. In resigning he said he had come to the conclusion that he - and I quote, "would find it impossible to continue as an effective Chief Administrative Officer for the full term of my appointment". As I said, he has already resigned. The question that had to be considered yesterday was whether under the circumstances he should continue to work until mid December when he himself had said that he would find it impossible to continue as an effective Chief Administrative Officer. From a management point of view it was not a difficult decision, from a management point of view the only possible decision was to say here's your pay, pack your bag, it's been very nice knowing you. Mr. Gilchrist is a man quite experienced in the world. Frankly I expected Mr. Gilchrist would have thought very lowly of us had we done anything other than what we did. I am certain that a man
of his experience, had he been in this position, would have said exactly what we said. It is far too late to kiss and make up, the party's over, he has got to go. I am amazed that so much time is being spent today in some Members defending the position of Mr. Gilchrist because I think back in the not too distant past and I think to Dr. King, someone to whom there was very little dispute that he was an excellent doctor. Dr. King resigned, and it was barely discussed in this House. It certainly was not revealed to the fullest extent that Dr. King had resigned for two reasons - he wanted to stay here and he wanted to get some form of longer term immigration status.

MISS BUFFETT: Is this relevant or irrelevant Mr. Chairman.

MR. DEPUTY PRESIDENT: Mr. Brown is this leading up to debate?

MR. BROWN: Yes it is leading up to a point. The person who had responsibility for immigration at that time was Mr. Buffett, and it was not disclosed to the House that Mr. Buffett had said to Dr. King that he would not support Dr. King's desire.

MISS BUFFETT: This is not relevant.

MR. DEPUTY PRESIDENT: Order.

MR. BROWN: Also Dr. King was refused the opportunity to have his salary reviewed. Not too long after Dr. King left and the new doctors arrived we found the new doctors having their salaries reviewed. This hardly caused a ripple in the House. At present we have one of the teachers at the school who wants to extend his stay and he feels that he is being hard done by. Education is a matter within Mr. Buffett's responsibility and it is a matter which we have left to Mr. Buffett. There is the issue of the Malcolm Bains permit where an enter and remain permit was issued during the time that Mr. Buffett had responsibility for immigration.

MR. DEPUTY PRESIDENT: Excuse me Mr. Brown, is this going to be a lengthy performance leading up to your debate?
MR. BROWN: No, I will shorten it Mr. Deputy President. My point is Mr. Deputy President, many things have happened in the past, but they have not taken the time of the House that this event has taken today. This event is quite a clear event. Those in the past had plenty of room for discussion, but this one, as I said, is clear. The CAO has resigned, but he has refused to accept the offer that was put to him yesterday, which was an offer that allowed him to depart with self-respect and dignity. It was an offer which enabled him to remain in Norfolk Island until mid-December so that his daughter could complete her schooling, it was an offer that enabled him to remain in his present residence at his present subsidised rental, but it was an offer which said you finish work now, we give you your pay in lieu of notice. Mr. Gilchrist is an educated man. I understand that he has studied such things as town planning; I acknowledge that he has substantial knowledge about sub-divisions; and I acknowledge that in his particular areas he knows what he is talking about. This does not mean that he is a genius in all areas. None of us can claim to be that, but if we are saying we must keep him because he knows about town planning, we are making a very basic mistake. What we need is a CAO that is capable of getting on with the job in harmony with this Assembly, and if in addition we need to go out at some stage for a short period to obtain advice in relation to town planning or sub-divisions, then we should do so. We should go out and get proper advice at that time. We should not retain a problem simply because the problem may at some stage in the future be of use to us. Mr. Gilchrist had the opportunity this morning to attend the meeting which was held in the Committee Rooms. He had the opportunity at that time to listen to what was proposed to be said and to comment on it, he chose not to take that opportunity. We cannot stand here now and be criticised for not giving the opportunity for the opportunity was there. Mr. Deputy President, I regret Mr. Gilchrist chose not to accept the offer that was put to him yesterday, but in having done so he must understand that there, in my view, is no option but to recommend to the Administrator that his services be terminated forthwith and that he receive one months pay in lieu of notice as contained in the motion.

MR. DEPUTY PRESIDENT: Thank you Mr. Brown. Further debate. Mr. Quintal.
MR. QUINTAL: In Mr. Gilchrist's letter of resignation to His Honour the Administrator he says, on the bottom of the first page - 'I understand that this proposed course of action was decided at a secret meeting and that the intention was to deflect attention from discussion on another matter of public importance proposed for debate that day. I subsequently checked this information was correct.'

Mr. Gilchrist rang me after some Members had had discussions on this matter and he asked me if I knew the reason for the action that was about to take place against him regarding the resignation. I said to him that it had been said that he had not been co-operative with the Assembly. There were two Members mentioned in this matter; I was one and I think Mr. Bernie Christian-Bailey would be the other, and at no time was that message ever given to Mr. Gilchrist regarding this matter to deflect attention. At no time have I said this to Mr. Gilchrist and I have asked other Members and it has never been said by any other Member, and if Mr. Gilchrist is going to make use of this sort of situation whereby it is not the truth, well then I cannot support him staying here. Until yesterday I had decided that I would like to see Mr. Gilchrist stay on for compassionate reasons, but after involving myself and another Member I cannot support that at all.

MR. DEPUTY PRESIDENT: Is there any further debate. Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: Thank you Mr. Deputy President. I have been very troubled by the events of the past few days. When I was elected to this Assembly I swore to work for the good government of this Island. Our dealings appear to have become coloured by a degree of bitterness, unfairness and disregard for the proper way of doing things which is not only frustrating the proper process of government, but is harming the peace of the Island and our very homes. There have been very serious thoughts on all sides. I agree there have been basic clashes of personalities, but we should all be big enough to live with this sort of thing and carry out our job regardless. There has been resistance and resentment towards the normal democratic process of government whereby each Member elected to this Assembly had an equal vote and the majority decision overrules, and it appears that once such decisions have been made there have been great difficulties in ensuring
that they are actually carried out by the Public Service. Nor has it been very helpful or conducive to good government when such decisions have been openly opposed in the press or petitions by the very officers responsible for carrying them out.

With regard to the resignation of the Chief Administrative Officer, I must personally acknowledge the skill and experience that Mr. Gilchrist brought to his job. He has been well liked and highly respected within the Administration for his skills. I personally have found Mr. Gilchrist extremely obliging and helpful in my own dealings with him. However, I must recognise that a problem did exist and that the Executive Committee found difficulties in working with Mr. Gilchrist. Whether it was a lack of communication or a more serious lack of cooperation, this situation could not be allowed to continue. This Government is not an Advisory Council, it is a Government with real responsibilities and making real decisions, and anything hindering this process just has to be sorted out in some way. I do not like the manner in which the Executive Committee intend going about removing Mr. Gilchrist from office, I think they are acting terribly and in complete disregard for anyones feelings or the proper way of doing things. I would like to think that some of the non-Executive Members were able to intervene and prevail on them to moderate their course of action. In any case Mr. Gilchrist tendered his resignation because he also recognised the difficulties.

I would like to say that I believe that I am one of the people referred to in Mr. Gilchrist's letter that he contacted last Wednesday morning. I did not confirm that he was to be dismissed during that afternoon's meeting because I hoped that that was not going to be the case. Instead I asked him to contact the Executive on the issue. I can only deny confirming that this matter was meant to deflect attention from another issue. I was and still am completely unaware that this was the intention.

It came as a great shock this morning to hear Mr. Buffett's broadcast, using his role as President of the Assembly to use public broadcast time for his own political advantage and to hear him apparently scorn the confidentiality which I believe to be attached to meetings of the Executive Committee. I feel that Mr. Buffett's statement has done considerable damage and blown this affair out of all proportion. I too
have been inundated with phone calls, some of them abused me for supporting a motion on which I have yet to cast a vote. While I believe the public is quite entitled to hear the facts of both sides, I strongly believe the matter should first have been dealt with in Executive Committee and then by the full Assembly in Committee, as provided for in Standing Orders. I can only take Mr. Buffett to task for going any further than a simple announcement of the resignation of Mr. Rosser and Mr. Gilchrist, at least at this stage. Meanwhile, we are only raking up a lot of dirt and mud which clouds the real issues. I can only hope that good sense will prevail. I would not like to see the situation occur again.

Earlier the Executive Committee produced a policy statement on the role and duties of the Chief Administrative Officer. If such a degree of misunderstanding and confusion still exists, then it must be looked at again very thoroughly. Events today show clearly that we must recommend Mr. Gilchrist's resignation, but work our hardest to mend the situation that brought it about. It is my belief that this Government has a tremendous potential for getting things done and for acting decisively, energetically and intelligently in the best interests of Norfolk Island, if it can only be allowed to get on with the job. I believe the question must be asked - who is to control the Island, the elected Government or the Public Service.

MR. DEPUTY PRESIDENT: I would like to read the motion to the House just to remind everybody what it is. The motion before the House is - 'That this House recommends to His Honour the Administrator that the appointment of John Gilchrist as Chief Administrative Officer be terminated forthwith and that he be given one month's remuneration in lieu of one month's notice.'.

Mr. Buffett do you wish to continue.

MR. BUFFETT: Yes Mr. Deputy President. It has been mentioned in debate that there is some amazement that so much time has been spent on this matter. I am amazed that we should not spend a great deal of time to try and ensure that justice and dignity is in fact preserved in this matter and in any other matter. I would just like to correct an earlier statement that was made in which there were a number of matters
that were trotted out that were referred to in an area that I had responsibility for in an earlier time. I just wanted to take up one which was quite inaccurate, and it related to one of the Government Medical Officers of previous times. I think it was said that I would not support a particular immigration application - that information is erroneous and it should not be understood as being factual. I would hope, as I said earlier, Mr. Deputy President, and it has been said by Mr. Christian-Bailey when he addressed the House, he said that he could only hope that good sense will prevail in this matter. I hope too that good sense will prevail in this matter and that the Members of this House will not move to remove Mr. Gilchrist in what I consider would be an entirely unjustified situation.

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

MRS. GRAY: During what Mr. Buffett said a little earlier, he suggested that he would seek an independent enquiry. I have still not heard the reasons really for the actions that the Executive Committee took and neither do I wish to hear them here and now. I do not think this is the place for it, but without that information, I am going to be forced into a position of abstention, not to avoid the issue, because I observe shortcomings on both sides. I acknowledge that the Members of the Executive have experienced difficulties in their relationship with the CAO, however I neither support nor condone the action taken by Members of the Government in the actions which have led up to this day.

MR. DEPUTY PRESIDENT: Thank you Mrs. Gray. Mr. Howard.

MR. HOWARD: Mr. Christian-Bailey said that he thought we ought to try to see that problems of this kind are better handled and do not happen again. I agree with that. He said he thought we ought to look again at the terms of reference, the job description, of the Chief Administrative Officer - maybe there is something wrong with it. I think maybe there is. I do not want to propose now what should be included in an amended version of that job description, but I thought I would like to mention some of the things that I think we are entitled to expect from a Chief Administrative Officer, and which I think we have not been getting and which I hope we will get in the future because we
need them. I think the Assembly is entitled to expect that the Chief Administrative Officer will act as the genuine bona fide representative of the Assembly and of the Executive Committee in administering and managing the Admin; I think we are entitled to expect that the Chief Administrative Officer will support the views and policies of the Assembly and the Executive Committee and do his best to get the Administration to carry out those policies; I think we have a right to expect that the Chief Administrative Officer will keep the Executive Committee and the other Members well informed as to what is going on in the Administration, what is happening over there, what the feelings are, what the problems may be, what problems may be developing, what may be done to head them off; I think we have a right to expect that a Chief Administrative Officer will at the beginning of the day and in the middle of the day and at the end of the day support the Executive Committee and the Assembly. Whether we can write such things into a job description, I do not know, but he is our man and I think we are entitled to expect that whether he agrees with us or not he will always support us. That situation no longer prevails and I think that really is the crux of the reason why we have to move on the motion that is before us now.

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

MR. JACKSON: Mr. Deputy President, I come back into the debate because it is quite clear to the House, to the gallery and to the listeners that there has been no evidence placed before this House of the reasons for the termination of Mr. Gilchrist's appointment. Is there any evidence of mismanagement, is there any evidence of misbehaviour, is there any evidence of misconduct, or is the reason simply because of pressure from those businesses who are now caught up and involved in the pollution situation, because I believe there is pressure coming in from those directions. And may I add in conclusion, a further statement from the Department of Home Affairs and Environment on comments made to the Norfolk Island CAO, it states - "The CAO has reviewed comprehensively the numerous reports and documents prepared since 1965 concerning water supply and waste water management on Norfolk Island. The
Department commends the CAO for the thoroughness of his investigation and for the concise nature of his report.". Now as I indicated earlier, there is concern with pollution. There is concern here on this Assembly with pollution because we have two Members of the Assembly who are Directors of a hotel which is involved in this situation.

MR. DEPUTY PRESIDENT: Order Mr. Jackson, the discussion is not on pollution.

MR. BROWN: Mr. Chairman I ask that Mr. Jackson withdraw those words.

MR. DEPUTY PRESIDENT: Mr. Jackson will you withdraw please.

MR. JACKSON: If the Honourable Member desires, I withdraw. Those are the points that I wanted to raise. In connection with what Mr. Howard has come up with on what he expects from future CAO's, that all he requires is that the CAO keeps the Executive Members informed of what is going on, good gracious, I would have thought that an Executive Member of this Government would expect more than wanting to find out what the public servants are doing in their daily routine or their daily work. However, as I have indicated before, it is my regret that Mr. Gilchrist has been forced into a position of retiring, and I do believe that it is irresponsible for a motion to be read and the terms of that motion presented before this House. I strongly oppose it.

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

MR. HOWARD: I would like to respond to a couple of the things that Mr. Jackson just said. He is distressed because no specific charges are being laid at Mr. Gilchrist for any mismanagement or misconduct. Mr. Christian-Bailey said a minute ago that such matters only rake up dirt and mud, I feel the same way. I do not want to deal with those things in this House. I will say three things. I will say that there have been flagrant examples, in my best judgement, of serious mismanagement by Mr. Gilchrist; that there have been examples of serious misconduct by Mr. Gilchrist; thirdly, as to the praise given to Mr. Gilchrist by
the Department of Health in speaking about how comprehensively he had reviewed all the health documents going back to 1966 and the Department commends him for his thoroughness— if Mr. Jackson or anyone else will read those documents and examine them and will then read the files and examine the files, you will find that key documents giving a very different point of view from the one that Mr. Gilchrist was pushing or omitted from his report. The Department may commend him for his thoroughness, I do not, and I will say no more than that.

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

MR. BUFFETT: It really comes back to the earlier situation that I described where people wish to make broad statements without really substantiating what they are talking about. That is some of the difficulties that I have expressed to this House in accepting a motion that is now before us.

MR. DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Mr. Deputy President could I ask Mr. Howard, through you, if he could name the documents — you say key documents were left out of the report.

MR. HOWARD: I will not do it right now, but I think it is essential for anyone who wants to understand the whole situation to know what they are.

MISS BUFFETT: If you could make them available.

MR. HOWARD: I would be delighted to.

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

Question - put
The House voted -

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

NOES, 3
Mr. Buffett
Miss Buffett
Mr. Jackson

ABSTENTIONS, 1
Mrs. Gray

APPOINTMENT OF ACTING CHIEF ADMINISTRATIVE OFFICER

MR. HOWARD: Mr. Chairman could I seek leave to put before the House a motion rising out of one of the letters from the Administrator that Mr. Christian-Bailey read to us from the chair.

MR. DEPUTY PRESIDENT: Is leave granted (leave granted). Yes Mr. Howard.

MR. HOWARD: The Administrator drew to the President’s attention and Mr. Christian-Bailey in the chair drew to our attention the fact that Mr. Hitch has had the position of - I'm not certain whether it is called Deputy Chief Administrative Officer or Acting Chief Administrative Officer or what it is - he had the position for the person who would take over the position of Chief Administrative Officer in the absence of a Chief Administrative Officer. You will recall that in the minutes of yesterday's Executive Committee meeting that I read, the Executive Committee proposed that Mr. Hitch take over the CAO's duties as of the end of today. Mr. Hitch has now told us that he is unavailable to do that. I would like to move that the Legislative Assembly recommend to the Administrator that Mr. Bill Sanders be appointed Chief Administrative Officer.

MR. SANDERS: Mr. Howard before there is any further comment on that I would like to check on the legality of it.

MR. HOWARD: Mr. Chairman I have checked on the legality - there are a
couple of questions that immediately would come to mind. It is not possible for an Executive Member to hold a position within the Public Service of Norfolk Island. The Chief Administrative Officer's position is not a Public Service position, he is the head of the Public Service but it is not a position within the Public Service of Norfolk Island. So I think that would be the one possible legal kink that might occur to somebody and I believe it does not exist.

MR. SANDERS: If this were approved it would only be on the basis that it would be the shortest possible time, until somebody was appointed.

MR. HOWARD: Mr. Chairman I appreciate that, and I ought to speak a little bit to the motion. I would not propose to ask you to become the CAO from now on for all time. It will take some time to find a new CAO. We obviously need to find one. In the meantime the Public Service needs a head, it needs someone in charge of it. Mr. Hitch had the job of being on standby ready to take that job if it became vacant, he has now suddenly informed us that he cannot do it. We need a head of the Public Service and I am proposing that you, Mr. Sanders, be appointed by the Administrator on the recommendation of the Legislative Assembly to that job and that we go about the process of finding a new CAO as promptly as we can and then relieve you of that burden when we can, if the House agrees.

MR. DEPUTY PRESIDENT: Miss Buffett.

MISS BUFFETT: Can I ask a question please. Mr. Howard stated that the CAO was not a public servant but head of the Public Service. Where is the Administrator - is he Chairman of the Public Service Board is he? I thought the Administrator was head of the Public Service.

MR. DEPUTY PRESIDENT: The Administrator is, I believe, Chairman of the Public Service Board. Mr. Brown.

MR. BROWN: Mr. Deputy President I would like to support Mr. Howard's motion. Mr. Sanders is a person with a long and competent business history and I am sure that he would be an admirable person to fill the role until a full time appointment can be made.
MR. DEPUTY PRESIDENT: Mr. Buffett.

MR. BUFFETT: Mr. Deputy President, it has already been pointed out the difficulties of persons who are in the Public Service and who hold Executive positions. Whilst it has also been pointed out that there is a technical situation in which that is not technically so, I think one must acknowledge that in practical terms it is very close to that situation. I would not think it appropriate to pursue that course for that particular reason also. Another reason that I would consider it not appropriate to pursue that course at this time is that I have said earlier in my addressing this matter of the Chief Administrative Officer in Norfolk Island that it is a post which requires a considerable amount of experience, expertise and qualifications, and whilst I am not trying to say that that may not exist in respect of the person who is now proposed, one cannot be expected without any notice to make some examination of the practical experience, the suitableness, the qualifications and other things that might be relevant to that, and you should not be offended by that Mr. Deputy President. I am really wanting to point out that I consider the post deserves a vast amount of consideration more than having that proposal put forward and expected to be determined just like that, almost at the snap of a finger. I point out also that if one is looking at an interim situation, one has also got to realise that in the area in which we are talking - head of the Public Service - one does need to have probably some practical experience as to the machinery and the like and the running systems, and whilst that no doubt may be learnt in a period of time, we are talking about a situation whereby it is only going to be a short period of time and the learning process may not well be worth the time being put in if it is not to be on a long term basis, and that long term basis not being so, has already been acknowledged. It is certainly my view that somebody may be existing in the Public Service may be appointed to that interim situation, who that person should be at this time I am not really able to say, I think that deserves a bit of examination also, and again I come to the point that I made earlier, I do not think because of the important nature of the task that it should be a snap decision, I think there should be some more mature examination of the matter.

MR. DEPUTY PRESIDENT: Thank you Mr. Buffett. Mr. Howard.
MR. HOWARD: In the selection of Chief Administrative Officer's in the past the selection process has included first running advertisements in overseas newspapers; secondly examining letters of application from people who apply for the job; thirdly the screening of those letters of application and trying to shorten them down to the best few on the face of it; next, having interviews with those people in the short list, and those interviews last an hour perhaps, and that is the kind of vast examination that we give a man before we make him CAO - sorry, there is one more point, we check references. I would like to put it to you that we have had six, seven months now of watching Bill Sanders in operation. Mr. Buffett cited three things that he thought were important in a CAO - he said practical experience, suitability and qualifications. I put it to you that Bill Sanders has demonstrated again and again in this House over the last six or seven months that he has got practical experience beyond anything any CAO ever will have in the future. He knows more about Norfolk Island than anybody we could possibly put into that job. Suitability - I think he is entirely suitable. Qualified - I think he has got qualifications that would make him do an outstanding job during the brief period that he would be called on to do it.

MR. DEPUTY PRESIDENT: Thank you for your compliments Mr. Howard. Mr. Quintal.

MR. QUINTAL: I do not want to be disrespectful to anyone but I would think that with all due respect to you Mr. Sanders, if you were voted in as head of the Public Service it would, I believe, be like throwing a bull into a den of a mob of starving lions, and that is my honest opinion, therefore I cannot support the move at all.

MR. DEPUTY PRESIDENT: Thank you Mr. Quintal. Mrs. Gray.

MRS. GRAY: Thank you Mr. Deputy President. I am sure that you will not hold it against me that I speak frankly either. I think this is a situation which calls for cold water not a highly flammable spirit as you are. I would also like to remind Members that Mr. Sanders is the Executive Member responsible for Planning, Tourism and Commerce - that
alone is a massive job from my observation of the hours that John Brown has put into that job. I do not want to kill you off at that stage, I cannot see you handling two jobs, with respect.

MR. DEPUTY PRESIDENT: Thank you Mrs. Gray. Mr. Jackson.

MR. JACKSON: I do not know what to say about this but I would like to comment, and I am certain that this is a serious situation that we are in at present. It reminds me of one thing, the person who nominated you. You were nominated as being the most outspoken Member of this Assembly against the public servants and it makes me wonder will the purge continue...

MR. BROWN: Point of order, I object to the word purge Mr. Deputy President.

MR. DEPUTY PRESIDENT: Mr. Jackson would you care to remove the word purge, and continue.

MR. JACKSON: If it offends Mr. Brown I will withdraw.

MR. DEPUTY PRESIDENT: Would you care to continue.

MR. JACKSON: No, that is all I wish to say.

MR. DEPUTY PRESIDENT: Any further debate. Miss Buffett.

MISS BUFFETT: Yes Mr. Deputy President. While I have no personal feelings about the qualifications that may be necessary for the Chief Administrative Officer's post, I feel that with the complete sphere of matters you have to oversee, qualifications would probably help you. I realise you have butchery and refrigeration etc. I would feel that after this proposal that this is not really the manner in which we should appoint heads of the Public Service. Much has been made by the new Assembly Members of using people in the community, as a matter of fact they have even included it in a part survey that has been done for the Tourist Bureau, but would it not be wiser to call for applications.
I do not think in fairness to Norfolk Island that you can accept an Executive posting - and congratulations upon that, quite sincerely - as well as taking on the CAO's job. I feel that in fairness to the Island it would be my opinion that one would have to decline.


MR. CHRISTIAN-BAILEY: Mr. Deputy President, I feel I cannot support the motion. I think like Mrs. Gray, we should be looking towards smoothing troubled waters and I would think that this is not going to help one little bit. It is a very serious situation. I am not questioning your ability but I really do not believe that you are the right man for the job.

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

MR. HOWARD: If anybody thinks the motion was a joke, think again, I was quite serious about it and I still am. I think a number of Members have said some things well worth thinking about. I think that Miss Buffett's comments about this really not being the way to select the head of the Public Service I think there is something to that, this really is not the best way to do it, but it is an emergency situation. She asked whether it would not be wiser to call for applications. Mr. Christian-Bailey spoke of the need to smooth troubled waters and I feel the same way. Mr. Buffett spoke of perhaps it being preferable to find some existing member of the existing Public Service who would be a better man than Mr. Sanders for the job. I think those are all sensible suggestions. I would like to believe that the Executive Committee with the help of other Members ought to take on as a job of first priority, finding a Chief Administrative Officer to act at least in the interim, as quickly as we can. I think there is a possibility that after having tried very hard and spoken with people that Members might genuinely come to the conclusion that the best man for the job is Bill Sanders. I do not want us to decide against that right now, and I therefore move the adjournment of this debate until our next sitting.

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

Question - put
Motion agreed to unanimously
NOTICES Cont'd

PUBLIC WORKS (GARBAGE DISPOSAL, SEWERAGE AND WATER SUPPLY)

LEVY BILL 1982

MR. DEPUTY PRESIDENT: Mr. Christian-Bailey would you take the chair please.

MR. ACTING DEPUTY PRESIDENT: Notice No.7 Honourable Members. Mr. Sanders to resume.

MR. SANDERS: Mr. Chairman, Mr. Howard has to move this on my behalf as an Executive Member because it concerns the raising of revenue.

MR. ACTING DEPUTY PRESIDENT: Mr. Howard.

MR. HOWARD: I introduce a Bill for an Act relating to the payment of a levy in respect of garbage disposal, sewerage and water supply. As Mr. Sanders said just a moment ago, it really is his Bill. Executive Members must introduce Bills that propose a levying of new taxes. I don't propose to support the Bill as the debate goes on, so I am in a bit of a funny position having been the one who introduced it. I am happy to introduce it for Mr. Sanders so that it can get an airing and be debated.

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

MR. SANDERS: Thank you Mr. Chairman. The purpose of the introduction of a Bill such as this is in an effort to be a little realistic of the inequality between high and low income earners in the payment of public works. I should point out before I continue that this money is to be used solely for public works and is to be kept in a separate account for this purpose. It is to be used for such things as water and sewerage, garbage, things like the proposed new jetty at Headstone, in fact anything that is directly concerned with public works, but is not to go
into consolidated revenue.
In 1947 when I came home from school the public works system provided for ten days work for the Government each year. This was divided into two six monthly calls of five days each and it only applied to males. All females regardless of income were exempt. In the first five days of the call there were no exemptions and the fine was £1 per day for non-attendance, even though wages were only 8 shillings per day if you could get a job. The second call allowed for exemptions - two days if you were married and one day for each child, up to three children, which when added together made the five days. It was very unfortunate if you had more than three children. All that has happened in the last 35 years is that the pounds have been converted to dollars. It has never been taken into consideration that the increase over the years to the low income earner, say those on approximately $10,000 per year, which would be the majority on this Island, that their income has increased by 4,707.69% and that those on incomes of $18,000 plus, their incomes have increased by 8,553.84%. Consequently I do not consider it unreasonable that those on larger incomes should pay in proportion more than those on lower incomes. This also applies to women as I believe there should be no discrimination. In effect it is a form of income tax but easier and cheaper to collect as it would work the same way as the Social Services Act - the individual has to prove he does not earn the amount required rather than the Government prove that they do. It also retains privacy on personal matters but a massive fine if a false statement is made. I have deliberately left huge anomalies in the proposed Bill such as incomes between $10,000 and $18,000 and over $18,000 - this is hoped to get constructive criticism on the matter - which I feel sure will happen. I commend the Bill.

MR. HOWARD: Mr. Chairman may I fix up a mistake that I made in introducing the Bill. I did not move that the Bill be approved in principle, and if my original motion could be accepted as having intended that.

MR. ACTING DEPUTY PRESIDENT: Thank you Mr. Howard. Will a Member move the adjournment of the debate. I'm sorry, Mr. Jackson.
MR. JACKSON: Yes, I would like to debate the Bill, or the proposed Bill.

Mr. Howard for Mr. Sanders has presented a Bill to be considered, to be laid on the table here until the next sitting. The title of this Bill is to be the 'Public Works (Garbage Disposal, Sewerage and Water Supply) Levy Bill 1982'. Now this Bill is a fairly lengthy document and I do believe, taking up where Mr. Sanders left off, that it will cause considerable debate within the community because, and I use Mr. Sanders' words, it is a form of income tax. I do believe we should look at the Bill in a deeper context than what Mr. Sanders has read out in his introductory remarks. When we look at the definition of income in relation to a person's means and personal earnings, moneys, valuable consideration or profits earned derived or received by persons for his own use or benefit by any means and from any source whether within Norfolk Island or not. Now I wonder does this clause mean that the description of income, whether it is earned in Norfolk Island, whether it is earned overseas or earned on the other side of the world, because it is here on the front page. We have people living here on the Island with money scattered all over the world, whether in Norfolk Island or not. Now in the latter part of this Bill it states that the Executive Member is responsible for all this, and the Executive Member responsible is Mr. Howard. It goes on to define a periodical payment by way of gifts or allowances and a payment that the Executive Member, which is Mr. Howard, determines to be in the nature of income. This is the point that puzzles me - but does not include a payment that the Executive Member determines not to be in the nature of income. Well perhaps Mr. Howard will decide again if this Bill passes what is income and what is not income, or that for some other reason the Executive Member determines not to be regarded as income. Now I am making these points on this proposed Bill for the purpose of discussion within the community. Now I would have thought that anything to be included as far as income is concerned would be spelt out quite clearly and defined. For the listener's convenience a levy day is split up into two six monthly periods - the 15th of May is one levy day and the 15th of November is the other levy day, and the Bill states if you have been on Norfolk for three months or more, you will have to pay the full levy. Now once again I express that this proposed tax is earmarked the Garbage Disposal,
Sewerage and Water Supply Levy and it goes on to say that subject to subsection 2 and 4 a prescribed person becomes liable on a levy day - that is every six months - to pay to the Administration in respect of the levy period, a levy of $250. Now the point that I wish to make is that the money levied for this reason, if the water supply does not extend to Steeles Point or Anson Bay or Collins Head Road for that matter, are prescribed persons as detailed in this Bill still be required to pay this levy or will they be paying $250 every six months to simply get their garbage taken away. Then we go on to the scale of how the Bill will be introduced as far as a levy is concerned. It goes on that anyone earning more than $18,000 a year will pay $500 in two $250 instalments, twice a year, and it goes on to say if you earn $5,000 or more but less than $9,000 you get a reduction of $100; and $2,500 or more but less than $5,000 you get a reduction on income of $200. So in actual fact the people of Norfolk Island will be paying a tax of anything up to $250 every six months whether they are connected or not to water or whether there is any business, if this Bill succeeds. At this stage I cannot see myself supporting anything near it. If you should appeal or feel aggrieved of a decision of the Executive Member in respect of an application made by him under subsection 4, the Executive Member shall be the respondent in proceedings instituted under subsection 1. It means that Mr. Howard will be the prosecutor, he will issue the summons, being the Executive Member in this area, and he will carry out the basis of any appeal that has been made by a prescribed person who is aggrieved by the decision of the Executive Member in respect of an application made by him under subsection 1. Liability to pay levy where appeal is lodged - The fact that the application made by the prescribed person to a Court under section 6(1) has not been determined does not effect the liability of a prescribed person to pay the levy pending the determination of the application - which means that in the event that you are aggrieved and concerned that you have been treated unfairly and you decide to appeal to the Court, you will have to pay the levy first. And it goes onto the serious business of interfering with confidentiality as far as your bank accounts and statements are concerned. It states in section 8 that information as to prescribed persons, the Executive Member may by writing serve on a person, including a prescribed person who he believes to be in a position to do so, require a person to furnish to him in writing a confidential statement as to any matter that might affect the entitlement of a person to the