NORFOLK ISLAND

LEGISLATIVE ASSEMBLY

HANSARD

1983

Wednesday 16 March 1983 & 23 March 1983
Executive Member for Administration, Education & Health
(The Honourable David Ernest Buffett)

Surface Transport
Roads, Footpaths & Bridges
Street Lighting
Water Supply
Electricity Supply
Drainage & Sewerage
Garbage & Trade Wastes
Primary Production
Slaughtering
Domestic Animals
Pounds
Pests & Noxious Weeds
Recreation Areas
Cemeteries
Forestry & Timber
Fire Prevention & Control
Quarrying
Prevention of Nuisances
Noxious Trades
Gases & Fuels

Executive Member for Planning, Tourism & Commerce
(William Winton Sanders)

Building Control
Advertising Hoardings
Tourism (including tourist accommodation)
Fishing
Immigration
Land Use Planning & Subdivision
Air & Sea Transport (other than Lighterage)
Legislation Planning
Future Planning
Commerce

Executive Member for Finance
(Edward Davenport Howard)

Revenue Raising
Public Monies
Postal Services
Customs
Liaison with the Public Service Board
Retail Price Index
Bond Store and Future Commercial Undertakings of the Administration

Firearms
Explosives
Places of Public Entertainment
Museums, Memorials & Libraries
Boarding Houses & Hotels (food & beverages)
Foodstuffs & Beverages
Trading Hours
Markets & Street Stalls
Hawkers
Radio & Television
Telephone Services
Coastlines, Foreshores, Wharves
Lighterage
Registries & Rolls
Social Services
Education
Health
The Environment
Culture & Traditions
The Members of the Legislative Assembly

President
- The Hon. David Ernest Buffett

Deputy President
- Mr. William Winton Sanders

Acting Deputy President
- Mr. Bernard Edwin Christian-Bailey

Brown, John Terence
Buffett, Alice Inez
Buffett, Hon. David Ernest
Christian-Bailey, Bernard Edwin
Gray, Chloe Barbara
Howard, Edward Davenport
Jackson, Gilbert Wallace
Quintal, Gregory Gilbert Francis
Sanders, William Winton
COMMITTEES

STANDING

Business Committee

Mr. President
Mr. W.W. Sanders
Mr. E.D. Howard

Standing Orders Committee

Mr. President
Mr. J.T. Brown
Mr. B.E. Christian-Bailey
Mr. G.W. Jackson

House Committee

Mr. President
Miss A.I. Buffett
Mrs. C.B. Gray

Commonwealth Legislation Standing Committee

Mr. W.W. Sanders
Mr. J.T. Brown
Mrs. C.B. Gray

SELECT

Headstone Jetty Select Committee

Mr. W.W. Sanders
Mrs. C.B. Gray
Mr. G.W. Jackson

Kentia Palm & Norfolk Island Pine Industry Select Committee

Mr. President
Miss A.I. Buffett
Mr. G.G.P. Quintal
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CONDOLENCES

MR. BUFFETT
MR. SANDERS
MR. BUFFETT

Mr. Sanders are there any condolences?
No Mr. President
Thank you.

MR. BUFFETT
Honourable Members I would at this stage like to advise that the Administrator has advised that the Minister for Aviation, the Honourable Kim Beazley MP, together with the new Minister responsibility for Norfolk Island matters, the Honourable Tom Uren MP, Minister for Territories and Local Government will be visiting Norfolk Island on 28/29 March 1983. Mr. Beazley will be accompanied by the permanent head of his Department, Mr. Colin Freeland and the New South Wales Regional Director of the Department of Aviation, Mr. Dick Thompson. Mr. Uren will be accompanied by the permanent head of the Department of Territories and Local Government, Mr. Tony Blun and Mr. Tom Patterson, First Assistant Secretary of the Island Territories Division of that Department. While on Norfolk Island Mr. Beazley will officiate at a ceremony to mark the occasion of the official opening of the new runway at the airport and this will be followed by a reception hosted by the Minister for Aviation. Although arrangements have yet to be finalised it is expected that both Ministers will agree to meet with members of the Legislative Assembly sometime during the visit to discuss matters of mutual concern.

PETITIONS

MR. BUFFETT

Any petitions?

NOTICES

MR. BUFFETT

Are there any Notices?

QUESTIONS WITHOUT NOTICE

MR. BUFFETT

Questions without notice, Mrs. Gray
MRS GRAY  I would like to put a question to the
Executive Member for Planning, Commerce and Tourism. In view of
the fact at its sitting of the Supreme Court of Norfolk Island
schedule for 5 April are cases to be heard which cause to question
the validity of the Immigration Ordinance 1968 what steps has the
Executive Member taken to ensure that back-up legislation is in
hand to prevent what could be an interroreable situation developing
should the case be proven?

MR. SANDERS  Standing Orders forbid the discussion of
this House of matters pending before Court. This however neither
practical nor sensible to prepare legislation against an
eventuality which may never come about. Such legislation could
only be prepared in light of the reasons for judgement in the case

MR. BUFFETT  Questions without notice. Mrs. Gray

MRS. GRAY  To the Executive Member for Finance. What
steps does the Executive Member intend taking to ensure that
mail awaiting carriage to Norfolk Island with East West Airlines
is indeed carried by them as the need arises and not at their
discretion.

MR. HOWARD  It is a difficult problem. East West does
not carry mail to Norfolk Island as mail, they carry it as contract
cargo. We have only a lease contract with East West and examination
were carried out over a year or more to see whether the mail might
be better carried by Norfolk Island Airlines going to Australia
by way of Brisbane and a couple of months ago it looked as though
after a great deal of trouble the bugs had been combed out of that
and it looked as though it made sense. Suddenly it became
apparent that Norfolk Island Airlines may no be flying direct from
Brisbane to Norfolk any more - maybe flying only from Brisbane to
Lord Howe to Norfolk and that East West maybe taking over the
Brisbane run - maybe, so steps that were in train that might well
have led to Norfolk Island Airlines taking over the mail carriage
to Australia were discontinued. At the moment is a bit up in the
air. Airlines of New South Wales has expressed an interest in
flying the Brisbane to Norfolk run. At the moment I think the
thing to do is to leave it as it is even though it is a little bit
vague. To keep pressing on East West of the importance of our
mail, which is done continually, but I am afraid until we get to
the stage where we have a firm clear contract for the carriage of
mail specifying exactly what priorities we have we occasionally
are going to have to suffer small off loadings because of
weather conditions or whatever else bears on the airlines that makes
them unable to carry as much as they would like to do.

MRS. GRAY  Based on what you have just said, is it
possible or is it practical to negotiate a contract now for the
carriage of mail with Norfolk Island Airlines, one which will
become automatic should East West get that run from Brisbane and
cannot be made part of the whole situation. We are developing a
monopolistic situation with East West coming out of Sydney and
Brisbane, unless we can have guaranteed carriage of mail I just
don't believe it is satisfactory.
MR. HOWARD I share your feelings and feelings of many people on the community that the mail service is not what we would like it to be. It is easier to recognise that that then it is to fix it. I don't think we are in a position to negotiate a hard front contract with anyone at the moment, it would be open to us to try to negotiate a contract with East West but their situation in respect to Norfolk is a bit in the air, will they fly the Brisbane run or won't they. If they fly the Brisbane run would it be cheaper for them to carry mail via Brisbane than from Sydney would they rather do it that way. These are things we do not know yet and I honestly don't think we are in a position now to sit down and draw up a contract and sit across the table from anybody and say would you like to sign this contract. There is too much yet that is uncertain. I would hope that those things would get straightened out in the next three/four months but I don't know that they will. I think the wise thing to do is to wear it for a little bit.

MR. BUFFETT Further questions without notice. Mr. Brown.

MR. BROWN I wish to ask a question of the Executive Member for Planning, Tourism and Commerce in his capacity as Chairman at present of the Executive Committee. Has a letter been received from the Administrator in relation to the motions passed by this House at its last Sitting regarding the eligibility of Public Servants to stand for election to the Legislative Assembly? Did such letter arise from a letter or telex received by the Administrator from the Department of Home Affairs, if so was such letter or telex forwarded to the Administrator by or with the authority of the Minister, and if not, who originated such a letter/telex to the Administrator?

MR. SANDERS Yes there was a letter, dated 11 March and it starts off. My Dear Minister, I refer to Mr. Brown's Bill to amend the Public Service Ordinance 1979 and the motion passed by the Legislative Assembly on 2 March 1983 concerning the eligibility of public servants to stand for election to the Legislative Assembly of Norfolk Island. The Department has provided preliminary comments in relation to those two proposals as follows: "As we see it these changes will effectively preclude officers and employees of the Norfolk Island Public Service to membership of the Legislative Assembly. Membership is part time so unless a public servant has another source of income or is of independent means he/she could not afford to be elected. Public servant represent a significant proportion of voters and their interest would be adversely affected by passage of this Bill. There are additional questions which need to be considered relating to rights of public servants and present, - sorry - present and future Executive Members. The present provisions relating to Public Service represent a significant aspect of Commonwealth policy in relation to membership with the Assembly. Our immediate reaction is that if the Bill were to pass the Assembly the Governor-General would be advised to withhold his assent. Similarly the Governor-General is likely to be advised not to make the regulation suggested in Mr. Brown's motion. As you know the previous Minister was opposed to departmental advice being forwarded to Norfolk Island government once a matter had been introduced into the Assembly. However as these are initiatives were from a private member you might like to inform the Executive Committee and possibly Mr. Brown of the Department's initial reactions to these proposals in relation to membership.
Mr. President in reply to the next part of the question, you asked who was the author.

MR. BROWN Did such letter or telex received by the Administrator from the Department of Home Affairs?

MR. SANDERS The answer is yes.

MR. BROWN And was such letter or telex forwarded to the Administrator by or with the authority of the Minister?

MR. SANDERS I would not know the answer to that, but I doubt it by the date of the letter. I think that at that stage of the game we did not even have a Minister.

MR. BROWN If it was not forwarded by or with the authority of the Minister by whom was that letter or telex originated?

MR. SANDERS Mr. Chairman I phoned the Administrator on the day I received the letter asking him where the telex came from, and the author of the telex was Tom Patterson.

MR. BUFFETT Questions without Notice, Honourable Members. No further questions without notice.

Mrs. Gray you had a question.

MRS. GRAY Yes, thank you Mr. President, my question is addressed to the Executive Member for Administration, Education and Health. The Norfolk Islander dated 5 March 1983 in the column 2222 states that "we have just received a list of some 500 unregistered motor vehicles", in the light of that information I would like to ask how many vehicles there are on Norfolk Island, how many unregistered, how many plates from unregistered vehicles have not been returned? Having regard to the financial difficulty being experienced by the Administration what steps have been taken to collect the outstanding registration fees, and what steps will be taken to recover the fees retrospectively? Legislation provides for the return of number plates and are fined for failure to do so and what steps will be taken to carry out that process.

MR. BUFFETT Mr. Deputy President, I am not able to respond to all of those queries immediately, however I am willing to take on notice that particular question. What I can say at this moment is that I think the figure of 500 unregistered motor vehicles in my brief conversation of late with the Registrar of motor vehicles needs some clarification and I have asked that he prepare some figures which in fact will answer the queries that have been raised by Mrs. Gray this afternoon.

MRS. GRAY To the Executive Member for Administration, Education and Health. What provision exists on Norfolk Island for persons in need of legal aid?

MR. BUFFETT There is no legal aid scheme provided by the Norfolk Island Government nor do I understand the Australian scheme extends to or applies in great detail to Norfolk Island, but I am aware that there have been occasions when legal aid has been granted to residents of the Island in respect of litigation conducted in the Supreme Court here. I do understand this...
I also understand that it is not generally available but I am not able to provide a vast amount of detail about that. It is not a facility that is made available by the Norfolk Island Government.

MRS. GRAY Just a quick along those lines. Is it then possible for persons requiring legal aid to approach the office of the Administrator for clarification of their situation?

MR. BUFFETT I am not able to say whether the Administrator's office can handle it but in fact it being an Australian Government responsibility I am sure the officer of the Administrator can offer some guidance as to how such an application can be pursued or processed.

MR. SANDERS Thank you Mr. Buffett. Mr. Brown

MR. BROWN Question to the Executive Member for Administration, Education and Health. Can you advise the House how many trees have been cut or lopped at this stage as a result of the airport upgrading programme?

MR. BUFFETT No I am not able to categorise at this moment the exact number of trees. I can most certainly provide that figure after some research, I can say this however, that the Department of Aviation have at varying stages of their project kept the Norfolk Island Government informed as to the exact number of trees I would need to refer to some detail and bring forward to members.

MR. BROWN A supplementary question Mr. Deputy President. Can the Executive Member advise whether the number as last advised to him by the Department of Aviation was in excess of the number of 50 as stated on various occasions prior to the upgrading being commenced?

MR. BUFFETT This is a matter that has been raised with the particular Department, the figure of 50, Mr. Deputy President. There have been various people and bodies on Norfolk Island who have put the view, both to me and to the Department of Aviation that the environmental impact statement mentioned a number of 50 trees when the airport project was being examined. The Department in their conversation with me and to my knowledge with persons who have had such representations to them have acknowledged that a figure of 50 was mentioned. They are however adopting the attitude that the 50 referred to trees that had not previously been lopped or received some treatment and with the 50 referred to trees that had that were quite new to the project. I am not making any comment in respect of that - I am really trying to pass on the view that has been put by the Department of Aviation on the matter.

MR. SANDERS Any further questions.

ANSWERS TO QUESTIONS ON NOTICE

MR. SANDERS Are there any answers to questions on notice?

MR. BUFFETT I do have one Mr. Deputy President.
Question No. 35 stands in my name asked by Mrs. Gray, Mr. Deputy President. The question was this. a) How many companies are registered on Norfolk Island? b) How many of these companies are local companies? c) How many of these companies which have not filed an annual return are local companies? d) How many companies have not filed annual returns for the last three years? e) How many of those companies in default are local companies? f) What are the registered offices of those companies and which firms of accountants act on their behalf? g) What action is being taken to ensure that the annual returns of companies in default will be filed, and what action will be taken to recover the revenue losses involved?

I will respond to those questions, part of the questions, the first one, how many companies are registered in Norfolk Island. As at 15 February 1983 there were 625 companies on the register. B) How many of these companies are local companies? There are approximately 35 local companies. C) How many of these companies which have not filed annual returns are local companies? There are approximately 28 local companies which have annual return outstanding. How many companies have not filed annual returns for the last 3 years? There are 50 companies which have not filed annual returns for the last 3 years. How many of those companies in default are local companies? Eight local companies have not filed annual returns for the last 3 years. What are the registered offices of those companies, and which firms of Accountants act on their behalf? The registered offices of these companies are, and I list them down. Taylors Road, Redleaf Ferry Lane, c/- C.R. O'Sullivan & Associates, Taylors Road, c/- Office of J.T. Brown, Taylors Road, and c/- W.J. Lackey, Taylors Road. I am advised by the Registrar, Mr. Deputy President that the register does not disclose the firm of accountants who might act for these companies, that was involved in the question. The final one was, what action is being taken to ensure that the annual returns of companies in default will be filed and what action will be taken to recover the revenue losses involved? Legal remedies pursuant to the Companies Ordinance 1926 will and are being exercised by the Registrar of Companies. Liability for filing fees arises on the filing of a document and civil and criminal actions will be commenced to assure compliance. That completes the questions that I have on notice.

MR. SANDERS Thank you Mr. Buffett, there is question no. 28 do you wish to reply to that one?

MR. BUFFETT Not at this time I am not able to do that.

MR. SANDERS Mr. Howard

MR. HOWARD I have an interim answer on question number 36 from Mrs. Gray concerning absentee landowners which is simply that I have written to the Registrar asking him for details on the four questions she has asked and as soon as they are available I will let her have them.

MR. BUFFETT Further answers to questions on notice, question number 36. Mr. Sanders

MR. SANDERS Mr. President, the first question on notice from Mrs. Gray is - wish to refer to the recent airfare increases announced by Air New Zealand and East West Airlines. The first question is, what consultation took place between yourself and
The reply to that one is none.

The second question is - given that East West claim to base their airfare increase on exculating fuel costs, are you able to ascertain what other air fares were increased at the same time and to what destinations? I have checked with Mr. Dick Buswell of East West Airlines and he stated that all East West fares to all destinations were increased on 1 February. However I note that on the 9 March they introduced a $120 return fare Melbourne/Sydney via Albury. Mr. Buswell will be on the Island on Friday, perhaps further answers to that can be obtained then.

Assuming that minimal consultation took place between yourself and the airlines prior to the fare increases, what steps do you intend taking to ensure that in future you are given full detail and justification for proposed increases? East West Airlines have given me an undertaking that I will be notified in advance of any impending increases in the future.

The next question which was one that was asked last week does not show on the notice paper but it is still there and it is having regard to the fact that oil prices are falling rapidly and that Australian Airlines must justify fare rises and in excess of 5% to the Independent Airfares Committee, do you see the effect of this process and decision given that a senior airline executive visiting Norfolk Island recently stated that the AIFC has no teeth, the Independent Airfares Committee. I would like to answer that in two sections. Mrs. Gray would be aware that as late as this morning, currently over Radio Australia is the news that Opec countries are still trying to decide on the new oil price. I intend to apologise for not having a personal ear of Opec. I also wish to stress that there is no political gain to be made to asking questions on matters of which members of the Assembly or the Executive Member, in particular, have absolutely no influence or control. In fact time would be spent far more productively by addressing ourselves to any of the more pressing and relevant matters before the House. In reply to the last bit about the Independent Airfares Committee having no teeth, as far as it is concerned questions which appear to be given in this matter - I am sorry - I feel there is no need to answer such statements on behalf of any airline executive who just passed opinions. The final one is if you accept that the level of tourism is substantially influenced by air fare costs and the level of tourist numbers elsewhere in the Pacific is rising, what steps do you intend taking to ensure that air fares to and from Norfolk Island are reduced to a reasonable level? In reply - the level of tourism elsewhere in the Pacific fares are coming down. This comes about, as Mrs. Gray would know, by the introduction of more efficient and economical aircraft being used on those routes. There is no doubt that the F27 is not an efficient or economic aircraft for the Norfolk Island service from New Zealand or Australia. Mr. President there would be many a letter that has been tabled in this House where the airlines have stated that. In fact Air New Zealand have told us that with anything less than a full load they loose money. Air New Zealand only have 737's aircrafts to operate this route other than their F27. For them to operate a 737 an environmental impact statement is required which the Assembly has approved without the support of Mrs. Gray. It is not possible to have reduced or acceptable air fares within inefficient and uneconomical aircraft. However despite the lack of support shown by Mrs. Gray for efficient aircraft and reduced fares, she should rest assured that as Executive Member responsible I will always negotiate to ensure air fares to and
Mr. Brown: Mr. President, I move that the answer be noted.

Mr. Buffett: Question that the answer be noted. Wait a minute Mr. Brown, you want to raise a supplementary question is that the idea?

Mr. Brown: I did want to make some comments in relation to the reply.

Mr. Buffett: No I am not able to enter into that Mr. Brown. I can entertain supplementary questions, but questions cannot be debated.

Mr. Brown: Perhaps I can do it by supplementary questions. Is the Executive Member able to state whether East West Airlines have introduced a service between Sydney and Melbourne using F27 aircraft, if so is the fare on that service $120.00 return, and is the full economy fare on the direct flight for Ansett and TAA $248.20 return? If so, is East West Airlines operating an F27 aircraft able to cut more than 50% from the price charged by Ansett and TAA? Do Ansett and TAA operate jet aircraft? amongst the jet aircraft operated by Ansett are there Boeing 737's?

Mr. Sanders: Thank you Mr. Chairman, it was rather a lengthy heap of questions but, yesterday and the day before I was given cuttings out of newspapers which does in fact appear to be as Mr. Brown states.

Mr. Buffett: Further supplementary questions?

Mr. Brown: Does the Executive Member in the light of that reply still maintain that the F27 is not an efficient and economic aircraft and does he still maintain that it is not possible to reduce ares with inefficient aircraft?

Mr. Sanders: I don't know enough about aeroplanes to know what you can do with them, but as I understand it flying over water they do not carry the pay load as what they do flying over land. If there is any more hairy ones that Mr. Brown would like to give me perhaps I could take them on notice.

Mr. Buffett: I think that completes questions on notice.

PAPERS

Mr. Buffett: Papers, are there any papers?

Mr. Howard: I would like to table two papers describing two reasonably moderate duty exemptions that I have authorised during the past couple of weeks.

Mr. Buffett: Thank you. Mrs. Gray did you seek the call in respect of papers, no.

Mr. Jackson: Could I ask Mr. Howard what were these exemptions, duty exemption.
MR. HOWARD  The papers are tabled so that all members of the Assembly may see them. They are openly accessible to Mr. Jackson, there is nothing controvery, some of them involve personal affairs of a people of a kind that I see no advantage in airing in the Assembly. The papers are available.

MR. JACKSON  I apologise if they were personal papers, I did not know.

MR. BUFFETT  They are available for inspection by members from the office of the Clerk. Mr. Sanders

MR. SANDERS  I would like to table the Tourist figures for February, the House and the public should be pleased to note that everything for the month of February was on the up.

MR. BUFFETT  Any further papers for presentation Honourable Members.

STATEMENTS

MR. BUFFETT  Statements, Mr. Howard

MR. HOWARD  Thank you. I would like to make a statement about certain problems in our relations with the Department of Canberra. At our last meeting in a statement about the Legislative Assembly Ordinance I mentioned delays and confusion that had slowed down the passage of the new law to establish the cumulative voting system. Last Saturday the Norfolk Islander ran a long letter written by Tom Patterson who is the Head of the Territories Division which handles Norfolk's affairs and the department in Canberra. Tom Patterson said two interesting things in his letter. He said that every effort had been made to accommodate and facilitate the changes in the legislation coming from the Executive Member and he said a bill for the new voting law could have been introduced as early as October 1982. The Assembly and the community are entitled to know the facts. Last year with the help of the other Australian electoral office, Norfolk set out to find a better kind of voting system, what was wanted was a system that would be as much like the traditional first past the post system as possible but that would allow any substantial minority group on the Island to gain some representation on the Assembly. In designing such a system, the most difficult and important question was - how much should it favour minority groups? The cumulative govt system was recommended as a way of giving a significant minority group a fair chance to gain representation without giving such a group unfair advantage. The officers of the Australian Electoral Office did an excellent job, they described a good system to members of the Assembly and recommended and describing the rating and in their official report which was issued on September 15 last year. On October 5th we received from Canberra a draft for a law that would put this new system into effect. On studying that draft we found that included two important provisions which had not been mentioned by the officers of the electoral office either in their talks with Assembly members or their official report. Both of these provisions tipped the voting system in favour of a sizeable minority group. Without going into
one or two candidates and no votes to anyone else. Secondly more concentrated voting in bi-elections. In a general election cumulative voting allows each elector to give half his votes to any one candidate, but this particular provision would allow people in most bi-elections to give all their votes to one candidate. I do not know how those two blow-in provisions got into the draft law, they were not asked for by the Assembly and they were not recommended to us by the electoral office. Since then the electoral office has agreed that neither provision should be included in the law, but it took months of hard work to get them removed. Let me explain by telling you what happened with each of those two provisions. First partial voting. I immediately raised objections to having such a provision in the law. At first the Department answered with a lot of arguments as to why it was a good idea, these arguments did not appear to have much substance, but then Department said, alright if that is not wanted we do not mind we will leave it out. Nearly two months later a revised draft of the Bill came to us from Canberra, the accompanying message said, and I quote, "as you are aware representations concerning the desirability of an elector having to use all his votes in an election have been accepted." The following draft incorporates provisions that require any elector to use all votes to which he is entitled. We studied this draft and found that it did not require an elector to use all his votes at all, if he wanted to spill off some of his votes all he had to do was mark some crosses in between the boxes for different candidates. The Returning Officer was instructed to ignore those crosses and just count the remaining crosses that were inside the boxes. So we had to re-write that part of the law ourselves. Our Legislative Draftsmen prepared proper wording and it has since been accepted by Canberra. Now go back to the other unexpected provision in the law as Canberra first sent it to us. More concentrated voting in bi-elections. This provision would have given an extraordinary advantage to a sizeable minority - a voting block of 35% of the electors could get in a general election 3 of the 9 Assembly seats and that is quite fair. But if there were two bi-elections for two seats each any time in the following 3 years, that same 35% could end up with 5 of the 9 Assembly seats. One third of the voters could have absolute control of the Assembly and the other 2/3rds of the voters would be powerless to prevent it. I challenge this provision. Tom Patterson replied, we would be reluctant to change the Bill. I then spoke with other Assembly members and found that a majority would not accept such a provision. So again we had to re-write the Bill ourselves. Our Legislative Draftsmen prepared correct words for doing this, these words have since been accepted by the Department. Tom Patterson said in his letter every effort has been made to accommodate and facilitate the changes to legislation coming from the Executive Member. Now you have heard the facts it took almost four months of persistent dog effort to get rid of two provisions that gave unfair advantage to a minority block. Provisions that were not in the official report of the electoral office, provisions that were not mentioned in the official information sheet provided for the electors for the referendum, provisions that never should have been included in the first place, provisions that could and should have been wiped out at once, last October. Tom Patterson says, a Bill could have been introduced as early as last October. Yes, a Bill loaded against the majority of electors on Norfolk Island, a Bill with confused directions in it, a Bill that failed to correct serious short-comings in the law. The Bill that Tom Patterson says could have been introduced in October might have suited Tom Patterson right down to the ground, and may have suited a sizeable block
to the interest of the great majority of people on Norfolk, and I am certain this Assembly would have rejected it quite properly. On January 14th of this year – addition – in addition to quite a number of incidental improvements in the voting laws, that have been put forward both here and in Canberra, John Brown informed the Administrator that he intended to put forward a very significant improvement, one which is so fair and reasonable that it would be an embarrassment to Norfolk and to Australia that he has not been made years ago. It was a proposal that people that have moved to Norfolk to settle here, and have lived here for two years should be allowed to vote, provided of course that they are British subjects and of voting age. The Department made no comment on this proposal at all for over a month, so I informed the Administrator that I would be including it in the Legislative Assembly Bill when it was introduced, but I particularly asked the Administrator to find out from the Department whether this might cause any delay in the progress of the Bill. An answer came back from Canberra almost immediately – and it was almost unbelievable. In Australia a British subject who is 18 is entitled to vote after living in Australia for six months. We propose to allow such a person – providing he actually intends to settle and remain on Norfolk, to vote after living here for 2 years. The Department said "we consider that there could be major policy implications in this proposal". It would take sometime to reach a Commonwealth view on the matter, the Department said, and assuring that the proposal would get deeply and firmly snarled in the bureaucracy the Department immediately sent the proposal off for study by not one, but two other Commonwealth Departments – the Department of Prime Minister and Cabinet and Department of Immigration and Ethnic Affairs. The Department telexed us again – the whole proposal seemed to be so complicated, so unexpected, so massive that we should not try to resolve it now, what we should do is go ahead and pass the new law without worrying about this. Now why is this fair, reasonable proposal being fought off? What is wrong with it? I will tell you what is thought to be wrong with it – it will allow 50 or 100 or 150 people who have settled here and who have lived here for two years the right to vote for Assembly members. Few if any of those residents are members of the Public Service, it will reduce the effective size of the Public Service voting block by a few percentage points. If Tom Patterson should believe that the voting power of the Public Service should be protected at the cost of continuing to deny a substantial number of adult citizens the right to vote I suggest he reconsider his views. I believe this Assembly will pass a law giving the right to vote to British subjects who have lived here lawfully for 2 years and intend to settle here. I do not believe that will delay assent to the Bill at all because it will be a disgrace to the Commonwealth Government if it were seen to be blocking that right to vote. Norfolk Island has a significant problem in its self-government, and that problem is in the Department handling our affairs in Canberra. I have mentioned specific examples of occasions on which the Department – in many cases identifiably – Tom Patterson have taken actions that can be considered very close to improper intrusion on the lawful and impartial process of government that Norfolk Island is attempting to follow. There are more examples in front of us. The Executive Committee is considering legislation to ban the importation of certain military weapons that have no place on Norfolk Island. Machine guns and semi-automatic military rifles. The draft for this law provided by Canberra would have banned, at the same time, the import of most sporting shot guns and rifles. We propose modifying this draft by making it clear that only weapons of
'of military type' in it, the Administrator should withhold assent to the Bill. The extraordinary thing is that Tom Patterson gave the Administrator that direction three days after the Liberal National Government lost at the Australian election on March 5th. Tom Patterson gave that direction 2 days before it was known who would be the Labor Government's new minister for Norfolk's affairs. There was effectively no minister actively responsible for Norfolk when that direction was given. The Norfolk Island Act says, - when the Assembly passes a Bill on any Schedule 3 matter the Administrator shall Act as directed by the Norfolk Island Executive Council or as directed by the Minister if the Minister has directions to give. The Norfolk Island Act does not say that the Administrator shall act directed by Tom Patterson. His giving a direction is not by any stretch of the imagination part of the process of government which the Australian Parliament conferred on this Island when it enacted the Norfolk Island Act. We will consider later today a Bill to amend the Public Service Ordinance so as to require public servants to resign from the Public Service if they are elected to the Assembly. Tom Patterson has informed us that if the Bill were to pass the Assembly the Governor-General would be advised to withhold his assent. In exactly the same vein commenting on the resolution passed by this Assembly at our last sitting formally requesting the Governor-General to make regulations excluding persons from being members of the Assembly while they are public servants. Tom Patterson has informed us 'the Governor-General is likely to be advised not to make the regulations suggested'. Tom Patterson made those statements last week when there was effectively no Minister actively responsible for Norfolk Island. Tom Patterson is not only giving his own directions to the Administrator, contrary to the Norfolk Island Act, he is telling us what our new Minister is likely to do when he did not even know who that new Minister would be. Are we governed by the Norfolk Island Act or is that just all window-dressing? Explanations are necessary, I hope our new Minister Mr. Tom Uren will take positive steps to correct this disreputable situation. I will conclude this statement with a piece of good news, which is the revised draft for the Legislative Assembly Bill was delivered to the Assembly offices from Canberra late this morning. I have not yet studied it, I think there is reason to hope that it will be clear and correct and Assembly members will have copies of it tomorrow, and will be able to meet quickly in a special sitting to consider it along with the amendment foreshadowed by Mr. Brown and pass it on, for Governor-General's assent without further delay. One more detail that I will add, the Executive Committee on Friday, cabled its congratulations to Mr. Uren and welcomed him as our new responsible Minister and said the most urgent priority that the Assembly and Government had at the moment was prompt passage of the Legislative Assembly Bill and we asked for any expediting that he could give us in helping that the Bill gets through as quickly as possible.

MR. BROWN Mr. President I seek to ask a short series of questions in relation to the statement.

Firstly, as to the words 'we would be reluctant to change the Bill' does the word 'we' refer to the Minister, the Department or one or more persons within the Department? Secondly, if the word refers to one or more persons within the Department, is this person or do these persons include Mr. Tom Patterson? Thirdly, has Mr. Patterson within the last 6 weeks been
Norfolk Island which claimed to have found that public servants in Norfolk Island were substantially underpaid? Fourthly was such a finding completely contrary to that of the Touche Ross which has been recently completed? and fifthly did the Executive Member himself release the details of Mr. Patterson's telex to the Norfolk Islander and if not, can he advise the House who did so?

MR. HOWARD The word we is often use in telexes from the Department and I think it is meant to express the idea that the Department believes. The Department is fairly small - the part of the Department which is concerned with Norfolk Island. Tom Patterson is the Head of the Division of the Department which has been up until now called the Territories Division, and he is the head in that Division which deals with Norfolk and other territories. Once step down from him is Fred Brice, one step down from him is Bill Syrette. There is Gay Pinkers the solicitor and several other people so when the telex says 'we' it could be a royal we of one person speaking or it could mean the departmental view is - I don't think there is any necessity that when the word 'we' is used it means that it has been discussed through the Department and has been accepted by the whole Department as policy. I think that is one of the problems we have an understanding about the meaning of the telexes. You asked whether we would include Tom Patterson - I don't know but I find it difficult to believe that on any serious matter of policy that a flat statement would be made without Tom Patterson being aware of it. He is the full time head of the Division throughout the territories. You asked whether Tom Patterson prepared a comparative wages survey showing that public service was substantially under-paid. No he did not - he did a study but it did not show that. He undertook a study, I cannot recall now a year and a half ago, as Chairman of the Public Service Board and in general what he said was that the comparative study showed was that there was not much to choice between the pay that the Public Service received and what the people outside received. From memory he did point out one or two areas - for example typists where pay was a bit higher in the Administration than it was outside. Basically his finding was that they were much of a muchness: inside and outside, there was not much to choice between them. On my reading of the Touche Ross report, the Touche Ross figures and Tom Patterson's conclusions do not square at all. I don't think there has been a great decline in private sector pay in the last year and half. I know that there has not been a great increase in Public Service pay in the last year and half. Touche Ross after a very careful and professional survey seems to show that while there are variations from one job to another the Public Service if you take into account the value of benefits earned on a rough average 20%, 25% something like that more than the opposite numbers in the private sectors. Lastly did I release Tom Patterson's letter to the Norfolk Islander? - no I certainly did not. I had not intended to discuss it at all. The letter was received here last Thursday morning, the Administrator wanted to discuss with the 3 Executive Members on Thursday afternoon at our weekly meetings and we did discuss it. I said at the time that I did not have my files with me but I did not accept what Mr. Patterson's letter was saying and I wanted to examine my files and perhaps we could talk more about it. Then it was agreed that we would discuss it further later and the Administrator said, look Tom Patterson does not want to make a fight of this, and I said, that is fine neither do I let us get on with the job of passing this new law. This is, water over the dam, get on with the job of passing the law. Somebody
Islander. I don't know who that was, the letter was distributed to all members of the Assembly and not to anyone else, so presumably it was directly or indirectly from one of the members of the Assembly. They may have thought they were score points of some kind or help Tom Patterson, or I don't know what. I am surprised that the Islander printed it because it was a letter from Tom Patterson to the Administrator and I am certain that they had not had the Administrator's blessing in printing it and I doubt very much whether Tom Patterson would have given them his blessing, but none-the-less they printed it and that is why I felt it had to be commented on today.

MR. JACKSON I take it that Mr. Howard has been discussing the ... I note the statement previously, I thought Mr. Brown noted that statement.

MR. BUFFETT No, Mr. Brown was raising some queries, questions in respect of the statement.

MR. JACKSON I take it that Mr. Howard was discussing the paper, the letter that I received from the Administrator last Friday afternoon. Now to prove very conclusively that in my debate a fortnight ago when we debated a particular Bill that has been put before the Assembly because it may interfere with the quick passage of this electoral Bill, Assembly Bill coming back from Canberra. I do believe that the electors went to the referendum recently with two questions in their minds, and the two questions respectively was, did they want an election immediately or whether they did not want that election? It was an overwhelming result that they did want an election immediately. Now in my debate in the last sitting I pointed out that by placing other issues into the legislative Assembly Bill will only delay what the majority of 65% of the electors has requested and has been pointed out quite clearly in this letter that has been sent to all members by the Administrator. That these issues by asking that exo-voting rights be granted has in somewhat delayed that Bill, so therefore I am quite happy now that the Bill is here on the Table. Unfortunately it did not come in time to be debated at this meeting so therefore I look forward to debating it further in the special meeting that will be called.

MR. BUFFETT Further debate Honourable Members? Mrs. Gray

MRS GRAY Thank you Mr. President. Mr. Howard and Mr. Brown have probably raised most of the points that I would have liked to have raised. They have made mention of the wages survey undertaken by Tom Patterson and Mr. Sanders may even mention the increase in Public Service wages and salaries before this Assembly at an opportunity to be advised of them and I suspect the first did not have no knowledge of them either. Like Mr. Howard I spent considerable time looking at the Norfolk Island Act 1979 and with your indulgence I will just read what is written here. It makes things very clear. In part 3 under the Assembly section of the Act, it says, the Administrator shall exercise all powers and perform all functions that belong to his Office or that are conferred upon him by or under a law enforced in the Territory in accordance with the tenor of his commission. Sub-section, sub-paragraph a, b, and c, really d as well deals with Schedule 2 and 3 to the Norfolk Island Act. Sub-paragraph e, is the interesting one. In all other cases in accordance with such instructions, if any, as are given to him by the Minister. The Minister. I am finding...
Under Section 6 of the legislation the Norfolk Island Act 1979 Part 6, I beg your pardon, section 19 sub-section 4, subject to this Act the Legislative Assembly has power with the assent of the Administrator or the Governor-General as the case may be to make laws for the peace, order and good government of the territory. The Minister the Governor-General, the Administrator. Not the Department or Members of the Department in Canberra. I got upset at the stage of reading this letter dated 11 March and it has already been pointed out that we did not have a Minister at that date. The final two sentences is Bill Sanders has already read after the beginning of the quotation as we see it. Our immediate reaction is that if the Bill were to pass the Assembly the Governor-General would be advised to with-hold his assent. The following sentence, similarly the Governor-General is likely to be advised, not to make regulations suggested. Who does Tom Patterson think he is? That is all I have to say Mr. President.

MR. BROWN Firstly might I take issue with suggestion made by Mr. Jackson that the indication of my intention to move an amendment to the new voting legislation so as to enable temporary entry permit holders who have been here for two years or more to vote would cause a delay to the introduction of the new legislation. To this stage no such delay has been caused there have been delays, but those delays cannot be solely attributed to my intention to move that amendment. The Bill is at last back and at our next meeting will obviously come before us. Members of this House and the Department have now had lengthy notice of my intention to move that amendment, and that I still propose to do. It is totally immoral to deny a vote to temporary entry permit holders who have been here for 2 years or more who intend to continue to reside here. We should remember that if our existing freeze on the enter and remain permits did not exist the vast majority of these people would already be in a position to successfully apply for enter and remain permits and then according to my understanding be able to vote anyway. Certainly I hope that those temporary entry permit holders who have been very silent until now and the many sound thinking members of this community will make their thoughts known about this issue before the Assembly comes to debate it at its next meeting and might I in closing express my total amazement at the apparent role being taken by Mr. Patterson in relation to this and various others matters that have been mentioned in this House today. What one really starts to one what is going wrong with the democratic system when one Public Servant sitting in Canberra can create the problems that this man appears to be creating. Thank you Mr. President.

MR. SANDERS I would like to make reference to the bottom paragraph of the letter from the Administrator dated 11 March. Similarly the Governor-General is likely to be advised to not make the regulations suggested in Mr. Brown’s motion. That is a heap of garbage - it was an Assembly motion and it was passed, it is not a suggestion. I would like to also make reference to Mr. Howard’s statement at the meeting where he thought he could smell a mouse in Canberra. I think he is right but I think it a hypopoto mouse. Thank you Mr. President.

MR. BUFFETT Further participation Honourable Members? Mr. Jackson
MR. JACKSON  Just one further point Mr. President. Mr. Brown said that his views of this proposed motion on voting rights has not caused any delay to this Bill. Well if we look at the 2nd page of the letter from the Administrator in the last paragraph we will find that it states that urgent advice was sought from the Attorney-General's Department and they responded with their comments on the 1 March 1983. They were unable however to comment in detail on the provisions drafted by the Executive Member concerning the electrical electoral qualifications without first being advised of the intentions of the proposed amendment. So if that never caused them some concern - well my statement here now is not to debate the issue for and against at this particular stage of those that Mr. Brown is advocating for the 2 years qualification of residency to have a vote. My statement here debate this particular stage is the fulfill the wishes and make sure that 65% that voted for an election to be called immediately is carried out with any further hindrance, and that was the point. The other matter that Mr. Brown is raising now to me that is a separate issue, and no doubt I will debate that when the time comes. I would like to draw Mr. Brown's attention that these matters was referred to in the letter we got from the Administrator concerning the delay that has been caused by the return of this Legislative Assembly Bill

MR. SANDERS  I would like to draw everybody's attention to the fact that yes that letter was signed by the Administrator but he is quoting what Tom Patterson said. I have the feeling around the room that Mr. Patterson's opinion is not greatly respected.

MR. HOWARD  I would like to take exception to Mr. Jackson's statement that what he wanted was to fulfill the wishes of 65% of the people without further hindrance. I don't think there is any question that everybody around this Table wants to fulfill the wishes of the 65% of the people, so do I. As soon as we can have an election with a proper voting law that is fine, let us have it, that is what the people want we will give it to them as fast as we can, the hindrance has not come from here. The hindrance has come from over the water.

MR. BUFFETT  The question is that the statement be noted. I put the question those of that opinion say aye,

Aye

Contrary no.
Any abstentions?
The ayes have it.
Any further statements, Mr. Sanders?

MR. SANDERS  Thank you Mr. President, I have a statement here from members of the Tourist Bureau, may I read it Mr. President. It is a survey of promotional expenditures during the current financial year has been confirmed as a success in the Australian market place. Tourist arrivals from Sydney and Brisbane have ceased in the decline trend and are now rising at a noticeable rate although that country is still expressing a tremendous economic recession. With support of respective aircarriers travel wholesalers and Norfolk Island commuters with the commercial sector combining with the Tourism Bureau awareness of the Island and its attributes has been carried to the prospective client with positive results. The Australian market has had TV, radio, magazine and newspaper supplements presented to it and these media must continue for the approaching 1983/84 financial year to ensure
regularly before the potential client. Regrettably the reduction in 1982/83 Tourist Bureau proposed budget by $20,000 has not allowed the New Zealand market to be similarly covered, however the air carriers from that market are now entering into a programme with their wholesalers and hopefully that with financial support from the Tourist Bureau of Norfolk Island to carry to clients the Norfolk Island theme 'No Better Place For A Holiday'. The theme with the concept submitted by Courdey Dailey, Sydney has been generally accepted by all air carriers, wholesalers and the Tourist Bureau as a format for future media advertising. The members of the Bureau have requested that this statement be presented to the Minister of the Assembly for their information. I would like to use this opportunity to thank the members of the Tourist Bureau for the wonderful job I think they are doing. I would like to table that Mr. Chairman.

MR. BUFFETT Thank you Mr. Sanders

MR. SANDERS I also have another one.

MR. BROWN By your leave Mr. President I would like to ask one question in relation to that.

Could the Executive Member advise who wrote the letter which has just been read in the House, and who, if anyone assisted in its preparation?

MR. SANDERS It was signed by Mr. Ray Brennan and discussed at the meeting yesterday.

MR. BROWN Thank you Mr. President.

MR. SANDERS I received a letter from East West Airlines with their agreement between Norfolk Island Airlines and East West. The agreement between East West and Norfolk Island Airlines to be treated as confidential until the airlines say otherwise, and I believe this Government to support this agreement, I believe rests with the vote that the approval for from the majority of shareholders of Norfolk Island Airlines. The Directors of Norfolk Island Airlines I believe will call a meeting of shareholders in the near future and will resolve this matter. Perhaps Mr. Chairman I could read the letter from East West.

I am in receipt of your letter dated March 2nd regarding East West Airlines' application to the Department of Aviation for a licence to operate services between Brisbane and Norfolk Island and advising that the application has now been referred to the Norfolk Island Government for comment. It is correct that agreement has been reached between Norfolk Island Airlines Limited and East West Airlines Limited in respect of this operation and for your information I enclose a copy of this detailed agreement which should provide you with background information to the arrangements. I would seek the support of the Legislative Assembly for the application is the introduction of the F28,4000 which will enable us to bring a much level of service to the benefit of Norfolk Island residents and has been possible through the operation of the F27,5000 aircraft. The F28,4000 aircraft has been constructed with long range tanks re-enforcing enabling the issue of ditching certification. No other F28 aircraft in Australia has been constructed incurring this cost and obviously
the expense has been incurred specifically with Norfolk Island in mind. We are very conscious of the fact that there has been reasons for complaints from time to time in respect of the operation of the F27,500 aircraft and it has always been conceded that the aircraft was never designed for such long range operations, and really it has performed to its best capabilities. I do believe that the efforts which have been made by our air crew and ground staff personnel have been very much directed to providing the best possible services under the circumstances for Norfolk Island even though these on many occasions have operated at economic penalties. The introduction of the F28,4000 will bring a high level of service and we would therefore seek your own support and that of the other Assembly members for the approval of the Brisbane to Norfolk Island licence as this further extension of this service will enhance the operation. We will reaffirm our willingness to control flights to the Island to satisfy the level of tourism which your Assembly may determine as the optimum for your tourist industry and the well being of Norfolk Island residents. It is our intention to commence operations to Norfolk Island with the F28,4000 aircraft on April 30th. We would propose on that date to inaugurate the extension of the service through to Brisbane and return. Based upon available statistics only one economic service per week would appear to be currently justified however with the improved marketing through co-operation with Norfolk Island Airlines we would be confident that an additional service, Norfolk Island to Brisbane would be warranted at an early date. The importance of the long range tanks would be evident to yourself as it enables the flight to continue to destinations and then carry on to Noumea/Auckland in the normally unlikely event that the landing at Norfolk Island is not possible. We look forward to sharing the development of the tourist industry with you and once again to seek your support for this application. It is signed C.B. Gray.

The attachment is their agreement and I would like to repeat again I think it should be confidential.

MR. BUFFETT Thank you Mr. Sanders. Mr. Howard

MR. HOWARD May I ask a question. Airlines of New South Wales has expressed interest in applying for the Brisbane to Norfolk run, it is not clear as far as I know whether they would be interested in running in parallel with East West or whether they are talking about having the exclusive rights to the run. Do you know and if you don’t know can you find out what East West’s view would be of their flying the Brisbane run and having Airlines of New South Wales also flying parallel to them.

MR. SANDERS Yes indeed I could find out the representatives of Airlines of New South Wales have a tentative booking to arrive on Norfolk Island on 24th of this month to present their submission. Also as a matter of interest to this House I had a phone call this morning from Kendell Airlines who wish to operate a service from Melbourne direct to Norfolk Island. Mr. President with your permission do you want me to find out Mr. Howard whether East West is prepared to run in conjunction with, or would you like to wait until after the 24th and see what they offer?

MR. HOWARD If we knew what East West’s view was and they may not be willing to give a clear view, it would be better to talk with Airlines of New South Wales when they do come here on the
MR. SANDERS  Mr. Buswell is arriving this Friday and we have a meeting scheduled at 4.00pm, perhaps we could ask him.

MR. HOWARD  Yes

MR. QUINTAL  I would like to ask Mr. Sanders a question, you mentioned Kimberley Airlines from Melbourne direct to Norfolk - the question I would like to ask is what kind of planes do they have.

MR. SANDERS  At the moment I have no idea it was only a phone call asking if it would be possible to present a submission with the possibility of running.

MR. BUFFETT  Any further questions in respect of that Honourable Members. Further statements

PRESENTATION OF REPORTS OF STANDING AND SELECT COMMITTEES

MR. BUFFETT  Mrs. Gray

MRS. GRAY  Thank you Mr. President, I would like to present a report on the - on behalf of the Chairman of the Committee investigating the extension of Commonwealth legislation to Norfolk Island. As reported at the last sitting of the House the National Crimes Commission Act of 1982 was received during the Christmas period, and was in fact given assent by the Governor-General on 24 December last year. The long title of the Act is 'An Act to Establish an National Crimes Commission to investigate criminal activities', in particular organised criminal activities with a view to prosecution of offenders. I believe the long title is self explanatory, it rather explains the Bill. The advice from the Legal Adviser indicates that the legislation does not have undesirable consequences for Norfolk Island and certainly does not impinge upon any area on which the executive government has executive authority. Therefore it is the recommendation of the Committee that no objection be raised to the extension of the legislation to Norfolk Island. Perhaps we could move that the recommendation be accepted, Mr. President.

MR. BUFFETT  The motion is that the recommendation be accepted. Debate Honourable members.

MRS. GRAY:  I continue, also it is mentioned at the last sitting of the House, a Bill for an Act to provide for the recognition and enforcement of human rights in Australia.

MR BUFFETT  Are we moving off that motion Mrs. Gray

MRS. GRAY  I beg your pardon, yes, I am sorry

MR BUFFETT  If there is no further debate I will put the question, those of that opinion say aye

Contrary, Abstentions
MRS GRAY Thank you Mr. President and I beg your pardon. For the recognition and enforcement of human rights in Australia to be known as the Human Rights Act 1982 was received by the Committee late last year. The Bill is under consideration by the Committee and its advices. The Bill could have far reaching consequences for Norfolk Island and perhaps requires detailed submissions to the Australian Government of Norfolk Island's views. The Bill is a Private Members Bill presented by the Australian Democrat, Senator G Hains who is from South Australia. The Committee wishes to remind members that a copy of this Bill is available at the offices of the Clerk. There is of course no recommendation concerning that Bill.

MR. JACKSON Is that the recommendation that will be the final recommendation, you will not be making any recommendation at all?

MRS GRAY Of the Human Rights Bill, no indeed nd, the Bill is under consideration by the Committee and advices and a recommendation will be forthcoming.

MR JACKSON When that Committee reaches its decision advice will be given to the House.

MRS GRAY Certainly.

MR. JACKSON Thank you.

MRS GRAY There is another report of course.

I present the report of the Headstone investigation committee. I seek only to table the report Mr. President. It is of 65 pages and copies will be made of this report during tomorrow and circulated to members. In tabling the report I table with it the papers prepared by Mr. Silver - papers prepared by Captain Ron Ware and the Wilton Bill Doby & Partners Report in the hope that they will add to the general picture which is provided by the report of the Committee. If I may take those papers Mr. President.

MR. HOWARD Could I ask Mrs Gray if a copy will be made available to the Library? I think one should by all means.

MRS. GRAY Certainly, I hope the report will have wider distribution than just members but that is a matter of discussion and finance.

MR BUFFETT Thank you.

NOTICES

MR. BUFFETT I have to advise Honourable Members that I have received the following message from His Honour The Administrator. Message No. 69 - In accordance with the requirements of Section 25 of the Norfolk Island Act 1979 the Administrator recommends the making of the attached Bill and title. An Act to Authorise Additional Expenditure From the Public Account of Norfolk Island for the Service of the Financial Year Ending 30 June 1983. Dated this 5 day of March 1983, signed R.E. Trebilco. I have to inform Honourable Members that the Business Committee has met and declared
in accordance with Standing Order 158 the Public Account Expenditure Bill No. 4 1983/84 is an urgent bill.

Notice No. 2 Public Account Expenditure Bill No. 4 1982/83. Mr. Howard

MR. HOWARD Mr. President I believe this is the Public Account Expenditure Bill NO. 4 1982/83. I think in some copies it says 83/84 but the Bill is 82/83 because it is for the 82/83 financial year.

MR. BUFFETT Yes in fact in the statement I read about the Business Committee it was such a quotation and that will be altered that should 82/83.

MR. HOWARD Thank you. I would like to present that Bill Mr. President and I move the Bill be agreed to in principle. This is a catch/up tidy up necessity Supply Bill to cover a number of expenditures which were not included in the Supply Bill for the year but which had become necessary and about which we had little or no choice or which on the examination of the Executive Committee seemed so clearly in the Island's interest that I as the Executive Member authorised payment of them from my advance account. I am sorry to say that in this poor financial year there - the sums being sought to be supplied in this Bill approach $100,000. Much of the money has been spent already from my Executive Member for Finance Advance Account with the support of the Executive Committee, and so much of the money is not new spending. The authorisation of that spending will simply be used to restore account 501 to its starting level of $50,000. I will run through a list of the items that are included for Supply in this Bill.

Sargeant Magoogen from the Australian Federal Police served with us for a period of time and was paid by the Australian Federal Police and not by us and the Australian Federal Police have sought $6,808.33 reimbursement for the salary they paid him during that time, that is one of the items.

The largest single item in the Supply Bill is to reimburse the Australian Government for moneies that they paid to members of the Assembly during the previous financial year partly and up until October 1982. There was an unintended provision in the Reimuneration Tribunal Act which once it was studied put the obligation on the Commonwealth to pay our salaries. Now that had not been intended by the Commonwealth and not understood or expected by us nor it was not intended by us, Norfolk is to pay its own Assembly. Nonetheless the law required that the Commonwealth make those payments and they did for close to a years time. The law has now been straightened out and we are now paying Assembly Members from our own money directly but now the Bill has come in from the Commonwealth for the money they paid in that time. The nett amount that needs to be supplied to make that good is $46,425

There was a gratuity payable under the contract of the Dentist when his contract expired on 17 January this year, it was subsequently reviewed but on the expiration of his contract a gratuity of $6,322 became payable.

The Legal Adviser's contract will shortly be completing and there will be a gratuity payable from us to him
A locum dentist needs to be paid for eight weeks while Eric Williams is on accrued recreation leave and the money to be supplied for that is $4,848. There

There have been some Legislative Assembly costs which were not able to be met by the very low sum provided for the year and an additional $5,000 is sought. That will cover a number of miscellaneous Legislative Assembly expenses cleaning and the like. It will also include the cost of the two recent referendums the cost of the forthcoming general election, the cost of associated with the electoral office study which lead to the cumulative voting system, which was done at our request. About $23,000 is sought for reimbursement for Account 501 for Executive Members advance. The items included in that are as follows:

The Administration brought a court case against a hotel licensee and lost and the Administration are required to pay costs as a result of the Courts order – $1,153. I have supplied money, although I understand it has not yet been spent and still available to be spent for daily checks on sewage treatment plants on the Island, the amount I supplied from my Advance for that purpose is still there waiting is $6,736. It was necessary to run advertisements for an Assistant Government Medical Officer last August, cost of that advertising in Australia and New Zealand was $690. A payment of $6,000 to the Hospital to allow it to begin deposing properly of its effluent. Following the customs duty that was imposed on food, the Assembly resolved that pensions on Norfolk should be increased 3% points so that pensioners would not suffer any direct effect of that duty on food. That was supplied from my Advance funds and the amount of that was $1,162 plus each fortnight beginning on the 22 September last year, and additional $195.95.
There was a $300 payment made at the vote of the Executive Committee for an elderly island resident who needed medical care and who was given some assistance with the cost of that medical care. There was an old account which arrived from the previous year for electrical work done at the Fire Station, $808.56. There was money supplied to repair storm damage at the Cascade Jetty last September $3,000. There was work that needed to be done to connect the phones in the Admin Building after the restoration was completed there, money had not been provided for that and so I had to supply $510.87. There was a chance to acquire a new bank of Post Office boxes at a cost of only $400 and I authorized that and at the agreement of the Executive Committee, I supplied $1,185 to allow the purchase of cliff rescue equipment for cliff rescue squad on the island. Now I'm speaking here from various pieces of correspondence that have come to me at one time or another and I think I have covered everything that is covered in this Bill. As you will see, there is nothing sensational or exciting in any of it, there are a number of things that are, good things to have done early, the cliff rescue equipment, helping a particular resident with a particular medical need, raising pensions a bit and a lot of just plain necessary expenses that had to be met and I'm happy to answer questions about the Bill but I think it explains what it's about.

MR. PRESIDENT: Thank you Honourable Members.

Mr. Brown:

MR. BROWN: Just a couple of questions which the Executive Member for Finance might be able to assist me with. First of all, as to the question of the Dentist, could the Executive Member advise whether the Dentist's contract has been renewed, and if so, does that renewed contract make provision for a further gratuity upon its termination.

MR. HOWARD: I don't have that information. I would think that that would be something that Mr. Buffett may be able to find out about but I certainly don't have it on hand at the moment.

MR. BROWN: The other thing I'm wondering about is the Legislative Assembly costs. I note that this includes cleaning, the cost of two referendums, the cost of the forthcoming election and some expenses incurred in relation to the electoral office study but to what extent does it also include expenses over and above salaries paid to Assembly Members?

MR. HOWARD: It's all expenses quite apart from salaries. It's the operating costs of the Legislative Assembly which were savagely reduced in the budget for the year as a whole, as you will recall, we tried to cut everything we could to the bone and it seems clear that I cut deeper than was warranted on Assembly expenses. It includes things like the cost of cleaning of the cost of photocopy paper, it includes the little bit of travel that has been done at Government expense and there's been very little of it this year. It's mostly just routine necessary day to day operating costs of the Assembly.

MR. PRESIDENT: Any further debate Honourable Members?
MRS. GRAY: Yeah but I'm having trouble doing this on the hook and it's been made an urgent Bill. Comment on the Bill as it is? Right page 2 of the Bill, section 5 amendment of schedule 3. Schedule 3 to the principle act is amended and the following schedule substituted and then it continues on page 3 of the discussion with us at the moment. As far as I can ascertain, the original Bill, that is the principle act, the public account expenditure act 1982/83 did not possess the schedule 3. The Public Account Expenditure Act No. 3 of 1982/83 did possess schedule 3 and I think it's an amendment to that schedule which is intended, that's a procedural matter which could possibly be argued with me but there's reference here to the principle act, in fact the amendment seems to me to be being made to the public account expenditure Act No. 3 of 1982 not the original or the principle Bill.

MR. HOWARD: I'll try to comment on that if I can. I am certain that the wording "the principle Act" means by inference the Principle Act as amended and that Mrs. Gray is right that the table number 3 was not in the original Bill. Schedule 3 was necessary when the Assembly voted to reduce the amount of money available for wages and salaries for the Public Service and this was needed to be stated in a fortnight by fortnight way through the remainder of the year. Some of the amounts of money in the Supply Bill that I have put before you today goes into that head of expenditure for wages and salaries and needs to be allocated at certain times of the year in the various fortights. That's why schedule 3 appears again and is modified from the way you saw it previously.

MRS GRAY: Yes but in effect, it's purely and simply gives us all or allocates a further $29,500. That's correct? Mr. President I'm just awaiting confirmation on the tally figure that I made on the amounts that Mr. Howard read out, printed in the Bill on page 2, I believe the total is 1,001,400. And despite our calculator here, we seem to be getting different tallies each time. The tally that the figures that you read out does not seem to gel with the figures you've given us there. Which figure do you get Bill?

MR. SANDERS: $101,400?

MRS. GRAY: Yep that's OK but then what do you get on figures that is read out.

MR. HOWARD: To clear up any uncertainty that there may exist, what we're talking about is the Bill. We're talking about authorizing expenditure of $101,400 if that's the tally of the column on page 2. The explanation that I gave a couple of minutes ago outlining some of the items, may be incomplete in some ways that I'm not aware of. If it is, I'll be happy to round it out and complete it, either between now and the next meeting or when we next meet again. If there is a discrepancy, I can't tell you at the moment where it may be.

MRS. GRAY: Mr. President, this has been declared an urgent Bill. I'm being told there may be discrepancies in the...
MR. HOWARD: Nope. Mrs. Gray is not being told there may be discrepancies. The Bill is as the Bill is. There may be discrepancies in my attempt to explain the background to it. As I said, I was working from a series of pieces of correspondence that I've had from the administration over a period of time and those are the letters which set out what the nature of the needs is, what the meaning of each item is. The translation from what the needs actually are through the form of this Bill should be done by the Accountant and the Legal Adviser. I have not gone through figure by figure to satisfy myself that they are correct. I have accepted that they are correct and I'm certain that near enough they are correct. I'm certain that within a couple of thousand dollars and if there is some part I have not explained, I'll be happy to do that. There is no question in my mind that this amount of money is needed.

MRS. GRAY: Which amount?

MR. HOWARD: $101,400. But having said that, let me then modify it a little bit. It may not be that Mr. Buffett will put into place a program for daily inspection of or weekly inspection of sewerage treatment plants. If so, that money won't need to be spent. It'll be left over at the end of the year. It may be that something else will happen and we will not need to spend some piece of money that is being authorised. If it isn't needed, it won't be spent.

MRS. GRAY: I have nothing further to add Mr. President but I must say that I find extreme difficulty in being presented with a Bill that obviously contains a great deal of background material of being asked to support it without being made aware of the precise background material. Thank you.

MR. PRESIDENT: Further debate Honourable Members. The question is that the Bill be agreed to in principle. I'll put that question. Those of that opinion say "aye". To the contrary "no". Are there any abstentions? Abstentions Mrs. Gray and Mr. Brown. The ayes have it. Is it the wish of the House to dispense with the detail stage? Yes? No? The ayes have it. I now seek a motion Honourable Members that the Bill be agreed to moved by Mr. Howard. Debate on the final motion? The question is that the motion be agreed to. Those of that opinion say "aye". To the contrary "no". Are there any abstentions? Abstentions Mrs. Gray and Mr. Brown. The ayes have it. Notices continuing Honourable Members. Notice No. 3. Disposal of Administration tanalith plant.

MR. QUINTAL: Thank you Mr. Chairman. The reason for bringing this matter up is that I think it is a pity every year the island has to import a considerable amount of tanalized posts and other materials to the island. One importer has just placed an order to send 150 posts to come from New Zealand at the next ship. There probably are a lot of other persons that have ordered from New Zealand is $4.00 per post and which just from one order the amount is $3,000 which is a lot of money, the amount of posts which are imported each year must be quite a large number. We should be trying to keep our money circulating on the island.
on private properties and there should never be any shortage at all. But until just recently, you just cannot buy any posts at all and I believe you cannot buy any from the Government at present and I know you cannot buy one post from Irvines because I bought the last six last week. I would think that if private enterprise was to run the plant, they would have to probably, if necessary, work overtime and some times on the weekends. The Administration at one time was the sole producer of crushed metal. They owned the only crushing plant at the time, the island is has now a private person running the crushing plant most successfully, and I feel that if the Assembly does decide to sell the plant, it does not mean that anyone would lose their jobs. It would mean that the Forestry would have more time to devote to planting trees that are badly needed on the island. I must admit that they have a lot of trees growing and some of them are very beautiful, especially out the Duncombe Bay area next to Jack Hayes property. The pines out there have grown really well and they are really beautiful and there are a lot of other pines and the more pinetrees that we could have planted the better for the island. I do realize that the Administration is probably the biggest user of the talnith plant, and before anything is done, a very careful study will have to be made and I would suggest that the estimates Committee deal with this matter.

MR. PRESIDENT: Debate Honourable Members.

MR. BROWN: Mr. President. Mr. Quintal has obviously given a great deal of thought to what he is bringing before the House today. I'm not sure if he is wanting us to in fact vote on the Bill today or vote on the motion today. He has just indicated that he feels this is something which should be looked at by the Estimates Committee. It may well be his intention after all Members have had their opportunity to say their piece to move that further debate be adjourned until such time as the Estimates Committee has looked at it. But there are probably a number of areas in Norfolk Island which could do with objective investigation, similar to the area which Mr. Quintal has brought forward today. I don't understand Mr. Quintal to be saying "Let's sell all of our money making enterprises". I'm sure that's not what he's meaning to say and it's not what he has said. I do think however, that if a particular aspect of the existing administration businesses can be carried out more efficiently by private enterprise, and if in doing so, those persons who are presently employed can be assured of a job in the new private enterprise venture, or alternatively, can be diverted to other work within the administration and in this particular case, Mr. Quintal has mentioned that there are many other things Forestry can be profitably doing, then it's something that we should look at objectively. Once we've looked at it, we may decide that yes it's something that should be done or we may decide that although at first glance it seemed a very good idea there are some things going against it, and it's something that should not be done at the moment but perhaps thought about again at some time in the future. But whatever the eventual decision might be, it can only be healthy for motions such as this to be brought before the House, It can only be healthy for these questions to be looked at objectively and it can only be in the overall interest of Norfolk Island for a satisfactory
decision to eventually be made after all of the aspects have been properly, fairly and objectively considered. In the event that Mr. Quintal does not intend to seek to adjourn the motion until after the Estimates Committee has examined it, then I may seek to put such an adjournment motion myself but from speaking with him earlier in the day, I think that that is in any event his intention.

MR. HOWARD: I support a number of Mr. Brown's remarks. I don't think it makes sense to have the Estimates Committee look at it. I think the Estimates Committee have got their hands full. I think they've got a very hard job of looking at the forthcoming year's budget and doing it quickly and doing it skilfully and I think this is quite a different kind of analysis depending on whether the tanalith plant were kept or were disposed of it might make some very minor change in the estimates for the coming year. Not a major change. I can't see any reason for taking the question out of the hands of the Executive Member who is responsible for that operation which I think is Mr. Buffett and my notion would be if I were given leave to do so and I don't intend to ask that leave right now, my notion would be to not to adjourn the motion, not to push it off till the next meeting and add to the list of things that are undone but to propose an amendment so that it would read that this House is of the opinion that Mr. Buffett should examine and report on whether the tanalith plant should be disposed of by the Administration and I think that if he were given that assignment, he could then speak with the Public Service people who have the facts and the knowledge and the background and take it on as a particular project and would come back to the House with some kind of a recommendation one way or another. It seems to me that that's a more sensible way of going about it and that's my view.

MR. JACKSON: Mr. President I'm amazed that a motion can come before the House without any fine details of the reason why it should be disposed of. Here we have a tanalith plant that gives service to the island and it gives good service the reason Mr. Quintal has listed is that he may be at this stage unable to purchase fencing posts. Well there may be a legitimate reason on his behalf at this particular stage. I'm not sure whether he's advocating selling the plant outright, leasing it to someone else or whatever it's in his mind. I would have thought a motion that came before the House of such importance of a Government revenue raising item would have more details for the reason for the disposal of this tanalith plant. We may find ourselves where Mr. Quintal has acknowledged the Administration and Restoration are the largest users of tanalith timber on the island. We may find ourselves in a position where this would act in reverse where it would cost us much more to carry out restoration work, to carry out the building program that the Works Department has if it was put out to private enterprise and they will definitely be the sole monopoly of tanalith timber on the island. Now here we have one perhaps small item that raises revenue for the island's needs. I may go a little bit further and say I see dangers in this because where will it end. There has been discussions at previous meetings that recommendation may come forward to dispose of electricity undertaking. The telephone undertaking
MR. CHRISTIAN-BAILEY: Thank you Mr. President. I would support that you Mr. President as Executive Member responsible for the tanalith plant investigate the matter and as was suggested previously report back to the House.

MR. QUINTAL: Mr. Chairman. I thought I had given my reason for bringing this matter forward and I did not mention in the motion that it was my intention to lease the tanalith plant at all. The other thing is, I do agree that the Restoration and the Administration are the biggest users of the tanalith plant and so it was the crushing plant when the Administration was running the crushing plant at one time, they were the sole distributors of metal and then they let, they couldn't manage it. I'm not saying that the tanalith plant is not run properly, I am saying, I think that there are enough trees on the island grown on the island, that we should not have to buy posts from the mainland and I thought if that money could be circulated on the island, it would be a very good thing. I did not say that in the motion I said that this House is of the opinion that the tanalith plant should be disposed of by the Administration. I would be in agreement for you Mr. Chairman as the Executive Member to investigate the matter and then come back to the Assembly again. I don't want to just take this on and try and do something just to sell the tanalith plant at all. I want to do the right thing. I want to see Norfolk have the best advantage of any deal and if it could be proved that we could make more money and that the plant could be run more efficiently, I'm a private enterprise person because private enterprise will always make sure that they run a plant so that it pays and I think we get a cut on the production of all the metal that the Administration uses, and therefore, we could probably get a cut on the tanalised timber and posts also but I would agree that an investigation should be made first.

MR. HOWARD: Mr. President, could I ask leave to move the amendment that I foreshadowed.

MISS BUFFETT: Thanks Mr. President. In listening to Mr. Quintal's presentation of his motion, the reason for putting the motion forward and his agreement that you investigate the matter, I would like to perhaps bring up one point. I would suggest that rather than dispose of administration assets into private enterprise, once disposed of they're gone forever, I would suggest that perhaps the tanalith plant if some thought could be given to operating it on longer hours. I've made a fair bit of investigation into this matter, like I daresay many other members have, and one of the answers I received was that that plant was installed in 1967 and has been operating since December 1967 and whereas a lot of people have indicated that if the plant were owned by private enterprise production would be stepped up quite often this would be the case because of
profit possibilities and in Administration there would be obviously no extra tagged on for extra production neither would there be expected to be, but I feel that if anything perhaps the plant would need renewing before long, I think the depreciation over the last several years brings it down to that consideration, I would like to seek some thought given, or considerable thought given to operating the tannalith plant in a manner whereby as Mr Quintal said, the timber that is grown on Norfolk Island can be used to the best advantage and then we can set up local employment as well in the operating of that plant over the time. Thank you and I would be very happy if our Minister for Education and Administration and Health investigate the matter.

MR QUINTAL: There is one point that I would like to bring up at this stage and that is that Mr Jackson said that he thought maybe the reason for me bringing this matter up was because I couldn't buy posts. This is the first time for many years that there has been no posts available on the Island and this matter was on the Agenda long before this took place and happened. Irvines are out of posts at present and that has been the first time for a long long time and it doesn't worry me at all what kind of posts that I do use, it is part of my livelihood, fencing, because the cost goes on to the customer but I would prefer that the Island supply all the needs of the posts because there are plenty on Norfolk

INTERJECTION: Miss Buffett

MR PRESIDENT: Miss Buffett

MISS BUFFETT: ... one more thing, I forgot to mention here that, thank you Mr President, with the tannalising plant there is great potential with what would otherwise be waste wood in Norfolk Island. The dead pines for instance and certain gums that wouldn't be useful otherwise, but particularly pines, the scrappy wood, once tannalised, I believe would last up to thirty years in the ground without any problem.

MRS GRAY: Thank you Mr President. I haven't been able to lay my hands on the figures that I wanted however, the 1981/82 revenue figured give us $15,000 revenue raised by the tannalith plant. In the 1982/83 budget there was an expenditure of $7,000 allocated to the tannalith plant. One must add to that salaries, I understand that there is possibly one permanent and some part time people so that is not an easy figure to calculate, and I would like to put a question to the Executive Member for Finance, he may be able to tell me whether the sale of the timber to Administration is actually documented and whether it is possible to track down in fact how much of the tannalising plant output is used by Administration in monetary terms.

MR HOWARD: I am sure it is recorded and I am sure it can be tracked down. I think that kind of question is the sort of thing that ought to be looked at in a proper study of what is the best way to run the tannalith plant. Now we do not at this point have a separate set of books for the tannalith plant. I can't give you, as I can from the Liquor Bond or the Lighterage or so forth a statement for the salaries
here are the expenses here are the overheads here's what was left over and so on. I can't do that as a separate statement but I would think that such a statement would want to be prepared in the course of that study and I think it is the kind of thing you have to look at in order to make a judgement.

MRS GRAY: Then Mr President, I would certainly support the amendment that Mr Howard is putting that carriage of the matter be taken by yourself as Executive Member responsible.

MR PRESIDENT: Thank you. May be we should come to that stage then Mr Howard.

MR HOWARD: Thank you. May I seek leave to move that amendment.

MR PRESIDENT: Because there is not notice given I would need to seek the unanimous approval of Members of the House.

Leave sought
Leave granted

MR HOWARD: I move that the following the word 'that' that appears for the second time following the phrase 'that this House is of the opinion that' I move that the following words be inserted 'Mr Buffet should examine and report on whether so that the motion as amended would be 'that this House is of the opinion that Mr Buffet should examine and report on whether the tanalith plant should be disposed of by the Administration'.

MR PRESIDENT: Any further debate Honourable Members.

Mr Brown.

MR BROWN: I certainly support the proposed amendment Mr President. It is a much better way of dealing with the question than that which I had earlier indicated. I just reiterate that I do think that it is healthy that matters such as this be looked at objectively from time to time. Again I am not saying that this or any other Administration enterprise should be willy nilly sold off to private enterprise but I do believe that it is extremely healthy that such things be investigated.

MR CHRISTIAN-BAILEY: Yes thank you Mr President. I believe that I support the amendment and I believe that it is correct procedure that should be taken.

MR HOWARD: There may possibly be some uncertainty in the minds of some people either around the table or in the community about the comments that have been made at one time or another about the possibility of looking at selling one or another of the Administration's operations. If there is any misunderstandings I want to make my feelings clear which is that you, the Assembly should act to dispose of such a thing only if after the most careful examination of all the benefits and all the advantages and all the disadvantages and the most
careful study of the numbers shows that it definitely in the interest of the Administration and of the people of Norfolk Island to make a change and any notion that anybody has that I have any wish to sell something of to get rid of it or to benefit the private sector or something of that kind is quite mistaken. You arrive at such a decision only when you become convinced by the facts that it is the interests of the Island to do so, and not before.

MR QUINTAL: I support the amendment Mr Chairwoman.
In my opening address I said before anything is done a very careful study will have to be made. And I support, I do support the amendment.

MISS BUFFETT: I don't really, I support the concept the concept that the tanalith plant may be examined and reported upon by the Executive Member for Administration Education and Health but I don't accept that any question should be considered for the disposal of the tanalith plant. That portion I cannot agree to.

MR HOWARD: Could I ask clarification of Miss Buffett. Is she unwilling to have Mr Buffett consider that.

MISS BUFFETT: No I said that in the first place, I said that I would agree that this, that the operation of the tanalith plant should be examined and reported on by the Executive Member for Administration Education and Health but I disagree that it should be disposed of. That the tanalith plant should be disposed of. I agree that it be examined but not that it be disposed of. I agree that it be examined but not that it be examined for the purpose of disposing of it.

MR HOWARD: The motion as it would be amended if this amendment is adopted is that the House is of the opinion that Mr Buffett should examine and report on whether the tanalith plant should be disposed of. It doesn't say so, or not, is implicit in there. Now I don't think we should refuse to look at that. I don't think we should tell Mr Buffett, no you can't even consider such a thing. I would like him to consider it. I think he could go back and say it would be a bad mistake to get rid of the tanalith plant for the following reason or to have him come back and say well as a matter of fact, upon looking at it, you know it might make sense to dispose of it. I would like his view after he has studied it but I would like him to have a free hand to have a look at the whole question.

MR JACKSON: Mr President, well why not Mr Howard amend his motion to those terms. Now I am cautious of the word disposal. It, I as it stands now I cannot support it because for that reason. I would be quite happy, I would be quite happy if an amendment went forward to state that the Minister responsible investigate the financial situation of this tanalith plant but not for the purpose of its disposal. To bring before the House, figures and say well here it is. Here it is. Because we must remember, I took points when Mrs Gray was stating the
Annual Report I think she was mentioning from where a sum of $15,000 of revenue in the maybe 1982/83 report but I must draw attention to the member and the community recognition that the people who work at the tanalith plant, they are not there permanently tanalising timber they are carrying out other important duties on the Island such as, we all know but for the straightforward motion to be dispensed of in this nature by coming in one concept and to be taken out in another and placed in the lap of the President practically for the same reason for the first intention of this motion for the purpose of disposing of it. Now Mr Quintal comes forward with that motion changes have taken place now it finishes up in the chair with the President which is the Minister responsible in that direction. Now as far as I am concerned the motion still means the same as the first intention. That this House is of the opinion that the tanalith plant should be disposed of by the Administrator well amendments come in but the Executive Member responsible should assess whether that plant should be disposed of. Well I don't think that word disposed there should be anywhere near it there must be some other word that could be placed in there that makes some assessment, and bring a report to this House.

MR BROWN: Mr President, I am surprised that Mr Jackson appears to not be prepared to allow the Executive Member to consider the question and report back to this House. Mr Jackson might have to some extent misunderstood what is being proposed. It is not being proposed that Mr Buffett consider the question, go out dispose of the tanalith plant and then come back and tell us what he has done it is being

INTERJECTION: Mr Jackson

MR BROWN: What is being proposed appears to me to be quite reasonable. The Executive Member is the person who out of all persons in this House ought to have the best knowledge of the situation in relation to the tanalith plant. He is the person who should be the best qualified to look at the question and prepare a report to the House then it will be up to the House to consider and perhaps act upon that report. Mr Buffetts mere investigation and preparation of the report for the House is nothing more then that. It is not a commitment to the disposal. If it were a commitment to the disposal of it I would certainly not support it at this stage but there is no suggestion of such a commitment and there is certainly no suggestion that the support of this motion as amended by any member of this House would commit that member to the eventual support of disposing of the tanalith plant. The motion as it is proposed to be amended is in my view a good motion and I certainly intend to support it.

MR JACKSON: Mr President, the reason I find difficulty with the amended motion is that because as I have indicated, the word disposed. I would certainly be agreeable that if the Executive Member was to investigate the financial workings and the financial situation of the tanalith plant without the word dispose there or disposal well that would meet with my agreement but as it stands now, I cannot because
I see this perhaps as the thin edge of the wedge of what has been written of what has been circularised on all these other undertakings that I spelt out here earlier such as electricity, telephones, lighterage and liquor bond.

MISS BUFFETT: Thank you Mr President. Would it be in order then if I could propose an amendment. Could I seek leave to propose an amendment in line of the words that I brought forward after Mr Howard's amendment. If the House agrees to that...

MR PRESIDENT: You are proposing an amendment to an amendment Miss Buffett?

MISS BUFFETT: Yes. Do I get leave for that or...

MR PRESIDENT: No, you may propose that.

MISS BUFFETT: I may propose an amendment to an amendment? Thank you. I will let you check Mr President if you like. Thank you. So if I could propose that this House is of the opinion that the operation of the tanalith plant be examined and reported upon by the Executive Member for Administration, Education and Health... is that halfway finished or it is finished... and report back to this House, with view to the improved operation if... I have ended that amendment. If I could just answer, there is a Member who seems to wonder what I am arriving at. What I would like to achieve is to achieve Mr Quintal's desire of increasing production of the tanalith plant but within the confines of the Administration so that we can use our Administration trees to advantage and also to continue the employment and possibly increase the employment for the purpose of it, for the purpose of increasing the production of posts so that we don't have to import them would be covered without any question of disposing of the plant. Could I... do I ask leave for that... do you want me to reword it.

MR PRESIDENT: I would like you to read the motion again as you propose the amendment to the amendment Miss Buffett

MISS BUFFETT: Yes, I might have to add a few words to it at the end Mr President I have a rather... right, I move that this House is of the opinion that the operation of the tanalith plant should be examined by the Executive Member for Administration Education and Health with view to extension of its services to prevent importation of posts and timber and report back to this House as soon as possible, and I won't put if not why not either. Does that make sense?

INTERJECTION: All members

MISS BUFFETT: Well posts, can I delete the word timber please.

MR PRESIDENT: I would like a clear indication as to what words you are going to put in Miss Buffett. Posts and timber included or excluded
MISS BUFFETT  Can I just leave posts in and leave the word timber, delete the word timber? Yes I can

MR BUFFETT  I would like a clear indication as to what words you are going to put in Miss Buffett, post and timber included or excluded?

MISS BUFFETT  Exclude timber please Mr. President and leave posts in.

MR BUFFETT  Thank you the motion, which is the amendment at this time, is that this House is of the opinion that the operation of the Tanalith plant should be examined by the Executive Member for Education, Health, etc with a view to extension of its services to prevent importation of posts and report back to the House as soon as possible. That is my understanding of the amendment to the amendment before this House. Mr. Brown

MR BROWN  With all due respect Mr. President the amendment to the amendment seems to me to be getting right away from the point. All of a sudden we are talking about prohibiting the importation of posts and that is not what Mr. Quintal intended the House to be looking at today. Mr. President I have always believed you to be a very astute man I am sure that in considering the amended motion as proposed by Mr. Howard that one of the very first items you would be looking at would be the financial situation at the tanalith plant and its financial viability. You would be doing some form of feasibility study as to the tanalith plant in deciding whether you should come back to the House and recommend that it be disposed of or whether you recommend that it be retained. Perhaps your recommendation would be that it be retained subject to certain improvements, whilst I am happy to support Mr. Howard's amendment I am totally unable to support the amendment to that amendment - thank you.

MR BUFFETT  Thank you, further debate Honourable Members.

MR QUINTAL  Before the amendment to the amendment is put I want to say one thing and that is the men at the tanalith plant have been working under difficulty for if - the tanalith plant did break down a little while ago and they have had difficulty with the new tank because I don't think it holds as much as the tank they had before and that could be the reason for the shortage of posts on the Island also. I want to be fair about it and mention that.

MR. SANDERS  It has dragged out a bit Mr. President I move that the question be put.

MR BUFFETT  Yes, I put the question, the question is the question be put, those of that opinion say aye.

Contrary no Abstentions.

Do you wish to pursue that Mr. Howard

MR. HOWARD  No

MR BUFFETT  The question is that I now put is that the amendment to the amendment be agreed
Those of that opinion say aye, contrary no. The Clerk please call the House.

CLERK Mr. Buffett
MR BUFFETT Abstain
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 Mr. Quintal
MR QUINTAL No
CLERK Miss Buffett
MISS BUFFETT Yes
CLERK Mr. Jackson
MR JACKSON Yes
CLERK Mr. Sanders
MR SANDERS No
MR BUFFETT The result of the voting Honourable Members, ayes 2 no 6 the nos have it.

We now continue to address the amendment. Mr. Howard

MR. HOWARD At the risk of over-complicating this thing I would like to amend my amendment to insert the word 'whether or not', so that it would read - this House is of the opinion that Mr. Buffett should examine the report on whether or not the tanalith plant should be disposed of by the Administration. I think that may soften the direction. I will not be telling tales out of school if I say that I suggest as a result of a note having been passed to me by the President.

MR BUFFETT Further debate. There being no further debate Honourable Members I put the question, which is the amendment be agreed. I sorry, we are now addressing the second amendment again.

MR HOWARD I ask leave to alter my amendment
Aye

Leave is granted, thank you. We are addressing the amendment now, which just to clarify the matter says this. This House is of the opinion that Mr. Buffett should examine and report on whether or not the talalith plant should be disposed of by the Administration. That is the motion as it stands. Is there any further debate on the matter. I put that question, those of that opinion say aye, contrary no. Abstentions. Clerk call the House.

CLERK Mr. Buffett

MR BUFFETT Abstain

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 Aye

CLERK Miss Buffett

MISS BUFFETT No

CLERK Mr. Jackson

MR JACKSON No

CLERK Mr. Sanders

MR SANDERS No

MR BUFFETT The result of voting is ayes 6 nos 2, the ayes have it. That means that the motion as amended is before us. Discussion on that motion Honourable Members.

MR SANDERS I move that the question be put.

MR BUFFETT That is only complicating the matter we will vote straight on the matter. Those of that opinion say aye, contrary no. Any abstentions.

The ayes have it.
ORDERS OF THE DAY


PUBLIC SERVICE (AMENDMENT) BILL 1983

MR PRESIDENT: Resumption of this Debate Honourable Members on the motion that the principal be agreed to... that the Bill in principal be agreed to and Miss Buffett you have the call to resume.

MISS BUFFETT: Thank you Mr President. This proposed Bill like a motion previously passed in the early part of this meeting on the 2nd of the month, seeks to repeal provisions already written into the Ordinance which protects the Norfolk Island situation with its small community of residents. Division of labour in this little community and indeed, any community, is limited by the extent of the market. If a person being a public servant chooses to accept public pressure to represent them in government and is elected to membership and to executive office of this Legislative Assembly that person should upon ceasing to be an Executive Member be eligible upon application for reappointment as clearly provided for in sections 14 and 15 of the Public Service Ordinance 1979. I realise the mover, Mr Brown who moved the motion has not lived very long on the Island and may not yet be aware of the many aspects of Norfolk Island life. One of the important ones being the great deal of compromise that is required and the versatilty that Island life demands of those who live here. The very fact that this Bill has no transitionary provisions for the protection of any member already holding executive office and having done so under the conditions provided for in sections 14 and 15 of the ordinance reflects distasteful personal vindictiveness most unbecoming of this House.

MR BROWN: Point of Order Mr President. Miss Buffett is casting reflections upon the integrity of another member of the House.

MR PRESIDENT: I would ask Miss Buffett to withdraw those words please
MISS BUFFETT: I withdraw those words Mr President

MR PRESIDENT: Thank you. Please resume

MISS BUFFETT: The President of this Assembly, the Hon. David Buffett, Member for Administration, Education and Health is the only person in this present Assembly who could be affected by this Bill and most members of this present Assembly in this House recently voted against retrospective legislation in another instance and surely could not justify an act of assenting to this piece of legislation which is itself retrospective. I feel it would be grossly unjust to expect the community of this Island to accept that the man they so overwhelmingly voted for as being capable of protecting the Island and themselves should be penalised for his unquestionable, supremely high principles and superiority of service to the community as a whole. I would have hoped that this Bill would have been withdrawn. I find out however that the matter must go on. It is a matter of - in schedule 3 - it is a reserved function and if Mr Brown won't withdraw the Bill I shall have to strongly oppose it.

MR PRESIDENT: Further debate, Mrs Gray.

MRS GRAY: Thank you Mr President. I take an early call because it was partly my hesitation about the provisions made in this Bill which led to the adjournment of debate on this matter. At the time I sited subsection 4 and 5 of 14 and felt that they were in conflict. That was because there were provision made for leave of absence without pay in subsection 4 and then subsection 5 the amendment referred to in subsection 4 "shall not for any purpose be deemed to form part of the persons period of employment in the public service". I personally found that most confusing. I am led to believe that the phrase "leave of absence without pay" means more to people who are within the public service than to those of us outside it and in fact it is quite clear. I am a little hesitant about legislation which is phrased in words which are only understandable or readily understood by a sector of the community but I am prepared to ride with it. That is just by word of
explanation. In other words I withdraw my objection to the phrasing of the amendment as it stands now. Mr. President to come back to something that Miss Buffett has said, in suggesting that there is more to this bill than meets the eye, as far as you are concerned it is my understanding that in fact you had stated to this House that you had resigned from the Public Service. Is it possible for you to clarify that?

MR BUFFETT       It is not possible for me to participate in this debate Mrs Gray.

MRS GRAY         Thank you Mr President, in that case I can say no more.

MR HOWARD        On the point that Mrs. Gray is raising and the one that Miss Buffett has raised about how this bill would affect one particular individual, I think there is some justice in what Miss Buffett is saying. I would be persuaded that some change is needed if it were not for one particular fact. That is, that the Public Service Ordinance which gave the protection that she is speaking of did not become law until 3 August 1979 and if memory serves me, Mr. Buffett was already a candidate and I think had been elected, although I am not sure that the election had been held, certainly he was a candidate for office so that he stood as a candidate for the membership of the Legislative Assembly. Without having that protection and without counting on it and I think that is very significant. If we were proposing to retrace a condition that he had been given to understand was law before he stood then I think there would be something wrong about that. But the date on which the Public Service Ordinance was notified in the Norfolk Island Government Gazette was 3 August 1979.

MISS BUFFETT     Could I come back in that sphere, it is in reply to Mr Howard. Most bills are covered by a transitional period - clause, and this bill before us put by Mr. Brown does not have a transitional clause and precludes the present member of this House from going back into the Public Service.

MR HOWARD        I can't agree with Miss Buffett that most bills contain transitional clauses, they don't. Whenever there is a need for transitional clauses, one should be included but the great majority of bills do not have a transitional clause. If Mr Buffett had stood as a candidate for the Assembly with the Public Service Ordinance already been law and having looked at that and said that is an advantage to me, that is a protection to me if I do get elected and go become an executive and need to resign from public service, I will be able to go back to my old job, therefore on those conditions I think it is worth ago I will do it. He did not know that. If he had been led to believe that then I think the transitional clause would be needed in this bill; I agree with you but transitional clauses are not usual, they occur only when there is a need for them. I don't think there is a need for them.

MR BUFFETT       Mr. Jackson.

MR JACKSON        Mr. President, it appears now that there may be some discussion on some retrospective legislation which I am advised that should be even considered let alone thought of because Miss Buffett has outlined on previous occasions retrospective legislation was attempted to be introduced by the Australian Government and asked us whether we would consider certain acts that would mean retrospective legislation and it was unanimous objection in this
As far as I am concerned retrospective legislation is immoral - a condition that exists and they wish to take away that condition it should never been done. If a bill wants to be introduced well let it be introduced as from today. However I would have thought my sincere desire would have been that this bill be put aside - this bill be laid aside until 28 or 29th when we meet with the Minister, the President here this afternoon stated that the Minister Mr. Tom Uren and Mr. Beazley will be visiting Norfolk on those two days and they have agreed to meet with us. One thing at this stage with a new government and new Minister, I for one would not like to have a head on collision a head on confrontation and this head on confrontation links up with the document here before us where the Department has indicated that on their immediate reaction is that if the bill were to pass the Assembly the Governor-General would be advised to withhold assent. Now to pursue the bill here this afternoon would serve no purpose, it may serve some satisfaction to some members but I do believe in all fairness and genuine and to seek a close working relation with the Department but the Minister as well and may I state here and now that I disassociate myself with some of the statement that was made here in the House against Mr. Tom Patterson this afternoon. Now I would request the mover who petitioned this bill the advocate of this bill to see the reality and perhaps the consequence of putting aside a bill for a matter of 2/3 weeks. Now I put that to Mr. Brown and request him to see it in the light and the genuine honesty that I have requested him to do so.

MR BUFFETT Mr. Sanders earlier had the call.

MR SANDERS I would again like to refer to the letter that Mr. Jackson was just quoting of 11 March written by Administrator. The section that Mr. Jackson has just brought out comes under the part of the quote which was by Tom Patterson where he just said our immediate reaction is that if the bill were to pass the Assembly the Governor-General would be advised to withhold his assent. That is Tom Patterson saying it, it is not the Minister because on 11 March we did not have one. Also referring to the letter, I would like to refer to Tom Patterson's views in the first paragraph. As we see it these changes will effectively preclude offices and employees of the Norfolk Island Public Service from membership of the Legislative Assembly. Membership is part time so unless a public servant has another source of income or of independent means he, she could not afford to be elected. Public servants represent a significant proportion of voters and their interest would be adversely affected by passage of this bill. I say if this does not pass we are indeed discriminating - we are discriminating in favour of the Public Service. There is no one in the private sector who can give up his job and then say ok fellow I want it back in a few months or few years. I believe it is essential this goes through so in actual fact all persons on Norfolk are equal. I support the bill.

MR HOWARD Mr. Jackson came back again and started talking about retrospectivity, I share those strong bitterness against retrospective legislation, I don't think it is fair. He said it was immoral, I agree with him. This is not retrospective legislation at all, we are talking about its possible effect on Mr. Buffett. If the House passes this bill today it then goes for the assent of the Governor-General which may or may not be given. If the bill passes and if Mr. Buffett feels exposed and threatened...
perfectly open to him to resign before the bill becomes law. He would then be entitled to go to his public service job without any problems at all under this existing legislation. The Assembly has no power to deny him that right, it is totally open, it is not retrospective legislation, it would not come into effect until the Governor-General assented to it and it was gazetted and became law. Up until that moment Mr. Buffett has all the protection that the law gives now. If he wants to afford himself of it or take advantage of it he is free to do that. I doubt that he would because he stood not counting on that kind of protection, but the idea of it is retrospective legislation is not so.

MR QUINTAL In the letter under discussion of the 11th it says that membership is part time so unless a public servant has another source of income or is of independent means he or she could not afford to be elected. This paragraph in my opinion is so right and it also it is right of the public service, and also applies to the private sector as well and everyone should be treated on equal terms as far as I am concerned. The time involved in the Assembly is nearly full time and some it is a full time job, and for a person to be on the Assembly I would believe that a person is of three categories, a person would have to be independent, have independent means if he wants to be on the Assembly in future. Or a person has to be dedicated and the third one I want to mention is that a person must be crazy. I do not know of any place in the word where by public servants can stand for government without resigning their position if elected. It seems to me that if a person is running a large business surely he would not allow his employees to run that business.

MRS GRAY I would like to support Mr. Quintal’s comment that you don’t have to be crazy but it certainly helps. The amendment as it is put forward, in my view, does not preclude a person recognisable as a public servant from standing, they must resign or asked to resign one month before standing, and may be reemployed within two months after failure to be elected. However - in other words it does not stop them from standing. It does stop a person who is being paid from the public purse to try and cope with two jobs. This is where I support what Greg said. It seems to me to be anything between 20/30 hours a week depending on circumstances and lets say they are working a 36% hour in the public service world that gets up to be 65/70 hours a week. I personally believe that is too much and neither job would be done effectively or efficiently. As I made very clear last week that one of my reasons for supporting Mr. Brown’s amendment to the bill.

MISS BUFFETT Thank you Mr. President, may I mention here that I would be most reluctant to try and take upon myself a decision as to what anyone in this community should do apart from myself and whether they should decide to work at any times outside of their ordinary working hours if they wish to be on the Assembly. I think that decision is entirely upon every person in this community and not on the shoulders of one person in this Assembly.

MR BROWN Miss Buffett quite correctly pointed out that I have not been in Norfolk Island for long, I think I have learnt a few things in the 8 years I have been here, but I have certainly not been here as long as any of the other persons around this table. The possible exception of Miss Buffett and Mrs. Gray I would be the youngest person at this table, although I think you are both a little young. You mention that - I am sorry - I forgot Mrs
one has to learn to compromise one has to be those are qualities that are needed in life anywhere not just in Norfolk Island. Both Miss Buffett and Mr Jackson reflect upon their distaste on retrospective legislation. Mr. Jackson quite correctly commented that retrospective legislation is immoral. He was also shown by Mr. Howard that this legislation is something far different to retrospective legislation. Retrospective legislation it would be if it were attempting to say that these sections should be repealed as from the date of the original enactment in 1979. As Mr. Howard quite correctly showed these amendments would become effective on the date of assent, and only on that date. Mr. Jackson made reference to the communication which has reached us originally from Mr. Patterson. Perhaps I should remind honourable members of the last paragraph of that communication from Mr. Patterson. As you know the previous Minister was opposed to departmental advice being forwarded to the Norfolk Island Government once a matter had been introduced into the Assembly however as these initiatives were from a private member you might like to inform the Executive Committee and possibly Mr. Brown that the Department's initial reaction to those measures in relation to a reserve matter. Quite astutely Mr. Patterson recognised that the conclusion of his letter that he was doing the wrong thing, quite correctly he pointed out that the reaction was firstly an initial one and secondly only the reaction of the Department. It is the Minister that will consider this matter Mr. Uren. I am sure having heard of his reputation as a fair man and an honest man that he will give this matter his full and personal consideration and will not be fobbed off by one public servant sitting in Canberra. It is my view that Mr. Patterson's initial reaction is an unfortunate reaction but it is a reaction that will change once he has given the matter more detailed consideration. Once he gives the matter more detailed consideration it is my earnest hope that he will recognise its soundness and that he will strongly recommend to the Minister that it be supported. There has been some comment about the position of Mr. Buffett, might I remind Members what I said on the previous occasion, when I said that fortunately this does not affect any present Executive Member. I said that although I had not spoken to Mr. Buffett about it I recalled his statement in the House at an earlier meeting that he had resigned from the Public Service and that by implication at least he either did not intend returning or he sought no favourable treatment should he change his mind. Mr. Howard hit the nail fairly on the head when he pointed out that Mr. Buffett's decision to stand for the Assembly was made before this legislation came into being. Mr. Buffett had made it quite clear in the weeks leading up to the election of the first Assembly that if requested to do so he certainly intended to make himself available for executive office. That is something for which he deserves to be commended without any protection whatsoever, he had decided to make himself available for executive office, recognising full well that he would not be able to do both jobs and would have to resign from the Public Service. So it may well be that the second part of my comment was the correct one that he sought no favourable treatment should he change his mind and decide that he would like to return. The passage of this bill would not prevent any person from applying to join the public service when a vacancy arose, but I feel that does bear remembering that in this House Mr Buffett did make that statement quite some months ago. Comment was made on the last occasion when this matter was before the House to the effect that the public servants in Norfolk Island comprise a substantial part of the community. Perhaps some people thought that public service here comprise a much greater
the vast spread of responsibilities of the public service in places other than Norfolk Island, for example here we have no railways. Here we have no dams, no bus service run by government that is. Here we do not have a whole host of things that are run by the public service and statutory bodies on the main land. There is every indication in fact that a percentage of public service servants per head of population in Norfolk Island is smaller than it is in Australia and a number of other parts of the world. In Australia the public servants readily accept that if they choose to pursue a different calling rather than be a public servant to stand for election to government then they must leave the public service. The motion which has already been favourably dealt with by the House recognises this when it recommended that the Governor-General make a certain regulation. Here as I said when this bill first came before the House we are cleaning up - we are making amendments which are necessary if there is to be any sensibility as a result of that earlier motion. There seems to have been some mis-understanding as to that earlier motion. The headline in the edition of 3 March 1983 of the newspaper 'Dem Tull' said 'ban on public servants sought by Assembly'. With all due respect that is rubbish, what was sought was to force the public servants to make a choice, not to ban them, they are quite free to stand for election if that is their desire but they have to make a conscious decision if that is what they want to do. They cannot do both things, if they choose to stand for election they must resign, if they are unsuccessful - well we have discriminated in their favour their we have recommended that if they are unsuccessful they be able to go back within 2 months of the election. We are not proposing that that occur in relation to the private sector, we are not proposing that employers within the private sector be forced to allow their employees to resign in order to contest an election and then go back within any time of the 2 months of the employees discretion if the employee is unsuccessful. The same issue of Dem Tull quoted me as referring to a substantial bridge between the Assembly and the Public Service. Again that is not what I said, I think this Assembly is starting quite satisfactorily to control the Public Service that is the problem that Mr. Hawke is reported to be facing up to within Australia at the moment and he has made it quite clear that he does not intend to be mucked around by the Public Service. What I talked of was a breach between the Assembly, I am sorry, a breach between the Public Service and the private sector on the Island, and that is a breach which is badly in need of repair. The community is quite unhealth when the antipathy exists between the private and public sectors to which it exists on the Island at the moment. It is understandable, there is fear in the community that they have thrust upon them the retention of a system whereby it is quite possible for the public servants to form some type of dictatorship and when you boil it down it is about what this comes to. Do we want a public service dictatorship or do we want democracy? Mrs. Gray has already mentioned that she is now happy with the wording of section 3 sub-section 2 of the bill where in it is proposed to repeal section 14 sub-section 5 of the principal ordinance and insert in its place a paragraph to the effect - the period referred to in sub-section 4 shall not for any purpose be deemed to form part of the persons period of employment in the Public Service. Mrs. Gray was concerned that this might conflict in some way with the proposal in section 3 sub-section 1. I am sorry section 14/4 of the existing bill where there is reference to leave without pay. Upon careful consideration of the bill as drafted it is clear that this proposed section 14 sub-section 5 is meant merely to in part clarify the meaning of 'leave without pay' and that is why it says shall be deemed - rather shall not for any purpose
the Public Service. I originally brought this bill before the House, I supported it then, and I support it now.

MR JACKSON Mr. President we have heard a very lengthy debate by the mover of this bill put on himself to carry it into the House and present it to the rest of the members. We heard Mr Brown at the last sitting took us all around the world, from west Australia to Sweden, Denmark, outlining various Westminster systems in those countries concerning the Public Service. There maybe a reason for that, the reason as I see it Mr President is to justify his intention of presenting this bill. I may explain to Mr. Brown that I suppose the persons he has just levelled some criticism at the public, the first time in the history of this Island - we are Island people, others married to the Islanders, 96% of all Islanders has any decent conditions and wages. It is the first time in the living history - themselves or their parents have known two things in their lives. Hardship and hard times and now we have come to a situation for what reason at this particular stage that confuses me because here we are a bill that is laid with us here just on four years but at this particular stage there is a move to delete section 14 and section 15. I would say the last paragraph of the letter that was sent to us from Mr. Treblico the Administrator, and no doubt came from Mr. Tom Patterson, one part in there that I say Norfolk Island is very fortunate and fortunate to the degree of the person and persons who drafted the Norfolk Island Act. May I pay tribute to this particular time for one of our ex-ministers Mr. Bob Ellicott who seen the writing that the Public Service of Norfolk Island may have some problems and he inserted these sections into the bill, into the Norfolk Island Public Service Ordinance. The part that I was to draw Mr. Brown's attention to is that the Department's initial reaction in the last paragraph to those measures in relation to retained functions.
Now I would take it further and say that we are very fortunate again to those persons including Mr Bob Ellicot to place in the Norfolk Island Act certain categories of reserved, retained matters and one of those retained matters are this Public Service Ordinance. Much has been said here this afternoon that when this letter was written, we may not have had a Minister. Well I am not sure about that and I don't think that any other Member around this table would be sure themselves because if we remember the incoming Government was sworn in on the 11th. These letters left Canberra on the 10th and they may have been, we may have had it because it was stated over the radio, in press and paper that there was a caretaker Government, Mr Fraser was still in Government until the other Government... I'm not sure about that but we could have. We could have had a Minister. Mr Tom McVey could have been our Minister when that letter was written, but in all fairness to what this Bill and what it attributes to, I heard a statement in this House that someone said they would support they would support and I would myself a certain Member's of the public service should not stand for Assembly and these senior members, these senior members, I don't think they would without some form of resignation but the point is that I have defended all along is that it is throwing a blanket over all of them that in the event they get elected well you're finished. You are finished as far as the public service is concerned. Now to me this is a denial of justice. This is a denial of someone who wishes to represent his or her people. It is a denial to a person and in the public service which this letter once again points out, the public service represents a significant proportion of voters and their interests would be adversely affected by the passage of this Bill. Now we may jump up and down, some Members may jump up and down, but the most important thing with this Bill before us now it is a retained function and I have no intention of supporting this Bill in its present form.

MR HOWARD: Could I just ease Mr Jackson's mind, he wasn't sure whether we had a Minister or not when Mr Patterson wrote that letter. He thought that Mr McVeigh could have been still our Minister as part of a caretaker Government. If you look at page 2 of the letter Mr Patterson says 'as you know the previous Minister was opposed' and he is talking about Tom McVeigh. When he writes that letter he regards McVeigh as the previous Minister. He wrote it on the 10th and the new Minister had not yet been sworn in and that equals no Minister. We can see that right now.

MR QUINTAL: Whilst I do agree that there are many public service offices an employees who are more than capable and suitable to the Members of the Legislative Assembly. I do agree that they represent a significant proportion of voters, but I feel this way and this is my feeling. I know that you probably could get in the Assembly whenever you feel like it, but I'm not, that doesn't come into the picture at all really. The thing that worries me is the fact that certain
if we allowed this sort of thing to go with the Public Service they can go back to their jobs, I'd be agreeable to that if we were, if other persons from the public sector could be found jobs also. Equivalent wages, superannuation and the whole lot of it, I would agree with that then but I think it is an unfair advantage that they would have over the rest of the community and that is where I see it unfair and that is the only part that really bugs me.

MISS BUFFETT: Can I come in with a comment please Mr. President. This would be an ideal situation for Members to consider rather than degrading the conditions of the Public Service to upgrading the conditions of the non Public Servants.

MRS. GRAY: A point raised by Mr. Jackson, he said that we were denying the right of return to employment of a return to his employment in the Public Service of a person who stands and is elected to the Legislative Assembly. Now let's suppose that person who has resigned in order to stand for election is elected and serves one to three years, whatever, let's say he stands at the next election and fails to be elected. He then, under what Mr. Jackson is requesting or requiring, has a right, a right in law as it stands at the moment

MR. JACKSON: Interjection

he has the right to return to the position from which he resigned. Now he's been absent one to three years, surely the position has been filled in his absence. Mr. Jackson suggests that the door should be thrown open, the red carpet put out, the fanfare of trumpets to celebrate the return of that person to the Public Service to a job which would have been falsely created to absorb him. That's another point to be taken into account Mr. President from where I stand, is if you are going to retain the right of a person who resigned as a Public Service or resigned from his service to stand, he is elected, he sits and he fails to be re-elected second time round, he's got automatic right of return to the Public Service in a job that in many instances will have been filled in his absence. It's just another point as far as I'm concerned in favour of asking that person to resign and to be able to seek re-election if he fails to be elected, but if he is elected and sits for amount of times on this Assembly, I think then he applies for a job which is advertised in the normal course of events, not one which is created to re-absorb him. Thank you Mr. President.

MR. BROWN: I should attempt to ensure that there's no misunderstanding of what I've said today Mr. President. I'm not wanting to criticise Public Servants in general or specifically, although I know that some persons around this table would like to think otherwise. I should say that I do feel within the Public Service here as in most places, there are a few bad apples, and I think that more and more Public Servants in Norfolk Island, as well as members of the General Community are realizing this, but in general, I think that most public servants in Norfolk Island are trying to do a solid job and are trying as best they can to assist this Assembly in implementing its plans and policies. This Bill is not intended to penalize public servants in any way. In fact,
as I said, it does quite the opposite. It is intended in Section 3 to create for the public servants, something that doesn't exist for anyone else in the community to allow them the ability to resign from the public service and stand for election, and if unsuccessful, within a period of two months, to get back into their old spot. As I said, I think there's a few bad apples there. I think the public servants themselves in time will weed them out. Mr. President, the debate has gone for a long while on this Bill, I think it may be time for it to close and I move that the question be put.

MR. PRESIDENT:  
The motion is that the question be put. Those of that opinion say aye. To the contrary no, are there any abstentions. I then put the question Honourable Members. The question is that the Bill be agreed to in principle. Those of that opinion say "aye". To the contrary no.

The House voted.

Ayes 6  
Mr. Howard  
Mr. Brown  
Mr. Christian-Bailey  
Miss Gray  
Mr. Quintal  
Mr. Sanders

Noes 2  
Miss Buffett  
Mr. Jackson

Abstentions 1  
Mr. Buffett

Is it the wish of the House to dispense with the detail stage. On that basis Honourable Members, I seek a motion that the Bill be agreed to, moved by Mr. Brown. The question is that the Bill be agreed to, those of that opinion say "aye", to the contrary "no".

The House voted.

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

Noes 2  
Miss Buffett  
Mr. Jackson

Abstentions 1  
Mr. Buffett

Do you wish me to call Order of the Day No. 2.

MR. HOWARD:  
Mr. President, I mentioned earlier that the Legislative Assembly Bill the new draft for it has just arrived. I think we'll need to look at it tomorrow, assuming it's in order. I would think we could call a very quick special sitting of the Assembly, I'm not sure when you think would be suitable, it could be Tuesday, it could be Monday, it could be next Wednesday, and we might well, having only that one Bill to deal with, and I really don't think it's going to be that controversial, it's a terribly important Bill but I really think that with the exception of Mr. Brown's proposed amendment which will take a bit of time, I think that we could probably get through the Legislative Assembly Bill in an hour's time which would leave us time to continue with the rest of the Agenda that we were going to have today.
MR. BROWN: Mr. President, I think it's likely that I would take up something like an hour of the House's time in relation to the tourism report, and I agree with Mr. Howard, it might be more appropriate to suspend today's sitting until a later date. From my own point of view, I think that Wednesday is convenient to most members of the community and those that do want to come down are able, or many of those that want to come and listen are able or many of those that want to come and listen are able to, if we were able to suspend the meeting until next Wednesday and deal with the voting legislation and the tourism report.

MR. PRESIDENT: Thank you Mr. Brown for that indication. I think there probably is an uncertainty as to the time it may take the Legislative Assembly Bill for preparation for Members to be received, to be digested and then brought on for discussion. It may well be Wednesday. What I am thinking is, may be we should consider some machinery that if it is a little earlier than that, it may be possible before that, but I'm open to whatever the Members so wish.

MR. HOWARD: Clarification on a point of order please. The question in my mind is whether we suspend now the Legislative Assembly Bill, notice of which had been given and which was on the first notice paper but not on today's program, whether it could at a resumption when we sat. I think it could. If it could then there is an advantage in suspending because we don't then need to ask the Administrator to call the meeting of the Assembly. We could meet as soon as it was suitable to meet and that could be done on a day's notice.

MR. PRESIDENT: May I clarify that we do have the Legislative Assembly Bill on our Notice Paper and so it is in fact listed as the business which we may tackle. The matter programmed for today is for our own convenience as you will know as to what matters we would wish to tackle today. In other words, if we were to meet again, after suspension there would be no difficulty in bringing forward the Legislative Assembly Bill. You may care to consider then that we suspend until reconvened by the President which in fact will be when the Bill is ready. Is there any discussion upon that motion. Is that acceptable to all Members? Then I put that motion, those of that opinion say "aye", to the contrary "no". Are there any abstentions? The ayes have it.

MR. HOWARD: Mr. President, I should have said it before the vote, I thought it would be useful to Members and to people in the community to know that the intention of the Executive Committee in handling the Legislative Assembly Bill was once we got it in hand, once we had gone through it and made sure it was in order, once we got copies of properly typed up and duplicated and got them into the hands of Members, we thought there should be at least one day and may be even two days for the Members to study it before the Assembly met. After that, one or two days have lapsed and then the Assembly could meet and do it.

MR. PRESIDENT: Thank you Mr. Howard very much. Honourable Members, on that basis then this sitting is suspended until resumption upon being called together by the President which I assume will be within the next four or five days, but that is to be determined. Depending on how the Bill looks and
MR PRESIDENT: Honourable Members, this meeting is resumed from a suspended sitting that we had on the 23rd of this month. Honourable Members, I would first of all before we commence the formal part of our proceedings this afternoon, like to say that in the Gallery this afternoon we have distinguished visitors, Sir David and Lady Nicholson. Sir David is a former member of the Queensland Legislative Assembly and he was so from 1950 to 1972 and in fact was Speaker of that House for a record term of 12 years from 1960 to 1972. He has now retired from political life and is becoming a welcome and regular visitor to Norfolk Island and I would like on behalf of Members to accord a warm welcome to them both. I inform Honourable Members that the following message has been received from His Honour the Administrator, namely, that on the 18th March 1983 he assented to the Public Account Expenditure Act No. 4 1982/83 and reserved for the Governor-General's pleasure the Public Service Amendment Bill 1983. Honourable Members the Business Committee has declared pursuant to Standing Orders that the Legislative Assembly Amendment Bill 1983 is an urgent bill. And that is the place where we will pick up Honourable Members. Notices of the Day of March, 16th which is the suspended sitting.

NOTICES OF THE DAY

NOTICE NO. 1 - LEGISLATIVE ASSEMBLY BILL

MR HOWARD: Thank you Mr President. Before I present it could I suggest for the sake of those who have to do the transcript of the meeting that your opening remarks be amended so that this sitting is a resumption from the 16th and not the 23rd. When they hear the 23rd they may be confused as to which meeting they are doing.

MR PRESIDENT: Did I say resumed. My apologies. They are resumed from the 16th.

MR HOWARD: Mr Chairman, I present the Legislative Assembly Amendment Bill 1983, and I move that the Bill be agreed to in principle. This Bill has been long awaited, it is the one that sets out the outline for the cumulative voting system which a very great majority of electors voted at referendum they wanted to have been the Island's method of electing members of the Legislative Assembly. We have spoken of this Bill as it was on its way here to this House and about some of the delays in new answers in getting it as we wanted it. I believe that the Bill as members have it now is in every respect completely in accord with what the recommendations of the Australian Electoral Office were to us and in every way fully in accord with what the majority of electors asked for at the referendum. Since the circulating of the Bill to members about five days ago we have had a couple of telex communications from the Department in Canberra containing quite a string of very minor changes to the Bill. We have not circulated new copies. I would like to begin if I may by pointing out first of all that members have been given a new schedule today at their places which replaces the schedule which was circulated to you earlier. I would like then to go through the Bill and point out to you two or three alterations that have been accepted from the Attorney-General's
and from our Department which in no case changed in any meaningful way the significance of the Bill as was circulated earlier. On page two on the fourth last line of the page you will find that in the copy of the Bill as you have it now there is no comma after the word ballot paper. There was on the previous draft you had. That comma is now gone. On page three in line five from the top, the same change, after the words ballot paper there had a comma, there is now no comma. On page five halfway down the page begins section eight and in the second line under that heading, the second line is "and the following section is substituted" that word is had been added since the previous draft that you received. The alterations to the schedule were matters such as for example, changing the heading from "The Schedule" to "Schedule" in other words just dropping the word, etc. In an earlier draft circulated to you the reference at the top right hand corner of page eight at the beginning of the schedule had said section eight, it should have said section eleven and in the draft before you now it should say section eleven. There have been a dozen or more word change in the schedule, principally eliminating the unnecessary duplicating of the word "penalty" again and again in a number of the amendments. With the exemption of such changes the bill is as you have seen it and as you have studied. The structure of the voting system that it would create is as you have examined it. I don't think really the House needs me to describe that system. I would be happy to answer any questions about the bill of any kind but I believe the cumulative voting system that we have been working toward and that was asked for by the electors of Norfolk Island has been well explained to the community and to the House and if there are any uncertainties or any questions about this particular bill I would be happy to answer them but I don't really think that its necessary for me to describe in detail the system itself, unless there is a wish that I do so and if so I would be glad to.

MR PRESIDENT: Debate Honourable Members. Mrs Grey.

MRS GREY: The question really Mr President, concerning the repeal of the schedule on the final page page seven, sorry the final page before the schedule itself, ten, the schedule to the principle ordinance is repealed. In the principle ordinance that is a number of documents and forms which are necessary for the various processes of an election. May I ask what replaces those.

MR HOWARD: Yes, they will be prescribed by Regulation instead of being contained in the Act itself, in the Ordinance itself. The reason for that proposed change in that in a new system of voting all new forms are required, and it may be that the first time around you, with the best of intentions in the world, don't devise those forms quite as clearly as you realise later you might have. The forms for nominating a candidate for the ballot paper and directions to the voter, for applying for an absentee ballot paper, for certifying an absentee vote all the forms of that kind. Notice to an elector who appears to have failed to vote, the form of declaration to be completed and returned to the Returning Officer, all these will be prescribed in Regulations which will be made here on Norfolk Island by the Administrator. They have been drafted by our Legislative Draftsman.
I have not tabled them although they are readily available to members and any member who proposes improvement to them I am sure the improvement will be welcome. The purpose in having them as Regulations rather than as part of the Ordinance is that if after the first election using the cumulative system, if we find that one or another of the forms was difficult for people to understand or could be improved it would be readily changeable simply by the Administrator making a Regulation rather than having to put the whole thing through the House again and having to gain assent from the Governor-General which is a far more complicated process. The kind of material which will be in the Regulations is the sort of material that will in the Regulations will be the sort of material that is suitable for Regulations rather than being included in the Ordinance itself.

MR JACKSON: I support the amendment to amend the Legislative Assembly Ordinance of 1979. As it presented by Mr Howard in its present form. The electors went to the poll on December 1st of last year to vote on what method of voting they would prefer. The cumulative system or the proportional representation system. The results of that referendum is well known today to us. As the majority of the electors stated, that the cumulative system is the one that they prefer then following on from that decision two petitions was conducted calling for a referendum for another election under that system and finally on the 16th February another referendum was held on a very straightforward question. Should there be an election called for the Norfolk Island Legislative Assembly immediately. 65% of the electors voted for that question and that question alone - no other question was put to them. Now Mr President, I am aware that Mr Brown has given notice that he will be moving an amendment to section 6(1) of the Legislative Assembly Ordinance of 1979. Now Mr President, in no way am I attempting to debate the proposed amendments of Mr Brown. However, because of the circumstances of how the question was put to the electors and how they responded to that question, I consider the only correct method to proceed is to vote on this amendment here before us and then debate and vote on the amendment that is proposed by Mr Brown. Therefore Mr President I seek leave in that direction.

MR PRESIDENT: Could I have your motion again Mr Jackson.

MR HOWARD: There is a motion before the House now.

MR PRESIDENT: Yes I just ... there are certain motions and I would just like to be sure that I have heard them correctly please Mr Howard.

MR JACKSON: I seek leave to move the following motion that we debate and vote on this motion here before us that has been presented by Mr Howard and then vote and debate on the amendment proposed.

MR PRESIDENT: I am ...
MR SANDERS: Point of Order Mr President. Mr Jackson in anticipation ...

MR PRESIDENT: Order, Order Order, I am not able to accept that amendment Mr Jackson. Point of Order Mr Sanders.

MR SANDERS: Mr President, Mr Jackson was anticipating the next motion.

MR PRESIDENT: I have not permitted that motion. Further debate Honourable Members. Miss Buffett

MISS BUFFETT: Thanking Mr President. Are we now debating ...

MR PRESIDENT: We are debating that the Bill be agreed to in principle.

MISS BUFFETT: Thank you. We are not debating the Bill itself yet.

MR PRESIDENT: Yes. The whole bill - that it be agreed to in principle is the motion before the House. Further debate Honourable Members.

MR BROWN: Mr President, if there is no further debate at this stage I would seek leave of the House to introduce my amendment.

MR PRESIDENT: It may be tidier Mr Brown if we do that at the detail stage.

MR BROWN: If you please Mr President.

MISS BUFFETT: Thanks Mr President. May I debate the Bill. I am satisfied with the Legislative Assembly Amendment Act 1983 dated 17 March 1983 as presented by Mr Howard. I acknowledge Mr Howard's efforts and at this point I wish to record my gratitude and the gratitude of those I represent to Mr Tom Patterson, First Assistant Secretary, Territories Division of the Department of Home Affairs and Environment Canberra and those officers of the Home Affairs and the other Departments in Canberra and the Australian Electoral Office for their forbearance and prompt effort to facilitate the will and wishes of the majority of the electors on Norfolk Island who have expressed their desire for an immediate election using the cumulative method of voting. I would hope that there will be no further delay by this Assembly to the prompt passage of this Bill circulated to us last week and is before us now. Any further delay whatever, caused by any part of this Assembly to me would indicate a reluctance to honour the decisions of the people. I support the bill as put before us now without any amendment.

MR PRESIDENT: Any further debate Honourable Members. The question is that the bill be agreed to in principle.

Question put
Motion agreed
MR PRESIDENT: Is it the wish of the House to dispense with the detail stage. No. We go forward to the detail stage Honourable Members. We look at the Bill clause by clause Honourable Members. First of all we look at the numbered clauses as printed.

Clause 1. Is clause 2 agreed?
Clause 1 agreed.

Clause 2. Clause 2 agreed?
Clause 2 agreed

Clause 3. Is clause 3 agreed?
Clause 3 agreed

Clause 4. Is clause 4 agreed?

MR BROWN: Mr President. I seek leave to move an amendment at this stage which would create a section 3 (a) to the Bill. Notice of the amendment has been circulated to the Members Mr President and the amendment reads that the Bill be amended by inserting after section 3 the following additional section 3(a) headed AMENDMENT OF SECTION 6.

It reads 1. Sub-section 6(1) of the principle ordinance as amended (a) by omitting the words "subject to sub-section 2" and substituting "subject to sub-section 1(a) and 1(b) and 2" and (b) by omitting paragraphs (c) and (d) and substituting (c) is a resident or the holder of an entry permit and (d) being a person whose name has been removed from the electoral roll under paragraph 7(1)(b) has again lived in Norfolk Island within two years after the removal of his name. Next sub-paragraph is sub-paragraph 2, section 6 of the principle ordinance is amended by inserting after sub-section 1 the following sub-sections 1(a), the holder of a temporary entry permit is not entitled to enrolment unless (a) he has been ordinarily resident in Norfolk Island for a period of two years immediately preceeding his application for enrolment and (b) he intends to continue to reside in Norfolk Island indefinately if permitted to do so. 1(b) a resident or the holder of an entry permit other than a temporary entry permit is not entitled to enrolment unless he has been ordinarily resident in Norfolk Island for a period of six months immediately preceeding his application for enrolment. The Acting Clerk for the assistance of Members has then by way of an explanatory note shown members how section 6 would read if this amendment were passed.

MR PRESIDENT: You have indicated Mr Brown on an earlier occasion on the 16th that you may wish to address the House for about an hour on this matter.

MR BROWN: On the tourism matter Mr President, not in this matter. Mr President, to speak briefly to my proposed amendment in earlier days in Norfolk Island any person who had been here for six months was able to vote. This was subsequently changed to bring about the situation that we