the wish of other Members who have stated their wish, to remove from
the Ordinance all sections and clauses which give certain conditions to
persons born on Norfolk Island regarding the Police Offences Bill. Mrs.
Gray has stated in her explanatory notes that she is seeking to
repeal such sections of the Police Offences Bill because it is racially
discriminating since it is based on descent. Now I am aware that many
of our conditions are gradually being whittled away. Once you do five
years on the Island we are all equal, and it concerns me when I hear
Members around this Chamber stating we want to defend our culture and
our traditions and all other aspects when it appears that lockers and
cupboards are being sought out to remove any long traditional conditions
that have existed since 1856 which gives certain conditions to certain
sections of the community. We are having difficulty with our Immigration
Bill which was passed in 1980 and it is now well into 1982 and we still
have not resolved that because of the simple words that Mrs. Gray has
used in her explanatory notes, because it is based on descent. I do
not oppose that once a person gains residency on Norfolk Island under
the law that exists at present, we are all equal, we are all of the
same condition, but where is that tradition that some sections of the
community are always talking about, especially some Members of this
Assembly are always talking about, perhaps to their advantage. However
I see the Bill as one with merit and I would not like to see a family
established here on the Island over the years if they were not born on
the Island, may one day find themselves in the position for some trivial
offenses or minor offenses, of being deported. In the Bill it states
the Court which convicts him may recommend, and the Administrator may
order that persons removal. There is a lot of mays and doubts. In
conclusion may I remind some of the Norfolk Islanders around this table
who have used the words 'I am of Pitcairn descent' in their election
policy statements, that we might not be able to use that in future
because it may be subject to some repeal. It is a very sad day when you
find yourself in a position of voting for a Bill that has been researched
and looked upon to be brought into this House to take away a condition
that we have been so proud to bear and to wear and to honour.

MR. PRESIDENT: Mrs. Gray.
MRS. GRAY: The Bill seeks to remove the contradictions Mr. President, nothing more.

MR. PRESIDENT: Further debate Honourable Members. There being no further debate the question is that the Bill be agreed to in principle.

Question - put
Motion agreed to unanimously

MR. PRESIDENT: Honourable Members is it the wish of the House to dispense with the detail stage in respect of this Bill. I then seek a motion that the Bill be agreed to. Mrs. Gray thank you. Any debate Honourable Members. The question is that the Bill be agreed to.

Question - put
Motion agreed to unanimously.

BUILDING (AMENDMENT) BILL 1982

MR. PRESIDENT: Order of the Day No.4, the Building (Amendment) Bill 1982. Mr. Jackson I think you may have the call in respect of further carriage of this matter.

MR. JACKSON: Mr. President I did move the adjournment of the debate at the last sitting. The public is well aware of my situation as far as the original Bill which was initiated into this House by Mr. Sanders is concerned, and that Bill has not been ratified and has not been resolved up to this date. I did place before the House at its previous sitting an amendment to Mr. Sanders' amended Bill which I laid down and stated certain conditions which I thought would suit the conditions of Norfolk Island, and these certain conditions were spelt out in what you can do and what you cannot do, and I gave reasons and figures and space to back up that amendment, however the amendment was lost. Now we find a similar amendment that has been introduced by Mr. Howard, something similar to the amendment that I introduced, with the difference that where I laid down specifications in my amendment, I find that Mr. Howard's amendment does not lay down specifically what a person can do and what a person cannot do as far as building a dwelling goes. But I did notice
in the amendment, section 2(a) that what Mr. Howard proposes in his amendment is that: you are allowed to erect on a parcel of land on which no other building is erected, a building for use solely as a single private dwelling house. Now let us have a closer look at this section 2(a) that refers to this. I take it that it means that in the event of any building, a shed, an agricultural building, a building to house your equipment, to store your tools, because it is spelt out in large bold letters you can erect a building on land on which no other building is erected. And it goes on to say that you will have to be told by regulation. It spells nothing out in bold language what can be done and what cannot be done, but it does in this, it does in (a), (b), (d) and (f) of section 4. In section 4(b) it says that the siting of buildings of these means of access you will be told where you should build and what access, as I see it, that you will be able to gain to your building site. It goes on in (d) - the colour and external cladding of the building, what colour you can paint the outside of your house; and (e) the height of gates, fences, walls and other means of enclosing land.

I would say Mr. President it would be better all round to spell out in a Bill what a person can do and what he cannot do, instead of leaving it solely to the Minister responsible, which in this case is Mr. Bill Sanders who now holds responsibility for building. Now we are all aware that Mr. Sanders is sitting here tightly clutching his original Bill in which he wishes to create Norfolk into a designated area. So it concerns me greatly that Mr. Sanders will be the person to bring regulations into this House when he is in favour of declaring Norfolk Island a designated area. Therefore even on that, and not only on that, I cannot support the amendment as placed by Mr. Howard.

MR. PRESIDENT: I am just wondering whether Mr. Sanders earlier sought the call.

MR. SANDERS: Mr. President it was only to correct Mr. Jackson that I was not asking for a designated area, I was trying to get an amendment to the Building Ordinance.

MR. PRESIDENT: Mr. Howard.
MR. HOWARD: Can I ask for guidance please from you Mr. President. Have I yet moved this amendment that Mr. Jackson was talking to, I don't think I have yet, have I?

MR. PRESIDENT: The detail that I have in front of me Mr. Howard is that it has been moved.

MR. HOWARD: Good, thank goodness, then may I speak to some of the things Mr. Jackson was saying. I agree with almost everything that Mr. Jackson said, I think he and I are on the same wavelength. I think this particular piece of legislation that began with Mr. Sanders' Bill, then went to an amendment that Mr. Jackson put, is now dealing with an amendment that I put, has become so tangled as a proposed change to a law that is so tangled, that I think anybody has got the right to be confused about exactly what it is we are doing. Section 15 of the Building Ordinance says the restrictions put on buildings that are being built on Norfolk Island don't apply to private dwellings or farm buildings. Section 15 says we exclude private residences and farm buildings, they do not have to meet any particular requirements. Mr. Sanders' Bill says let's wipe out section 15, in other words let's no longer give exclusion to private residences and farm buildings. I am against that, I don't think we ought to wipe out the exclusion that they have now. What I am proposing is that the time may be at hand when some regulations of some kind may be should be put on private dwellings. The amendment that I have moved does not say what those restrictions will be. It sets up machinery so that if this amendment is passed, Mr. Sanders as the Executive Member will be able to come forward at some future meeting and say I propose the following regulations and the Assembly will then have to agree with them at that point. If the Assembly does not agree then they won't be on. In the meantime private buildings will continue to have exemption and I think we should not put private buildings under any form of regulation until we know what the proposed form of regulation is. I think that if Mr. Sanders Bill were passed without being amended that what would happen would be that suddenly everybody who wanted to build or alter anything would have to put in an application to the Building Board and the Building Board would not have any policy to go on to know whether the application should be approved or not. Now until the Assembly has agreed on regulations that
ought to be applied to private dwellings I don't think we can take away the protection that private buildings have in the law as it stands now. To my eye it looks as though Mr. Jackson has put his finger on a very valid shortcoming in the amendment as I have put it, when he talks about 2(a) when it says that you can build a single private dwelling house on a parcel of land if there is no other building on it, I think the points he makes are sound, I agree with him. This is an amendment we are discussing, I think an amendment to an amendment can be proposed without notice. I would propose that in section 2(a) the word 'building' be changed to 'dwelling house', so that it would read that a person can without complying with this part erect on a parcel of land on which no other dwelling house is erected, a building solely for use as a single private dwelling house. I think meets the point Mr. Jackson raised and I think it was a good point, and if I could move that amendment to the amendment, I would like to.

MR. PRESIDENT: Thank you Mr. Howard. The amendment to the amendment is that in 15(2)(a) the second line, the word 'building' is removed and 'dwelling house' inserted. That is the amendment to the amendment as proposed. Further debate Honourable Members. Mr. Jackson.

MR. JACKSON: Mr. President, I suppose in Mr. Howard's presentation and in seeking the alteration of 15(2)(a) with 'no other dwelling' to be amended to his amendment, it would suit the situation for that particular section but it would not suit the particular question where the overall amendment would suit my needs, therefore by inserting that extra amendment in there it certainly has taken away something that perhaps should not have been there in the first place, so therefore by doing that it has given a bit more strength to that particular section, that particular clause, but it does not alter my view or my mind on supporting the Bill as an overall thing. Therefore I still cannot support it.

MR. PRESIDENT: Mr. Howard.

MR. HOWARD: I had planned to try to respond to Mr. Jackson's other points later on but I thought we would go through the Bill in order and take them one at a time. Here is what I think is an error that he has
pointed out, I think it needs fixing, and if we could fix this and then go on to other things I think that would make sense.

MR. PRESIDENT: Mr. Brown.

MR. BROWN: Mr. President might I indicate at this time that I have had a number of discussions with Mr. Sanders this morning and it is Mr. Sanders' wish that the matter before the House at the moment at a convenient time today be adjourned yet again until our next normal meeting at which stage Mr. Sanders hopes to come forward to the House with the draft regulations and draft policies which would enable many of the objections of both Mr. Jackson and Mr. Howard to be overcome. I thought I should point that out at this stage so that at a convenient time in the debate that motion for adjournment can be put.

MR. PRESIDENT: Thank you Mr. Brown. Mrs. Gray.

MRS. GRAY: I would just like to say that that was one of the difficulties I had with Mr. Howard's Bill and I would like to see that happen. Mr. Brown's suggestion of Mr. Sanders bringing forward a virtually complete Bill with regulations.

MR. PRESIDENT: Mr. Christian-Bailey.

MR. CHRISTIAN-BAILEY: I would like to support this course as outlined by Mr. Brown, I think that would clarify the situation.

MR. PRESIDENT: Mr. Howard.

MR. HOWARD: There is an amendment before us that we need to deal with before we can consider other things. I hope before there is a motion to adjourn that I will have a chance to talk to some of the other problems Mr. Jackson raised because I think he and I are really in agreement on this one.

MR. PRESIDENT: Honourable Members is there any further debate on this matter. Mr. Brown.
MR. BROWN: Mr. President I move that the amendment to the amendment be put so that we can then get along with the amended amendment.

MR. PRESIDENT: Honourable Members I put the question in respect of the amendment to the amendment.

Question - put
Motion agreed to unanimously

MR. PRESIDENT: Mr. Howard.

MR. HOWARD: If I can continue talking to some of the points Mr. Jackson made. He was concerned about section 4 and some of the requirements that he believes it is putting on private buildings, and I think Mrs. Gray is concerned about the same thing from what she has said. I want to point out that section 4 does not put any restrictions on anything. It sets up machinery whereby the Executive Member at some future meeting can come along and propose certain kinds of regulations of this kind, but this does not lay down any regulations at all. I do not think we ought to vote to restrict private dwellings until we know exactly what restrictions are being proposed. I agree with Mrs. Gray and with what she said, I think it is preposterous to put regulations on private dwellings when we cannot even hand someone who wants to build a house a copy of the regulations we are proposing to put on them. That is not proper government, that is not fair to people. If the amendment that I proposed should pass and the Bill as amended passes, we will then have set up a situation where by those actions there has been no change at all in the laws affecting private dwellings, they are substantially as they are right now, but they open the door for Mr. Sanders to come back to the House at the next meeting if he is ready with his proposed regulations that would restrict private dwelling houses, and if we like them we can pass them, and if we don't like them we can either amend them or vote them down. All this amendment proposes is to set up the machinery that will allow Mr. Sanders to do what he wants, but I say don't pass any restrictions until you know what they are, and I agree with Mr. Jackson that you should not leave it to the Executive Member to have the authority to say what regulations apply to people, those should be voted on by the House after careful thinking.
MR. PRESIDENT: Mr. Sanders.

MR. SANDERS: Mr. President, both Mr. Jackson's amendment and Mr. Howard's amendment in effect actually don't do anything to the Bill at all. All the conversation has been traditional rights, nobody has been interested in your water and sewerage thing of what happens to a house or where it goes. There is one matter of interest that was in the report of the Brisbane College of Advanced Education - may I quote it Mr. President - "The Planning Board. 86% of respondents consider that there should be a Planning Board to decide on land use, scenic reserves, sub-divisions and buildings; 88% thought that there should be restrictions on further building; and 44% considered that further land sub-division should be subject to control; 30% would not allow any future land sub-division."

It appears to me Mr. President that most of the community considers that there should be some control over this. It is not the whole community thinking of traditional rights where you can build a pigsty on your neighbour's fence. I have been through this so many times, I don't think you want to hear it again. It appears to me that the only persons who could vote against such an amendment, as I have said before, would have to be irresponsible persons.

MR. PRESIDENT: Mr. Jackson.

MR. JACKSON: Mr. President, may I draw the House's attention to the statement just made by Mr. Sanders and the document from the Brisbane College of Advanced Education who did a survey on Norfolk Island recently, and he read the percentages of the persons comments who were interviewed. Well may I add there were only 243 members of the community interviewed, and not all of those were residents, some were temporary entry permit holders, so therefore I cannot take as authoritative a statement of that nature regarding our future planning for Norfolk Island.

MR. PRESIDENT: Mr. Brown.

MR. BROWN: Mr. President it might be an appropriate time for me to move that debate be adjourned on the matter before us, and if there is no other Member wishing to join the debate at this stage, I would so move.
MR. PRESIDENT: Yes, are there any other participants in the debate before Mr. Brown so moves Honourable Members. I accept Mr. Brown's motion. The question is that the motion be adjourned.

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

NEXT SITTING DAY

MR. PRESIDENT: Honourable Members we move to the fixing of the next sitting day. Mrs. Gray.

MRS. GRAY: I move that the House at its rising adjourn until Wednesday 6 October 1982 at 2 p.m.

MR. PRESIDENT: The question is that the House at its rising adjourn until Wednesday 6 October 1982 at 2 p.m.

Question - put
Motion agreed to unanimously

ADJOURNMENT

MR. PRESIDENT: Honourable Members I seek an adjournment motion. Mr. Howard.

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

ADJOURNMENT DEBATE

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

MRS. GRAY: Yes, Mr. President I would like to address if I may a letter.
which was addressed to yourself and circulated to Members of the Assembly, from the Lions Club of Norfolk Island, and with your permission I would read it.

"The members of the Lions Club of Norfolk Island are extremely concerned at recent reports of further decline in the population of green parrots within the Island. Whilst visiting the Island, Mrs. Astrid Upitis, representative from the Australian National Parks and Wildlife Service, said that the green parrot is one of the world's most endangered species and is in extreme danger of becoming extinct within a few years. The recent television programme featuring the capture and breeding in captivity of the endangered Lord Howe Island Woodhen aroused a lot of publicity and interest throughout the world, and that it is felt that a similar programme could be devised to save our own green parrot from certain extinction. The Lions Club gives its full support in principle to any project undertaken to save the green parrot from extinction. We feel sure other organisations on the Island would also support such a worthy project and realise the time to act is now not later, especially with only 18 birds estimated to be in existence".

Just repeating, that is a copy of a letter from the Lions Club on Norfolk Island.

Mr. President the matter of green parrots and their protection is very dear to the hearts of many people living on Norfolk Island and I took the opportunity to discuss the matter with Doctor Peter Coyne, and if I may again read from his reply to my enquiries.

"In February 1977 to December 1978, surveys of the green parrot were carried out by the Norfolk Island Conservation Society and the Flora and Fauna Society. These surveys showed that the population was within the range of a known minimum of 17 to an estimated maximum of 30 birds. Between May 1981 and April 1982, surveys of the Mount Pitt Reserve were repeated. Fewer parrots were recorded suggesting a continuing decline in the population. The Australian National Parks and Wildlife Service brought the results of these surveys to the attention of the CSIRO Division of Wildlife Research and the Conservation Committee of the Royal Australasian Ornithologists Union, and these bodies were asked to make recommendations on conservation measures. In addition the problem was discussed at a Parrot Ecology Workshop held at Cambridge in the United Kingdom during the 18th World Conference of the ICBP - an international ornithological organisation. The CSIRO and the Cambridge Workshop agreed that a captive breeding programme should be undertaken.
on Norfolk Island as a means of building up the population while a comprehensive study of the ecology and the conservation requirements of the birds is carried out. A reply has not been received from the BACU. The Australian National Parks and Wildlife Service supports the proposal for a captive breeding programme in an attempt to maintain some living birds and provide time for the reasons for the birds decline to be identified and hopefully reversed. The Australian National Parks and Wildlife Service is investigating the practical implementation of such a programme and the expertise available to enable the programme to proceed. The New Zealand Wildlife Service has much relevant experience with captive breeding of closely related parrots and may be able to provide advice. The Australian National Parks and Wildlife Service is planning to submit a proposal for a captive breeding programme on Norfolk Island to the Legislative Assembly for its consideration. The Service is conscious of the need to commence the programme as quickly as possible but is also conscious of the need for the programme to be carried out professionally since interested persons throughout the world will follow the programme closely. What I would like to make mention of Mr. President is the fact that the natural habitat of the green parrot is the Mount Pitt Reserve. Now the Plan of Management for the Mount Pitt Reserve is being prepared by the Australian National Parks and Wildlife Service in response to a request from a former Administrator and the Norfolk Island Legislative Assembly, and that document is circulating freely on the Island. The Plan has been published as a draft to enable public comment on the proposals before they are finalised and submitted to the Administrator and the Legislative Assembly. Public comments are currently being received and have been invited until 30 September. Now in particular the Plan refers to the green parrot and its species. It is noted as a threatened species, its also detailed as an endangered bird in the report. It is suggested in the report that the Norfolk Island green parrot population is seriously affected by a number of factors such as competition from introduced birds, loss of habitat and predation by rats and cats. A survey will be conducted to determine whether there is discernible habitat differentiation between green and red parrots which could form the basis of selective management practices. In an attempt to provide nesting sites for parrots which European Starlings are unable to occupy, baffled nest boxes will be installed in the Reserve. The use of these
nest boxes will be monitored. If possible the nest boxes will be located in trees which are isolated from other vegetation so that by placing a rat proof collar at the base of the tree, rats will not be able to reach the nest boxes.

What I would like to suggest is any of the members of the Lions Club and in fact anyone who is interested in the preservation of the green parrot should interest themselves vitally in the Management Plan which is before us at the moment, before us as the public, for comment. There is legislative control over some of the matters affecting the Mount Pitt area, they are in the fields of Timber Licences, Birds Protection Ordinance, Noxious Weeds, Plant & Fruit Diseases Ordinance. Other than that the Administrator has responsibility for the area under the Commons and Public Reserves Ordinance. Australia is party to three international conventions of direct relevance to Norfolk Island, and these are the conventions concerning the Protection of the World Cultural and Natural Heritage, International Trade in Endangered Species of Wild Flora and Fauna, the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment. Another relevant organisation is the International Union for the Conservation of Nature and Natural Resources called 'Islands for Science', which is quite an intriguing one. Much of the plant and animal life of the Reserve and its landscapes are still the same as encountered by Captain Cook and the First Settlers. Better appreciation of this fact would enable people to put the history of Norfolk Island into better perspective and appreciate more the difficulties faced by the early explorers and settlers. Hence the physical resources of the Mount Pitt Reserve have a historical significance which warrants greater recognition as part of the Norfolk Island heritage.

Incidentally none of the land granted to Pitcairners is in the area of the current Reserve.

Mount Pitt contains some of the last remaining tracts of native forest on Norfolk Island. These areas support many rare and endangered plant species and are also the primary habitat for much of the endangered fauna, especially birds. As Norfolk Island supports many species which are native only to it, and Mount Pitt Reserve is the primary habitat for most of these endangered species, the Reserve is highly significant both locally and internationally for the conservation of species.

In encouraging visitor awareness and enjoyment of the Reserve resources,
care will be required to ensure that visitor impact does not impair these resources, especially because of the limited size of the Reserve. I would like to read to you a delightful extract I took this morning from the book which is in the Foodlands Complex, and I will mention a little later where else copies of the draft Plan may be found, but I think a younger has written this. It says – "I think it is a good idea (referring to the Mount Pitt Management Plan) but you cannot be sure the birds will stay there because if men and trucks keep stomping through the area they might scare them away". It is a very practical attitude towards the Mount Pitt Management Plan I do believe. There is some suggestion that the traditional Bridle Track will be reserved for walkers but horse riders and horses be excluded. This to me seems to be one of the traditional aspects of the Mount Pitt area which should receive further consideration. It is a beautiful walk, it is a glorious ride, and perhaps there is some way that both may be enjoyed. There is a stated objective, and I quote, "To identify and provide for appropriate traditional uses in the Reserve". So I would suggest there is room to manoeuvre on that suggestion and if anyone has any feelings about it, one can but encourage them to put them forward. Another stated objective is to direct development and use in the Reserve away from those areas vulnerable to erosion, those which are valuable as habitats or those which contain significant remnants of Norfolk Island flora, and that is enough to make you weep – remnants of Norfolk Island flora.

There is another stated objective, and I quote again, "To safeguard the Reserve being adversely affected by recreational activities undertaken either in the Reserve or along its boundaries". It would be unthinkable to allow shooting or trapping in the area of the Reserve. It is equally unthinkable to allow motor bikes and trail bikes to be allowed to run riot within this sanctuary, they would have virtually the same affect on the wildlife, let alone the flora.

I am not totally convinced that the terminus of Selwyn Pine Road is the place for the Visitors Centre. It has been suggested to me and I am inclined to agree that it would be far better to place that establishment in an area already well invaded by humans and human noises rather than encroach further and deeper into the Reserve area. I am also a little hesitant about the supply of brochures and other printed
matter, let alone various cans, packages and papers, in an area within the confines of the Reserve itself. It seems to me it is a bit like plonking Bubby’s Burger Bar slap in the middle of the beach at Emily Bay.

Again Mr. President I thank the House for its indulgence. Coming back to the green parrot, Beryl Evans is the collator for local reports on the green parrot survey for 1981-82 and she does not think as many are being seen but she admits that it is difficult to tell. There is some confusion perhaps between the green parrot and immature rosellas. She can only say that reports are not as many as last year.

I can only say again Mr. President to people who are interested in the green parrot, to people who are interested in the Plan of Management for the Mount Pitt Reserve, the whole operation closes I think tomorrow week, the 30th of this month. The survey of the green parrots is what started the Mount Pitt Management Plan, lets anyone who has any thoughts about the green parrots or the National Park please put forward their comments before the 30th of this month so that we in turn as the Legislative Assembly may react to their suggestions and their recommendations.

I thank you Mr. President and I thank the House.

MR. PRESIDENT: Thank you Mrs. Gray. Further participation in the adjournment debate Honourable Members. Mr. Howard.

MR. HOWARD: Thank you. A couple of weeks ago there was some disruption and tension and conflict I guess you could call it on the Island that distressed a great many people who live here. I wanted to say simply this, that without knowing I think some people on the Island might assume that that tension and conflict is continuing or even worsening. I wanted to say that it has been my experience in the days since then that in the day to day operating of the Administration and the day to day business of getting on with running Norfolk as best we can, that I have had nothing but intelligent, co-operative collaboration from the people in the Administration that I particularly deal with. I would like to mention in particular Gil Hitch and Brian Bates and Kevin Williams, they are all responsible for matters that are in my portfolio. I would like particularly to mention the secretaries in the Admin
building and the girls who man the switch, despite the appearance of conflict. I want to say that what I have had from all of those people has been courtesy and good ideas and help and co-operation, and I wanted to assure people who might be worried about the state of the Island that the place is being run and I think it is being run with the help of very competent and very willing people.

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

MR. CHRISTIAN-BAILEY: Thank you Mr. President. The Tourist Board at its meeting yesterday unanimously supported the appointment of a Director of Tourism. I support the appointment most strongly. I have for a long time thought a Director of Tourism for Norfolk Island should be one of paramount importance. Tourism in this day and age is highly professional and we cannot possibly continue any longer to have the Islands own industry virtually rudderless. I am not critical of what members of the Tourist Board have done in the past, they have in fact done a marvellous job under the circumstances. However the days of laymen directing an industry so important to our economy and to the Island's future are well and truly over. I would hope that the job in time will be filled by an Islander, in the meantime the person selected must be a professional field in every sense of the word. It is hoped that the position will be advertised in the near future. Thank you Mr. President.

MR. PRESIDENT: Thank you Mr. Christian-Bailey. Mr. Brown.

MR. BROWN: Thank you Mr. President. I thought I might say a few words about tourism policy. In May 1981 the First Legislative Assembly's Select Committee inquiring into tourism delivered its report. This was debated by the First Assembly but to date it has not been formally adopted. Some circumstances have changed since that time. Perhaps as a result of the world wide recession tourist numbers are not at present rising. The concern of 1980 about controlling tourist numbers is not presently with us. As a result there is pressure within the community for the introduction of aircraft larger than the F28, specifically the
Boeing 737, and pressure to override the recommendations of the Select Committee that Norfolk Island should be an end destination rather than a transit point on a longer journey. Some feel that we should open up tourist numbers altogether and open up air routes through Norfolk Island, others disagree and believe our restrictions must continue in order to prevent Norfolk Island and its lifestyle being put at risk. In preparation for the reintroduction of the Select Committee Report into the House for debate, for debate in fact and then adoption or otherwise, a number of new copies of the Report have been printed and are available for sale at the Tourist Bureau office. Our tourism policy once adopted will play an important part in the future of Norfolk Island. If any member of the community has something to say, I hope that he will get a copy of the Report from the Tourist Bureau if he does not already have a copy and that he will then say his piece, afterwards will be too late. It will be too late to complain about 737's or the lack of them once consideration of the Report is complete. It will be too late to talk about the merits of terminating flights versus transit flights once consideration is complete.

Mr. President copies of the Report are available at the Tourist Bureau office, I think the cost is about $4, and I am sure that anyone wanting a report will be excellently served by the staff of the Bureau office.

MR. PRESIDENT: Thank you Mr. Brown. Honourable Members any further participation in the adjournment debate. The question is that the House do now adjourn.

House adjourned at 3.47 p.m. until Wednesday 6 October 1962 at 2 p.m.
EXECUTIVE COMMITTEE MEETING

8 SEPTEMBER 1982
EXECUTIVE COMMITTEE MEETING - 8 SEPTEMBER 1962

CHAIRMAN: MR. E.D. HOWARD

MR. HOWARD: I declare open this Executive Committee meeting. The time is 12 minutes past 10, the date is the 8th of September. All three Executive Members are present. All other Members of the Assembly are present as auditors not as participants.

MR. HITCH: Mr. Chairman do you need a Minute Secretary.

MR. HOWARD: Before we begin I wanted to ask a couple of questions of you Mr. Hitch. I understand that you have given notice that if it became necessary for you to serve as Acting Chief Administrative Officer, you would not be prepared to do that, is that right?

MR. HITCH: That is so, I feel obliged in view of the fact that I signed the petition.

MR. HOWARD: I think as Chairman of the meeting I will excuse you from keeping the minutes. I think you have got some conflicts of interest that we should not try to resolve and therefore I will record on tape the proceedings rather than having them taken in minute form.

MR. HITCH: I bring the minutes for reference usually, do you want me to leave these.

MR. HOWARD: Yes thank you very much.

Ladies and gentlemen, the Island has some problems, we need to solve them as best we can. I think they can be solved, I think they are on their way to being solved. Certainly for the course of this particular Executive Committee meeting I want to express my own hope and wish and expectation that the things we say, the thoughts we express will be done with dignity and fairness in a calm reasoning way. If there are any outbursts from any Members of the Assembly who are not members of the Executive Committee, I want to foreshadow in advance that I will have to call that person to order and if he is not orderly I will have to ask him to leave the meeting.

I would like to commence the meeting by playing for all of us to listen to, the radio broadcast that Mr. Buffett made earlier this morning.
MR. HOWARD: Having listened to that broadcast I think we can now continue with the meeting.
First of all I would like to give Miss Buffett and Mr. Jackson some papers that I circulated to other Members who happened to be down here yesterday, I didn't see either of you, and I think you should have copies of the letter from the Administrator about Mr. Gilchrist's resignation and a copy of his letter of resignation, and copies of minutes of an unscheduled meeting of the Executive Committee that was held yesterday morning. I am sorry I could not get those to you before now.
I would like to raise first of all a matter of concern about the broadcast that we just heard. The proceedings of the Executive Committee and the policies by which it operates were drawn up and agreed to first of all by the Executive Committee, they were then proposed to the full Assembly in open debate for the Assembly to consider and to adopt that Executive Committee procedure as approved Legislative Assembly policy if the Assembly wanted to approve it. The Assembly did approve it.
Part of the procedure for conduct of the Executive Committee, approved by the Assembly, is that each of the Executive Members is to carry out his duties in accordance with policies that are agreed on by the Executive Committee. One of the policies that was agreed on by the Executive Committee was that Mr. Buffett should continue from time to time making radio broadcasts over VLCNI, but that he was to do so with the clear understanding that never would he surprise the other Executive Members in anything that he said on the radio; that if he were to be dealing with anything contentious or unexpected that he would discuss the matter with his two fellow Executives before going to air. I am genuinely concerned that you, David, violated that agreement that you had undertaken, and I wonder if you have any comment on it.

MR. BUFFETT: It is quite obvious that when a matter of this importance comes to this situation that there has got to be some public explanation of the matter. It is quite obvious to me that on your part there have been meetings which I have not been a party, and decisions taken. In that sort of arrangement one cannot expect, for my part, to act in any other way than the way I have acted.

MR. HOWARD: In other words you felt that it was incumbent on you for whatever reasons to violate the agreement that you had agreed to.
MR. BUFFETT: I have quite clearly in my mind the understanding that the situation that we now face should be advised to the community of Norfolk Island, and that I have done.

MR. HOWARD: Did you have any particular reason for not wanting to discuss it with John Brown and me before going to air.

MR. BUFFETT: There have been so many discussions that you have had that I have not been involved in that I saw little purpose in my doing so.

MR. HOWARD: So what I understand you to be saying...

MR. BUFFETT: Well I don't care what you understand me to be saying, that is what I am saying to you... Let me make this point please, you have asked me about something and I will...

MR. HOWARD: Order please Mr. Buffett, this meeting is to be conducted with dignity and with courtesy and with politeness. There will be no raised voices. We have got problems to solve, let's try to solve them in a calm intelligent way. Now, you were saying, carry on please.

MR. BUFFETT: I have said what I wish to say about the matter. I should probably additionally say this. This meeting was called to discuss the matter that has been given notice of motion upon, not to conduct an interrogation, which I consider this to be.

MR. HOWARD: I am sorry that you continue to use harsh words, I hope you can speak more reasonably as the meeting goes on. John you were going to say something.

MR. BROWN: I was going to say that I am concerned that David has chosen to go on air with something that is quite contentious without previously having consulted either you or myself, and that he has not attempted in any way to say that he does not regard what he did this morning as being a breach of the Executive Committee's agreement. I am concerned at a few other aspects. I take the view that there has
been a gross breach of an Executive Committee confidence in the material that was put over the radio and I also seriously question the appropriateness of any Member using the local radio station to pursue his own political views, and I wonder whether this is what David was doing this morning. I think it is regrettable that it occurred.

MR. HOWARD: Another aspect of the conduct of Executives in their Executive roles has been agreed to by the Committee and supported by the Assembly and that is that the allocation of various portfolio responsibilities to the various Members is something that is to be agreed on among the Members themselves. I think there is, in my mind, a serious question that is raised following the broadcast this morning as to whether it is proper that David should continue having Executive authority over the radio station. I don't propose to take any action on a recommendation about that right now but I think that his ability to handle that particular responsibility in a way that is for the Government as a whole or the Assembly as a whole, rather than for his own personal views, is in question. I simply say it is something we ought to look at as time goes along.

As David said a minute ago the meeting was called to discuss the situation surrounding the Chief Administrative Officer. The situation has been changing almost from hour to hour. I think it might be well if I were to read out the minutes of the brief Executive Committee meeting that we had yesterday, which is the one that I just gave copies of the minutes to Gilbert and Alice. I think that this is the background to this meeting that we are having this morning, and I am now reading a minute of an unscheduled meeting of the Executive Committee held in the Assembly Executive offices at 12.30 p.m. on the 7th of September 1982, that was yesterday: "Mr. Brown, Mr. Howard and Mr. Buffett 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 the 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 other 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 to 16 December 1982 and that he and his family should be accorded appropriate immigration status to permit them to remain on Norfolk Island through to that date. These two recommendations were to be made subject to Mr. Gilchrist's avoidance of any involvement in the Island's administrative or 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. The meeting closed at 12.50 p.m."

Following that meeting, in accordance with what the Committee had directed him to do, I went and spoke with the Administrator and passed on to him the Executive Committee's reply to the question that the Administrator asked - namely what was the Committee's advice in respect of the date of Mr. Gilchrist's resignation. The Administrator thanked me for that information. As the afternoon went along it appears that the Administrator spoke with Mr. Gilchrist and passed on to him the advice that the Administrator had been given by our Committee. It appears that Mr. Gilchrist said words to the effect of - if my resignation was as of 16 December, if they want me to leave before then they will have to dismiss me. The Administrator relayed that reaction from Mr. Gilchrist to John Brown and John informed me.

In the light of those events and in the light of the broadcast that David made this morning, the circumstances that led to the calling of this meeting obviously have changed. We are in one of those situations where the situation is evolving almost from hour to hour.
I propose if you two agree that first we ought to talk again about the matter that we talked about yesterday, that is when Mr. Gilchrist's resignation should become effective, and that we look again to see whether in the light of what has happened since then we have overlooked anything, we have views any different to the ones that we had yesterday. Is that agreeable. Can we look at that again.

John would you be willing to express your views on this.

MR. BROWN: Well I have a number of views. Firstly from a management point of view it would be intolerable to allow Mr. Gilchrist or Mr. Rosser to remain in their positions at all once we have reached the type of situation that we have reached now.

MR. HOWARD: John excuse my interrupting. We are not dealing with Paul Rosser at all.

MR. BROWN: We have come to the stage of a severe confrontation, and from a management point of view we would be very foolish in my view to accept anything other than the position that we put to the Administrator yesterday, that is that Mr. Gilchrist should receive one month's pay in lieu of notice and that he should finish forthwith. I think an additional problem has been created this morning when the letter was read over the radio. The CAO was quite careful in handwriting his letter and delivering it to the Administrator, in doing so he could not be accused of defamation or libel in relation to anything that he has said. In David publishing the letter by reading it over the radio station, we are now in a position where the CAO may well have a claim against the Administrator for providing us with copies of the letter, against David for reading the letter, against the radio station for allowing the letter to be broadcast. When that possibility exists again it would be intolerable to allow the CAO to remain in his position.

I take the view that the CAO has been involved in quite a deal of the stirring that has gone on in the Public Service and that at the very least he has failed to do anything effective to stop the veritable flood of anonymous letters which have been published in the newspaper and believed to have originated in the Administration, and more lately those which have been published over the names of Administration staff. I
think that everything has gone too far now for us to think about kissing and making up. I think there is only one answer, regrettable as it may be, and that answer is that we should recommend in the Assembly and that the Assembly should recommend to the Administrator that the services of the CAO be terminated forthwith and that he receive one month's pay in lieu of notice.

MR. HOWARD: David you asked at the meeting yesterday that I record your contrary views and as you know I did so, and I hope I did so in a way that you think is a correct reflection of your feelings. None of the Members of the Assembly were present at that meeting, it was called very quickly because we had just received the letter of resignation of the CAO and we felt it was something that had to be dealt with straight away. For the benefit of the meeting, and also for the benefit of the other Members who are listening, would you care to put your contrary view or any other view you may have.

MR. BUFFETT: I reiterate that I explained that I saw the total picture of removal of the Chief Administrative Officer and what in my view has led to pressure his resignation to be a totally unacceptable one from my point of view. I therefore recorded my opposition to the proposal as John has explained, and that is that his employment should be terminated forthwith, and that in the circumstances the terms that he sought in his letter of resignation which I saw as an effort to conclude the matter by some measure as being the more acceptable and proper one for us to carry out.

MR. HOWARD: My view is much the same as John's. The CAO was head of the Public Service and it was provided for when our new form of government was set up in 1979 that the CAO was to be appointed on the recommendation of the Legislative Assembly. Now the reason for that is I think quite clear. It is that the view of the Commonwealth Government in setting up the Norfolk Island Act, in setting up the form of government that we are now operating, was that the head of the Public Service should be selected by and should be answerable to the Assembly, not to the Commonwealth, not to the Administrator, certainly he should not be an independent sort of free standing authority on his own. In carrying out that view of what the CAO's job is we as a Committee worked out and discussed with Mr. Gilchrist and with his agreement we adopted
a job description for the CAO which was we thought useful and reasonable and which Mr. Gilchrist agreed was. Having adopted that as Executive Committee policy we then took that policy again to the Legislative Assembly where it was debated by the Assembly and the Assembly adopted it as a standing policy. As I recall in the course of that debate Gilbert raised some concerns about whether we were re-writing a man's contract after he had signed the contract and whether that was fair. In the event I think it was not made binding on Mr. Gilchrist, but the simple fact was that he himself had agreed to that job description as being acceptable.

The duty of the CAO as spelt out in that job description was to take his riding orders, his directions, from the Executive Committee. It seems to me that what it boils down to is that the CAO must be a person who is willing to work well with the Executive Committee and who sees himself as having a duty to carry out the policies and the views of the Executive Committee, and when you reach a point where a man clearly is fighting with the Executive Committee, and is criticising Executive Members, and I would like to insert, saying in writing as he did in his letter of resignation things about one of the Executive Members which is simply not true, and re-telling rumours that he has heard that cast doubt on the integrity of two Members of the Assembly which I am certain was unwarranted, and I think when you reach a situation like that there is no point pretending that you are going to get along, and if you reach that point I think it is like a marriage that has come to a point of irremediable breakdown, and the thing in that regrettable kind of circumstances is for people to shake hands and go their separate ways. I don't see that there is any good to come for John Gilchrist or for the Government of the Island or for anyone for him to remain once we have clearly seen and he has clearly seen that it is not going to work. In the course of his letter of resignation he says in his own handwriting - leads me to the conclusion that I would find it impossible to continue as an efficient Chief Administrative Officer for the full term of my appointment.

The problems that he is talking about are the ones that exist right now and it seems to me that they are problems that in his view make it impossible for him to continue as an effective Chief Administrative Officer. We should not kid ourselves, we should not pretend that somehow
he can be an effective Chief Administrative Officer. Those are my views. I think what we are saying is substantially the sort of thing that we said yesterday when the three of us met. I don't know that our views have altered a great deal since then. I agree with John that David going on the radio and making it a celebrated public fight does not make the situation any easier. So I guess for the benefit of other Members who weren't at the short notice meeting yesterday, that is a summary of the views that we have formed and that are held now. From my point of view I say let's put aside for the moment the fact that at least two of the three of us believe that Mr. Gilchrist is not the man for the job and he has come to the same conclusion himself. The job is not the job for him. Putting all that aside for the moment, I propose we discuss for a minute what decent people ought to do in these circumstances and whether we ought to be more liberal than we proposed to be yesterday, whether in fairness to Mr. Gilchrist we ought to look again at his request of staying on until the middle of December. I don't think he can do the job in a satisfactory way but I think as a straight matter of human decency we ought to talk about that aspect, looking at the man as a person and at ourselves as people. We are in a position of responsibility and the Assembly is in a position of very complete power over Mr. Gilchrist's position. I think we ought to stop and think again whether we should be gentler with Mr. Gilchrist, whether we may have been unreasonably hard on him in what we decided yesterday. Can we talk about that.

MR. BUFFETT: Yes I wanted to first of all mention a couple of other things which in some measure touches upon what we immediately discussed and this particular part too. I really consider what you have said Ed in respect of your previous words, I think that you are considering that the man is not pliable enough, pliable enough to the means and measures of the Executive Committee as you explain it, in other words you consider he is not a yes man. I consider that we don't want a yes man who says yes sir, no sir, three bags full sir, but who in fact applies a diligent mind to whatever the matter or the project is, and he may not come up with factors or matters which we like but he is nevertheless a man doing his job, not a job just to say yes or no, and he is obviously not a yes man, and I think with the greatest of respect that you find some difficulty with that. I think also that probably in the newness of the Legislative Assembly there has been some attempt to
pursue certain lines which have been shown to be contrary to experiences that have been had in many places in the world that utilise this sort of government or a similar sort of government. I just mention the files as an example, I don't want to pursue it but I just want to give an example, and I think really that in my view was quite a proper course for the CAC to take, but it did not please everyone in the Assembly, in fact it certainly made some Members absolutely rabid, if you will excuse the expression, and I think that that was again put in the minds of people that the CAC wasn't doing what we wanted, but in fact he was pursuing what was considered to be the right thing in the circumstances as he was put. And all of that really comes to the situation that I think what you are after is a yes man and he is not a yes man. I don't think in the matters he pursued that he was doing things that were contrary in fact to proper conduct. It may not have been right because that wasn't how people liked it in some measure but it was not improper conduct at all, in fact it was pursuing conduct that experience has found to be wise conduct, but I think that has built up a case almost against him and I think it is based on that sort of thing that has led to a situation that you will probably describe as a bit of a confrontation. I must say with the greatest of respect again that I think Ed on occasions you tend to come to a confrontation situation, and I think you have done it with Gilchrist, and I think with the Public Service generally, and that doesn't help the matter when in fact we have the difficulties that we've described, and so I think the move that in fact is proposed by the motion or any adjustment depending on how you feel about the matter, I think has been generated by that sort of background, and I have tried to give my view about the background and I don't think it is background that is detrimental to this man, people don't like it, I have said that a number of times but I don't think it is detriment, I think he has acted in a proper way and people do act in a proper way and sometimes people don't like it. I would hope that he would not be condemned for that. You see now we are coming to a situation whereby we need to consider what the proposal is, and I would like you to consider the points that I have made when we do get to that.

MR. HOWARD: Yes, thanks. We got off the direction that I was suggesting we talk about, which was that we examine our own sense of humanity and compassion and think about whether being decent human
beings we ought to treat him any differently, but I think the points you have raised are important ones.

MR. BUFFET: If I may, I think they are important background points when we consider this particular matter.

MR. HOWARD: I am quite happy to pursue that line of discussion that you have raised. John have you any comments on that sort of thing.

MR. BROWN: On the matters David has just raised.

MR. HOWARD: Yes.

MR. BROWN: David has said that you or I don't like him because he is not a yes man. He is there to do what he is told. In the event that he disagrees with something that he is doing, his job is to then point it out that he disagrees and point out why. If he is then told well thanks for your advice but do it the way we told you, he should do it, he shouldn't do what he has done in the past. The files issue is an issue which wasted a lot of time in Executive Committee and a lot of time of Assembly Members generally, and in the files issue as in a number of other issues, what he in fact did was to stand out on a limb, take a very firm position which was simply wrong and then spend a long time attempting to justify what he has done. He sought the advice of the Legal Adviser, we had to go and seek advice from Duncan McIntyre. In the end we found that Duncan McIntyre and the Legal Adviser basically agreed; we found that Canberra basically agreed and we found that the Attorney-General basically agreed, that the Executive Members had to have access to the files. Having got to that stage the CAO still attempted to say see I told you so, I was right all along. In fact he was wrong all along and he wasted a hell of a lot of our time. I don't accept that in everything that he has done the CAO has acted in a proper way. It is my view that the CAO has simply failed to act in accordance with the directions of the Executive Committee on a number of occasions and has of his own volition chosen in fact to work against the direction in which the majority of the Members of the Assembly itself were attempting to work, and so I don't really see that the matters David has raised, looked at from my point of view, create any requirement for us to show additional compassion to him, and frankly if
we were to be showing any compassion, the only possible compassion would be to say righto we'll give you three months pay instead of one month, and I think that would be a very questionable use of public money. I don't think there is sufficient justification to show that compassion.

MR. HOWARD: I would like to talk for a minute on the files question, David, and I am puzzled by what you said. What you said was that the position that John Gilchrist took was as a matter of fact quite a wise and long tested procedure that was followed by countries elsewhere who have this same kind of system. I think you must remember when Malcolm Bains was CAO the Executive Members had full access to the files that they needed in the Administration, that was the routine up until John Gilchrist came along. John Gilchrist suddenly issued an order to the Public Service saying no-one but members of the Public Service is ever to have access to any records. He said if any Executive Member wants information from files they are to ask me the CAO what information they want and I will see that they get a report of some kind given to them but they are not to be allowed to have the files, the files are the property of the Public Service he said and they can never be seen by anybody outside the Public Service. Now that is the position he took and that is not the way it is done in other countries of the world. Any public servant who took that point of view in Canberra, any public servant who said to a Minister that the Minister could not see a file that the Minister wanted to see would find himself out in the outback the next day and may never be brought back into the big city again, he would be finished. Behaviour of that kind would just not be tolerated. When you say that you think that the position that he took was a responsible one and was in keeping with wise experience and long years elsewhere, that is just upside down to what the facts were. The way it is done in other countries is the way we are now doing it here. We are now doing it here the way it is done in other countries only after a long fight with John Gilchrist when he monopolised the Legal Adviser to build a position for himself and we have had to spend a bit of public money to go hire an outside lawyer to advise us on our side of the story. As John said there was then agreement with the position we had taken as against John Gilchrist's position, from the Administrator, from the Department in Canberra, from the Attorney-General's Department, and the situation was reversed and since then we have had access to the files which you have to have if you are going to try to run a place.
So I am quite confused about the points you raised.

MR. BUFFETT: I think you are ignoring the initial situation Ed.

MR. HOWARD: What is that.

MR. BUFFETT: The initial situation was that files should be available to all Members of the Legislative Assembly.

MR. HOWARD: Files had been available to Executive Members of the Legislative Assembly under Malcolm Bains and up until the arrival of John Gilchrist. John Gilchrist then suddenly issued an order saying that the files were the property of the Public Service and were not to be shown to any Member of the Assembly, Executive Member or otherwise.

MR. BUFFETT: What I have said is that you are ignoring the initial situation and the initial situation was that there was a proposal that in fact files should be available to all Members of the Assembly. To be quite frank I don't want to go on and on about this because we are arguing about another matter which is not really the substance. I think we have put our views about the matter, but I do say that that was the original proposal, and he thought that that was not the way to handle it.

MR. HOWARD: There may have been such a proposal which he could have resolved very quickly by saying no I don't think it is proper that all Members should have access. All Members do not have access in Canberra for example, but Ministers do.

MR. BUFFETT: Yes I am aware of that.

MR. HOWARD: But his response was that no files were to be seen by anybody, Members of the Assembly, Ministers, anybody outside the Public Service. He put an absolute ban on our having any access to files.

MR. BUFFETT: Yes that might have been the initial view but also one has to take into account that the initial view on the Assembly side was that all files should be available to all Members.
MR. HOWARD: Well my feeling very strongly is to agree with John that what John Gilchrist did was to get himself out on a limb, and he took a foolish position that no public servant would ever take in any other Government. After we struggled and fought for some weeks on that he finally backed right off his position and said alright Executive Members can see the files, and since then everything has been alright, but it was a long struggle because he got himself into a foolish position having made a decision that is not the done thing elsewhere, it was an extraordinary unusual position. Anyway as you said perhaps that is enough on the question of files.

I would like to go back and comment on a couple of the other things that you said David. You said you thought that what I seemed to want was a yes man. Now that is not reflected in the job description that the three of us agreed on for the CAO. In that job description which is the one approved by the Assembly and accepted by John Gilchrist it is very specifically set out that in the first place the CAO is to follow all lawful orders that are given to him by the Executive. It then goes on to say that whenever the CAO disagrees with the position that the Executive are taking or with the policy that they are proposing to follow, he is expected to come forward with his contrary view, now that is not a description for a yes man. I think the last thing in the world we want is a CAO who is a yes man. On the other hand we don’t want a no man, we don’t want a man who says no I won’t accept your instruction; a man who says no I won’t follow that order. I think we want a man of character. I think it is a hard job the CAO’s job, it has got several difficulties to it. He reports mostly to the Executive Committee. He reports on Commonwealth routine matters to the Administrator. Now its hard for anybody to have two bosses, and he has got two bosses, one is the Executive Committee, the other is the Administrator on certain matters. The Administration has in it a lot of old fashioned procedures and things that have not been picked up and looked fresh at for a long long time and I am sure that in many ways old fashioned procedures and policies hamper the whole Administration and certainly hamper the CAO. But I would give you another example of his being a no man. Very early on when he had been on the Island only for a matter of weeks in one of his reports to the Executive Committee, he said that he planned to set up two committees within the Administration; one was to be the Forward Planning Committee and the other was the Policy Committee I think, I am
not sure, but there were two committees including quite a number of
the senior branch heads in the Admin, and he was going to have meetings
of these committees that would be held I think on alternate Thursdays
each week and they were to last a couple of hours. The Executive
Committee considered that proposal of his and we started out, from my
recollection, as saying don't do that, that is too much change too soon,
you're just on the ground John Gilchrist we said, don't start trying to
turn everything upside down when you really don't understand the Island
yet, when you have just arrived, don't try to remake the whole thing
straight out, put that idea aside for the time being and think about it.
There was then some discussion, and as I recall David you took the
point of view that the CAO's job is to be CAO and to manage the
Administration and that we as Executive Committee should not be giving
him detailed instructions on matters of that kind. And so we modified
our resolution and simply asked the CAO to take into consideration the
fact that the Committee thought those were ideas that should be left in
abeyance for a little while. That is the way our decision read, we left
it to him but we made it clear that we thought it was juggling around
the organisation too much too soon when he had so little time on the
Inland and so little real understanding of how the place works. What
he then proceeded to do without telling us was to go ahead and set those
committees up just exactly as he had planned to do in the first place.
Not only did he not inform us that he had overruled our advice that he
had decided not to take into account what we had advised him, what we
were suggesting, he went ahead and set up those committees and he set
them up on a basis in which material brought before those committees
and the minutes of the meetings of those committees are secret from the
Government, they are by the CAO's instructions to be confidential
within the Public Service. None of us three are allowed to see anything
that has happened in those meetings. Now to my mind on hearing that,
he is not a yes man, but I think that is the action of somebody who is
going to go ahead and do things his own way regardless of the guidance
that he is getting from the Executive Committee, and I think the idea
of setting up committees that take a great deal of time from the busiest
people at the top levels of the Admin to discuss various matters and then
to ensure that those are secret meetings and that the Government may not
have access to any records from those meetings, is extraordinarily
questionable indeed. Again on the question of being a yes man, I would
like to talk for a moment about the budget. John Gilchrist discussed with me his ideas for the sort of budget that the Administration was thinking about preparing and submitting to the Executives and the Assembly, and he was talking about a budget that was going to be very heavily in the red, and I said to him, John really I can speak only for myself but as Executive Member for Finance I have to tell you that I cannot support in front of the Assembly a budget unless it is balanced, I said I think you have got to balance the budget. Well he said we are working on it and I will come back to you with more detail later on. So a few weeks later he came back with a budget that was as near as I could see about $500,000 in the red, and I said again John I don't think the Assembly is going to wear that, I think you have got to balance the budget and I said if you and your branch heads are not willing to figure out how the budget can best be balanced, I am sure the Executives and the Assembly can do the job for you, and we can tell you how to balance it, but wouldn't it be much better I said if you as the head of the Public Service and your branch heads who are the people in the top executive positions sat down and you said to them, gentlemen for better or for worse it looks as though the Assembly is going to insist on a balanced budget and we are going to have to balance it now lets do it, lets us come forward with a balanced budget if that is what is required. I said wouldn't that be miles better than having it forced on you by the Assembly. The next thing we got was a very elaborate detailed budget with lots and lots of explanations and analysis about all kinds of things, which by my reckoning was still hundreds and hundreds of thousands of dollars in the red. Now that's the kind of behaviour that seems to me is the behaviour of a no man, a man who will not do what you have reasonably asked him to do, a man who is going to go ahead and do it his way regardless. The budget has continued to cause problems. I take violent issue to a statement in his letter of resignation in which he says that I have failed to discuss important budget matters, that is just baloney and he knows it. Both John Brown and I resolved almost the day that we were made Executive Members that the slow back and forth of correspondence and questions between the Administration and the Assembly was going to be fixed, and that we were going to start giving answers to questions straight away. Since then I have done every single thing I can to get answers to questions that have been put to me from the Administration on finance matters almost instantly, very often the same day that I get the question, almost always within a day or two. I have fallen down on a few but not on any
important ones that I am aware of. Now I am absolutely unaware of any occasion on which John Gilchrist has asked for discussions on budgetary matters when I have not been immediately willing to have such discussions. Now he has slandered me in that statement in his letter of resignation quite unjustifiably and I resent that, but that is by the by. Since the budget was introduced into the Assembly and passed by the Assembly, it certainly should have been clear to a good CAO that whether he liked it or not that was what the Assembly had voted for and that that is what he had to live with. I have had one complaint from John Gilchrist after another that he needs more money and his justification is I told you we needed more money in the beginning. It got to the point that I think you are both familiar with, that was just unacceptable practice from my point of view when after two long discussions taking an hour or more at a time of you David, me, Gil Hitch, Brian Bates, John Gilchrist agreed that he would pay for the muster out of savings in salaries that he had available to spend. So the muster would be paid for and that is where the money would come from. He then informed me a week, ten days later that he had spent the money on something else. We cannot have that, we cannot have a man telling you in writing yes the muster money is available and it is coming from this source and it will be paid for from that source and then telling you a week later I spent the money on something else now I need more money. I agree that he is not a yes man, but that is not competent management from my point of view.

Can we go back to the question of compassion, you have expressed your point of view about that John, David do you feel we are being unduly harsh.

MR. BUFFETT: Yes I do, I have expressed what I feel.

MR. HOWARD: What do you feel would be a fair thing to do. If you've come to the conclusion, and I am not saying that...

MR. BUFFETT: Before we get too far off this, you mentioned a couple of things which I have serious doubts about.

MR. HOWARD: Fine, please mention them.
MR. BUFFETT: We'll go backwards. You mentioned the budget, you mentioned the muster. I do recall those conversations whereby there was a small amount of money which had been left over from pay days and it was explained that whilst that existed in that form at this moment, it was a well known fact that in fact if all of the staff were paid their full entitlements in a pay period, it was unlikely that you could meet the bill.

MR. HOWARD: I don't know that that has been said.

MR. BUFFETT: Well that was my understanding, and the example given was a particular fortnight in which there was only something like $200 odd left over, but it was a known fact that there was one person who was on leave without pay, therefore if that person had been paid out of that week there would not have been sufficient.

MR. HOWARD: Can I comment on one point. In the budget the objective was to provide enough money in wages and salaries to keep the existing Administration staff on the same kind of pay that they had been earning and to hold it at that level. Staff costs can vary up and down from time to time depending on demands. I said to John Gilchrist if you get into a squeeze situation your first obligation is to pay things like long service leave or to pay the airfare subsidies for people who are entitled to them to go over to the mainland, that is your first obligation to come out of the salary money because those are commitments that flow from past times, past service, that is what comes out of the salary money first. Now I said if you find you are in a squeeze and you have to begin cutting salaries, what you will have to cut I think is first of all the amount of overtime money that you pay, and if cutting that does not adequately relieve the squeeze you then have to think about reducing the number of casual employees and temporary employees, and I said you should exhaust all of those possibilities before you think about affecting the entitlements of the permanent established staff at the Admin. I think that he has had adequate money and if he had been reducing in ways that could be reduced, he could have managed. As a matter of fact he has been managing. We are only a couple of months into the year but so far the $58,000 a fortnight has covered each fortnight and he has been alright. So maybe it wasn't such a bad estimate after all. That is all I wanted to say.
MR. BUFFETT: Yes, except in the situation that we now find whereby there was an accumulation of some monies, I can't remember how much, a couple of thousand dollars, which is accumulated by something like $200 one fortnight and something else another. It was projected that there would be none, not exactly unusual calls but there would be some additional calls on the fortnightly salary, for example with Bob Selby retiring and he needed to be paid his long service leave etc, with that knowledge in mind it was clearly indicated that when that situation came there would not be sufficient funds to in fact pay the salaries for the muster and...

MR. HOWARD: John Gilchrist told us in writing, in a letter to you with a copy to me, that it had been agreed that money for the muster was available and the muster would be paid for out of funds in hand from salaries that had been saved, and you said right my muster is paid for. Ten days later he tells me I'm sorry I spent the money on something else.

MR. BUFFETT: Yes, and this is what I am getting to. It was made on the basis that there was sufficient funds then but there was also projected the Bob Selby situation for example, I don't want to keep using names, that is not very proper, but a long service leave entitlement, in fact you wrote to him saying that should have priority call on any monies, and so as I understand it we had this accumulation of whatever the long service leave entitlement was that came up which was explained and which you had written to him saying should have priority, and when it was given priority that in fact exhausted the funds.

MR. HOWARD: If you go back and read the letter I wrote to him and read his letter to me that prompted my reply, he said I have not got enough money to pay Bob Selby's long service leave, and I wrote back and said of course you have got enough money to pay Bob Selby's long service leave, you have got to pay his long service leave, it is an entitlement, he has earned it over a period of years, you cannot say you have not got money for that, that is the first call on your money. I then went on to say in that letter this is a particular point that has not been clarified this definitely until now and I think in the future you ought to plan knowing when somebody's long service leave is coming up, that is
first call on the money, but as this is a recently clarified policy in the circumstances I am willing to provide money out of my account of $50,000 for the year to pay Bob Selby's long service leave. I said I'll hope to be able to recoup that later in the year from some other saving, but in the circumstances there is the money for Bob Selby's long service leave. My complaint about the whole thing was that he said in writing the muster is paid for you can relax. Ten days later he said he had spent the money for something else will you introduce a new Supply Bill and give me money for the muster. You can't have that, that is just crazy.

MR. BUFFETT: My understanding was that it was spent on the long service leave, or are you saying it was not.

MR. HOWARD: I had already made money available from other sources.

MR. BUFFETT: From other sources.

MR. HOWARD: Yes, and then he was coming back for additional...

MR. BUFFETT: That is certainly not my understanding of the matter.

MR. HOWARD: Well it is all in the correspondence. Have we dealt with that little side issue enough. We were talking about compassion.

MR. BUFFETT: I just want to mention that you made much of the fact that being a yes man was in fact tied up in his terms of reference, well his terms of reference is one thing but what in fact was considered is another matter.

MR. HOWARD: I don't follow.

MR. BUFFETT: Well in fact you say that he is required to do certain things within his terms of reference, in other words to offer advice whether it is good, bad or indifferent as far as other views are concerned, and I understand that that is in his terms of reference but I don't think that necessarily means that there might not be a view held that he should be more strongly a yes man. They are the only couple of things I wanted to say.
MR. HOWARD: Well if you have got any doubts about my own views on that matter, I loathe and despise yes men, they are creeps, you don't need a creep in that job, what we want is somebody with a good mind and who is willing to follow marching orders when they are given to him, who is willing to speak up from his point of view, argue his side, if having put his point of view the Executive Committee says to him Mr. CAO please do as follows and he then doesn't do that, that is intolerable in my view. Can we get back to compassion. What would in your view David be a compassionate way of solving this thing.

MR. BUFFETT: I think in a manner that has been proposed in his recommendation. The man is resigning, so there is some acceptance that it has got to be cut off, and from what you have said you find that a desirable way of handling it. I have another view but I won't argue about it at this moment. If in fact that is the course that he has proposed, his initiative to so remove himself, I think there should be some accommodation of that movement on his part. So I think it is a fair proposal to consider. There is also the very compassionate situation about his child's schooling, and it is not just a normal school year, the girl is doing her school certificate and that is the first most important exam that in fact in the secondary area one has to tackle and I think that certainly does deserve some very compassionate consideration.

MR. HOWARD: Could you be more specific, do you feel the man should continue in the CAO's position until the 16th of December doing the job.

MR. BUFFETT: Yes I can wear that.

MR. HOWARD: Do you think that is desirable and correct.

MR. BUFFETT: I think in all of the circumstances it is. I know there are some undesirable aspects that you would consider but I think all of the circumstances that it is, in fact he is indicating that he is withdrawing, we are talking about a period of time to so do, I think in fact some of the difficulties that have been thought might happen in that particular period, in other words if he is going he is going, I think in fact if it is quite well known in fact he is withdrawing at that time I don't think there would be the difficulties that you have
envisaged could happen. I don't know exactly what you envisage but obviously in your mind there are some difficulties.

MR. HOWARD: Well the principal difficulty in my mind is the one that I have mentioned, that I think the CAO must be somebody who is able to work well with the Executive Committee and the Assembly, who wants to support the Executive Committee and the Assembly, who wants to try to gain within the Administration support for the policies of the Government of the day, I think the CAO should be someone who keeps the Executive Committee accurately, intelligently informed about what is going on in Admin, whether there are problems, if so what can be done to solve them before they become serious. I think with that kind of a relationship you need somebody who is really on side, somebody that you can trust and rely on, and it seems clear to me from his letter of resignation and the things he has said, that he does not agree there is that kind of situation, whatever the rights and wrongs may be, there is a poisoned situation, one that he cannot live with in the long term.

MR. BUFFETT: Well we are talking about the short term.

MR. HOWARD: I don't see why it is in the Island's interests to have a man who feels that way in the CAO's position one day longer than is necessary, I think it is against the interests of good government. There is a related matter here that I would like to mention. John started to talk about Paul Rosser and I cut him off, but I think there is one way that the Rosser situation relates to the Gilchrist situation. Paul Rosser has resigned and has given his resignation to John Gilchrist, the CAO, and John Gilchrist says 'I have accepted Mr. Rosser's resignation with regret. Now in Paul Rosser's letter, which from my point of view no sensible legal trained man should have written, I am certain he is under emotional stress at the moment and you have to acknowledge that sometimes when people are under stress that they don't behave in the balanced way that they do at other times. Paul Rosser in his letter refers to my unwillingness to continue to serve a Government that lacks any proper appreciation of the nature of responsible parliamentary government and the obligations that such a form of government imposes on its members. Somewhere else he says a similar thing again. He lists a number of points in his mind against
the way the Assembly, or some Ministers at least, have been behaving. He says, 'these things bring me to the realisation that I cannot in conscience continue to serve the men who control this Government', but he says he will stay on until 10th December 1982. I think that there is a very serious question of whether John Gilchrist as CAO could possibly have accepted a resignation as from 10th December from a man who says 'I cannot continue to serve the men who control this Government'. 'My unwillingness to continue to serve the Government' he says. What the heck is he going to do between now and the 10th of December if he is not serving the Government, if he is unwilling to do that. I think that man has got to go, now, from my point of view.

MR. BUFFETT: Hang on, you went crook at me for raising my voice a bit earlier, maybe I should offer you the same caution, with the greatest of respect.

MR. HOWARD: I am sorry. I think the man has voluntarily walked the plank, I think he is wrong. He has said, 'I cannot work for those people'. Can we keep him on until the 10th of December. That is not acceptable in my view. John Gilchrist's acceptance of the resignation and his willingness to keep on for three months a man who says he cannot serve the Government. What on earth is he doing if he is not serving the Government.

I think it would be a useful idea, if you two agree, if we adjourn the meeting and listen to Members views. Are you willing. Yes.

MR. HOWARD: It is now 20 minutes past 12. We have had about 45 minutes of discussion, not as Executive Committee but informal discussion among all Members of the Assembly to allow the non-Executive Members to put their views, which they have all put. The Executive Committee is now re-convened.

May I ask the three of us if we can decide once again on the matter of compassion. My own view which I put as one Member is that we should not allow the man to stay in the job. David you said earlier that you thought that the fairest and best thing would be if he did stay in the job. Do you have any different opinion now.

MR. BUFFETT: No, not really.

MR. HOWARD: John.
Mr. Brown: As I said before, from a management point of view there is no way that you can leave the man in the job. I believe that the advice we gave to the Administrator yesterday showed all the compassion that can possibly be shown and we should stick to that very same advice.

Mr. Howard: Is it agreed then that by a vote of 2 to 1 that the Executive Committee's advice to the Administrator should be that Mr. Gilchrist should no longer remain in the position of CAO - I am not dealing at this point with compensation or compassion or the other aspects, but that he should not continue to serve as CAO.

Mr. Brown: I agree.

Mr. Howard: And you dissent David, is that right.

Mr. Buffett: I do.

Mr. Howard: Now it may not be a matter of simply advice to the Administrator, it may be that if Mr. Gilchrist holds to his position that 'if they want me to leave the position before the 16th of December they will have to dismiss me', if that is the fact then a motion will need to be brought this afternoon in the Assembly that the Administrator be advised that his services be dispensed with. If there is some way of smoothing it out better between now and the Assembly meeting by the Administrator having a conversation with John Gilchrist, maybe such a motion won't be necessary but if it cannot be smoothed out, if John Gilchrist still feels, 'I stay in the job until the 16th or you will have to fire me', then the Assembly will have to consider that as a formal motion this afternoon. I think leave would be asked to make such a motion and if leave is not granted I think we would then have to consider suspension of standing orders to allow such a motion. So there is one Executive Committee decision. The question of compensation, money. David believes he should stay in the job. I would assume David that if the Assembly votes or if John Gilchrist is willing not to stay in the job, I would assume that you think he should be paid for that time, to the 16th of December, even though he is not in the job, is that a fair assumption.
MR. BUFFETT: I have examined the matter as to whether there should be some compassion and on the basis of that I have considered that there should be, and the compassion that I would consider is that he should have the three months notice. Now compassion, of course it depends on whether you are being helpful to the person or not. Now I don't know whether three months pay is going to be, from his point of view, considered helpful, and I would wish to seek his view about that. Further to me saying that, if in fact it is not a compassionate view, I would wish to pursue the matter of being compassionate in this situation.

MR. HOWARD: If it is decided that he not remain in the position, if that became an established fact, a reality of the world, then do you believe that the next position should be that we should at least offer him three months pay, is that what you are saying.

MR. BUFFETT: No, I want to know whether in fact that really is compassion. I am not going to offer it to him if it is not compassionate. So I don't know that.

MR. HOWARD: So your position isn't clear as to what the next position would be.

MR. BUFFETT: That's right.

MR. HOWARD: My view is to agree with John. I think the arrangement that was proposed yesterday, allow him to stay on in a nice house at a low rent through the 16th of December and to adjust immigration permits in such a way as to allow them to stay on so his daughter can finish the school year, but so far as compensation is concerned my view is that his contractual terms of appointment specify one month's notice, they don't specify three months notice, they specify one month, and if the man is resigning, I believe he should be given one month's pay in lieu of notice. That is in accord with your view John.

MR. BROWN: Yes.

MR. HOWARD: Then I will record that as the end, a decision of the
Committee, with David dissenting from that decision. Let me make sure that that particular motion includes something that I believe both you and I, John, feel should be included, which is that his remaining on in the house and having an immigration status would be contingent on his abstaining from participation in political or administrative affairs of the Island during that time, and if he began to stir or try to rally an army of supporters, well I think he should be deported.

MR. BROWN: I support that.

MR. BUFFETT: And I consider that to be oppression.

MR. HOWARD: Oppression.

MR. BUFFETT: Yes. The man is entitled to make his views known.

MR. HOWARD: I think the man is entitled to make his views known but I think when he begins causing public damage, a little restraint should be put on him. I don't expect as a matter of fact that John Gilchrist would do such a thing, and I think if he remains on the Island that he will conduct himself as a gentleman and I would be very very surprised if he did anything else, but I think it should be made clear that that is not only expected but required.

MR. BUFFETT: That is almost an oppressive regime. If you don't agree, if you are not a yes man, you are deported.

MR. BROWN: I am offended by that statement.

MR. HOWARD: Yes I am too.

MR. BUFFETT: Well you may be but that is what you said, he was to be deported.

MR. HOWARD: If he begins stirring in political and administrative affairs on the Island I think he should be sent off the Island. As I said I wouldn't expect him to do that, but if he did, if he wants to try
to pull down the whole of Norfolk Island because he did not get his way, I would not intend to sit by if I had any ability to prevent that from being done. I think damage has been done to the Island already and I don’t think we need more damage, I think we need calmness and gentlemanly behaviour and proper behaviour, and I think if he stays on the Island for his daughter’s schooling, it is proper and gentlemanly for him to conduct himself in a way that remains aloof from the troubles that he has left behind. That is my view.

Is there anything else that this Committee needs to consider and decide on this morning. If not could I suggest that Members arrive at the Assembly five or so minutes early, perhaps ten minutes early, and I will have by then have tried to get in touch with John Gilchrist and get his reaction on whether he would like the debate to be open or closed, and I will also try to see if the Administrator could have another talk with John Gilchrist and see if the thing can be smoothed out and not make it necessary for the Assembly to consider a motion that he be dismissed, if John Gilchrist is still of the opinion as he was last night that he must be dismissed or stay on then I am afraid from my point of view we must dismiss him. I hope he will change his mind. If you can arrive ten minutes early I will fill you in on what I know up to then.

MR. BUFFETT: Just give me a resumé of what you have decided.

MR. HOWARD: The Committee has decided that John Gilchrist should not any longer continue to fill the functions of Chief Administrative Officer. We have decided that the Administrator should be advised that Mr. Gilchrist be given one months pay in lieu of the statutory notice required for resignation in his terms of employment, subject to his abstaining from involvement in either political or administrative affairs during the period that he remains on the Island and that we have agreed although it was not resolved that I will do the best I can between now and the time the Assembly meets to see if first of all Mr. Gilchrist wants the debate to be open or closed, and secondly whether the Administrator can help us make one more attempt to settle the thing peacefully without the necessity of considering a motion that he be dismissed.

This meeting is now adjourned.