MR. BROWN: Point of order. Sating Order 61.

MISS BUFFETT: I still say that this matter should not have gone ahead without the House, with members of this Assembly should have been consulted.

MR. CHRISTIAN-BALIEY: Miss Buffett, the point of order is all imputations of improper motives and all personal reflections on members shall be considered highly disorderly.

MR. BROWN: Mr. Chairman, I would ask that this particular comment be withdrawn.

MR. CHRISTIAN-BALIEY: You must desist from using the word 'improper motives.'

MISS BUFFETT: I said actions, Mr. Deputy President. Could I ask the Chair a question then. How can I say that I disagree that a member should go ahead and do something without all the other members being consulted, that is what I am trying to say. No member should be able to do this, we are all on the Assembly. I will desist for the moment and let the debate continue.

MR. HOWARD: Thanks, I would like to comment on Miss Buffett's point that I am doing something out of line as she said 'proceeding to reform the electoral law' all by myself. I have not done anything yet. All I have done is talk with Canberra and do some homework of my own and talk with the Legislative Draftsman and studied the laws and talked with other members of the Assembly, and I have just finished giving a statement summarising the unfortunate situation that seems to prevail at the moment. I have not tabled a Bill, I have not done anything by stealth, or by surprise. The idea of allowing people who
have lived here for two years or more to vote is one that has been discussed for a long time on Norfolk Island. There are many people in that situation who, because of the peculiarities of our immigration law are in this sort of half way house. They regard themselves as being second class citizens. They think that if they intend to stay that even though they do not have residency, if they are here on permits that they hope

MISS BUFFETT: Point of Order Mr. Chairman. I was pulled up on point of order for wondering off the track, how about this lot.

MR. HOWARD: May I continue Mr. Chairman.

MR. CHRISTIAN-BAILEY: Please continue.

MR. HOWARD: This is not a new and strange idea, it has been one that has been talked on Norfolk for a long time. The point I wanted to make is that I have not introduced it as a Bill, I havenot sprung anything on anyone. Such a thing cannot possibly pass this House until all of the members have had a chance to debate it, and think about it, that is not going to happen today. It will happen at some future meeting, and at that point the Assembly will decide I won't decide, it will depend on how the majority vote, what the majority think is fair. If Miss Buffett thinks it is unfair that people who lived here for two years should be able to vote, fine.

MISS BUFFETT: Point of order, I did not say that at all. I did not say that I did not agree with them not voting.
MR. HOWARD: I am done Mr. Chairman.

MR. SANDERS: Mr. Chairman, as a point of order against Miss Buffett, Standing Order 67 says, no member may interrupt another member whilst speaking, unless a) to call attention to a point of order suddenly arising, or b) to call attention to the want of a quorum, was here to move a closure motion.

MR. JACKSON: Everyone is becoming a removable prank all of sudden, what for.

MR. CHRISTIAN-BAILEY: Order please. Further debate members. Mr. Buffett.

MR. BUFFETT: Mr. Acting Deputy President, really there is a great deal of confusion emerging in this particular situation. The real matter to be addressed, and that we have to try and achieve, is to introduce the cumulative method of voting. I can confirm that there has been considerable effort to achieve that. You will know that we have a referendum on 1 December, if I remember the date correctly, in which the community was asked which system they preferred, and there was a decisive decision that it should be the cumulative system. Now that has been endeavoured to be pushed through the various machinery for something like three months now. I say again that it is the changed cumulative system that is the real matter that we need to address. I am now having a real fear that we are starting to build, probably unnecessary barriers to achieving that end. One of them that I see is that there are some improvements, 'improvements' it has been referred to that during the debate. Some improvements to the various electoral pieces of machinery. Now
whilst we have a clear brief to change to the cumulative system, in a referendum, there is not a similar clear brief to address other matters that might be called electoral improvements. Also what it is starting to evolve is that trying to pursue so called electoral improvements, whatever they may be, is really starting to bog down the real getting on with the real purpose, the cumulative system of voting. Now we have a direction from the community to achieve that but we also have a direction from the community to have another general election, and you have to do the first before you can do the second. So I feel that we have got to clearly assess in our minds whether we are serious about wanting to achieve both of those things, and you have to do them in that order. You have to change to the cumulative system before you can get to the second one. I feel if barriers are going to be raised, no matter where they come from, whether they are Canberra side, whether they are our side, whatever side, if barriers are going to come up, either known or unknown which is going to prevent us from getting to change the system, then we should put those aside and get on with the real thing, and that is to achieve the system. As far as I can see, as far as changing to the cumulative system, are not difficulties, we have got along the track with that, and I would hope if we keep our eye on the principal aim, we can continue and do that within a reasonable time. I do say again Mr. Acting Deputy President, that I hope we are not starting to confuse the real issue, not lose sight of the real issue, and if we keep that goal in mind we can make it, and make it soon.

MR. BROWN: Thank you Mr. Chairman. Whilst I acknowledge what Mr. Buffett has said, it has nevertheless the fact that many would describe as scandalous the fact that a large number of persons, resident on this Island, who contribute to the public purse, who have been resident for periods of in excess of two years are denied the
right to vote. I commend Mr. Howard for the effort he has gone to. To ensure that those people are in fact included within the franchise, I have had a number of discussions with Mr. Howard about this point. I have had a number of discussions with members of the community. I have no doubt that there is a very strong community feeling that this change must be brought about. I want to make it quite clear that whether or not the change is included in the legislation, or at least in the draft Bill as it is finally presented to this House, it will be considered by this House at the time. If the widening of the franchise is not included in the draft Bill it will certainly be my intention to move an amendment, to include the widening of the franchise. I accept that there may be slight delays as a result, but that delay is quite clearly coming from only one place. For anyone to suggest that to slightly liberalise the franchise whilst leaving it far more restricted than that which applies in Australia is wrong, is being quite unreasonable, quite unfair and not really facing up to the facts that are in issue. I commend Mr. Howard for the work he has done.


MRS. GRAY: Thank you Mr. Acting Deputy President. Yes I support the move, purely and simply because one has to recognise that we already have a delay and Mr. Howard as pointed out, that is due to no fault of this Assembly. I would suspect that the sniffing of the mouse, as Mr. Howard puts it, is probably got a lot to do with events that will take place on 5 March, that is next Saturday. However, we do have a delay whether we like it or not. Suggestion is that we utilise the time of the delay to rectify or at least to attempt to rectify a wrong that is currently being done to a number of citizens of Norfolk Island. It has been suggested that there has
been no knowledge of the matter, I would suggest that it has been discussed at length for many years by many people. Certainly not new and in fact, many members will be aware of an advertisement which appeared in the local press asking those who did feel strongly enough about the statelessness, is what it amounts to, of many people living on Norfolk to sign a petition to that effect, and to my knowledge that petition is circulating with some effect on Norfolk Island, and will in due course be presented to this House calling for exactly what Mr. Howard is perhaps attempting to do before that petition comes to the House, naturally I support it. Thank you.

MR. CHRISTIAN-BAILEY: Thank you. Mr. Jackson.

MR. JACKSON: I make it quite clear that I don't mind anyone pushing their barrow to achieve their own ends, but I would like to remind Mr. Brown and Mr. Howard that they stood on a platform for the last Legislative Assembly's election and one of their party platform to honour referendums. Here we are, both particular candidates are adding into the what has been decided in two referendums, one to change the system of voting and the wording of the last referendum, do the electors consider an election should be held immediately. That is the point we should be addressing. These two Honourable Members should be trying to achieve that end, to honour that referendum, not to cloud the issue with other matters. Mr. Howard stated that this campaign to include two year olds on the Island has been around for a long time, it has been around for that long and is that intense why was that question not included in the referendum? It was a golden opportunity to seek the views of the electors, same as was done in another election in 1968 which Miss Buffett outlined to you. Therefore I will not describe it as sniffing out a mouse, I will use another
phrase. I smell a whale in the bay, and perhaps these obstacles is being placed there, maybe to defer an election, but why is it now at this particular stage where we had such a resounding result of electors that voted for an immediate election, why is it at this stage that matters are being brought forward to include more on the electoral roll, people who has been here for up to two years.

Members must remember that this House placed the freeze, placed an embargo, a few months ago, on anymore issuing of Enter and Remains. Now I wonder if it is the intention after that referendum, to have more names included on the electoral roll and for what reasons, and if this is the condition and the reason why the Bill will be delayed in Canberra, well I think the sooner the Minister gets to hear about it the better, and the better for all the electors concerned for the 64% nearly 65% that voted in favour of the last referendum to hold an election immediately, with no strings attached, just go straight forward to the polls and elect the 9 members under a new voting system known and untried on this Island, under the cumulative system. That has been endorsed in a previous referendum on 1 December. So therefore the coast is clear and wide open without even coming in and placing obstacles in the way of carrying out the wishes of the people.

MR. HOWARD: No-one in this room wants an early election more than I do. The people have asked for it and I think they should have it. It will clear the air it will do a lot of good on Norfolk Island. That is to be under the cumulative voting system, it has to be under a cumulative voting system defined in a law which is fair and proper. It seems to be a great concern to Mr. Buffett, Miss Buffett, Mr Jackson that I am even thinking of even introducing some other improvements into the law along with the change to cumulative
voting. I want to point out to you that the first draft of the Legislative Assembly Bill which was written by the Attorney-General's Department themselves which is dated 2/12/82, has in it as its first real provision, once they have said what the title is, and what it applies to is a provision to change the fact that if you are going to have two by-elections, you should conduct them as one election. It has nothing to do with the cumulative voting system, it is there game they are playing. Mr. Jackson is interjecting. The Attorney-General sees something that they think the law so they put it in. As a matter of fact I do not think it does improve the law, I think that is something that I want to take issue with, I think they have made a mistake in proposing that, but it has nothing to do with cumulative voting. So the idea of discussing improvements that are other than the cumulative system, started with the Attorney-General, it did not start here, and I think any suggestions that I, or anyone else is trying to delay, when I want an early election, I am trying to delay because I am dealing with things other than cumulative voting is nonsense because the Attorney-General is the one that started that game.

MR. BUFFETT: Let me just confirm what I said earlier Mr. Acting Deputy President. That if there are any difficulties that are extraneous to the progressing of the cumulative system, maybe they should be put aside if they are going to prevent us from achieving the cumulative system, introduction. Mr. Howard has mentioned that the Attorney-General's Department has made a recommendation that he feels is not part of the cumulative system, and I say, if that is going to hold up the system, put that aside as well. I am not trying to say any particular persons proposals are acceptable or not acceptable to be decided upon who proposes them. I am saying if there
are proposals, that do not relate to the cumulative system, and if those proposals are going to cause a delaying and a difficulty arrangement, then I am saying, maybe they should be put aside if they are going stop us achieving our goal. I am not trying to point at anybod in particular who might be proposes anything.

MR CHRISTIAN-BAILEY: Further debate. Mr. Howard.

MR. HOWARD: I will just close by saying again that I would like the three Executives to meet tomorrow to consider the telex we got this morning which has a number of difficulties raised in it, and see if we can untangle them and get this thing solved as fast as we can.

MR. CHRISTIAN-BAILEY: There being no further debate the question is that the statement be noted. Those in favour say aye
Aye

To the contrary no.

The Ayes have it.

Notice No. 2. Eligibility of Public Servants to stand for the Legislative Assembly. Mr. Brown.

MR. BROWN: Mr. Chairman, I move

That this House, being of the opinion that a person should not be both a member of this House and an officer or employee of the Norfolk Island Public Service, asks the Administrat to convey to the Minister a request from this House that His Excellency the Governor-General of the Commonwealth of Australia be advised to make a regulation under the Norfolk Island Act 1979, prescribing for the purpose of section 39(1)(d) of that Act, holders of offices under the Public Service Ordinance 1979.
MR. CHRISTIAN-BAILEY: The question is that the motion be agreed to.  
Any debate Honourable Members.  Mr. Brown.

MR. BROWN: This motion is aimed at bringing Norfolk Island into line with the remainder of the Westminster system world. There have been problems in Norfolk Island in coming to grips with the differing roles of the Legislative Assembly and the Public Service. This is not the fault of the public servants themselves. The system which operated before 1979 was not seem to change during the First Legislative Assembly. It is only during the last year that these issues have been faced. To put the role simply the Legislative Assembly makes the laws and policies, and the Public Service implements them. The Public Service does not make the laws or the policies, although it is certainly expected to advise in relation to the preparation. Throughout the Westminster system the Public Service has a long and fine history. It has a history of impartial service and advice to the government, it has a history of neutrality. It has a history of being non-political and loyal to the Government of the date, and in return it has a history of security of employment without political interference. But throughout the Westminster system a choice must be made. One cannot be both a public servant and an elected member of government at the same time. In most cases, if a public servant wishes to stand for election he must first resign from the Public Service. In the case of the few exceptions to this rule, the Public Servant must resigned, or has deemed to resign immediately he is elected. If he is unsuccessful in gaining election, then he can usually within a period of eight weeks, rejoin the Public Service, but otherwise he has made his choice and he has left the Public Service, subject only to the same rights as every other citizens to apply for a job if one is available, once his period of election is
over. Even under the old advisory Council system in Norfolk Island, it was recognised that a man cannot serve two masters and a rule similar to that which I am proposing was introduced. This was not varied until very late in the life of the Advisory Council system. The rule that a public servant cannot be both a public servant and an elected member can be seen in the various governments to have been followed in various ways. For example, in the Commonwealth of Australia, the Australian Constitution prevents a person who holds an office of profit under the Crown from being at the same time, an elected member. In the State of Western Australian the Public Service regulations specifically prohibit a public servant from standing for election, he must resign before nominating. In many other places is simply traditional or convention, but it is universally followed within the Westminster system. In other countries which operate under different system, there are different rules. In the United States of America, for example, the Public Service does not have security of employment. A public servant can stand for election but he also runs the risk that if he has shown himself to be of differing political colours to the government of the day, he will no longer have his job as a public servant. Another system is followed in the Scandanavian countries, but as I have said, within the Westminster system it is universally the case that a person cannot be both a public servant and an elected member of the government. Perhaps I can explain this by going back to the neutral. I said earlier that Public Services of the world of the Westminster system world have a history of neutrality. The Commonwealth Public Service Board, in a submission to the Royal Commission on Australian Government Administration, made reference to the concept of neutrality. It said the concept of neutrality does not imply that public servants have no political views or associations, rather it is concerned with the responsibility owed by a public servant to the government of the
irrespective of its political complexion. In partial advice on policy options, and the whole hearted implementations of decisions made at the political level, irrespective of whether they are called with the views of the officer. One of the authorities on government administration in Australia, Mr. Span, in his book entitled 'Government Administration in Australia', when looking at that statement said, neutrality does not mean even-handedness to government and opposition, but on the contrary loyal support of the party in power, whichever that happens to be. This loyalty means more than giving impartial advice when asked, and following instructions faithfully when received, a public servant while at work to protect and prompt the Minister and the Government's interest, as he would if they were wholly acceptable to him personally. Mr. Chairman, over the years differing views have been put forward. In 1981 a report was tabled by the Senate Standing Committee on constitutional and legal affairs within the Commonwealth of Australia, in relation to the constitutional qualifications of members of Parliament, these committees, are all Honourable Members will know are comprised of members of both sides of the Senate, and in this report the very question of public servants standing for election was considered at some length. The report did not in any way question the fact that a public servant must resign if he chooses to stand for election. Various other works have looked at this question, some authors have suggested that if a public servant were even to go so far as to make a political comment without standing for election, then in the event that such a political comment did not find favour at the time of the next election, that public servant should resign for the very reason that he had made a public and political comment which was contrary to the views of the government of the day. It is important at all times that not only justice be done, but that it be
seen to be done. Members will understand that there could well be a reluctance on the part of members of the public, to deal with a public servant who is also a member of the elected government, and who clearly has a differing political view to their own. Members will be aware of the substantial breach which presently exists between the public and private sectors on this island. The passage of this motion will be the first step towards healing that breach and will be the first step towards allowing the Public Service to develop into a Public Service into which this island can be proud. Public servants in Norfolk Island do not have the advantages have in other places have it is not possible to simply pick up a booklet that tells you what should a public servant do, and there is a good reason for this. Again throughout the Westminster system the traditions and conventions of the Public Service are taught to the younger officers by the older officers. Here we have very few officers who have served in a professional Public Service. The Public Service in Norfolk Island did not until 1982 have to face the question of what is the true role of the Public Service. The carriage of this motion, Honourable Members will be a step towards bringing down the barriers between the Legislative Assembly and the Public Service and the barriers between the private and public sectors on this island today. It will bring Norfolk Island into line with the remainder of the Westminster system world and I commend it to you.

MR. CHRISTIAN-BAILEY: Thank you Mr. Brown. Further debate.

MR. SANDERS: Thank you Mr. Chairman. Mr. Brown has presented his motion very well, I feel that there is nothing more to say. I support the motion.

MR. CHRISTIAN-BAILEY: Mrs. Gray.
MRS. GRAY: Thank you Mr. Acting Deputy President. I support the motion and for the following reasons. Amongst many - first of all it might be helpful to all of us to remind ourselves just how this system works. Let us suppose that an Executive Member wishes to introduce legislation into the House, he would seek professional views and evaluated research or researches, and mainly in the greater number of instances that is a service provided by the Norfolk Island Public Service. He then given the opportunity seeks further advice from other outside sources. He would then have the Legal Draftsman produce a draft Bill based on the sum of those policy guidelines which he has gleaned, if you like. I just repeat that guide ance and expertise or opinion, call it what you will, comes from the Public Service. Now how would you get on dealing with a member of the Public Service who was also an Assembly colleague, and who perhaps disagreed with what you were trying to achieve. I think that is an entorable situation, problems are going to arise with Public Servants being required to supply independent advice, or expertise, and there are going to be many occasions when the views of the individual are going to oppose those of the member of the House. When those views also conflict with a member of the House who is a colleague in the Assembly, I think that is going to present problems. We were circulated earlier, probably late last year with an article by Cyril Lynch, it was the July 1982 issue of the Parliamentarian and it dealt with the Westminster model in the Pacific and I think it would be well worth reading, if you did not read it when it was circulated. One of the things that he addresses himself to is the problem of expert advice, and he says, the problem might be said to be, how to supply independent expertise to legislatures, and in particular to Legislative Committees, that are made of generalists. To put the matter in that way however is to m-state it. Normally
speaking independent advice competing with that available to the executives is too expensive and also is in practice more likely to confuse the issue than to clarify it. That sums up our situation here on Norfolk Island. The first six months of the Assembly was spent fighting with the C.A.O. on various aspects of access to information, and the situation is the Public Service serves the government, not the Assembly, not the non-executive members, but the government. That is, David Buffett, Bill Sanders, and Ed Howard. The rest of us have no access to the Public Service at all, except as it may suit any Executive Member. Just pause and think about that for a moment, and think about what it means when there are non-executive members of the Assembly who are also members of the Public Service, and I know one member of the Assembly would agree with me very quickly that that set of circumstances would serve to create the greatest avenues of discrimination or privilege that one could think of in terms of facility to members of the Assembly. The terms of the provisions of which Mr. Brown is talking about, which he will bring forward in legislation or an amendment to the legislation, those provisions apply in Australia, Papua New Guinea, New Zealand, and I believe Fiji. The present situation here on Norfolk appears to be anomalous to the Westminster system, and if I may just quote from a couple of documents here. Two of them opinions which were given at the time of the conflict that we had sometime ago. First of all from the document called 'Constitutional Qualifications of Members of Parliament'. 'The requirement in Public Service Board General Order 3/D/4 is that an officer or employee of the Public Service who wishes to nominate for election to Parliament must resign before nomination.' These are Australian pieces of legislation. Again 'at present' Section 47(c) of the Public Service Act provides that where the Public Service Board is satisfied that a permanent officer resign from the Service in order to become a candidate for a Federal or
State Parliamentary election, that he was a candidate, that he failed to be elected and his resignation was effective not earlier than one month before the close of nominations, the Board may, upon application within two months of the Declaration of the result of the election, reappoint him to the service at his previous salary. This is exactly what Mr. Brown is putting forward. There is a further suggestion here. I have really detailed this, all the States make provision in some way for the situation of a State public servant seeking election to the House of Reps or the Senate, in four States a public servant who resigns to contest a Federal election is unsuccessful may be reappointed at the discretion of the Governor in Council. Similar situation to that which we have here. The application for reappointment must be made within a specified period of the declaration of the results of the election, in four States the re-employment of a Public Servant who resigns to contest a Commonwealth election and are unsuccessful rests upon the exercise of a discretion vested in the State Cabinet. In other States, the discretion is vested in the Public Service Board. That is precisely what we are doing here, it is beyond me what the protest can be based upon, and I have no doubt that it is going to come. Let me quote now, and this is the final bit I will go into, from a legal opinion sought from the Legal Adviser on 26 March 1982. He is dealing once again with non-executive members, because that is where I am having the difficulty. 'I can find no justification for the release of official information to non-executive members, there is nothing in the office of a member of the Legislative Assembly which would provide a lawful justification for either a public servant or an executive member to release such information or to allow access to official papers or files.' Surely that becomes contrary when a member of the Assembly is a public servant. The Legislative Assembly has no relationship whatsoever with the public service, I have already
said that. Members of the Assembly do not by their membership of the Assembly acquire any right to official information or files. Disclosure of official information to a non-executive member is not excluded from the general prohibition on disclosure. How do you manage that when the non-executive member is a member of the Public Service. That is one opinion. Here is another. Second April 1982. A person who is not an officer of the Public Service may not be given access to, or information from Administration files and records. Administration files are not to be made available to members of the Legislative Assembly, request for information is to be channelled through the Chief Administrative Officer who will instruct the approach the appropriate Branch Head to prepare a briefing or position paper, and specifically on access to information within the Public Service by members of the Legislative Assembly. The Westminster system and the Norfolk Island Act itself, and bearing in mind that the Westminster system elsewhere precludes a public servant being part of the system of government. Members of the Legislative Assembly as such are concerned in the legislative branch of government and this is constitutionally separate from the executive branch, therefore, they have no right or authority to have access to executive records. If that does not bring up enough points, in law, against a member of the Public Service being an elected member of the government or of the Assembly, for that matter, I don't know what does. I have suggested already that Norfolk Island is one of these cute little anomalies, I guess it is in many areas, but this is one which is probably - dare I say it - even constitutionally important as far as Norfolk Island is concerned, that is quite apart from the fact, Mr. Acting Deputy President, that the time involved in being a member of the Legislative Assembly these days is a great deal more than I think could be covered by part time work by a member of the Public Service. That is all I have to say.
MR. CHRISTIAN-BAILEY: Mr. Buffett.

MR. BUFFETT: Mr. Acting Deputy President, this motion really seeks to prevent, to bar something like 160 people in Norfolk Island, and there are about 926 on the roll at this time. Most of these people are islanders, most are Australians some are New Zealanders, but the motion does propose to prevent all from being able to offer themselves for election to this body, this Legislative Assembly, which is the representative group of Norfolk Island. If one applied some of the thoughts that have been recently expressed in this House and just alluded to by Mrs. Gray, one must say that this must be discrimination against a member of the Norfolk Island community because of the category of their employment. It has been suggested that this move might prevent some of the divisiveness that have risen of recent times between the Public Service and other groups. I seriously doubt whether a move such as this will bring down the barriers that are being referred to. This is a matter that has been talked about on earlier occasions and given a lot of consideration of course, and when I say, earlier occasions I am not referring to this Assembly necessarily. It was the subject of discussion back in the times when the Norfolk Island Council was having discussions with the Minister for Home Affairs and Environment, Mr. Ellicott, that was back in 1978/79. Many matters during those negotiating days were explained to be different in Norfolk Island. The circumstances of our small numbers included isolation small size, and one of these matters related to its public servants playing a full and useful roll in the entire spectrums of the island's affairs. I remember saying on an earlier occasion, that the place was a bit too small and its numbers too small to be excluding residents groups of
significant numbers from participating in this broad spectrum of affairs in Norfolk Island. What we are talking about now Mr. Acting Deputy President is excluding something like 17% of the already enrolled people because of their employment classification. Now the result of all that consideration and discussion that I have just referred to, was a decision that has reflected in the present situation that is, that public servants do have the same right to offer as candidates for the Legislative Assembly without jeopardy to their employment. So as you will see the matter of Public Service participation in membership of the Assembly was a matter decided when we embarked on this road that we are now on to self-government. It was included and shrined in the Legislative package presented with the Norfolk Island Act of 1979. It is part of the ground rules which people understand now, and part of the ground rules which the Australian Government agreed upon on setting us on this path. But having said all of that I can concede that there may be some officers, one or two or whatever within the Administration that may be inconsistent with undertaking a task in the Assembly, but such would require individual and detailed examination, and this motion makes no attempt to address that particular aspect, it is a blanket arrangement. If such a case can be made for some officers within the Public Service is certainly should not be a blanket exclusion of the entire body of people on the basis of being employed in the Public Service. This proposal, as I see it, Mr. Acting Deputy President is something that proposes a significant change and I think I can also say that it is fairly controversial, and in light of being a proposing a significant change and containing an element of controversy, another factor is also relevant. On 16 February this year there was conducted in the island a referendum, and the result of this referendum was that 64.5% of the voters, said that as a result of the change of system of voting which we have already addressed in this Chamber this afternoon, a
general election should be held immediately. I quote the word 'immediately', and I emphasise it. The community has said conclusively and decisively, early vote for a new election, and such a course of action demanded by the community clearly implies the early demise of the present Government. Now the brief for the present government should therefore to handle day to day matters and basically clear the plates so to speak. There is not a mandate to embark on new initiatives or controversially legislation and the like. There are of course a number of members of the Assembly who do however have a mandate to honour referendums. Now it is this last point which I consider is the overriding factor in the consideration of this motion. When you take that into account I consider that the status quo should remain and any consideration for this, and probably other significant changes should be undertaken by a newly elected Legislative Assembly, which is a Legislative Assembly which the community has asked for by referendum by referendum in this shortest period of time as the last couple of weeks. I, Mr. Acting Deputy President think that should be a point that should be well on the list of priorities to take into account when examining this, or any other motion that comes within the sort of categories that I have endeavoured to describe.

MR. CHRISTIAN-BAILEY: Thank you Mr. Buffett, Further Debate. Mr. Jackson.

MR. JACKSON: Mr. Chairman, we have heard here this afternoon Mr. Brown, Mrs. Gray, take us all around the world explaining various Westminster systems that apply in those countries. They only refer to Public Service conditions, it is a pity they never included some other conditions that may be applied here on Norfolk Island to better way of life. Mr. Howard is on record as saying – certainly we do things here on Norfolk, Norfolk style – and by taking into account
what goes on in the Public Service in Scandanavia and other countries, I think it is a front to our Island here where people, who has come to our shores take conditions of our island here. As far as Mr. Brown is concerned I am very surprised he used the Westminster system at all and the conditions of government of other countries, perhaps he has taken conditions of this government. However, I see in this motion of Mr. Brown's which clearly demonstrates to those persons who is competely obsessed a certain section of the community, namely the members of the Public Service. Here we have the largest number of employees employed on the Island working for the one employer, the Administration, which I may aid with their families representing one-third of the total electorate, and they are being threatened by this motion with dismissal, if he or she is elected as a member of the Norfolk Island Legislative Assembly, what a fast, what a backward step to our democratic way of life, and putting up a motion of this nature to boycott or you can even go as far as the black list, this section of the community, purely for obsessed reasons, as I have described. The six members of this Assembly who voted at the last sitting of this House to cut salary by 10% achieved enough, do they want to continue putting the boot in until they have driven completely them off the Island, the public servants away - nearly 98% of them are Norfolk Islanders, is this House being used as a political stadium for the purpose of getting square? I see in this motion a likeness to the political situation in Germany prior to the 1930's.

MR. BROWN: Good Lord. Mr. Jackson's words are both offensive and imputations and reflections, Mr. Chairman, and contravene Standing Orders 61 and 62.
MR. CHRISTIAN-BAILEY: Mr. Jackson would you please withdraw those words, that were offensive.

MR. JACKSON: What words shall I withdraw Mr. Chairman?

MR. CHRISTIAN-BAILEY Reference to the Germany that applied in the 1930's.

MR. JACKSON: If they are the words you want to withdraw, I will withdraw them. This motion goes one better, it is advocating to purge individuals who work for the Administration, and here we have a situation, a proposal by Mr. Brown to reduce the qualifying period for non-Norfolk Islanders to vote and at the same time barring Norfolk Islander's from representing their people. Of course I cannot support this Bill.


MRS. GRAY: Just a brief comment. granted as often occurs when we get consequential pieces of legislation, what we are debating here is the motion concerned with an address to the Governor-General requesting that he make a regulation under the Norfolk Island Act, prescribing for the purpose of section 39(1)(d) of that Act, holders of officers under the Public Service Ordinance. Following that on the Notice Paper, if it is order to refer to it, is the presentation of a Bill for an Act to amend the Public Service Ordinance 1979, so they roll together, and obviously in addressing one we address both. However I have a feeling from what Mr. Jackson has said that he has not read the Bill which in fact follows, because there is no suggestion in that Bill that Public Service be purged from the Legislative Assembly. There is provision in this Bill for a public servant to
resign prior to an election and to be re-instated should he not be elected. So some of the words that Mr. Jackson used about trying to do away with public servants standing for Assembly do not jell with the piece of legislation that is before us. Thank you Mr. Acting Deputy President.

MR. CHRISTIAN-BAILEY: Thank you. Further debate. Miss Buffett.

MISS BUFFETT: I would like to draw to the attention of members firstly that the matter of whether those residents engaged in the Norfolk Island Public Service should be eligible for Legislative Assembly membership was well investigated by Mr. Ellicott when the Norfolk Island Act and the Legislative Assembly Ordinance were being drafted. Therefore provision has been made, and justifiably so for the unique Norfolk Island situation whereby approximately one-sixth of the present electorate consists of those residents who are engaged in the Public Service of the island. These people, with very few exceptions are either Norfolk Islanders themselves or married to them, they all live here permanently and belong here by inherent right as their families before them have lived here and always have the inherent right to do so. Provision for these people so engaged in the Public Service to be eligible for membership in the Legislative Assembly was written into the Act especially to protect the Norfolk Island situation whereby such a large number of valuable community minded residents would be prevented from legislative membership. I agree with the constitutional provision - it is fair and just.

Secondly, I wish to draw to the attention of member the fact that those residents engaged in the Public Service, and wishing to serve also in the Legislative Assembly are already discriminated by the virtue of the fact that they alone by law are not permitted remuneration upon becoming members of the Legislative Assembly.
whilst they are engaged by the Public Service Board. Thirdly, I draw members attention to the fact that this motion is unacceptable to me in that it contravenes Article 25 of the International Covenant of Civil and Political Rights, No. 24 of 1981, which states that every citizen shall have the right and opportunity a) to take part in the conduct of public affairs, or through freely chosen representatives; b) to vote and be elected at periodic general elections which shall be by universal and equal sufferage; and shall be held by secret ballot guaranteeing the free expression of the free will of the electors; c) to have access on general terms of equality to Public Service of his country. I agree that some offices in the Public Service are held by officers who ought not, by reason of the high degree of responsibility that they hold, seek membership of Legislative Assembly whilst holding such positions, but this is a different matter altogether to the purpose for which the amending regulation is sought. It is my opinion that the status quo should remain whereby a person may be both a member of this House, and an officer or employee of the Norfolk Island Public Service, and I oppose the motion. Thank you.

MR. HOWARD: I was impressed by some of the things that Mr. Buffett said referring to the referendum, and the fact that the majority of people have asked for an early election. He said he thought the brief for the Government under those circumstances was to simply to handle day to day matters and clear the plate. In other words, a caretaker government. At least that is what I would interpret that to mean. That was my first reaction after the referendum was announced, that we really should be caretakers until the new Assembly came in. I asked the Administrator about that, asked if he had thought about it. He had not only thought about it, but he
had sent enquiries to Canberra for guidance from the Attorney-General's Department and others in positions of sound constitutional knowledge. He said there is no question about the answer, he said we were not a caretaker government, you are the government of Norfolk Island, and you are until another government gets elected. He said in a later discussion with all three Executive Members, that if he were in this position he would be treading a little carefully. He said there is nothing in the idea that you were simply a caretaker government. I am inclined to agree with Mr. Buffett that this is not a time for this Assembly to be taking bold daring new initiatives, I think that is right. I hope there soon will be a new Assembly and I think we ought to leave those bold daring initiatives to be taken by people in the future. On the other hand, I think we need to exercise our judgement, our experience and while we are here we must try to be the most intelligent and reasonable and best informed Assembly we can be and to deal with matters as they come along and in an intelligent and reasonable way based on our experienced. I think we would be derelict in our duty if we failed to do that, I think if we just sat back and said no, we are not going to make any decisions because there is another Assembly coming, I think we would be letting, failing to carry out our responsibilities. I am going to support the motion, I think I need to and the reasons that exercise my mind principally are a bit different to the ones that others had mentioned, although I think there is a great deal in what others have said. One of the first things I think needs to be observed, is that it takes a lot of time to be a good Assembly members, all nine of us know that. That is not just evening work, it is work that happens during the day, there are telephone calls, there are people who want to see you, you suddenly have to study a document because there is going to be a meeting at three o'clock that you need to attend, and you need to get ready for that meeting. There are people passing little comments
there are lecturers who have problems, there are people who want to get your ear about something, you need to listen, you need to be responsive to those people, and that is something that happens all the ours that you are awake, and also some of the hours when you are alseep too. I honestly don't think, anyboy, Public Servant or not public servant can be a member of this Legislative Assembly and hold down and carry out a full time job some place else. I don't think that is possible. I think to be a member of this Assembly you have to be in some kind of work where you can get a fair share of time free during the days and that has to be reasonably flexible time, because you have to accommodate yourself to the other members and the other meetings and be where the action is when it happens. I honestly think that public servant who becomes a member of the Legislative Assembly is going to find his Public Service work is badly interferered with during the day, I honestly believe that. The fact is I think that the Public Service is going to have to find someone else to do that man's job. I was surprised to hear Miss Buffett, it may be so, if so it is news to me, that Public Servants who are members of the Assembly don't get paid for their Assembly work. Was the law changed to read that way, it used to read that a member of the Public Service while attending Assembly duties is on leave with pay, that is what it originally said. It may have been changed, I accept that. Nonetheless a Public Servant who is a member of the Assembly is not going to be on the ball all the time and is not going to be doing his Public Service job all the time, and someone else is going to have to do it for him, so there is going to be additional expense to the government in covering that time. There is another point that concerns me deeply, and I think this is the sought of thing that we need to exercise our judgement, I think that there is a conflict of loyalty that occurs to a member of the Public Service who becomes a member of the Assembly, and I think it is a conflict of loyalty that undermines the Administration's organisation structure. One minute the
Public Service officer is required to be under the absolute direction of the Chief Administrative Officer, the Chief Administrative Officer can give him orders about how to carry out his job and that is what the C.A.O. is there for, and the Public Service officer is there to carry out the proper orders that are given. The next minute if the officer is also a member of the Assembly he is engaging debate as a member of a body that has authority to give directions to the Chief Administrative Officer, and a body that has the authority and a body if necessary, to recommend that a particular C.A.O. be hired, or that his terms and conditions be improved or cut down, or that he be dismissed. How can the CAO be expected to really manage someone who is supposedly under his authority when that same person can vote to give the CAO a pay rise or vote to dismiss him, there is a terrible inbuilt conflict of loyalty there, and I don't think it is something anybody can handle, it is asking a man to divide himself in a way that people cannot divide themselves. So for those particularly, in my mind, for those two concrete plain practical reasons which I have seen that in the time that I have been on the Assembly, the time it takes to do good job. What that does to a man who is trying to carrying out a full time job else, I don't think he can do it. And secondly, the conflict of loyalty and the terrible position it puts the CAO in when he is trying to deal with and direct a man who - twenty minutes later - may be in a position of authority over him, that is not workable. For those reasons, I think that I don't think it is reasonable to think of it as a purge. Miss Buffett raised the question of human rights and the people having a right to take part and be elected to government, I think that is right, but it seems to me that in most places, in the Westminster system, you have to make a choice sure you can be free to stand for office if you want to but you cannot be in the Public Service too. You have to be one or the other you have to make up your own mind, and I think people on Norfolk ought
to be subjected to that same decision. Do you want to be one or do you want to be the other, you cannot be both, so I am going to support the motion.

MR. CHRISTIAN-BAILEY: Further debate members. Mr. Jackson.

MR. JACKSON: Mr. Chairman, I am very pleased to hear Mr. Howard accept the responsibility of partially a caretaker government. He expressed that quite clearly and he explained also that it is not the time to go introducing matters of contentious issues, meanings of that intent, that nature, it might not be those exact words, but meanings of that nature. I do believe the referendum results of the 16th, to decide whether there should be an election immediately does not give this Assembly a brief to come down with new contentious issues. However, my thoughts would be instead of coming forward with these new issues, perhaps the cloud issues may be for some other reasons for delaying the election, whatever the reasons may be, but we have here this afternoon a notice paper. On that Notice Paper I see where the meeting will close after Orders of the Day, No. 4. On this Notice Paper it has been around for a long time, these businesses have been on this paper for some two/three months. These are the things that I consider that we should be cleaning up and getting rid of before there is an election, and on this Notice Paper, we have the Lighterage (Amendment) Bill, the Medical Practice and Registration Bill, Fuel Bill, Electricity Supply Bill, the Import Electricity Wiring Bill, Community Service Orders Bill, Norfolk Island Public Hospital Audit Bill, and the Norfolk Island Public Hospital (Amendment) Bill. These are the things that I thought the members, who had introduced these Bills should be pressing to have them completed before another election could be held because they have been around for so long, and these
are the things that we should be trying to do today, or even in any other sitting before the next election, instead of coming in with these controversy and contentious issues.

MR. HOWARD: Mr. Jackson should have looked a little more carefully at the Notice Paper, there is an item on it for today that has been on it for about a year, at least it should have been on for a year, which is consideration of the Select Committee on Tourism Report which proposes fundamental principles about the government policies on the Island's most important industry, now if that is not controversial and not heavy decisions, than I don't know what is. Immediately following that is the discussion about the Coldam Plan and whether it should be adopted, if that does not qualify as one of the most contentious issues that we could possibly dealing with, I would like to know what is. Mr. Jackson says lets sticks to the Notice Paper let us stay away from controversial issues. I think we ought to avoid, just to clear up Mr Jackson's interpretation of what I was just saying, I myself and it is a personal decision, I think we ought to avoid extraordinary bold new initiatives, but I think we have to use our judgement and we have to govern. Unfortunately with an election in Australia on Saturday, and with it looking as though the Labor Party will well gain office, and with -

MR. JACKSON: Why?

MR. HOWARD: It is not why anything, but one of the things that apparently may happen that if Labor wins, certainly all the press seem to think they are going to, it would appear that there is a pretty good chance that Senator Gatesill will be our new Minister, I understand that he is a friend of Mr. Jackson, he also happens to be one of the three most prominent, most influential most hard-
hitting hard core left wing member of the Labor Party in Australia, God Save Norfolk Island. If that happens, anyway, I am getting off the point. If Labor wins, I think it would be surprising if a new Labor Minister did not say, alright I have new responsibilities one of them is Norfolk Island, now hold everything, don't make a move. Carry out anything that is absolutely essential, but everything else put on hold because I want to look at it before it goes ahead. One of the things he might put on hold could be the change from proportional representation to cumulative voting, suppose he does that then it may be along time before there is a new election on Norfolk Island, we may be in these chairs for anyone of us would like to be. While we are here I think we need to do the best we can and govern as best we can, I don't think we just ought to sit on our thumbs.

MR. BUFFETT: Mr. Howard has painted quite a picture to us in the last two or three minutes about what may happen to us if circumstances on the Australian mainland varies. Well they can be just pie in the sky pictures and they can be accurate pictures, one cannot say at this time, but I don't think one should be raised to an alarming situation. I have already mentioned my views to this House as to how I think the actions of this House should be over the next period of time until there is an election. In our discussions to date with the Administrator to try and put some reasonable timings on when there might be an election it has been thought that it may be possible by the end of April to have such an arrangement and the Executive Committee has made a statement to this effect. If that is achieved most certainly those things that I have said you will see why I have said them, if in fact that picture changes and we are not able to achieve an election for another six months - then obviously there has to be some reassessment, but we have an aim in mind at this time and we have made a statement, publicly in respect of that aim, that
possibilities are to have an election by the end of April, and on that projection so our action should so reflect. If that changes then there needs to be some reassessment. There is no substance to for a change to those proposals at this time, anything can only be unknown pictures painted in the sky, there is no substance for them at this moment.

MR. JACKSON: Mr. Chairman, if Mr. Howard has predicted and they are right, I am sure Mr. Fraser would be happy to have a new Shadow Minister for Home Affairs, I would like to say to Mr. Howard here this afternoon now, that those things that he listed that he said I omitted - the tourist report, immigration, and adoption of the criteria plan, they are to be debated here this afternoon, and I would have listed them if they were not to be debated, and therefore I say to Mr. House, don't try and cloud the issue because you are going to support this motion of Mr. Brown's these will be debated here this afternoon - I was complaining on the issues that are being left off.

MR. HOWARD: Mr. Chairman, I hope if I seem to stray from the subject on the debate for a moment you will forgive me that on the grounds that what I am about to say is important for people to understand. Mr. Buffett said he drew peoples attention to the fact that the Executive Committee had pledged itself to see that there was a new election under the cumulative system as soon as it could be. That is true, all of us support that strongly, he went on to say that in talks with the Administrator, it appeared that might happen as the early as the end of April, I think it would be good if that could be, I am bound to say that in the light of the telex this morning from Attorney-General's I don't think there is one hope in the world that that can happen. The telex perhaps which Mr. Buffett
has not examined in detail raises some very difficult tiny issues, but
difficult issues which the Attorney-General is commenting on, which
we have to respond to, and it also says that the Department of Home
Affairs has gone back once again to the Electoral Office for comments
from them. Now these are I am afraid going to delay things for a
little bit, I think as a result of this telex end of April becomes
almost impossible. I would hope during the month of May, but I think
April is hoping for too much.

MR. BUFFETT: I certainly regret if we are not going to achieve
it by the end of April. I think one needs to emphasise at this time
that we should keep on the track about the system of voting, and not
extraneous matters and if we can continue our pledge along that line,
then I think our chances are greater to achieve the aim that has been
earlier described.

MR. CHRISTIAN-BAILEY Thank you. Mr. Buffett. Mr. Brown.

MR. BROWN: Mr. Buffett and Mr. Jackson and Miss Buffett may
have in part misunderstood the nature of my motion. They seem to
think that this is an attempt to prevent public servants from offering
themselves for election, they seem to think that this is discriminating
because of a category of employment, they think it is excluding 17% of
the population. Mr. Jackson thinks that it is intended to cause the
dismissal of public servants if elected to the Assembly. It is not
intended to cause any of those, it is intended to bring about the
situation that exists as has been said several times today, right
throughout the Westminster system. A public servant, if he decides
to stand for election must make a choice, he must make a choice
between standing for election and remaining a public servant. If
he chooses in favour of standing for election, then he must resign
from the Public Service. There is one element of discrimination. However, in most of the Westminster countries there is provision for that Public Servant to then return to the Public Service if he is unsuccessful in his quest for election. The next motion that I have on the paper today is a motion to actually put into law that position in Norfolk Island. Members of the private sector certainly do not have that right built into law, and so if we are to talk of discrimination we must recognise that it is discrimination in favour of the public servants that will be the result of my motions. I have said before, perhaps I would say again, that it is not possible to be both a public servant and an elected member. Mr. Howard has quite clearly gone through some of the problems which would occur if that happened. I have said that the Public Service has a history of impartial service and advice to government, the history of neutrality, that it has a history of being non-political and loyal to the government of the day, and that in return it has had a history of security of employment without political interference. If the Public Service choices against the provision of impartial service and advice to government, choices against neutrality, choices against being non-political and loyal to the Government of the day, then it cannot be at the same time expect to retain security of employment without political interference. I believe it is important that the Public Service have that security of employment without political interference and it is important for it to provide impartial service and advice, for it to be neutral and non-political and loyal to the government of the day.

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

MR CHRISTIAN-BAILEY: Those in favour.

Aye

Contrary. The Ayes have it.
The Clerk call the House.

CLERK: Mr. Buffett,
MR. BUFFETT: No.
CLERK: Mr. Howard.
MR. HOWARD: Aye
CLERK: Mr. Brown
MR. BROWN: Aye
CLERK: Mr. Christian-Bailey
MR. CHRISTIAN-BAILEY: Aye
CLERK: Mrs. Gray
MRS GRAY: Aye
CLERK: Mr. Quintal
MR. QUINTAL: - (Absent)
CLERK: Miss Buffett
MISS BUFFETT: No
CLERK: Mr. Jackson
MR. JACKSON: No
CLERK: Mr. Sanders
MR. SANDERS: Aye

MR. CHRISTIAN-BAILEY: The Ayes - 5 no - 3.
The motion is agreed.
I wish to inform the House that the Business Committee has met and declared accordance with Standing Order 158 that the Public Service (Amendment) Bill 1983, is an urgent Bill.

NOTICE NO. 3

MR. BROWN: Mr. Chairman, I present the Public Service (Amendment) Bill 1983, and I moved that the Bill be agreed to in principle.
Members will note that the Bill has been circulated, immediately prior to the meeting today and it is in a different form to that which it had been originally proposed to introduce. Members will recall that the original intention was merely to repeal Sections 14 and 15 of the Public Service Act, sorry the Public Service Ordinance. In carry out research in relation to the previous motion, it came to my attention that within the Commonwealth of Australia and the States of Australia, there are in fact legislative provisions which enable a public servant who is resigned from the public service in order to contest an election and being unsuccessful in that election, to then seek re-employment within the Public Service. So it was felt advisable to incorporate similar provisions in the Public Service Ordinance, so this Bill has two purposes. Firstly to repeal the existing sections 14, 15 and 16 of the Public Service Ordinance. Members will be aware that section 14 is the provision which enables an executive member who has resigned from the Public Service in order to take up an executive position to seek re-employment within the Public Service in the event that he ceases to hold an executive office. Section 15 relates to a public servant who had become a member of the Assembly and had resigned from the Public Service in order to take an executive office, but did not in fact take that office, to seek re-employment in the Public Service. Section 16 is the section which enabled a public servant who had successfully sought election to the Assembly to take leave of his employment while attending a meeting of the Legislative Assembly and to be deemed to be on leave with pay during that period. These parts of the Bill, that is, the repeals of Sections 24, 15, and 16, are really to clean up the situation after the passage of the previous motion. The arguments in relation to the last motion were agreed and I not intend to repeat them. Fortunately this repeal does not affect any present executive member or any other present member. Though I have not spoken to Mr. Buffett in relation to the matter I
have spoken with a number of members, and I clearly recall Mr. Buffett’s statement in the House at an earlier meeting, that he had resigned from the Public Service, and, by implication at least, either did not intend returning or sought no favourable treatment should he change his mind. That deals with the repeal of the existing sections 14, 15, and 16. The Bill also proposes to introduce a new section 14(1) to the effect, that where the Public Service Board is satisfied that a public servant has resigned in order to become a candidate for election to the Assembly, that he did stand as a candidate, and failed to be elected, and the resignation was effective not earlier than one month prior to the date on which nominations close, the Board may, upon application by that person within two months after the declaration of the result of the election, reappoint or re-employ the person to the same or a similar office, or in the same or similar capacity, and with the same rate of pay as that payable to him immediately prior to the date upon which his resignation took effect. This section is taken from the provision within the Australian Public Service Act to cover the same situation. The Bill goes on to repeal section 14, sub-section 5 and to substitute a new sub-section 5 to the effect that the period referred to in sub-section 4 shall not, for any purpose, be deemed to form part of a person’s period of employment in the Public Service. The Bill proposes to repeal section 14, sub-section 6 and proposes to amend section 14 sub-section 7, by omitting the words ’on the day on which he ceased to be an executive member’, and substitutiong ’on the day upon which his resignation is effective’. Honourable Members this is a clean up Bill to clarify the situation after the passage of the previous motion, and I commend it to you.

MR. CHRISTIAN-BAILEY: The question is, that the Bill be agreed to in principle. Further debate. Mr. Buffett.
MR. BUFFETT: Mr. Acting Deputy President, notice has been given of this Bill, and a Bill was earlier circulated. On coming into the House this afternoon there is a note from the Clerk which says, that the Public Service Bill has been amended to provide that an officer who resigns to be a candidate and who is unsuccessful, may be reappointed in the same capacity, and attached to that was a revised Bill which has approximately a page of additional amendments, that have not been made known to me, whether it has been known to other members of the House I am not able to say, but in fact what we are now being asked to consider as an urgent Bill, that is the full passage today, is something that we have not seen until we have entered this House this afternoon.

MR. HOWARD: Point of order Mr. Chairman. I disagree, let me explain with what Mr. Brown said about this Bill of his not affecting any of the present executive members. I am certainly that legally it affects Mr. Buffett. The existing law says that if he ceases to be an executive member he may be deemed to have been on leave without pay and may be reappointed to an office, such as the one he held before he became a member of the Assembly. The Norfolk Island Act – section 39, section 3, says, a member of the Legislative Assembly who party to, or has a direct or indirect interest in a contract made by or on behalf of the Commonwealth or the Administration, under which goods or services are to be supplied to the Commonwealth or the Administration, shall not take part in a discussion of a matter or vote on a question in the Legislative Assembly where the matter or question relates directly or indirectly to that contract. There may be a question Mr. Chairman, as to whether we are talking about a contract here, but I then continue reading section 4, sorry, sub-section 4 of section 39 of the Norfolk Island Act, which says, Any question concerning the application of sub-section 3 shall be decided by the Legislative Assembly.
I believe that Mr. Buffett's participation in a debate which may, which
indeed has a direct bearing on his entitlements under the Public Service
Ordinance, as it stands now, I think his participation in that debate,
or his vote on it, is clearly not in accordance with the Norfolk
Island Act.

MR. BUFFETT: Mr. Acting Deputy President, I don't wish to
make a difficulty of this matter, if that is thought by members that
I should not participate in the debate, I am quite happy to do so,
I make the point that there are 163 people on the Island who are also
affected by this matter, and it is not just one person alone. I am
quite happy not to take any further part in the debate.

MR CHRISTIAN-BAILEY: Thank you. Further debate, Mrs. Gray.

MR. GRAY: Thank you Mr. Acting Deputy President. I have a
question that I am having a lot of trouble with here, and I will read
the two sections and hope that someone can clarify for me. Four, this
is the legislation as it stands, and as it will continue to stand if
this amendment is successful. Section 4, beg your pardon, Section 14,
sub-section 4, which is the one under amendment, page 5, number 7.
A person re-appointed under this section shall be deemed to have
continued to have been employed in the Public Service as if he had not
resigned by had been on leave of absence without pay during the period.
What follows is immaterial to my argument. In section 5 as it stands
at the moment, the legislation says, the period referred to in sub-
section 4 shall, for all purposes, be deemed to form part of the
persons period of employment in the Public Service. That is fine those
two run together no problems, the amended section 5, reads, the
period referred to in sub-section shall not for any purpose be deemed
to form part of the persons period of employment in the Public
Service. At the moment, I am having great difficulty seeing anything

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but a direct contradiction between those two clauses, and if someone could explain to me why it is not so, I would be more than happy.

MR. CHRISTIAN-BAILEY: Further debate. Mr. Howard.

MR. HOWARD: I think I read it the same way as Mrs. Gray does. I think we ought to ask Mr. Brown if he can explain it.

MR. BROWN: Mr. Chairman, this Bill has been prepared on instructions by the Legal Adviser who is acting as Draftsman at the present. I am certain that he has given the matter his best consideration. We have experienced in the House on prior occasions with making amendments to legislation in the House without the amendments being having the prior consideration of the Clerk, if it is felt by members that there is a problem with the proposed sub-section 5 then I would suggest that the bill be passed as to repeal the existing sub-section 5 but as to not yet substitute the new sub-section 5 and at our next meeting we could consider a further Bill with the new sub-section 5 amended if necessary.

MISS BUFFETT: Mr. Acting Deputy President, I feel that this Bill having come in without notice to us, and due to the uncertainty that lies before us warrants unfairness more consideration, and I would seek an adjournment of this matter.

MR. CHRISTIAN-BAILEY: Are you so moving.

MISS BUFFETT: Yes.

MR. CHRISTIAN-BAILEY The question is that the debate be no adjourned. Those of that opinion say aye.

Aye
Call the House.

CLERK: Mr. Buffett
MR. BUFFETT: I abstain
CLERK: Mr. Howard
MR. HOWARD: No
CLERK: Mr. Brown
MR. BROWN: No.
CLERK: Mr. Christian-Bailey
MR. CHRISTIAN-BAILEY: Yes
CLERK: Mrs. Gray
MRS. GRAY: Yes
CLERK: Miss Buffett
MISS BUFFETT: Yes.
CLERK: Mr. Jackson
MR. JACKSON: Yes
CLERK: Mr. Sanders
MR. SANDERS: No.

MR. CHRISTIAN-BAILEY: Debate is, ayes 4, no 3, and with one abstention. The question is that the debate is now adjourned, and be made an order of the day for the next sitting.

NOTICE NO. 4

MR. CHRISTIAN-BAILEY: Estimates Committee - Mrs. Gray.

MRS. GRAY: I move that there is by this motion established a committee consisting of the Executive Member for Finance, John Brown and myself to be known as the Estimates Committee. All estimates of expenditure by the Administration for the fiscal year ending 30
June 1984 to be considered by such committee, such committee to report
to this House, not later than the 30 April 1983, or such later date as
the House may by resolution approve upon its consideration of such
estimates, and make recommendations to this House with regard to such
estimates; such committee to have power to summon before it, and to
examine such persons, papers and records as it may require in the
exercise of its function. There ended the motion.

MR. CHRISTIAN-BAILEY: Thank you Mrs. Gray. Debate. The question is
that the motion be agreed to in principle.

MISS BUFFETT: Thankyou Mr. Acting Deputy President. I seek
leave to move an amendment.

MR. CHRISTIAN-BAILEY: Is leave granted.

MISS BUFFETT: I wish to move, that the motion be amended, a)
by omitting from paragraph one, the words 'consisting of the Executive
Member for Finance, John Brown, Chloe Gray', and substituting the
words, 'comprising the whole Assembly', and b) by omitting paragraphs
3 and 4, and substituting 3 -'that meetings of such committee be
recognised by this House as authorised departures from the general rule
laid down by this House and referred to in Minute No. 7 of its meeting
of 7 April 1982'.

MR. CHRISTIAN-BAILEY: The question is that the amendment be agreed to.
Debate.

MISS BUFFETT: I seek to amend Mrs. Gray's motion by virtue of
the fact that a fortnight ago today, the electors of this community
said at a referendum that wanted another election immediately. I
find this a very large and controversial matter that has been put before us. I feel more than anything that it is not the right time to bring it forward, I think after the election would be. Paragraph 4 of Mrs. Gray's motion - I cannot agree to because I feel that it would lay bear the affairs of everyone in this community to the scrutiny of the three people that have been previously named, or anyone else to that matter, I don't think the matter should come up before any short term, be it politicians, this government or any other. I put the amendment forward on those grounds.

MR. HOWARD: I don't support Miss Buffett's amendment at all but I think she has made the argument for me. It is quite clear that she does not agree with the idea of setting up such a committee, and she is therefore proposing an amendment to make it a committee of the whole Assembly, which obviously she thinks is going to better the thing and that maybe her wish. I think that is what it would do, I think a committee of the whole trying to deal with the question of forward estimates would be an absolutely mess and would get us no where and waste everybody's time. I think the committee has some good to commend it. I want to propose an amendment of my own, in a moment, but I think there is some sense in the committee. I think it would be a pity to bury it and make it a committee of the whole which I think would achieve nothing at the end of the day. It is quite clear from Miss Buffett's remark that is what she hopes to do.

MISS BUFFETT: Point of order, I certainly did not say to bury it Mr. Acting Deputy President, that is quite wrong.

MR. HOWARD: No she did not say to bury it, but she said that it was a large and controversial matter and the timing was bad and it would be better to deal with it after the election. Obviously she
thinks it is a committee of the whole is going to not deal with a large and controversial matter, and is going to duck-shove it until after the election.

MRS. GRAY: Thank you Mr. Acting Deputy President, if I may just take a couple of points that Miss Buffett has raised, she objected to clause 4 — that is a fairly normal provisions of committees of the Assembly, there is nothing extraordinary about it. To suggest that this matter wait until the next Assembly to handle, I think we have been told in this House that it is possible we may not have an election until the middle of May, when talking about a budget, some hell or high water, is going to have to be presented by somebody, some how at the end of June, and it is precisely to avoid such a rush budget that I seek to establish a committee. I am happy to hear Mr. Howard's amendment.

MR. JACKSON: While Mrs. Gray is fresh there, number 4 of her original motion gives me some concern. Number 4 states that such a committee comprising of Mr. Howard, Mr. Brown and Mrs. Gray have power to summon before it and to examine such persons, papers and records as may require in the exercise of this function. Now could Mrs. Gray explain to the House what papers and powers and records do they require and how will they summons and question.

MRS. GRAY: I would not attempt to reply to Mr. Jackson's question without expert advice. Probably in the form of the various practises we have had. However, my motion is based on, as I have already said, a fairly normal procedure adopted by committees, standing committees and otherwise, until the committee is formed, and until the committee defines its duties I don't think Mr. Jackson's question can be answered in specific terms, Mr. Acting Deputy President.
MR. SANDERS: I think Mr. Jackson and Miss Buffett are missing the whole point. This is an estimates committee and the purpose of its formation is the estimates prior to the budget. I believe it is most of the statements from Miss Buffett are quite irrelevant to what the purpose of the thing was for. I have no intention of supporting this amendment.

MR. JACKSON: I can assure Mr. Sanders, Mr. Chairman that I am not missing the point. I see this committee being formed as one in a nature of keeping a watchful eye on the financial member because of his introduction of his go-it-alone budget for the past year. As Mr. Howard has quoted on paper, and recorded, that his estimates was out, he missed timed and miss judged his estimates. I see this motion as the two that has been proposed by Mrs. Gray of herself and Mr. Brown to sit with Mr. Howard and make sure that Mr. Howard does not run off on his own like he did in the previous budget.

MR. BROWN: Point of order. Mr. Jackson's words are most offensive and personal reflections. Standing Orders 61 and 62.

MR. CHRISTIAN-BAILEY: Mr. Jackson would you withdraw your remarks.

MR. JACKSON: If you so wish.

MR. BROWN: Point of order Mr. Chairman, the remark has not yet been withdrawn.

MR. JACKSON: If you so wish.

MR. BROWN: Point of order, the words 'if you so wish' are not an adequate withdrawal.
MR. CHRISTIAN-BAILEY: Mr. Jackson - I withdraw the remark.

MR. JACKSON: Which remark shall I withdraw.

MR. CHRISTIAN-BAILEY: The remark that Mr. Brown found offensive.

MR. JACKSON: May I ask Mr. Brown which remark is offensive to him.

MR. BROWN: I don't keep a short-hand transcript Mr. Jackson but you are well and truly aware of words which you used which were offensive.

MR. CHRISTIAN-BAILEY: Order, order please.

MR. JACKSON: However with the committee of two, I will support the amendment, because it is no better way to make the estimate and all parties of nine, the full Assembly, sit in and examine the estimates and have some input into the estimates that will be provided by the various department, and in that respect I do support the amendment because I feel that instead of three members sitting down and examining the proposal for the estimates, for the budget, 1983/84 budget, that all members sit in.

MR. CHRISTIAN-BAILEY: Further debate members.

MR. BROWN: Mr. Chairman, I do not support the amendment. The committee of nine would become unworkable, it may be that the size of the committee could be slightly increased - for example by including Mr. Sanders in it, but I certainly would not support the amendment proposing an increase to nine. We have seen enough problems already
that were caused in previous years by a lack of open government, by things going on behind closed doors involving all of the members of the Assembly. Point of order Mr. Chairman, Mr. Jackson continues to be offensive, and continues to be disorderly, I point you Mr. Chairman to Standing Order 189, and 190 and with respect Mr. Chairman, I suggest that time might be approached for those Standing Orders to be used.

MR. CHRISTIAN-BAILEY: Standing Order 189 - Mr. Jackson, I will read it. If any member has a persistently and willfully obstructed the business of the House, b) guilty of disorderly conduct, c) used objectional words which he has refused to withdraw, d) persistently and willfully refused to conform to any standing order, e) pesistantly and willfully disregarded the authority of the Chair he may be named by the President of the Chair. I warn you Mr. Jackson that if you persist in this that you will be named.

MR. JACKSON: Does that law apply to all members.

MR. CHRISTIAN-BAILEY: Of course it does Mr. Jackson.

MR. BROWN: Mr. Chairman, I believe that it is undesirable for committees of the whole House to meet other than in this Assembly Chamber in meetings that are open to the public. A small committee can meet and then report to this Chamber, all members of the community are able to hear that report. All members of the community are there by able to know what happened. It is unsatisfactory to hear, as we heard earlier today, from Mr. Buffett, of meetings which took place on prior occasions, the contents of which were not made known to the public. Meetings of this House should be open to the public although
on occasions it may be necessary to form a committee to look at various matters, these occasions will be exceptional, this is not one of those exceptional occasions and I cannot support the amendment.

MISS BUFFETT: It is for that very reason that I moved the amendment that more members be involved in the estimates committee, because with the estimates that are provided before the committee, before the Assembly, as a whole or as a committee, there is no chance for the Assembly members to have any input on behalf of those that they represent, and I am disappointed that members don't see fit that all members should take part in matters of government so important as the estimates committee. Thank you.

MR. BUFFETT: Mr. Acting Deputy President, as I see it, basically this Assembly should not be handling an assessment of the next set of estimates. We have just had a referendum which indicates that there should be an immediate election, and that in my view does not give us mandate to arrange the finances of this island for the next financial year. I think there is some expression of opinion in the referendum, that has just been held, as to how the finances have been handled in the past. If there needs to be a choice between the proposed committee of three and the whole House, well on the basis of what I have just said about the previous arrangements with finances I would prefer to see it handled by the whole House, although I can acknowledge that the whole House can be quite a large group of people to examine that situation, but I think you have to try and balance it in light of the fact that we have just had a referendum, which has said what I earlier said, and so it is not a happy situation in any of the decisions, but if it must go along then in fact I would prefer to see it as the whole House examining the matter.
MR. HOWARD: I don't think there is any question of it, it must go along. I honestly think we are not going to be able to have an election before May, I think that is what the meaning of the telex we got from the Attorney-General this morning is, maybe later than that. Mrs. Gray referred to the necessity to bring in a budget by the end of June, that is not so, budget is suppose to come in at the beginning of June, so it can be left to lie on the table so the community can comment. It needs to be passed before the end of June because Supply runs out at the end of June and there has to be further supply for the coming year. A budget just cannot be thrown together in a few minutes times, it is a lot of work, and I think that work should be going on right now. If the next Assembly is of a different mood than this Assembly, and if this Assembly has carried out its duty by assembling a budget it thinks is best suited for the island, there is no great problem in a new Assembly liberalising that budget and spending more of the Revenue Fund if they wish to do so. I think there is an obligation on this Assembly to keep moving and get a budget ready.

MRS GRAY: Once again if I just take a couple of points as they have been raised. Alice Buffett suggests that there be, or suggests that she experiences disappointed in that there should be no input from other members, that feeling is not so. Other members of the Assembly are a) free to address the committee, b) certainly free to have discussions with whoever, whatever members were on the committee. Mr. Buffett conceded that a large group can present difficulties in such situation, that is precisely what I have tried to take into account in moving this motion, and I must reiterate that it is a convention which dictates that the mover of a motion must stand on a committee, it is the only reason I am there. I would like to remind members that recommendations of the committee are just that, recommendations, not dictates to the House, not unquestioned suggestion.
at all, they are purely and simply recommendations, a way of trying to condence what is going to be a great deal of work before it comes to this House. Thank you Mr. Acting Deputy President.

MISS BUFFETT: Can I please ask another question. Mr. Jackson has asked a question about Clause 4. Now when it comes to the Revenue and Expenditure of estimates this really concerns me regarding all of the people that I represent — and everyone else represents for that matter in that records, such committee has the power to summon before it to examine such persons, papers and records as it may require in the exercise of its functions. So whatever the estimates committee or whatever the policy is of the government and whatever the estimates committee are going to put forward need to be done, they suggest right for instance, we are going to impose a certain levy including people of various income groups, does this means, it certainly means by the way I read it, that all people can be summoned and their records etc, laid there for this purpose. I don't think that this should be handled this way.

MR. HOWARD: I share some of Miss Buffett's concern about the use of that particular provision. I am afraid it is necessary in this particular case because as was mentioned in some earlier debate today, only executive members have right of access of Public Service records, and if there is going to be a committee of three members looking at estimates, they all need to have the right of access to Public Service records, so I think they have to be given that power in order to be able to ask for information from the Public Service and get it. I would be immensely trouble if that committee started calling in private citizens and grilling them on their private affairs and if that began to happen I would be happy to vote in favour of an Assembly motion, if you want to put it, disbanding this committee and taking
all of their powers away from them.

MR. CHRISTIAN-BAILEY: The question is that the amendment be agreed to. Further debate. There being no further debate the question is that the amendment be agreed. Those in favour Aye. Contrary No.

CLERK: 
MR. BUFFETT: Aye
CLERK: Mr. Howard
MR. HOWARD: No.
CLERK: Mr. Brown
MR. BROWN: No.
CLERK: Mr. Christian-Bailey
MR. CHRISTIAN-BAILEY: No.
CLERK: Mrs. Gray
MRS. GRAY: No.
CLERK: Miss Buffett
MISS BUFFETT: Aye
CLERK: Mr. Jackson
MR. JACKSON: Aye
CLERK: Mr Sanders
MR. SANDERS: No.

MR. CHRISTIAN-BAILEY: The Ayes 3 - no - 5. The amendment is lost, further debate.

MR. HOWARD: I would like to move an amendment of my own.
My proposed amendment is that the word 'finance' be omitted and the word 'commerce' be substituted, in other words, that it not be the Executive Member for Finance — me who is on this committee, it should be the Executive Member for Commerce who is Mr. Sanders. Secondly, in paragraph 2 the words 'all estimates of' be omitted and the words, 'estimates of revenues and' be substituted. Following the words '30 June 1984' paragraph two, the words 'and the Torche Ross report dated January 1983,' be inserted. I would like to talk to that proposed amendment, if I may. Mr. Jackson.

MR. JACKSON: Is leave granted for that amendment.

MR. HOWARD: I had given notice of it Mr. Jackson

MR. CHRISTIAN-BAILEY: It is on notice, Mr. Jackson.

MR. HOWARD: Mr. Jackson made some comments during the discussion on Miss Buffett proposed amendment. He said he saw the committee as a watchful eye on me as the Executive Member for Finance because of my go-it-alone budget, last May. I think I see it in the same way. My bugetting has been wrong, I did not enact the budget for this year, I proposed it to the Assembly and the Assembly enacted it, but I proposed it and I proposed it pretty much on my own because I could not get a responsive budget proposal from the Chief Administrative Officer. So I proposed a budget I devised largely myself, based on Public Service estimates, but certainly not drawn up on the whole by the Public Service. In the budget I proposed, I recommended quite sharp cuts in a lot of spending. I said I hoped that that budget would work out to a balanced set of operations. I set I hoped revenues would come in well enough to make that happen, they haven't I was wrong. I was
my hopes were not realised, and so we are three hundred thousand dollars short at this point where I hoped we would be by the end of January. There is no point in anyone kidding anyone else, I guessed wrong, I hoped wrong my hopes were too optimistic. I would like to point out that my hopes were a great deal more pessimistic than the recommendations of the Public Service, they were a great deal more pessimistic than the expectations of Mr. Buffett, Mr. Jackson and Miss Buffett, who continued to think we have lots of money and that we don't really have any serious worries and we should not be worrying our little heads about the financial situation. I feared a difficult financial situation this year and my fears have been more than realised, it is a lot worse than I thought they would be, and I can see sense in a committee of people not including me looking at the estimates, not only of expenditure but of revenue, and then putting their recommendations to the House. I can't think of three better people to be on that committee than Mr. Sanders, Mrs. Gray and John Brown because they were the three, they have been the three who have been right all along on how the economy was going, they are the three who have been saying in the Assembly, meeting after meeting, look things are not going well, they are the ones that began saying to me in about September, they began saying last May, Ed you are dreaming it is not going to be that good, it is going to be worse than that. They were the ones who began saying to me in September, October, November as the monthly figures began to come in and began to show a bad turn - when are you going to do something and I said to them, let us hang on a little bit, you, one swallow does not make a summer, let's don't panic right now, let's keep going keep our finger crossed, we may have to take some action early in 1983, but let's hold on for a little bit. If they had been in charge we would not have done that. I think that the amendment that I am proposing the committee consists of Mr. Brown, Mrs. Gray and Mr. Sanders would make it a committee of the three people of the 9 of us who have been right of
how things were going to go financially. I think they have proved themselves to be the best forecaster. I think they have proved themselves to have the best finger on the pulse as to what is happening on Norfolk Island, and I think they should be the three who should be on the committee, and I would welcome a committee of that kind examining finance. I have already referred to the fact that I believe this committee should deal with estimated revenues as well as estimated expenditure, you have to deal with both sides of the picture to make sense. The final part of my proposed amendment is that the committee also take into account the Touche Ross report which I tabled and which became public earlier in today's meeting, because it sets out where - for the first time, professional competent statistical comparisons of what Public Service wages and salaries wages are in relation to the rest of the community, I think that is vital information in the planning of this coming year's budget and of future budgets, and I, part of my amendment is to ask specifically that such a committee take into account and study and look at and consider the content of that Touche Report and that is why I moved my amendment.

MRS. GRAY: Thank you Mr. Acting Deputy President, I suppose I find it difficult to argue with Mr. Howard's amendment. I am not as sure as he is about not having the Executive Member for Finance on that committee, perhaps when I have put a couple of other points he may care to give his reasons for that. There was certainly some difficulties associated with the formulation of the budget last year, and I suspect not the least of which is the problem of too much work being loaded on one man in a very short space of time. This motion does seek to lighten that load at the risk of boring you all to tears we are back to the policy group idea again, which is often spoken of in this House by me with probably regularity. But concensus of the House is that those groups should be formed as required, and I believe that such a
group is necessary to formulate the forthcoming budget, notwithstanding an eminent election. There is so much ground work to be done before the issues even get to a political stage of making decisions about what will be and what will not, it is just to remind ourselves that revenue is raised by the government and expenditure is decided by the government, and those decisions are ratified by this Assembly. There is a lot of ground work to be done, I am suggesting that we should get on with it, delay would be disastrous as far as I can ascertain, not only for this Assembly but the next one, but more importantly for Norfolk Island. I suppose the idea of committees is also a long standing one as are the provisions which have been made by the motion as amendment by Mr. Howard or the original motion, but we are speaking to the motion as amended by Mr. Howard. Once again I would quote for a moment from the issue of the Parliamentarian that I mentioned earlier this afternoon and the article by Cyril Lynch on Westminster system, or Westminster model in the South Pacific. He said, 'what seems to be needed is to ensure that politically executive authority including fiscal authority is founded on the legislature and that emphasis is placed on supervisory institutions and technics - especially by means of a comprehensive system of standing committees', and that is what the motion attempts to do and that is what Mr. Howard's amendment suggests, in fact he expands the function of the committee to more of a finance committee than an estimate committee. I am with reservation on his absence from the committee, and am prepared to support his amendment. I would like to hear his reasons.

MR. HOWARD: My reasons are pretty clear. First of all I think three is a good number for a committee and I think the Mr. Sanders Mrs. Gray and Mr. Brown are the three by their track record, the three best forecasters we have on the island at the moment, and I would like to see those three working on it. I assure you I would be delighted to give the committee any help I can at all and I can assure that as long
as I am expected to be Executive Member for Finance that the work of that committee and the recommendations of that committee will be extreme and interest to me. I would rather when the committee presents its recommendation not to be part of those recommendations, I would rather have them come from a separate committee, I would be rather part of the House listing to those recommendations, rather than having my own thoughts already built into them, and I think that would be a good thing for the committee as well. I think the committee might come up with some ideas that I disagree with, rather than getting voted down in the committee stage, I would rather have it come to the House and see if we can do battle then, that my test you that may test me, I would be delighted to help but I don't think I ought to be on it.

MR. SANDERS: Mr. Chairman, I support Mrs. Gray's comments on the matter, I do believe that Mr. Howard should have been on this committee, however, he seems pretty sure that it would be better without. Also I would like to use this opportunity, there is consistent remarks in this House about Mr. Howard's one-man band budget, I think this House and Norfolk Island owes Mr. Howard a vote of thanks for doing that one man budget that has been so controversial. If Mr. Howard had not introduced that budget that he did, Norfolk Island would already be broke. Rather than continually sling off I would like to use this opportunity to say, thanks Mr. Howard you have done a damn good job.

MR. BROWN: Hear hear.

MISS BUFFETT Thank you Mr. Acting Deputy President. I recognise the hard work that has gone into it, but I share a different view to Mrs. Gray who has stated just previously that she consider the failure of the budget was due to an overload of work on one member. I reiterate as I have done before, the failure of the budget was caused
by a refusal to adopt other policies.

MRS. GRAY: I must refute the statement that Miss Buffett has just made, I said that some of the difficulties experienced in the formulation were due to its having fallen on the shoulders of one man, not the failure of the budget. I don't suggest that the budget has failed yet.

MR. CHRISTIAN-BAILEY: Further debate Honourable Members. There being no further debate, the question is that the amendment be agreed to. Those in favour say aye.

Aye

To the contrary no

I believe the ayes have it.

MR. BUFFETT: I abstain

MR. CHRISTIAN-BAILEY: The question is, that the motion as amended be agreed. Those in favour say aye

Aye

To the contrary, no.

Abstentions

Mr. Buffett, Miss Buffett abstains.

NOTICE NO. 5

MR. CHRISTIAN-BAILEY: Customs (Amendment) Bill 1983. Mr. Howard.

MR. HOWARD: Thank you Mr. Chairman, this is a short Bill and it should not take long. It is an amendment proposed to the Customs Act - it is not an urgent Bill, it will lie on the table until
the next meeting. It has been introduced at the request of the Administrator and the Commonwealth Government, to make machine guns and military semi-automatic weapons prohibited inputs in Norfolk Island. I want to make sure that all members have the up to date copy of the Bill which includes the expression 'semi-automatic firearm of military type'. Those three words 'of military type' were not included in the earlier drafts and the Bill as it is being introduced includes those three words 'of military type', following the word 'firearm' means any semi-automatic firearm of military type, not being a pistol and so on. I don't think we need to take time debating it today, I can't believe that there is going to be any resistance to the Bill, there is no reason that anyone who is an illicit international arms dealer on Norfolk Island should want to import machine guns and military semi-automatic rifles, and if I may having moved that the Bill be agreed to in principle, Mr. Chairman, I would like to move that debate be adjourned.

MR. CHRISTIAN-BAILEY: Question is that the debate be adjourned. Those in favour. Members do wish to make any input at this stage. The question is that the debate be adjourned, those in favour say aye.

Aye

To the contrary, no

The Ayes have it.

NOTICE NO. 6


MR. HOWARD: I move that a present the Postal Services Bill 1983, and I move that it be agreed to in principle. The law under which Norfolk Island Postal Services are carried out is the Post and Telegraph
Ordinance 1957, as amended from time to time since then. The Post and Telegraph Ordinance essentially said that Australia's Post and Telegraph Act of 1901 - as amended up to June 1975, applies on Norfolk Island with certain alterations which are set out in our Ordinance. It is a cumbersome and now outdated law, it was not written for Norfolk Island needs at all, but was simply adopted here for the sake of legislative convenience. It is interesting to note that when I was given Executive responsibility for postal services, I asked for a copy of the law so that I could study it and no what responsibilities and authority had been placed on me, it took some recalls for a copy to be provided, and then it was necessary to read through it section by section trying to understand how the Australian words applied here, striking out the word Postmaster/General wherever it appeared and substituting the Minister changing the Department to the Administrator, changing the Treasurer to the Executive Member for Finance, and so on. Clearly a newly compiled law, drafted specifically for Norfolk Island was needed. After discussions with the Postmaster, Revenue Manager and others concerned with postal services, I asked the Legislative Draftsman to undertake this long complicated and difficult drafting of a fresh new law. In his work he made extensive reference to the postal laws and regulations of many countries, including Australia and examined the very many particular needs of Norfolk Island. When his first long draft had been prepared an extensive series of careful, reflective examinations was then carried out involving officers of the Administration, including again the Postmaster and the Revenue Manager, the Legal Adviser, a leading philatelic expert on Norfolk Island and others. In the course of these examinations dozens and dozens of words and phrases were questioned, every significant principle or provision was weighed, and the people doing the examination searched and applied their minds to see what additional principles, provisions should be included. The result of all these studies was a large number of improvements and
refinements for which I am most grateful. The Bill as now presented for the Assembly’s scrutiny is a milestone in Norfolk Island’s advancing self government. It has involved hundreds of hours of painstaking work, it establishes a firm clear responsible foundation on which our postal services and our existence as one of the worlds postal issuing authorities can be based, I believe it is a full correct and creditable response to the Commonwealth having given Norfolk Island legislative and executive authority over its own postal services. I believe it is a demonstration that Norfolk Island can carry out that authority more responsibly, more intelligently, more effectively than it was carried out during the many years in which full authority for Norfolk Island postal services rested in the hands of a Commonwealth Minister and Government Department who are burdened with many other responsibilities, and who are far removed from the real life needs of the people of this Island. Yet while the Bill is a historic step forward and involved immense effort, it is not in any way an exciting bold legislative step. It contains nothing dramatic, it includes no revolutionary changes from existing procedures, unless someone considers it revolutionary change to be able to pick up Norfolk Island’s postal law and be able to read it through without difficulty and be able to understand quite clearly what it means. The Bill is 52 pages long and covers all main aspects of the postal service, in addititions there are regulations covering hundreds of smaller but essential details of how the postal services is operated. For the time being it is proposed that the same regulations that now exist will continue to exist. It is intended however, that these regulations will be thoroughly and painstakingly reviewed as the basic law has been and a fresh set of new regulations will be proposed for adoption in due course of time. The Bill is divided into four parts. The first part is preliminary containing its title, commencement and certain matters of interpretation including definitions of certain basic terms. The second part establishes the Norfolk Island postal services as a function
imposed on the Administration, and requires the Administration to provide those services in a manner as well best meet the social and industrial and commercial needs of the people of Norfolk Island for postal services. It requires the Administration to comply with directions given by the Executive Member in the carrying out of postal services, and requires the Executive Member to table any such directions in the Legislative Assembly. It empowers the Executive Member to direct what quantities are of postage stamps and denominations are to be issued. It does not empower the Executive Member to determine what postal rates are, the rates are to be continue to be as they always have been the same rates that would be charged if the same item were posted in Australia. Part two also authorises the Administration to operate a local courier service, although there is no plan for doing so at the present, and to erect mail boxes and make postal arrangements with authorities in Australia. It specifies how postal charges are to be paid, what is to be done when insufficient postage is paid, what what the Administration has to require airlines or ships to carry our mail. Part 3 of the Bill contains the teeth in the law. The declaring of offences and the setting of penalties on persons if they commit such offences. It makes it clear that Norfolk Island regards its postal service as an essential corner-stone of proper government, a service that will be provided honestly and reliably with protection for the rights of all individuals who use that service. It prohibits anyone but the Administration from operating a postal service here, it makes an offence to forge stamps, or possess forged stamps, and the penalty for doing so is 10 years imprisonment. It prohibits anyone from keeping mail they receive my mistake or wrongfully taking delivery of someone elses mail. It prohibits anyone in the Administration from delivering mail to anyone but the proper addressee or his authorised agent, and it prohibits anyone from opening or tampering with anyone elses mail.
illegally. It prohibits the mailing of explosive or offence substance and the penalties for these and other offences are severe and substantial. They are intended to ensure that the Norfolk Island mails are taken with the greatest seriousness and that anyone foolish enough to fiddle with the mail is liable to the full retribution of the law. Part 4 of the Bill contains several miscellaneous provisions including the repeal of previous postal laws and specifies in considerable detail the kinds of matters that are to be covered in regulations. Despite the fact that very great care by many people has gone into the Bill, it is not presented as an example of absolute perfection, many people have made valuable contributions to the form and content of the Bill so far, and further contributions from members of the Assembly or members of the public will be entirely welcomed and appreciated. If it should turn out that no significant further contributions are forthcoming, the Bill will nevertheless would have benefited by being closely examined by all members and will be able to be voted upon by them by the Assembly's next meeting with a feeling of assurance and confidence. I commend the Bill and again express my thanks to all who helped shape it and bring it to the House.

MR. CHRISTIAN-BAILEY: Further Debate. Mr. Jackson.

MR. JACKSON: I move an adjournment of the Bill.

MR. CHRISTIAN-BAILEY: The question is that the debate now adjourn and the resumption of the debate be in order of the day for the next sitting. Those of that opinion say aye

Aye

Contrary, no.

No.

I think the ayes have it.
MR. BUFFETT: Mr. Acting Deputy President, I would propose to the House that we adjourn at this stage, and that we adjourn until a fortnights time, which would be the 16 March 1983, at the same hour in the afternoon as this afternoon.

MR. CHRISTIAN-BAILEY: The question is that the House be now adjourned.

MR. HOWARD: Could I make a comment on that. I think Mr. Buffett's suggestion is a good one, I think it is well to adjourn rather than suspend, I wanted to say that in my own mind, if it turns out that we can get quick collaboration and co-operation from Canberra on the Legislative Assembly Bill, and if it is possible to get a sound proper Bill completed, they will support over there, and into members hands, I would like to see an earlier meeting than a fortnight, if we can possibly do it, and I think we will just have to see how we go, but if we can call one, I don't think we want to lose a days time on that, and I would like to see as quick a meeting as we can have to deal with that one subject in the meantime.

MR. CHRISTIAN-BAILEY: Further debate. Mr. Buffett

MR. BUFFETT: If there is aneed as Mr. Howard has mentioned to earlier consider the Legislative Assembly Bill, I can say that I will be a signatory to seeking the Administrator's concurrence in that.

MR. CHRISTIAN-BAILEY: Further debate. The question is that the House do now adjourn, those of the opinion say aye.

Aye

Contrary, no.
The ayes have it.
The House now stands adjourned until 16 March at 2.00pm