

MR PRESIDENT: Honourable Members I would ask you to join me in reciting the Assembly Prayer

Prayer

Almighty God we humbly beseech Thee to vouchsafe Thy blessings upon this House, to direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island

Condolences

MR PRESIDENT: Honourable Members we start with Condolences

MR CHRISTIAN: Mr President it is with regret that this House records the death of Norman Plant who passed away in Sydney on Friday, the 3rd July. Norman and his wife Gwen were residents for many years on Norfolk Island, coming here from New Guinea where Norman was a Coffee and Tea Planter. They lived on the corner of Burglar's Lane and Grassy Road. Because of Norman's increasing bad health they left around seven years ago and he had been hospitalised for most of that time since. To Gwen and the family, Susan, Sally and Christopher this House extends its deepest sympathy.

It is with regret that this House records the death of Winifred Johnston who passed away on Saturday the 11th July at the Norfolk Island Hospital after a brief illness. Win was 78 years of age - born in Auckland, New Zealand. She had two children, Pat who came to Norfolk Island to live in 1964 and Michael who came over to live eleven years later at the age of 18 years. Win visited Norfolk once or twice a year since 1966 and finally came to reside permanently some ten years ago. Win is survived by one sister who lives in New Zealand. Win was a keen stamp collector, a solid Greens supporter, a person who enjoyed watching all types of sport and was generally very interested in people. She was affectionately known as Johnsie to her close friends and will be sadly missed by her family. To Jim, her dear friend and companion, to her daughter Pat, Palmer and their family and to her son Michael, Fran and their family, and to her friends this House extends its sincere sympathy.

It is with regret that this House records the death of Garth John Menzies who passed away peacefully at the Norfolk Island Hospital on Monday the 13th July. Garth was born in the Norfolk Island Hospital to Con and Noel Menzies on the 24th April 1946. Garth lost his mother Con when he was only 10 years old. Con was a beautiful singer, as were Noel and Garth. Garth was educated at the Norfolk Island Central School and was school drummer for marching. During his scholarship year at school when Garth was only producing mediocre standard work, Garth's father Noel promised him a new geared pushbike if he passed his exam. With that encouragement Garth met the challenge commendably and by the end of the year he sailed in ahead of his classmates, topped the class, won the Queen Victoria Scholarship and thereby was awarded the prize his father promised. Garth served in the Australian Army for two years from July 1967 to 1969, during which time he trained and qualified as a fitter and turner. In June 1970 Garth married Kathleen and they lived in Sydney until September 1975 when they came home to live because of Noel's failing health. Garth loved his sport, was a good sportsman and a good sport, having excelled in both lawn bowls and football. He is survived by his wife of 22 years Kathleen and two of his three children, Leah and Dustin. Garth and Kathleen oldest son Darren predeceased him in 1972. Garth was a devoted father and he is now at peace with his mother, father and firstborn son. To Kathleen, Leah and Dustin, to his relatives and his many friends this House extends its deepest sympathy

MR PRESIDENT: Thank you Mr Christian. Honourable Members as a mark of respect to the memory of each the deceased I would ask you all to join me in standing in silence. Thank you Honourable Members

Presentation of Petitions

Honourable Members we move to Petitions. Are there any Petitions?

MR BENNETT: Mr President I propose to move, to seek the House indulgence in the suspending of Standing Orders and would move that so much of Standing Orders be suspended as would prevent a Member moving the following motions without notice, and from the House dealing with

them forthwith -

1. That the appointment of William Winton Sanders to the executive office designated Minister for Immigration and Tourism be terminated, and that the Administrator be advised accordingly; and

That Ernest Christian be chosen to be appointed to the executive office designated Minister for Immigration and Tourism, and that the Administrator be advised accordingly

2. That for the purposes of paragraph 41(3)(d) of the Norfolk Island Act 1979, the offices of President and Deputy President of the Legislative Assembly be declared to be vacant

3. That David Ernest Buffett be elected to be President and do now take the Chair as President

4. That Michael William King be elected to be Deputy President of the Legislative Assembly

MR PRESIDENT: Mr Bennett are you seeking leave to move those motions

MR BENNETT: Yes Mr President

MR PRESIDENT: Is leave granted Honourable Members? I'm sorry, I thought that you were seeking the Leave of the House initially before you moved the suspension of Standing Orders but you wish to proceed to move directly to the suspension of Standing Orders. The question is Honourable Members that so much of Standing Orders be suspended as is required to enable Mr Bennett to move his motion. I notice that there are six persons standing. The required number of Members to suspend Standing Orders is six. Mr Buffett I do not recognise your Membership of the this House, nevertheless I am aware that decisions taken by the House, even if participated in by a person who is no longer a Member can nevertheless be regarded as valid decisions therefore I declare that Standing Orders are suspended so as to enable Mr Bennett's motion to be moved

MR BENNETT: Mr President I move that the appointment of William Winton Sanders to the executive office designated Minister for Immigration and Tourism be terminated, and that the Administrator be advised accordingly; and that Ernest Christian be chosen to be appointed to the executive office designated Minister for Immigration and Tourism, and that the Administrator be advised accordingly. Mr President it is with a great deal of sadness that I join in this debate. At what began as a simple comment by a Member in relation to an action by an executive member has run completely off the rails and it's sad that it has reached the stage it has today. There's been many accusations and much intimidation behind this whole issue. It's believed that the campaign was orchestrated by me. Mr President the step that we've taken today or propose to take today was reached after a considerable amount of thought. Members will recall that at the last meeting I proposed that there be a select committee to look into a couple of issues that arose out of the debate on the matter of the manner in which certain persons were dismissed from the board and the executive officer. During the consideration of this I looked at expanding the select committee based on some comments that Mr Brown had made and I recognised what he said that the matter would be quite costly. He mentioned that there would be a requirement for legal representation by both parties and it could be quite an expensive matter. I also considered that such a select committee if it's terms of reference were widened would gain its own momentum and go on and on and on and I don't believe that that was a satisfactory resolve to the problem. I felt that it needed to be dealt with in an expeditious way. I sought other options and one of the other options was to call strangers to the bar of the House and this was designed to give an opportunity to those who felt maligned by the decisions taken, could have an opportunity to defend themselves. It was an unusual step to take but it was available to this House should that have been taken. I chose not that option because I believed that it would do no good. It would be an open slather and bitter exchange of words between the person defending himself and Members bearing in mind that the stranger before the House would have no representative. Mr President the intimidation that has gone on behind this scene has

concerned me very deeply. Members will recall that I spoke about that at the last meeting and that Mr Sanders in fact did move in the early part of last meeting a motion to the effect that my office would become vacant but subsequent to that I have received evidence of threats against some of my companies equipment and in fact

MR SANDERS: Point of Order Mr President. I find this is an imputation and out and out insulting

MR PRESIDENT: Mr Bennett are you suggesting that these alleged threats have been any result of something done by Mr Sanders or myself

MR BENNETT: Not at all Mr President and I would make it quite clear that that is not so. It was not intended at all but I am just talking about the intimidation that's gone on by way of telephone calls to me and

MR PRESIDENT: Mr Bennett again. It is totally inappropriate if you are suggesting that any form of improper conduct can be attributed to Mr Sanders and again I ask you withdraw the Statement and I ask you to be far more careful in your debate

MR BENNETT: I am happy to withdraw it Mr President and there was as I said no intent whatsoever to direct these remarks to Mr Sanders at all

MR SANDERS: Mr President if there was no intention why mention it

MR BENNETT: Mr President I was trying to set the scene to describe to you the great difficulties over the last two weeks about this issue and trying to get it to a point where it might be resolved and I am just trying to illustrate the kinds of pressures that were there for me and perhaps for other Members as well

MR SANDERS: There's a Point of Order Mr President. There's still an imputation. Any pressures that were existing were created by Mr Bennett himself. I ask that the whole matter be withdrawn

MR PRESIDENT: Mr Bennett I must ask that you do withdraw and cease from further making any allegation that any form of improper conduct has been engaged in by Mr Sanders in the way that your debate has suggested today

MR BENNETT: I repeat again I so withdraw but any

MR PRESIDENT: Would you now proceed with the debate

MR BENNETT: However, I do wish to go on with the question of

MR SANDERS: Mr President I again ask Mr Bennett by implication has inferred that my handling of the tourist bureau affairs has interfered with Air New Zealand and Qantas. His statement that it is not inferring me is a whole heap of garbage. I again ask that he withdraw from making any such statement

MR PRESIDENT: Mr Bennett would you proceed with your debate. Please do be careful of the ease with which you can infringe my ruling

MR BENNETT: Okay Mr President. I'll leave that altogether. Mr President also in recent days there has been, or I've been subjected to allegations of perhaps lying would be the best word in relation to telephone calls that were supposed to have been made and the one that did disturb me greatly was advise that there was a call made to Qantas and that it was suggested to Members last evening that that call wasn't made. I just want to advise the House that I have been in touch with OTC and will have, hopefully this morning, an extract of the print out to verify that that call was made. I just felt that there was an attempt to discredit me in the hope that Members would go in a different direction. That's how I believed it was occurring. Mr President there is wide concern in the community. We are obviously of a different opinion as to where the weight of that opinion lies, nonetheless I am aware of quite wide concern. I just want to say that Parliament is not about who can kick heads the hardest. Parliament is about taking the hard decisions

when the need arises with sound and considered judgement and with the dignity that this House should uphold. Parliament should be intolerant of vitriolic attacks on individuals who are not able in this House to defend themselves. Let's examine just what the background to this drama was and to see just how simply any perceived problems could have been dealt with. Mr President you will be aware at the last meeting I did make a number of points in relation to the action of Mr Sanders and I did say that I accepted that as Minister he has wide powers vested in him by virtue of the Norfolk Island Government Tourist Bureau Act. I said that I accepted that these powers permit Mr Sanders to take whatever action by direction that he chooses and the only requirement at law is for him to table a copy of such directions in this House. I said that I accept that the Community deserves proper and responsible accounting for its funds and I also said that I accept that certain events and practices at the Norfolk Island Government Tourist Bureau disturbed and concerned Mr Sanders and I accept that at that time Mr Sanders initial concerns were sufficient to have warranted the formal inquiry into certain aspects. I would like to get the matter into context if I could notwithstanding those powers by Mr Sanders that he had and the acceptances of all those things. What I don't accept and cannot accept is in order to effect an executive member's decisions that heavy handed tactics are used. Any practise of threatening in order to gain one's end are totally and utterly unacceptable and I for one

MR PRESIDENT: Mr Bennett are you suggesting that Mr Sanders has threatened you because if so I ask that that be withdrawn

MR BENNETT: Mr President I didn't say that Mr Sanders had threatened me. There had been some evidence that could be determined to be threatening in relation to the executive officer of the Norfolk Island Government Tourist Bureau

MR PRESIDENT: Mr Bennett, are you suggesting that Mr Sanders has threatened you or has threatened any other person

MR BENNETT: No I'm not suggesting so

MR PRESIDENT: Thank you

MR SANDERS: I ask Mr President that the Statement be withdrawn. It is Mr Bennett's further attempts to discredit me

MR PRESIDENT: Mr Bennett has confirmed that he's not making any such allegation against you Mr Sanders

MR BENNETT: I'm happy to withdraw it Mr President. I said I would like to get the matter into context if I can and this is very difficult to do so. We look at the matter prior to the action taken to dismiss the Board and the executive officer. The Board consisted of a group of local and well meaning persons with limited expertise in what is a somewhat complex activity but a group with the best interests of Norfolk Island at heart. We should be mindful Mr President that one of their number was largely responsible for the birth of tourism in Norfolk Island and history and reports have graphically illustrated without any fault lying with the Board both the legislation and the lack of well directed policies were lacking. Many of us have to take a collective responsibility for this and to the extent that it has effected me or that I've been effected by it having had executive authority in that area I take the responsibility for the shortcomings. I am now fully aware of the needs to put it right and I'm very happy to get on with getting it all together. But Mr President the Board's only crime was to ask for a meeting with the Minister, the Minister to whom they are empowered to advise. That appeared to be the catalyst for the board's dismissal. Leave the other factors in it behind. When the Board had received a direction they wanted first to discuss it with the Minister an action that they are empowered to do. That was not granted and instead they were sacked. Some of the reasons given in the debate at the last meeting was a concern by Mr Sanders that as executive member he was subjected to exposure to further risk because there had been for example a cheque book in existence with some signed cheques in it. And I agree that that was a problem, however, there were other options. For example a simple direction to have delivered to him the offending cheque book, perhaps an instruction that all future commitments for funds, expenditure and payments would be passed by him, and I know that this would be a bit of a

hassle for Mr Sanders but at least it would overcome the concerns he had, and quite rightly so for the existence of a cheque book with signed cheques in it as an example. And for that matter he could have seized whatever other material thought necessary by simple direction. He was not in any hamstrung by lack of any legal ability to do as he wished. In respect to the executive officer it seems clear now that he'd been lined up to go right from the outset and perhaps reflecting back on it

MR SANDERS: Point of Order Mr President. I think Mr Bennett should be referring to facts not appearances

MR PRESIDENT: Mr Bennett you will be well aware of Standing Orders I must ask you to take care with the words you use

MR BENNETT: Thank you Mr President. I'll endeavour to do so. I hope that that doesn't preclude me from giving an opinion though and I might you for a ruling on that. I mean a Member is allowed to give an opinion are they not

MR PRESIDENT: Mr Bennett if you wish to tell us that your opinion is something then for the time being I'll listen to that opinion as long as it doesn't commence to infringe the Standing Orders

MR BENNETT: Based on the concerns that Mr Sanders had and suspicions that there were untoward or unauthorised spending by the Officer of the Bureau, the executive officer Mr Sanders engaged Ernst and Young Brisbane to provide what I believe was a hatchet job by way of a Report. This report found in fact, no evidence of culpable misconduct or defalcation but was thought in itself to be sufficient to nail the executive officer. Much will be said about this report by others. Suffice to say that in my view it is a disgraceful, contrived and unprofessional document

MR SANDERS: I again Mr President, Members of the firm of Ernst and Young are not present and I don't believe that Mr Bennett should be making imputations of such a nature. Perhaps if he would care to say it outside of this Assembly then perhaps their presence not being on the Island wouldn't matter because they would then be able to accommodate Mr Bennett in the manner that I think that he should

MR BENNETT: Mr President I'm happy to talk to Ernst and Young directly without making a Statement outside but I'm quite aware of the difficulty that it has for Members if I am seen to interfere in any way in it, but I am quite happy to talk to the gentlemen involved and to give them my views. I don't have a problem with that at all

MR SANDERS: Mr President if that is Mr Bennett's opinion then he should do so but I don't believe that he should make such statements in this House

MR KING: Do you have a ruling on that Point of Order Mr President

MR PRESIDENT: Mr Sanders has not directed me to a particular Standing Order

MR KING: Oh he simply interrupted the debate then?

MR PRESIDENT: I have taken it that he has asked me to give consideration to all of the Standing Orders and I have done that. I'm well aware that Parliamentary Privilege applies to whatever Statement Mr Bennett wishes to make and I am not aware of any Standing Order that prevents him from passing his opinion on the particular document to which he has referred

MR KING: I rather felt that the manner in which you approach these things Mr President was to call a Point of Order and there's no other process by which Mr Sanders could interrupt the debate

MR PRESIDENT: Mr King I've asked Mr Bennett to proceed with his debate. I take the view that you are interrupting and I ask you to cease doing so. Mr Bennett has been asked to proceed

MR BENNETT: Thank you Mr President. Suffice to say that at

that point the drama really began. There were some attempts to cause a resignation from that executive officer and the last occasion involved yourself Mr President, which I believe was a gross intimidation by the use of the words purported to be "the Minister has instructed me to tell you that if you do not resign he will sue you for every cent that is missing from the Bureau". There is much debate about that Mr President in the last Assembly and I do not intend to go on. In addition to that there was an implication by way of some words in the local Norfolk Islander that he, Mr Sanders, might get the Police involved and subsequently of course, we are aware that he did but I am also aware, up until today at least, that there was nothing found by that investigation.

There was through this process a very clear inference that some criminal act or acts had been perpetrated and importantly the much maligned executive officer and the Board have not been given the opportunity to defend their position or to answer the implied allegations. Many of them now very public. I am aware that during the debate in the last Sitting there was a number of documents read into Hansard and therefore form part of the public record but that does not relieve the anxiety and the troubles of the injured parties who have not had a public opportunity to defend their actions. Mr President the matter predictably came to this House on the 29th June at which time the Members expressed concerns primarily at the manner in which the action to dismiss was taken and not the decision in itself rather than recognising that there was some wide community concerns over the issue and expressing any conciliatory remarks, both Mr Sanders and Brown in my opinion berated Members for bringing the matter forward and I believe in the worst display of vitriolic attacking of individuals unable to defend themselves in this House they appeared to show little or no remorse for the heavy handedness that I think surrounded this issue. Mr President just in closing I'm aware that subsequently a new Board or an interim Board was formed of four persons and that in the early days of July a new Board was formed. I am aware that there was some difficulties in that process and to bring it to a head it required an executive council meeting to change the Regulations to reduce the number from six to four. It is possible that Mr Sanders was unable to get sufficient persons to meet the required number. That is only an observation. Mr President, that's all I have to say

MR ROBINSON: Mr President I have no doubt that this motion was wholly orchestrated and led by Mr Bennett and perhaps the previous Finance Minister. I believe the fact that Mr Bennett has placed this motion before the House accomplishes his desired aims. Every Member of this House has been appraised of the events which led to and followed on from the dismissal of Mr Lisle Snell and others. What has come to light, and I believe most thinking people will agree with me, is the fact that something had to be done to make the Tourist Bureau more accountable for its spending of public monies. Perhaps what was done might have been done more tactfully. There is no case of defalcation for anyone to answer. I'll say that again. There is no case of defalcation for anyone to answer. I think Mr Bennett has made his point, however, for him to continue on with the matter would be nothing more than a political point scoring witch hunt and I for one have no interest in being a party to such activities. Mr President may I simplify matters. Those of you who condone the spending of public moneys without accountability say aye. Those of you who believe that persons spending public monies should have to account for every cent of it, say no. Thank you

MR SANDERS: Thank you Mr President. I think the best way to approach this is to start from the beginning and the beginning was this election. I stood on a platform of concern of the mishandling in my opinion of public funds of the Tourist Bureau, and not only of the Tourist Bureau Mr President, in general, mainly with matters of travel allowance. That wasn't the only one but that was the main issue. I made that as a platform before the election and I might at this stage also point out that the previous executive member also stood for this Assembly as did the Chairman of the Board and as did the executive officer. I would like also to point out very clearly that those three people were not elected and I was. I, in actual fact, got approximately a third of the vote. It would have to be realised that by getting a third of the vote which means

MR KING: Point of Order there Mr President. I don't think it's a deliberate attempt to mislead but it may sound as though Mr

Sanders is overstating the situation there. He in fact, had a third of the electorate vote for him, he didn't receive a third of the vote

MR SANDERS: Perhaps, I wasn't actually referring to numbers. I said approximately

MR PRESIDENT: You might change the word to significantly Mr Sanders

MR SANDERS: Yes, that's a good word Mr Brown. I like it. A significant number of the electorate supported my actions. They knew what I was going to do. I have been associated with this Assembly for the last ten years. They know of my methods of doing things. I had a clear mandate to do what I did. I would be very interested to find out whether these people, particularly the New Zealanders that are forcing the march on this thing, would be prepared to go to the vote to find out whether this large majority outside does support him or whether they are rather pleased that what has happened has in fact happened. I would like, having said that, to suggest that the mover of this motion was in actual fact the causer of the problem. I have because of, after this, I will not be an executive I suppose I should use this opportunity Mr President to quote from documents and then be able to table them as I won't then have the opportunity of presenting papers, is it alright if I progress this way

MR PRESIDENT: Thank you Mr Sanders

MR SANDERS: I have a copy here of the year ending 1989 audit of the Tourist Bureau and I would like at this stage to point out that that was the year that Mr Bennett was, except for six weeks, was in actual fact the Minister for Tourism. I think perhaps if I could read the letter that was attached to the audit from C E O'Sullivan and Associates, and it was a letter dated the 1st May 1992 to Mr Smith. This document has yet has not been tabled even though it should have been done as soon as it was received. I have only had this document for about a week and it reads "Dear Mr Smith, Further to the discussions I had with you concerning the accounts for the Norfolk Island Government Tourist Bureau we now enclose the completed Financial Statements for the year ended 30 June 1989. The Board implemented a computer based accounting system on the 1st July 1988 using software which was inadequate and a computer which was principally a word processor. The staff who were engaged to perform the account book-keeping functions had no previous experience in book-keeping and the executive officer, that would be the one appointed by Mr Bennett, Mr Barry Shiplock, whose duty it was to supervise the accounting procedures and the computer system had very little knowledge of practical experience of accounting principles and procedures for a government body. The services of Miss Samantha Browne who previously performed all the accounting works and prepared accounts was not retained to supervise the changeover from manual accounting systems to the new computerised system. Due to the lack of experience and incompetence, and I use the word incompetence, errors in book-keeping principles became very evident, for example, account classification were often incorrect or incorrectly posted, balances from the previous year were not carried forward, bank reconciliations were not prepared, creditors or debtors were not entered into the books etc etc. To rectify the ghost errors which had occurred it was necessary to start at the beginning and code the whole years cheque payments and cash receipts reconciled with the bank statement and prepare all opening and closing balances and end of year adjustments. The final statements for the year ended the 30th June 1989 have now been prepared in accordance with the information and records made available and other information obtained from the Bureau staff and bankers. We certify to the best of our knowledge and belief that the accounts show the position of the Norfolk Island Government Tourist Bureau as at the 30th June 1989 as accurately as can be ascertained by the application of accounting auditing procedures and principles. I recommend that the following accounting procedures be implemented to comply with prudent business management practices.

First, [and I must hope that everybody listens to this one - this is in 1989] implement control of expense allowance and travel expenses for executive officer and staff. [This was a problem that was in existence during the life when Mr Bennett was the executive member with all the appropriate responsibilities] all expenses to be correctly documented, approved in compliance with established guidelines and approved amounts

as determined by the Board from time to time and Secondly, physical stocktake and listing of furniture fittings and equipment with expected useful life and value to be recorded in an asset ledger, depreciation to be allowed to enable obsolete items to be written off. It may be necessary to write off items of equipment, plant and furniture which are obsolete and

Thirdly, record and authorise all journal entries made by accounting staff and such entries to be retained in a permanent file. [I must repeat that] Record and authorise all journal entries by accounting staff and such entries to be retained in a permanent file. [I just digress there if I may for a moment Mr President. This is the permanent file that has disappeared out of the Tourist Bureau of which I asked the Police to see if they could find and have it returned to me. I go on with the letter Mr President]

Fourth, exercise control over giveaways of brochures, books, maps etc it would appear from the percentage return of sales of books maps etc that all giveaways to agents or journalists are not recorded and debited to relevant advertising expense accounts. I refer you to a letter from Mrs Judy Jarvis dated the 3rd August 1987 which stated that only the Sunshine Club and Hospital Booklets were sold at cost. All other products having an average mark up of 25-30%. On this information the Bureau's profit on trading for the year should have been approximately \$4,500-\$5,500, for example, return of 20-25% taking into account items sold at cost

Fifth, [I think this is a very significant one also Mr Brown, Mr President, and it is] exercise control over expense accounts which exceed budgeted amounts and particularly Board and entertainment expenses. This is referring to Mr Bennett's Board and his expenses and entertainment allowances. Executive Officer expenses and telex, facsimile and telephone. During 1988 it was discovered that the Bureau had been operating a trust account for several years, [1988 Mr President, this is the year that Mr Bennett was there] for several years, Commonwealth Savings Bank Account 901 450 which showed a substantial balance. The Trust Account had never been presented for audit since my appointment as auditor. The audit of the Trust Account necessitated the checking of several years entries to ensure that no misappropriation of funds had occurred. The work involved was considerable and was also hampered by the unavailability of bank statements, [which seems to be a continuing problem Mr President] lost bank statements could not be replaced by the bank as they were no longer retained in their computer. We can now confirm that as far as we can ascertain there has been no misappropriation of funds for the period 1985-1988 from the Bureau Trust Account due to the amount of work involved and as there was no apparent misappropriation it is considered by us that no useful purpose would be served in carrying out further investigation. We also advise that the matter of the Trust Account was referred to the previous Minister for Tourism Mr Geoff Bennett and we suggested that the funds in the Trust Account whose ownership could not be established [this is lovely Mr President, we have a Trust Account in the Tourist Bureau and we don't know who owned it] that it be paid into the Norfolk Island Administration. We understand that this was done and was the subject of a minute in the Bureau's minute book dated the 16th May 1989. We also request that the Minute of the meeting of the Board held on May 16th 1989 on the subject of the Trust Accounts be amended to state that our office had not lost any documents. The documents in question were the missing bank statements that have never been presented to our office and copies of which were no longer available at the bank."

I won't harp on that one any more Mr President but I would like to table it because one is the law says so and I'm pretty sure members of the public may like to know just how long there have been difficulties associated with

MR PRESIDENT: Mr Sanders to such extent as Leave is needed for you to table that at this stage I grant that Leave

MR SANDERS: Thank you Mr President. That was careless of me. I would then like to proceed with mentioning to my colleagues, yourself, Mr Bennett and Mr King of my concerns over happenings at the Tourist Bureau bearing in mind that these are accounts now of six years standing of not being able to be accounted for. I was concerned that the public should have more input in what happened to their money in the period for six years. This information was made available as I said to the mover of this motion and to Mr King who is supportive of it and they knew in advance all of which was going to happen, and it happened and as I said before I had a clear mandate from the people that supported me in

the election to carry out those actions. It appears that they refer to intimidation or my intimidation of the previous executive member, this is of the Tourist Bureau, everybody is completely missing the point that he was a contract officer and it was clearly written into his contract of which he had signed, that notice could be given for two months either way or payment in lieu of. He was paid those two months in lieu of in strict accordance with the law and in strict accordance with his contract and with the knowledge of these executive officers who are so keen to sack me. There's Mr Nobbs and Mr Snell and Mr Smith have probably put more work in trying to unseat me, I would exclude Mr Nobbs from that, but Mr George Smith and Mr Lisle Snell have put more effort into unseating me and particularly in the case of my predecessor Mr Smith in the total three years that he's ever had to do with the Tourist Bureau. It's fascinating to know that he actually had that much energy because I had my doubts prior to that

MR BUFFETT: Point of Order Mr President. Mr Sanders on an earlier occasion in this House early this morning indicated

MR SANDERS: I would apologise on that

MR BUFFETT: that it would be inappropriate to make such scathing remarks about people who may not have an opportunity to be represented. I would hope that he would offer that same facility to the people he is mentioning now and be kind enough to withdraw those remarks

MR PRESIDENT: Mr Sanders has apologised

MR BUFFETT: Thank you

MR SANDERS: Mr Bennett refers to the intimidation of my suggestion that the Executive Member may care to offer his resignation. I did this as I said at the last meeting that it was to keep it low key and in fact if he did so it would be to table any documents in the House and in effect if he cared to say that Bill Sanders is a rotten bastard and I can't work with him it would have given him grounds to leave, I would not have opposed such a thing and that would have been the end of the matter. However, Mr Snell is continually writing letters to Members of this Assembly and including another one just the other day, he has demanded justice. Well his idea of justice may be as Mr Bennett has done. But I agree that he should have this justice Mr President and consequently I would now like to table the copy of all the missing documents that have disappeared which the auditors have sent me of what they based their views on and with Leave of the House may I table these documents

MR PRESIDENT: To such extent as Leave is granted I grant you Leave

MR SANDERS: Thank you. Mr Bennett made reference that I had a number of alternatives, that is, to retrieve the cheque book. I can't recall whether it was twenty-three or twenty-six signed blank cheques that were available for the executive officer to use if he wished. Mr Bennett has obviously not done his homework because in actual fact I rang up the Chairman of the Board prior to the dismissal of the board, which is another reason which contributed to my thinking that perhaps there needed to be more savage action taken and I requested that the cheque book with the signed cheques be picked up and that he hold them. I wasn't even asking that I hold them. I was asking that he hold them seeing that it had his signature of them. He refused. He said that he didn't want Members of the Tourist Bureau to think that he didn't trust them so he again left those cheques there, and they were left there for quite some considerable time. He also told me that they were used for wages which some of them may have been but after he'd finished there were still heaps of signed cheques available. It appears in the eyes of Mr Bennett and Mr Buffett who obviously would not miss an opportunity like this, that diplomacy and tact appears to be more important to Norfolk Island than the results so that I as executive officer could carry out my duty as I said I would do prior to the election. I spoke of the intimidation or Mr Bennett spoke of the intimidation that Mr Brown and myself, fortunately, I would assume that Mr King's words to us down here at our meeting the day before yesterday when he said his preference would be for me to resign and for the President to step aside, naturally of course, that's not intimidation because it wasn't me that said it, but

however, it appears to vary on what the rules are as to who says it and when. Now Mr Bennett refers to the wide concern in this community. If he considers Mr Howard, Mr Snell and Mr Ken Nobbs and a few other aggrieved persons as the major concern in the community then so be it. I would like if this concern is to be so great, why don't we put the whole lot on the line, that's me as an Assembly Member, Mr Bennett as an Assembly Member, in actual fact, the six people that are so keen to proceed with this thing. Why don't we ask the public whether they are so concerned that they don't like it. The results would be obvious. They refer to.. Mr Bennett just made a brief statement about the number of persons on the board. I'll probably get a question at a later date over that so I would like to comment. Yes I only have four, and yes the prescribed number is six. Mr Bennett is probably also aware that the six members there delegated their authority to the executive officer so in actual fact there wasn't six members on the Board there was only one executive officer who had the right to sign his own cheques when he felt like it unauthorised by the Tourist Board. If this is something that everybody feels that should be a negotiated item and gee and I must apologise I say publicly I refuse to apologise. I acted in accordance with the law, I acted I believe in the best interest of the public and particularly of the public purse and I will not apologise and I will stand by my actions

MR PRESIDENT: Thank you Mr Sanders. Any further debate Honourable Members?

MR ROBINSON: I was just wondering how many business proprietors on Norfolk Island signs blank cheques for staff to use without at least obtaining receipts

MR SANDERS: Mr President, just a matter that I just briefly... those papers that I tabled are unaccountable items of cheques that have been written. They are things that show no receipts

MR PRESIDENT: Mr Robinson would you take the Chair please

MR BROWN: Mr Acting Deputy President this motion relates to Mr Sanders rather than myself and it is a motion by which it is sought to sack Mr Sanders as an executive and to appoint Mr Ernest Christian in his place. Frankly, I don't regard Mr Ernest Christian as coming within a bull's roar of the capability that Mr Sanders has in the various areas of executive responsibility that he's been carrying out until today. Some people might not like

MR BUFFETT: Mr Acting Deputy President, Mr Brown has been in the Chair and has endeavoured to ask us to observe proprieties in referring to both Members in this House and other places, I would ask that in his address to us that he equally observes those standards and his remarks about Mr Ernie Christian I think are unwarranted and bordering on those that could be quite offensive

MR ACTING DEPUTY PRESIDENT: Yes I agree with you

MR BROWN: Mr Acting Deputy President if I could answer that. Firstly, I don't recognise Mr Buffett's membership of this House as I said earlier in the meeting, but secondly, I will certainly be as careful as I can to ensure that I don't infringe the Standing Orders. Mr Sanders has had executive responsibility in a number of difficult areas and he has not been frightened to tackle that responsibility no matter what the extent may be to which he upsets people as a result. He did indeed keep all of the executives informed of what he felt he needed to do at the Tourist Bureau and I think that it would be fair to say that all of the executives when they read the report from Ernst and Young were extremely disturbed about it. In fact a number of Members have said that Mr Sanders is not here today facing dismissal because he made a wrong decision. It seems to be agreed around the table that what he did needed to be done, but it seems that there are some around the table who think that he wasn't polite enough. Well Mr Sanders was not a polite person before he was elected on the first occasion to the Legislative Assembly

MR SANDERS: Point of Order Mr Chairman. I think that's an imputation on my character

MR BROWN: I withdraw that unreservedly Mr Acting Deputy

President. Could I say that Mr Sanders was not renowned as a polite person prior to that but he was always renowned as one who did what he thought needed to be done. Let's have a look at some of the areas of executive responsibility which he holds in this Assembly. Tourism is the first one. What's he done. He's had an audit report in order to look at matters which concerned him. He has caused the Board to be changed, I should say the Bureau to be changed when the Bureau would not abide by his direction, and in fact it wasn't just one direction as you've heard earlier. He couldn't even get the Chairman of the Board to go and pick up the blank signed cheques that had been left and it turned out that not only were there blank signed cheques on the general account, there were blank signed cheques on the Trust Account as well. That's what I said. Blank signed cheques on a Trust Account and you're all here wanting to condemn him and sack him because he took action. Now his action in respect of the executive officer was to direct the new Board that he appointed to dismiss the executive officer. The new Board met and considered that direction. The new Board had the Crown Solicitor come to give them advice about it and he gave advice, particularly about the entitlements of the executive officer under his contract and what ability the Board had to terminate that contract. The Board chose, I'm sorry, I should be calling it the Bureau. The Bureau chose to terminate the contract under the second of the two termination clauses and that was a clause which did not require reasons to be given by either party and certainly did not cause a public allegation that funds had been misappropriated or that any form of improper behaviour had been undertaken by that person, simply two months on either side. The Board resolved to do that. It in fact had the benefit of the Ernst and Young advise and it resolved both in accordance with the Minister's direction and notwithstanding that direction to terminate that person. That person had a secretary why did no other work than work for him and quite rightly the Board took the view that she no longer had any work to do and she was retrenched. Now I don't see anything wrong with any of that. I took place in those discussions. I also took place in a separate discussion as to which I'm to be tried later in the meeting and I'll have a bit to say about that second discussion at that time, but that was a discussion I had that Mr Sanders can't be blamed for. Let's look at some of these other areas of responsibility. Immigration. An area that many would regard as having been massively mishandled during the life of the last Assembly. An area, where for example, in the case of the Compensating Departure Scheme, very strange things seemed to have happened. People seemed to have been able to drive semi trailers through loopholes that the last Minister opened up in that legislation. I'm not saying he wasn't a nice chap. He seemed to be happy to say yes to anyone, but that's not what you are there as a Minister for. Mr Sanders has already tightened up on the problem areas of Immigration. He has always been willing to come to the House and to have the House endorse policies in relation to things such as Immigration, in relation to things such as Tourism and in fact in relation to things such as Land Use. Frankly, I think Mr Sanders is a good Minister and I believe that those Members of the Public Service who work with Mr Sanders find him a good Minister to work with, particularly because they know that if there is a policy he will adhere to it. Sure he has a discretion and from time to time he will take a view that it is correct that he exercise that discretion to over-ride some part of the policy, but in general, and in the overwhelming majority of cases he will stick pretty rigidly to the policy and for a public servant that's a damn good thing, because the public servant can open up his file, he can have a look at what the policy is, he can put however many ticks or crosses on the page that are appropriate and then he adds them up and if there are more ticks then crosses, he knows Mr Sanders is going to say yes. If there are more crosses then ticks he knows he's going to say no. The public service can work properly under a Minister such as Mr Sanders. I've heard from you all today, from those of you who have spoken and it's obvious from those who sit silently with grins on your faces that you're just going to vote in accordance with how you've been told, that you don't like the job that Mr Sanders and I have been doing. Well that's okay. That's what democracy is about. If a majority of you don't want either of us to do the jobs we are doing, simply vote and that happens and I think that you can be assured that if your vote is in the affirmative and Mr Sanders is removed as a Minister something very interesting will happen. I think you will find that he will hand over to you his files. Now this will surprise alot of the people that are listening but what's normally gone on in Assembly's in the past, is that as one Assembly goes, its Minister packs up all the files, takes them with him and they are never seen again. And

the incoming Minister gets surprise upon surprise when all of a sudden presented to him are copies of letters signed by a former Minister promising this and promising that without a copy of the Administration files, without a copy anywhere to be seen. It was fascinating down here on a recent occasion to see George Smith carrying box load after box load of files out to his car. Files in relation to the tourism portfolio. In fact, in some cases I believe they were files that had been given to him by an earlier Minister who had sought to co-operate in some way but George simply removed the lot. Took them home. Well, Mr Sanders is a responsible man and Ernie, if you do become the Minister I'm sure that he will co-operate in ensuring that the work that he has been doing is properly transferred to you but there is no way that I'm going to support the motion. I'm not going to support any form of no confidence motion in Bill Sanders, I think he's an excellent Minister, I think he should stay there and I think the rest of you should be ashamed of yourselves

MR BATES: Mr Acting Deputy President, I would like to briefly outline my main concerns in the events leading up to this situation we now find ourselves in. I don't intend to elaborate on the childish acts of yesterday. Firstly, I am very unhappy about the role that Mr Neil Summerson has played in this. This man, at the least, could be investigated by his affiliated institute for what I seriously regard as a breach of professional ethics. He is the receiver of the Norfolk Island Airlines group of companies and a fellow director with John Brown in a company known as Prystone Pty Ltd which I understand has taken over one of the Norfolk Island Airlines companies that he is acting on behalf of. John Brown arranged for this person to do some work at the Hospital and through Bill Sanders also arranged for a hurried audit of the Tourist Bureau. Mr Summerson's associates in New Zealand already were involved in bringing about some degree of accounting reform in both these areas. Unlike his Hospital job, Mr Summerson created some kind of record. He carried out his audit and produced his report in under a week and some days before he was legally appointed under the Tourist Bureau Act. Good going, highly irregular and highly unprofessional. No excuses for Mr Summerson. If he didn't know about his professionalism, if he didn't know then his professionalism is in question and by his own admission in writing he is familiar with the Act. If he did not know he has brought disgrace to a leading accountancy firm Ernst and Young. I notice he has not used the same degree of haste in his examination of the Hospital. Had Bill Sanders, as Minister for Immigration and Tourism decided before the elections that he wanted to change the Board and obtain a new executive officer he could have done that in a manner in keeping with the dignity and diplomacy his position demands and also with the support of this House. What Bill did however, was vastly different and has hurt deeply many, maybe even ruined reputations irretrievably through no real fault of those involved. That part has been well and truly thrashed and apart from saying that there are legal doubts about the validity of the audit, the dismissal of the Bureau, and the creation of a new one, and also the actions of the new Board, justice for those involved will probably never be obtained. As concerned as I am about these events however, however much I regret them, there are other issues that cannot be brushed aside. Norfolk Island's economy cannot sustain any hiccup in the tourist industry. This business has not helped and there are signs already that it has been detrimental and we must act now to repair the wound. As part of that process I cannot tolerate the Board having as two of its players from one major accommodation group. We know that Steven Horton is a paid servant of the Norfolk Island Resorts Group, John Brown will quickly remind me that Neil Summerson, that name again, is in charge of Norfolk Island Resorts Group and has kicked John out of the South Pacific Hotel and therefore John is not involved with that group. I am green Mr Acting Deputy President, a little bit naive but I'm not stupid. There is an opportunity for the Bureau to use approximately half a million dollars of our public funds to further the interests of one group to the distinct detriment of others

MR BROWN: Point of Order

MR ACTING DEPUTY PRESIDENT: Mr Bates this isn't an imputation by any chance is it?

MR BATES: This is what I'm saying the situation is developing into

MR BROWN: Point of Order Mr Acting Deputy President. I

have sat here and listened with interest to Mr Bates attempting to assassinate the reputation of a qualified accountant. I would like to table a copy of Mr Bates' qualifications in this area and I now do so. It's a blank page

MR BATES: Point of Order

MR ACTING DEPUTY PRESIDENT: Are you seeking Leave to do so Mr Brown

MR BATES: Point of Order

MR BROWN: Such as Leave is necessary I seek that Leave

MR BATES: Surely Mr Deputy President there is Point of Order 62. Well I've called a Point of Order

MR BROWN: I've sat with interest and listened to Mr Bates' attempting to assassinate the character of a person who is not here. Now I've thought to myself, isn't it ironic. Here we are Mr Sanders and I accused of all sorts of things, and here's Mr Bates with ..

MR BATES: Point of Order

MR BROWN: .. the benefit of not knowing very much about what he's talking about at all

MR BATES: Could I call a Point of Order please

MR ACTING DEPUTY PRESIDENT: We have one before us now

MR BATES: What is the Point of Order

MR BROWN: Yes, the Point of Order is you're just making imputations about me

MR BATES: Well can we debate that or no

MR BROWN: It's not a question for debate. You've just made an imputation about me and you ought properly to withdraw it

MR BATES: I will withdraw it

MR ACTING DEPUTY PRESIDENT: Thank you

MR BATES: I'll just find out what it was to make sure that I'm withdrawing what I have to withdraw. What is it Mr Brown? I just wonder what it is

MR ACTING DEPUTY PRESIDENT: Your games of trying to have it reread Mr Bates is not appreciated. Please carry on

MR BATES: Thank you Mr Deputy President. I was trying to bring together my concerns about what might happen to Norfolk Island if it can be seen that two people of the Norfolk Resorts Group now control our tourist funds, our public funds

MR SANDERS: Point of Order Mr Chairman. It's a disgusting insult and Mr Bates should be made to withdraw it. That's not normal that you have crummy bank teller accusing a firm

MR BATES: Point of Order

MR SANDERS: .. accusing a Firm as big as Ernst and Young of malpractice

MR ACTING DEPUTY PRESIDENT: Let's all try to keep in line of Section 67 and 62 Gentlemen

MR BUFFETT: And that includes Mr Sanders

MR ACTING DEPUTY PRESIDENT: Of course including Mr Sanders

MR BUFFETT: Would he be kind enough to withdraw his last

remark

MR ACTING DEPUTY PRESIDENT: I expect Mr Sanders to withdraw that remark about bank tellers

MR SANDERS: I apologise Mr Chairman

MR BATES: May I continue? Thank you. The co-incidences are real and to use a familiar phrase justice must not only be done, it must be seen to be done. I have to do what I must and therefore I support the action and motion. Thank you Mr Deputy President

MR KING: Thank you Mr Acting Deputy President. At the time that this matter was first raised in the House, or more precisely the matter of the Tourist Bureau I joined the debate making three points. I made the point that some fault lay at the feet of former Members of former Assembly's. Former executive Members and former Tourist Boards in that proper guidance was not given in the form of what was expected to ensure modern standards of accounting and procedures were observed. I stand by that Statement. Nothing else is as clear in this whole mess Mr Acting Deputy President. I said secondly that Mr Sanders was doing his job as he saw it needed to be done and I don't doubt that he did in fact do that, but what is not clear to me Mr Acting Deputy President is what prompted Mr Sanders to do it in the manner which he chose. I made the point that the audit report did not reveal any dishonesty and nothing that has come to light since that time has convinced me of anything different. I formed these opinions from a reading of a draft document produced by Mr Summerson of Ernst and Young of Brisbane through Mr Sanders. The document which didn't constitute a full audit report but which simply set out in point form a number of findings and observations. The full audit report which is now in the hands of all Members did not arrive until after this draft document and much to my embarrassment at having to admit it Mr Acting Deputy President an important question never occurred to me until a week or so ago when I read and re-read the draft document. And that question was this. Why submit a draft document to the person who had called for an audit? I don't regard that as being the normal practise of an auditor. It was almost as if to suggest that it was sent along for the nod of approval. My unease led me to read the entire report back to front more than once

MR ACTING DEPUTY PRESIDENT: Point of Order Mr King. That wouldn't be an imputation of improper motives would it?

MR KING: That's for you to rule Mr Acting Deputy President

MR ACTING DEPUTY PRESIDENT: I think it is and I would like you to withdraw it

MR KING: You would like me to withdraw the question that I ask myself? Why submit a draft document to the person who had called for an audit? Is that what you would like me to withdraw?

MR ACTING DEPUTY PRESIDENT: I believe

MR KING: It was almost as if to suggest that it was sent along for a nod of approval

MR ACTING DEPUTY PRESIDENT: Those are the words I have difficulty with Mr King

MR KING: I withdraw those words Mr President.. Acting Deputy President. Nevertheless my unease led me to read the entire report and I developed a nagging suspicion that it was in fact a snow job. No Point of Order?

MR ACTING DEPUTY PRESIDENT: It should be

MR KING: I withdraw that as well. I wasn't persuaded in this by any other Member of the House Mr Acting Deputy President and I emphasise that. It boiled down to a mixture of my gut feeling and my experience of auditors and their methods of operation. Why for example would an auditor report and I quote "vouchers are not retained or presented to support amounts reimbursed" implying that they should have

when procedures did not require their retention. In the normal professional course of auditing it would have been far more appropriate to avoid the innuendo and report for example, that the current practice of not providing receipts is not adequate for accounting or audit purposes. And again the auditor makes a similar statement in respect of travel allowances and other expenditure, that the executive officer and I quote "could not provide vouchers to support these expenses". The auditor didn't both to say that the executive officer didn't have to. The auditor reported that things like invoices and reconciliations were not checked. He didn't report the executive officer's claim that they were checked because he didn't even ask him. There is a big difference Mr Acting Deputy President between something not showing any evidence of check, like a red tick or the like, and not being checked at all. Nevertheless the auditors saw fit to imply negligence despite the fact that his sampled checks apparently located no errors in these areas. Was it fair to comment in the report, and I quote "it is unclear to the auditor whether he the executive officer was entitled to incur expenditure such as entertaining" and I close the quote without even making mention of the fact that the executive officer's duty statement required him to pursue public relations and wide levels of trade and consumer liaison. How the hell was he expected to do these things? With a bag full of pine needles I expect. I returned time and time again Mr Acting Deputy President to the auditors concluding remarks asking myself why he sought to leave doubt in the minds of the reader by including statements which imply the opposite, for example, and I quote "it is not possible for us to determine whether all sums expended have been in the best interests of the Bureau". The inference without any clear evidence is that they haven't been spent in the best interests. Again, the Board and I quote "has placed the executive officer in a powerful position and have exposed the Bureau to unacceptable levels of risk of defalcation" and I close the quote. Not levels of defalcation Mr Acting Deputy President but "levels of risk", in other words, we haven't found any evidence but he could have ripped you off if he wanted to. It's not clear to me what specific instructions were given to the auditor nor what sort of talk accompanied the instructions. There is however, in my view enough evidence in the audit report to support my suggestion that the auditors' approach to his task was unprofessional and tarnished by preconceptions, the end result being a document that in my view lacks integrity. I can't say that the whole exercise was designed simply to achieve a desired result. I hope it wasn't, however, I think that it's safe to bet that at the least there was a tragic display of overzealousness on Mr Sanders' part. Excuse me just a moment. The audit report Mr Acting Deputy President, despite its shortcomings triggered off a whole range of actions including a series of decisions by Mr Sanders which at least were hastily considered and ill advised. By virtue of his holding executive office Mr Sanders was compelled to act wisely and cautiously. I'm not convinced that Mr Sanders took adequate legal opinion before taking the several significant steps he has taken. I have not seen any legal opinions for example supporting his direction to the Board to dismiss its executive officer or supporting his dismissal of the Board. By not taking full and proper legal advise I believe that the Government has been placed at significant risk. That risk could have been avoided by taking a cautious well thought out approach to achieve the same desired end result. It is true, as Mr Sanders says, that I was well informed as a fellow executive on what he proposed to do. It's true also that I was supplied with a copy of the auditors initial draft. It's true also that I understood in essence what he was going to do. But Mr Acting Deputy President, Mr Sanders will also recall that I insisted that the rules of natural justice be observed and I had a reasonable expectation that he would seek full and proper advise. I did not sanction the intimidation which followed. I did not sanction Mr Sanders' bull at an open gate manner and I did not have a copy of the full audit report and it is regretful that this House is the only forum in which one can get Mr Sanders' undivided quiet attention. Mr Acting Deputy President I don't want to dwell too much on the events of the dismissals. Everyone really aired their dirty washing on that clothesline on the last occasion. I really want to focus my debate on the beginning, that is the audit, and I've done that and the end which I believe is a very important and telling point and that is that the affair has without any doubt in my mind become at the very least, the subject of debate and some concern among prominent people overseas. It is simply not acceptable that an affair such as this has possible adverse implications for our tourist industry. That industry is simply far too fragile for us not to do what we feel is necessary to reverse or minimise these adverse

effects. Thank you Mr Acting Deputy President

MR SANDERS: Thank you Mr Chairman. There's a number of person referring to legal advise and the legality and the manner that I have carried out my duties. Firstly I would just like to mention just something that Mr King has said that he didn't support the manner that I did things. I would like to point out that I didn't think that Mr King was elected to this Assembly to tell me that I had to ask for his approval on my actions and I have repeatedly said to Mr King that that is not what I propose to do, not now or in the future, but I would like to just make some comments if I may Mr Chairman and it's to do with some Members who have raised the question of legal advise. Let me make a couple of things quite clear. First the Crown Solicitor has said that he has never given any advise that the Bureau should not meet. Now those are his words, not mine. Secondly, nobody has questioned the validity of my appointment of four members of the Bureau on the 18th June. Those appointments were made under a provision of the Act dealing with vacancies. Different considerations apply in respect of the later appointments made on the 30th June, even if it is accepted that the latter appointments were invalid, and I don't accept that at all, it certainly does not follow that the earlier ones were also invalid and nobody has said that they were even though opportunities have arisen for advise to be given on that point. Thirdly on the 30th June I appointed a new Bureau of four members. On the 2nd July I received advise from the Crown Solicitor that the appointments on that occasion were invalid and again I don't accept that advise but however, because four members were appointed and not six, as a matter of prudence and rather than having one solicitor say that another solicitor is wrong the Regulations were therefore amended the next day to reduce the size of the Board to four members. And at this point I must say Mr Chairman that I did explain my reasons to Mr Bennett the mover of this motion, and Mr King the supporter of the motion. On the same day advise was sought from the Crown Solicitor on whether this step had fixed the problem he had expressed with the 30th June appointment. On the 6th July he advised that the Court would hold that it did so in summary I make these points. Nobody has given a legal opinion, at least to my knowledge, that the 18th June appointments were invalid. An opinion was given that the 30th June appointments were invalid. That may or may not be right but it doesn't really matter because any problem with those appointments was fixed in the opinion of the Crown Solicitor by the amendments of the 3rd July. That is if there may be a political issue here today but there is no legal issue of any significance

MR BROWN: Mr Acting Deputy President it's been interesting to sit here and listen to the messenger being shot because that's what Mr King has attempted to do. It's been interesting to sit here listening to you shoot the messenger. I'm talking here of the report from Ernst and Young. Sure. Any report you read you can twist the words around to say whatever you like and what you have done is twist the words around to suit yourself. It matters not to me in what way problems are expressed to Mr Sanders in the report. What worries me is that problems are expressed. Now really it is a bit ridiculous to suggest that because there wasn't a rule that a person needed to provide vouchers and receipts and otherwise justify claiming reimbursement there was no need for him to do so. Anyone with half an ounce of commonsense would know that when you are dealing with the public's money, and you're a man that's had experience in this, you should at least protect your backside if you do nothing else and in the interest of the public you should produce those receipts, whether or not there's a satisfactory set of accounting standards

MR KING: I think you've missed the point Mr Brown

MR ACTING DEPUTY PRESIDENT: Interruptions Mr King

MR BROWN: Mr King mentioned something about it's unclear whether the executive officer was entitled to spend money on entertainment. Well the first thing is, if you are going to spend money on entertainment, you should produce the receipts and you should then submit those receipts and if you are half sensible you would have the Board authorise that reimbursements. Sorry I've used the word Board again, the Bureau, authorise that reimbursement. Now it doesn't matter how that problem is expressed, what the Ernst and Young Report has said is, there is a problem. There is a problem with accountability of public

money. Mr King has said that there is now debate and concern among prominent people overseas

MR KING: Yes, I said words to that effect yes

MR BROWN: Yes. I attempted to write them down verbatim but I may have

MR SANDERS: Perhaps Mr Chairman Mr King could be asked to keep quiet whilst other persons are debating the same as I do

MR ACTING DEPUTY PRESIDENT: Standing Order 67 Mr King

MR KING: Thank you

MR BROWN: Now this matter was first mentioned to me earlier this week, on Tuesday morning, when it was suggested that a particular person at Air New Zealand had expressed grave disquiet and had suggested that Air New Zealand would not co-operate with Norfolk Island until such time as something had been done to remedy it all. I said at the time that I did not believe that that person at Air New Zealand had made that comment and I suggested that Mr Sanders should ring and enquire. Mr Sanders did so and what the person claims to have said to Mr Bennett when Mr Bennett rang him was that he and Air New Zealand were not interested in getting involved in a Norfolk Island local political issue. Now that's a very different thing to expressing concern. The person has since expressed concern. He has expressed concern that an executive of this Assembly has tried to drag him and Air New Zealand into the debate and has embarrassed him. I conveyed that information to Mr King. Mr King spoke again with Mr Bennett and Mr Bennett seems to have then said that it wasn't really that person at Air New Zealand it was a man at Qantas that expressed concern. It will probably interest you to know that the man at Qantas denies having discussed the matter with Mr Bennett. The man at Qantas denies having discussed the matter with Mr Bennett. Now I invite each of you to suspend this meeting for a quick twenty minutes and to go to your telephones and ring both of those men. Ring them both. The man at Air New Zealand and the man at Qantas and see for yourselves what they say. Insofar as implications for the tourist industry are concerned I think you will find that they are looking forward to meeting with representatives of the new Bureau and I think you will find that the man from Qantas might go a little further. He might say that Qantas had been concerned during the life of the last Assembly but Norfolk Island didn't seem to have a policy. Now that surprises me because we do have a tourism policy but I think you would find that he would go on to say it didn't have a policy about whether it wanted to be international or domestic and you will recall that that was a hobby horse of the previous Minister Mr Smith. I think the man from Qantas would probably say that there had been during the life of the last Assembly, meetings between Qantas and Air New Zealand on the one part and Minister Smith and the Chairman of the board, Chairman of the Tourist Bureau I'm sorry on the other. He would probably say that he knew that the tourism conference occurred in Norfolk Island however long ago and that nothing seemed to happen as a result of it and that Qantas reached a stage towards the end of the last Assembly where it was told that it probably wasn't appropriate to do much more until the election had occurred and a new Minister installed and presentably a new Bureau put in place which certainly had to happen as a matter of law on the 30th June anyway. Now my understanding is that both Qantas and Air New Zealand are quite happy to work with Bill Sanders and Minister and with the new Tourist Bureau. Now Mr Bennett has told you something different, I realise that, and I've invited each of you to go and satisfy yourselves

MR BATES: Point of Order. Digression. He's digressing from the point, he's inviting us to go and make phone calls to establish some little conversation that's taken place between somebody in Qantas and Mr Bennett. He's digressing from the matter

MR ACTING DEPUTY PRESIDENT: The debate does have some relevance upon the question at hand

MR BROWN: Mr King has made it very clear that he had two concerns. He said he had a concern about the Ernst and Young report, where I've said to you all that I think he's decided to shoot the messenger, I think that's what his real problem is there, and he has said

that he's concerned because there's debate and concern among prominent people overseas and possible adverse implications for the tourist industry. Now as far as I'm aware, Mr King himself has not spoken to either of the gentleman and Qantas or the gentleman at Air New Zealand. Apart from Mr Bennett Mr Sanders and myself in the case of Mr Sanders and myself in relation only to the Air New Zealand gentlemen, none of you have. None of you have bothered to check it

MR BATES: Point of Order. This digression about what we should be doing to satisfy Mr Brown's debate is digressing from the matter before the House Mr Acting Deputy President

MR ACTING DEPUTY PRESIDENT: I think it has quite some relevance with the question at hand Mr Bates

MR BATES: Mr Acting Deputy President are you suggesting that we go and make a phone call because Mr Sanders wants us to

MR ACTING DEPUTY PRESIDENT: I think that Mr Brown would be happy for you to do it

MR BATES: Mr Brown

MR BROWN: Thank you Mr Acting Deputy President. What I'm suggesting to you all is that you don't want to know where the facts lie. You are not interested in that. The facts scare hell out of you. What you want to do is shoot the messenger and pretend that the problem never occurred. Well if that's good government I'm glad that I'm not part of it. Thank you Mr Acting Deputy President

MR SANDERS: There was just one little piece in my debate that I neglected to mention Mr Chairman. I'm not fussed with these people that think they're God and they can sit in judgement of me. The public will do that. The other point that I raised is that I wouldn't be supportive of Mr Ernie Christian replacing me. Even out of the other bad ones they would be miles better than Mr Ernie Christian. He would have to be the worst executive member that any Assembly on Norfolk Island has ever had

MR BROWN: I move that the question be put

MR ACTING DEPUTY PRESIDENT: I'm afraid under section 69 and 73 of Standing Orders it is not open to debate. The question is that the

MR KING: Mr Acting Deputy President. I had indicated to you and you had nodded in return that I was to speak before Mr Brown called that the question be put

MR ACTING DEPUTY PRESIDENT: Yes I acknowledge your..

MR BUFFETT: May I put a Point of Order that the matter that is before us is whether the question be put not the substantive motion Mr Acting Deputy President

MR ACTING DEPUTY PRESIDENT: Thank you. I'll just have another look at 73. I find that Mr King has the right to speak as in Section 73 there is to be no debate unless such motion is an abuse of the rules of the House or an infringement of the rights of the minority so we will not put the question now

MR KING: Thank you Mr Acting Deputy President. I won't take up a great deal more time, I wanted to simply make a point in response to Mr Brown that he has placed great emphasis on the inconsistencies between what we hear Mr Bennett say and what we hear Mr Brown say and invited us all to go and talk to these people across the waves. I did in fact attempt to contact Mr Hamilton yesterday, because yes, brief concerns cross my mind about the accuracy of what I had been told in that matter. I was unsuccessful on my first attempt. I then went and spoke to Mr Bennett and was assured by Mr Bennett of what in fact had happened and it cleared my mind up on one point which I explained to Mr Brown and Mr Sanders, or at least to Mr Brown that on the Monday, on the Monday I did have the impression that Mr Bennett had in fact spoken to both the gentleman from Qantas and the gentleman from Air New Zealand. That was the wrong impression, he had in fact only spoken

on that occasion to the gentleman from Qantas but nevertheless, I had access to notes that Mr Bennett had made as file notes of his conversation with the gentleman from Qantas and I am left in no doubt that that phone conversation actually took place and if I am called upon to make a decision as to the accuracy of one or the other of the two gentlemen in this House who are making contrary statements then I have to bear in mind a statement that Mr Brown made at the last occasion that this matter was debated when he referred quite viciously to the politicians or parliamentarians in Queensland who had been jailed and went on to make some play on a \$20 taxi fare which was raised in the audit report by Ernst and Young, suggesting to the House, misleading, whether intentionally or not is probably besides the point, but he explained to the House that a taxi fare from the Crest Hotel to the Showground could only cost I think he mentioned \$4.50 - \$9 return - where's the \$11. The inference was that it went in the executive officer's pocket or the pocket of his wife when in fact the situation was that the executive officer's wife was not even staying at the Crest and I subsequently raised this point with Mr Sanders who promptly produced to me an invoice showing to me that Mr and Mrs Snell had stayed at the Crest Hotel, and again I was left dumbfounded but I went one step further Mr Acting Deputy President. One step further than Mr Brown or Mr Sanders did and I spoke to the executive officer. They didn't bother. It was a different bloody occasion. Thank you

MR BROWN: Mr Acting Deputy President. What I have done is not asked Mr King to accept what I have said to him about the gentlemen at Qantas or Air New Zealand. I haven't said decide whether I'm right or decide whether Mr Bennett's right just by listening to me. I've said for heaven's sake go and satisfy yourselves. For all I know the guy could be saying one thing to one person and something different to another but what I am telling you is that I am satisfied that there is a helluva doubt about it and I'm saying to each of you that you're about to make an important decision and you are not prepared to go one inch out of your road to find out where the facts lie. Mr King made reference to a taxi fare. Now I had been told that it's suggested that the particular journey was from a place called Westend which is a little bit further than the Crest and certainly if I was wrong in referring to the Crest I apologise. I'm still not wrong in saying that it's very easy to ask a cab driver for a receipt. On the little sun visor they generally have a couple of rubber bands and a bundle of blank receipts there. It's a business card on one side and a receipt on the other. It's not hard to ask for and if you ask for one from Westend to the Exhibition ground that indeed would be more than \$4.50 but a helluva long way short of \$10 and the question is still the same, where's the change

MR BUFFETT: Yes thank you Mr Acting Deputy President. In a discussion on this matter Mr Acting Deputy President that really commenced at our last sitting which was at the end of June there had been much in the community before that. There had been statements in the local paper in respect of this matter which is really referring to the Tourist Bureau situation or the Tourist Board situation. The details really concern this range of things and you know, we've all talked about it around this table but in me mentioning some things I would just like to put it in this context. This range of things, appointment of auditors and auditors report, ministerial instructions to the Tourist Board or the Tourist Bureau, dismissal of the Tourist Board, appointment of an interim Board, dismissal of an executive officer of the Tourist Bureau and his secretary, appointment of a new Board and regulations to reduce the Tourist Board number. We've aired much detail about all of those things. There's been much toing and froing. Firstly there was one side presented and that was presented probably up until our last sitting in June. That was principally presented by the appropriate Minister, Mr Sanders. He made a statement in the paper and quite properly made a statement in this Assembly when we last sat. Subsequently a more complete picture has emerged and that has included information such as you have heard around this table here this morning and including earlier information that has been provided by Mr Snell who is the former tourist executive officer and Mr Smith who is a former Minister of Tourism and also there has been some explanation from the Board's point of view by the former Chairman of the Board Mr Ken Nobbs. Now that complete picture which I think we have gone round and round or are starting to go round and round about now, whilst identifying some areas of management at the Tourist Bureau that does need attention, it also identifies on the part of ministerial management these things. Lack of good management,

questionable legalities, heavy handed action, gross unjust treatment of paid staff and voluntary community members and not just once but in some repetitive ways. Mr Acting Deputy President some may consider that this is a technical matter, and there have been technicalities that have gone around this table here this morning. Technicalities of accounting, technicalities of accountability, with some attendant legal intricacies. Now I've got to say Mr Acting Deputy President that they are certainly important factors, all of them, but the substance of this whole issue is bigger than that and it is more fundamental. It is really that of decent human conduct and fair play where the decent humans are treated as such and whether fair play is expected and preserved in ministerial dealings in conducting the Island's business and when treating with paid staff and voluntary contributors from the community. Mr Acting Deputy President, if the principles of fair play and decent conduct are being eroded then there really comes a time when some people have got to make a stand and they've got to do something. Stand up and be counted and really identify what you stand for and in this situation that we have ranged over this morning and on earlier times, the responsibility to stand and be counted has come to rest with Members of this Assembly and difficult though this process may be, for example, it's not pleasant this morning the action that we are on about, it's not pleasant when you know that there will be probably political retaliatory action. There are unpleasant processes there when you come to the cut and thrust of the political world when such an action comes forward but really we need to decide whether we sit out of this act of rash judgements and heavy handedness, whether we allow our reputation both in the Island and outside it to be regarded with scepticism or whether we stand up and be counted as caring members conscious of our responsibility within the community and how they effect our dealings external to the Island. I'm not going to go on about these technicalities except to point out that's where I think we need to address our attention this morning and I've made up my mind and that is to stand up for principles that I hope you share to demonstrate that care and regard for people as people are yet important in our community and our society here in Norfolk Island. People have talked about whether in fact you need to do things with tact and diplomacy. Well of course it helps at times. But this is not about just tact and diplomacy. It's about fair dealing and fair dealing is important in all occasions whether it is done with diplomacy and tact or otherwise and really that care in the community is really the foundation of what we should be about if we want to say that we live in a sound society. Our community needs to deal not only amongst ourselves here in this small place but with the outside world, deal here and abroad with recognised integrity and say what you will about all of these other intricacies, they are the reasons that I am supporting this motion. It has been asked whether we are frightened of the facts. Whether the facts scare the hell out of you quote and unquote. Well the facts do scare the hell out of me and that's why I am supporting this motion. It has been asked whether we think as Members of this Assembly, whether we think we are God in promoting this motion, thinking about it and voting upon it. Well we're not. You see what has happened is this. That the community in its totality have elected nine people and those nine people then gather here and it is those nine people who organise the executive officers and make recommendations accordingly to the Administrator and if in fact the people that are put in those positions need to be called to account that happens in this Assembly. If in fact it reaches a stage that we have reached today where it is thought that the proper step is to withdraw from executive office, then that is done quite properly, not as God, but quite properly by the nine elected Members and that's the context in which this motion is before us today. Not some outlandish claim that we are in fact exceeding our brief or moving into waters that would be best handled by another person or another body. It is quite properly handled by we nine around this table here this morning. Difficult though this process is, we've got to tackle it, we've got to tackle it rationally and at the end of the day at the end of our discussions, I make it quite clear that I will be supporting the motion that's in front of us

MR BENNETT: Thank you Mr President. I just want to clear up one fact first before I go on to the other. There's been an awful lot of play made by Mr Brown about a supposed telephone call and in fact by writing and by telephone call to at least one Member, not so much by insinuation but the accusation that I have been lying in this whole matter, it disturbs me very greatly. I have not lied to them at all and because I knew that this question was coming up I took action this morning to try and get confirmation of what I had done, but just before I

go to that I understand that the call in respect to Qantas that's purported not to have been made was made to Mr Brown by Mr Horton, now that raises questions of its own. By fax just received OTC confirm that there were two telephone calls made to the private line of Kevin Blackford. The first call he was not available for ten minutes and the second call at 9.45 am on the 13th July for 9.5 minutes. That sickens me that we have this

MR ACTING DEPUTY PRESIDENT: Thank you Mr Bates I believe had the call

MR BENNETT: I haven't finished

MR BROWN: Pardon me Mr Deputy President I would like to respond

MR BENNETT: I haven't finished Mr Chairman I still have the call. Mr Acting Deputy President you yourself made a big play about this whole episode being orchestrated by me. Now I find that quite amusing. I did in a letter to Mr Brown the other day say to him that I was not aware of any lobbying by any Member. Now what happened amongst the Members I don't know but I was certainly not party to any lobbying. In fact I did say to Mr Brown that I had come to the decision about the motion of termination of an office quite late on the scene, in fact, it was quite late and earlier in the debate I had made the point that I had pursued options that were different to that, in fact I copied Mr Brown three of those particular options that pursued. Mr Robinson referred to it as a "political point scoring exercise". Well I'm not in the game for political point scoring. I have a conscience. I thought I was doing the right thing a couple of weeks ago by expressing concerns that were concerns of my own and of sections of the community and since then I've been berated for orchestration, lying and all sorts of things. That's just the kind of intimidation I was trying to refer to before. Thank you

MR BROWN: Mr Acting Deputy President I haven't seen the communication from OTC so I'm commenting without the benefit of that but it really doesn't establish much. My point is that you should each speak with each of those Gentlemen. Now if when you speak with Mr Blackford he denies to you that the telephone call occurred, that would certainly be illuminating. It would possibly mean that he was being careless with the truth. But the relevance is that you should make the call yourselves and check. The second thing is even if OTC say a call occurred, you don't know what was said by whom and to whom and you should speak with this particular gentleman whose private line I certainly don't have. You should speak with him and ask him what he said. Now it's my understanding that to a person who rang him, he denied that the call even took place. Now it may be that he was simply trying to graphically distance himself from some discussion that may have occurred. But you're about to make an important decision. You should speak to each of those people and find out what they say happened and what they are saying now. That's my point

MR ACTING DEPUTY PRESIDENT: Mr Bates has the call

MR BATES: If Mr Bennett wants to reply

MR BENNETT: Thank you. I want to say that also in that letter to Mr Brown I made it quite clear that the views expressed by Mr Blackford whilst of a serious nature were not of themselves sufficient reason for any spill and in fact if you would care to ask the Members you would find that they had reached a conclusion before I'd even mentioned this thing to them. This arose as an aside and if you ask the Members it arose after the individual minds had been made up and as I understand it, minds had been made up individually. There was no lobbying or collection of

MR BROWN: Mr Acting Deputy President minds have been made up. I move that the question be.. I'm sorry

MR SANDERS: I had indicated

MR ACTING DEPUTY PRESIDENT: Mr Bates has the next call and then Mr Sanders

MR BATES: Mr Acting Deputy President it has been brought to our attention that we are about to make an important decision. Now alot of matters have been thrown backwards and forwards which are supposed to have a bearing on the decision we are about to make. If others are not concerned about the make-up of a new Bureau, then I am and that is a major consideration in the decision I'm about to make. We have the new Bureau. We have on it John Brown, a Member of this House. We have on it Steve Horton, a paid servant of the Norfolk Resorts Group, we have Mrs Evans and we have Mr Rex Glencross-Grant. I have nothing detrimental to say about any of those persons except I cannot tolerate that make-up on the Bureau and that is a major part in the decision I'm about to make here today. I don't think it's good. I don't think it's right and I don't think it's proper

MR SANDERS: Thank you Mr Chairman. Firstly I would like to go to the defence of those four persons who I consider are excellent people. They have expertise that the Island has long needed in that position. They were prepared to take those positions aware of the flack that certain Members of this Assembly were trying to generate and I take exception to it. I think the make-up of it, again if Mr Bates had taken the time to even find out what the policies were he would probably have come to the same decision that it could not have been possible to have a better make up of that group. The new policies for the Tourist Bureau are in actual fact, that they are an information centre. They promote Norfolk Island in Australia and New Zealand to the best of their ability with the funds that are available. They do not promote any accommodation house or business house on Norfolk Island at all. They are there solely to assist and advise and promote Norfolk Island. I would like to comment on the matter, or a matter that Mr David Buffett raised. I'm surprised that he's referring to matters of right or wrong and people's justice. Mr Buffett is using the vehicle as a political vehicle only and it's rather an interesting one that I think Mr Bennett is about to find out, his words were used to me the other day which I thought were gorgeous, that he's careless in the choosing of his allies because David Buffett sits on the fence and Ernie Christian always mucks it up. I do propose at the appropriate time Mr Chairman, because I'm so totally opposed, not to being thrown out, but I am totally opposed to such an inadequate person taking my place, I would like to move an amendment that George Brian Bates be that Minister and he could then find out for himself just really how good the Tourist Bureau can be and will be with these existing members on it. Is it appropriate that I should move an amendment at this stage

MR ACTING DEPUTY PRESIDENT: I believe so. Your amendment is that the name "Ernest Christian" be replaced with that of..

MR SANDERS: Yes that it be deleted and it be replaced by Mr Brian George Bates

MR ACTING DEPUTY PRESIDENT: The question is the amendment. Do you still wish to

MR CHRISTIAN: Mr Acting Deputy President. I would just like to say that I feel Mr Sanders actions were not in the best interests as a Minister of this Government and in line with public comment and the feelings of other Members I intend to support this motion that has recently been put. I note Mr Sander's and Mr Brown's thoughts on my ability as a Minister. I will do my best and will operate after taking notice of the majority of Members, Assembly Members wishes

MR SEMPLE: I would just like to make a very short comment. It pains me to think that the events of the last few weeks have led to this. Interesting theories have been put forward from both sides, however, I like many others cannot and will not tolerate intimidatory and stand over tactics by any Member of this House, particularly when these actions are aimed at community members who are unable to defend themselves. Mr Sanders did as he saw fit and his position allowed. There's probably no doubt of this. However, it was the way it was done. An ability to get the job done goes hand in hand with tact, diplomacy and integrity, and tact, diplomacy and integrity were clearly lacking in this whole matter. I support the motion

MR SANDERS: A final comment if I may in reply, if I had thought for one moment that Mr Semple had have had any expertise or nous

I would have certainly have asked his opinion. But for obvious reasons I didn't

MR BUFFETT: Point of Order Mr Sanders. They are inappropriate remarks

MR ACTING DEPUTY PRESIDENT: Let's not get carried away. The question is that the name "Ernest Christian" be deleted and the name "Brian George Bates" be inserted

MR BATES: Could I ask for a Point of Order on that. If Brian George Bates is not available to take on that position, what is the situation please

MR ACTING DEPUTY PRESIDENT: Then I believe we'll have to revert to the original motion

MR BROWN: I'd like to move a different amendment Mr Acting Deputy President in that event. I would like to move that David Ernest Buffett replace Mr Christian. Mr Buffett had a very high vote in the election. The public obviously were keen to have him as an executive and this is an opportunity for him to move to an executive role

MR ACTING DEPUTY PRESIDENT: Thank you

MR BUFFETT: Yes. I decline that nomination and would support the original motion that's on the paper

MR BROWN: Mr Acting Deputy President I move that Lester Semple be nominated in Mr Christian's place

MR SEMPLE: I too decline that nomination and support Mr Christian

MR ACTING DEPUTY PRESIDENT: Thank you. The question before ..

MR BROWN: Mr Acting Deputy President I move that Cedric Newton Ion-Robinson replace Mr Christian in the motion

MR ACTING DEPUTY PRESIDENT: From the Chair perhaps I'de best not comment from up here

MR BROWN: Could I address the question. Mr Acting Deputy President I've just nominated, and Mr Sanders has nominated, quite a few people sitting around this table. Now Mr Buffett had a huge vote in the last election but has consistently declined to take executive office

MR KING: Point of Order Mr Acting Deputy President. Tedious repetition Irrelevant. Two Points of Order

MR ACTING DEPUTY PRESIDENT: Thank you. We have an amendment to the Motion before the House at the moment and Mr Brown

MR KING: And that's where

MR BATES: That's Mr Robinson to

MR BROWN: I've mentioned Mr Buffett and you've brought to mind immediately tedious repetition and I agree. He is known for that from time to time but I was not allowing that to problem my mind

MR KING: Did you rule on my Point of Order Mr Acting Deputy President?

MR ACTING DEPUTY PRESIDENT: He is not repeating the same words Mr King, therefore I find against your Point of Order

MR KING: It's not tedious either?

MR BROWN: It might hurt but it's not tedious. Mr Acting Deputy President we look around the room. Mr Buffett declined nomination. Mr Bates declined nomination. Mr Semple declined nomination. Why. It's not an easy job

MR BUFFETT: Mr Acting Deputy President may I draw to your attention a Point of Order. The motion before the House is as has been earlier described and it talks about Mr Ernie Christian. There is an amendment before us and that amendment is that yourself replace Mr Ernie Christian. It is your situation that is in front of us. Not around the table arrangement that Members may wish to use in this particular instance. If Members want to talk about the amendment, let them do so and it is your nomination that we are on about

MR ACTING DEPUTY PRESIDENT: Thank you Mr Buffett. I'm aware of that. Mr Brown could you speak to the amendment

MR BROWN: Yes Mr Acting Deputy President I will concentrate what I say on the reasons that I have sought to nominate you. In doing so I've looked around the room and I've said I'm certainly not prepared to support Mr Ernie Christian. I don't take a view that he did a very good job as an executive in the last Assembly

MR BATES: Point of Order. Point of Order 62. Members passing personal reflections against other Members of this House

MR BROWN: I'll withdraw that Mr Acting Deputy President to make it easy and I'll simply say I have sent absolutely no congratulations letters to Mr Ernie Christian congratulating him for doing a good job as an executive in the last Assembly and as I look around the room and say to myself, okay, if I were to pick the best of a bad bunch who would I pick, you all declined. So I said, well if there had to be someone other than Mr Sanders as that executive who would I choose, and in fact, that's the man I'd choose, Ric Robinson and that's the reason for my nomination of him

MR BUFFETT: I move

MR ACTING DEPUTY PRESIDENT: Further debate?

MR BATES: Yes Mr Acting Deputy President. I find it amazing that Mr Brown can say things about Mr Christian as Minister. Mr Christian was a Minister of this previous Assembly and he was the only Minister of the previous Assembly that increased his voting, or his position in the election

MR SANDERS: ... good one

MR ACTING DEPUTY PRESIDENT: Mr Sanders try to not interrupt

MR SANDERS: my apologies

MR BATES: .. the public spoke on behalf of Mr Christian when they voted for him

MR BUFFETT: Mr Acting Deputy President I think the level that we are moving to now is not becoming of proper debate in this House. I think we are starting to think that it's a game and it's an important question that is in front of us. I move that the question be put

MR ACTING DEPUTY PRESIDENT: Thank you. The question is that the name "Ernest Christian" be removed from the original motion and that "Cedric Newton Ion-Robinson" be inserted

QUESTION PUT

Could the Clerk please call the House

MR BROWN	AYE
MR BUFFETT	NO
MR BATES	NO
MR SEMPLE	NO
MR BENNETT	NO
MR ROBINSON	NO
MR CHRISTIANNO	
MR KING	NO
MR SANDERS	AYE

The Noes have it

MR BUFFETT: I move that the substantive question be put

MR ACTING DEPUTY PRESIDENT: The question is that the appointment of William Winton Sanders to the executive office designated Minister for Immigration and Tourism be terminated, and that the Administrator be advised accordingly; and that Ernest Christian be chosen to be appointed to the executive office designated Minister for Immigration and Tourism, and that the Administrator be advised accordingly. I put the question

QUESTION PUT

Clerk could you call the House please

MR BROWN		NO
MR BUFFETT	AYE	
MR BATES		AYE
MR SEMPLE	AYE	
MR BENNETT	AYE	
MR ROBINSON	NO	
MR CHRISTIAN	AYE	
MR KING		AYE
MR SANDERS	NO	

Thank you the motion is carried

We now move on to item 2. of Mr Bennett's motion that for the purposes of paragraph 41(3)(d) of the Norfolk Island Act 1979, the offices of President and Deputy President of the Legislative Assembly be declared vacant

MR KING: Mr Acting Deputy President I so move. Mr Bennett in fact sought suspension of Standing Orders for a member to move. Do you wish that I repeat the motion? That for the purposes of paragraph 41(3)(d) of the Norfolk Island Act 1979, the office of President of the Legislative Assembly be declared to be vacant and that also for the purposes of paragraph 41(3)(d) of the Norfolk Island Act 1979, the office of Deputy President of the Legislative Assembly be declared to be vacant. Mr Acting Deputy President this motion in its first part of course is a regrettable extension to the tourist bureau affair. The Presidency of the Norfolk Island Legislative Assembly is a very high and respected office. Attended to it in recent years has been the duty to guide and lead the Norfolk Island Government. The person holding that office is reasonably expected to offer guidance whether it's wanted or not and judge whether that guidance be cautionary or encouraging. A high level of prudence is expected. He is expected to control debate and not countenance or take part in any misleading statements whether by design or being ill informed. He is expected to refrain from using the Office of the Presidency in political manoeuvres. Regretfully I do not believe that these expectations have been met in recent times thank you

MR BROWN: Mr Acting Deputy President, could I simply say that there's probably nothing more dangerous then leading a mob of backstabbers, all of who've got knives out for you so I don't see a lot of point in spending alot of time in debate. I regret nothing that I have done. To such extent as Mr Sanders and I have managed to achieve anything in the short time that we have been attempting to do so I am proud of it and I move that the question be put

MR ACTING DEPUTY PRESIDENT: Thank you Mr Brown. As soon as the Clerk returns we shall put the question

MR SANDERS: Are we not going to be able to talk about the back stabbing Mr Chairman

MR ACTING DEPUTY PRESIDENT: No. Mr Brown has put that the Question be Put and under 69 and 72 of the Standing Orders it is not open to debate. The question is that.. Mr King perhaps you could clarify. I believe the question is that for the purposes of paragraph 41(3)(d) of the Norfolk Island Act 1979, the offices of President and Deputy President of the Legislative Assembly be declared vacant

MR KING: To the extent that you need clarification Mr Acting Deputy President, I clarify the words you have just spoken

MR ACTING DEPUTY PRESIDENT: Thank you. The question is that for the purposes of paragraph 41(3)(d) of the Norfolk Island Act 1979, the offices of President and Deputy President of the Legislative Assembly be declared vacant

QUESTION PUT

Clerk could you please call the House

MR BROWN		NO
MR BUFFETT	AYE	
MR BATES		AYE
MR SEMPLE	AYE	
MR BENNETT	AYE	
MR ROBINSON	NO	
MR CHRISTIAN	AYE	
MR KING		AYE
MR SANDERS	NO	

Thank you. The Ayes six the Noes three I therefore declare the position of President and Deputy President of the Legislative Assembly vacant and I shall ask the Clerk to carry on

CLERK: Honourable Members, as a consequence of the decision of the House just taken, I, as Clerk in accordance with standing order 4(a) of the Legislative Assembly invite Members to propose a member to the House as President

MR BROWN: I move - That Lester Reid Semple be appointed as President of this House

CLERK: Do you accept nomination Mr Semple

MR SEMPLE: I decline

CLERK: Mr Brown

MR BROWN: I move - That Brian George Bates be declared President of this House

CLERK: Mr Bates do you accept nomination

MR BATES: I decline Madam Clerk

CLERK: Mr Christian.

MR CHRISTIAN: Madam Clerk, I move that David Ernest Buffett be elected President and do now take the Chair as President.

CLERK: Mr Buffett do you accept nomination

MR BUFFETT: I accept nomination Madam Clerk

CLERK: Are there any further proposals?

MR BROWN: I move an amendment. I move - That Mr Ernest Christian be made President of the House

MR SANDERS: Good heavens

MR CHRISTIAN: Madam Clerk I decline

CLERK: Mr Christian, you decline. Are there any further proposals?

MR BROWN: I move a further amendment. Mr Michael King be made President of the House.

CLERK: Mr King do you accept nomination?

MR KING: I decline Madam Clerk

MR BROWN: I move an amendment - That Mr Geoffrey James Bennett be made President of the House

CLERK: Mr Bennett do you accept nomination

MR BENNETT: I decline

CLERK: You decline. Mr Brown

MR BROWN: I am tired. I move - That William Winton Sanders, I am sorry I move an amendment

CLERK: There is no need to move an amendment, suffice just to propose the name.

MR BROWN: Mr William Winton Sanders

MR SANDERS: I accept

CLERK: Mr Sanders you accept. Honourable Members are there any further proposals? Time for proposals has expired. We will now proceed to a ballot. I will ask the Deputy Clerk

MR BROWN: Is there any debate

CLERK: Members if that is your wish

MR SANDERS: Madam Clerk, I would like to make comment. Mr King has said that the position of President is a position that should not be used for political reasons. He also said that the position should be to guide and to lead. Mr Buffett has proven in the last 13 years that he is incapable of both and I believe should have stood

CLERK: Members I am going to close debate because it is not a proper role for the Clerk of the Assembly to entertain debate of this nature. We have before the House two proposals ...

MR BROWN: I raise a point of order Madam Clerk and my point of order is. Or I raise an important question which is that one of the persons who have been nominated is not a member of this House.

CLERK: Mr Brown, that being your point of order that you are raising, I do not consider it appropriate giving the limited role of the Clerk of the Legislative Assembly in the Chair at this time, I am only in the Chair at this time to conduct the election of a President and a Deputy President and I cannot rule on a point of order of this nature as you are very well aware.

MR BROWN: I am embarrassed that this occurs while you are sitting there as Clerk. Could I perhaps table two documents. The first is a report dated January 1991 by Mr R A Stevens who was Chief Administrative Officer in relation to the question that Public Servants, and in particular senior public servants, being at the same time members of the Legislative Assembly and I do formally table that. I do invite each of you to read it before you vote. I also table part of an advice, a joint advice, by Mr J P Tate and by Mr D R Wright, at a time when Mr Tate was the Crown Solicitor and Mr Wright was the Secretary to the Executive Council in relation to the question of whether or not a person in Mr Buffett's present position in fact remains a member of the House and I suggest to you that as a matter of law Mr Buffett is no longer a member of this House and there is only one Member in respect of whom you can vote, and that is Mr Sanders

CLERK: Honourable Members we have two proposals before the House. Those proposals are that Mr David Buffett be chosen as President of the Legislative Assembly and that Mr Sanders be chosen as President of the Legislative Assembly. I will ask the Deputy Clerk to conduct a ballot, we will deliver to you pieces of paper on which you will write the name of the candidate of your choice. Honourable Members, the votes have been counted and the candidate, in accordance with standing order 4(e) who has the greater number of votes is Mr David

Ernest Buffett who shall pursuant to standing orders be the President and I would ask that he now take the Chair. Thank you

MR PRESIDENT: Honourable Members thank you for your election and thank you to the Clerk for conducting the ballot and the proceedings thereto

MR BATES: Mr President, I would like to now move that Michael William King be elected to be Deputy President of the Legislative Assembly

MR PRESIDENT: Mr King do you accept the proposal that you be Deputy President of the Assembly

MR KING: No I decline Mr President and I would move that Cedric Newton Ion-Robinson be elected to be Deputy President of the Legislative Assembly

MR PRESIDENT: Mr Robinson do you accept nomination

MR ROBINSON: Thank you Mr Buffett. Yes I do accept

MR PRESIDENT: Are there any further proposals?

MR CHRISTIAN: Mr President I would move that Mr Geoff Bennett be nominated Deputy President

MR PRESIDENT: Mr Bennett do you accept nomination?

MR BENNETT: I decline

MR PRESIDENT: Mr Bennett declines. Are there any further nominations?

MR BROWN: I move that the question be put

MR PRESIDENT: Thank you. There are no further nominations therefore the motion in front of us is that Cedric Newton Ion-Robinson be elected to be Deputy President of the Legislative Assembly and as that is uncontested I so declare that that is the case

MR SANDERS: Mr President, may I take this opportunity to congratulate you both

MR PRESIDENT: Thank you Mr Sanders

MR BROWN: Mr President I certainly wish you well and I congratulate Mr Robinson. If one were unkind one could say he's a big improvement on the last bloke but I'm not going to say that

Fixing of the Next Sitting Day

MR BATES: Mr President I also offer my congratulations and I would like to move that this House do now adjourn until Wednesday the 29th July 1992 at 10 am

MR PRESIDENT: The question before us Honourable Members is that this House do now adjourn until the 29th July of this year. Is there any debate?

MR BROWN: Mr President there are a number of matters which I thought were of some public importance that I would have liked to table today. I wonder if I might just have the indulgence to table without discussion, a number of these things and there is in fact one Bill which I feel it is important to table today and that is the Legal Profession Bill. I don't know, it would probably only take me about two minutes to table these Papers if Mr Bates wouldn't mind

MR BATES: I'm just checking. Yes the date is correct

MR PRESIDENT: Honourable Members. May I make this situation clear. We do have a motion for fixing the next sitting day and adjourning. Mr Brown has sought your agreement to allow certain things

to happen. Would you want that to happen or do you want to proceed with the motion that is in front of us?

MR SANDERS: Mr Bates I have a couple of things that I wanted to table and the other one is that I am required to table it

MR BATES: I'm comfortable with what the House decides

MR PRESIDENT: Well we are in an area of informality at this moment and I don't mind that once I just gather your views then we can proceed accordingly. Could I just ask you to quantify so that Members are aware. Mr Sanders I see before you

MR SANDERS: Tourist Bureau figures and to do with the Tourist Bureau, the amendments to the Regulations which I must table

MR PRESIDENT: And is that all Mr Sanders

MR SANDERS: Yes. That's all I have

MR PRESIDENT: Yes. Mr Brown could you indicate please

MR BROWN: Yes. I'm just trying to shorten what I need to do Mr President. I think what I would be happy to do is to simply table the three documents. That is, table the Bill as a Paper in relation to the Legal Profession Bill which will put it into the forum for the public to look at it. To table an Independent Review of the Health System by Dr George Salmond, again so that it becomes part of the Public Sector and to table an exposure paper in relation to Reform of the Public Service

MR SANDERS: Mr President I was proposing to table a copy of the Environmental Impact Statement. I would like to table that

MR PRESIDENT: Mr Bennett did you say that you had

MR BENNETT: Mr President I do have two documents. The Financial Indicators for the month of June in fact complete the year and also the Direction I have given in relation to suspending from the Public Moneys Ordinance

MR PRESIDENT: Honourable Members I intend this course unless you say to me that you would prefer to do otherwise. I would allow those matters to be tabled then we would entertain Mr Bates' motion which would conclude for today. Are you comfortable that I proceed along those lines. Thank you indeed. Mr Brown would you have the first opportunity and then Mr Sanders. Whilst that is going on if you want to get that other paper you might do so

MR SANDERS: Can I table it and get it to the Clerk after

MR PRESIDENT: Yes alright

MR BROWN: Mr President firstly I table a report of Dr George Salmond in the form of an independent review of the Health system on Norfolk Island. This is a review which was in fact commissioned during the life of the last Assembly but which was carried out during the life of this Assembly. I believe I have provided copies to all of the Members. I have also attempted to provide copies to all of the Hospital Board Members, to the Doctors at the Hospital and to anyone else I had thought at the time would be interested. If any other person within the community is interested I am more than happy to arrange for copies to be available.

Secondly I table an exposure paper in relation to the question of change within the public service. This paper is aimed in part at tackling some of the issues raised in Mr Buffett's motion which was not on the Notice Paper today but you will recall that he had placed a motion on the Paper in respect of formulating goals and forward planning. Although it is lengthy I commend it to each of you and to anyone who is interested in the subject. I stress that at the second paragraph of the paper it says "this paper does not necessarily represent the concluded views of the

executive member. It is intended purely to be an exposure draft so that we all have something to look at, but I felt that it was better to tackle it this way than to re-establish the committee which it struggled through in the last Assembly.

The third document which I wish to table is a copy of the Legal Profession Bill 1992 which I had proposed to introduce to the --House today. I shall not deal at any length with it other than to say that this is legislation aimed at regulating the practise of law in Norfolk Island. I will, now be providing copies of this to the various people who appear to me to be needing to be contacted not only practitioners who work in Norfolk Island either permanently or from time to time but also the judiciary and some other relevant people

MR SANDERS: Thank you Mr President. Firstly I would like to table a copy of the Environmental Impact Study to do with a proposed building site out by the Chapel.

Secondly Mr President if I may, I have a copy of the figures from the Tourist Bureau of tourists that have arrived to the end of June and I'll just very briefly comment that the numbers from Australia for the month of June continue to increase and they have increased by a number of 162 tourists, however, the New Zealand figures are quite frightening. They were down by 396 persons for the month of June meaning there's an overall that the figure was 1873 persons for the month of June 1992 and in 1991 there was 2051 which in effect shows that there was a decline of 178 tourists for the month of June and I so table.

Thirdly Mr President is, pursuant to paragraph 41(2)(a) of the Interpretation Ordinance 1979 I lay on the Table of the House the Norfolk Island Government Tourist Bureau Amendment Regulations

MR PRESIDENT: Thank you. And that concludes your tabling

MR SANDERS: Yes

MR PRESIDENT: Thank you Mr Sanders

MR BENNETT: Thank you Mr President. I have two papers. The first is the Financial Indicators for the Revenue Fund for the year ended 30th June. These have been circulated to Members. Just very briefly by way of comment if I may Mr President, as members will have noted the revenue side of the budget came to 98% of that expected and the expenditure for the year came within 96% of budget. The a notable decline on the revenue side was interest received and I think most people will be aware that that is a result of the dropping in interest rates and so the interest on investments is not returning as much as it was before. Mr President Members will note that at this stage this just an estimate because the figures at the time that the revenue summary was prepared were not in and an estimate was taken from it but it looks as though the Financial Year ending 30th June 1992 will end with a deficit of \$189,000. Mr President I did circulate to Members a copy of the Revenue Summary and for those of you that have taken the time to glance at it you will notice that there were some very strong performances in some of the revenue raising areas. Notably sale of forest produce, tanalith plant charges, court fees and fines oddly enough, conveyancing fees and the Tattersal Lottery returns vote. All of those were 20 to 40% above estimate.

Mr President the second document I table is the direction I've given to the Finance Manager to transfer from the Revenue Fund to the head of the Trust Fund known as the Suspense Account the amount specified in column three of the schedule for the purpose of meeting liabilities incurred in the year ending 30th June 1992 in respect of the matters specified in column 2 of the schedule. Again, Mr President I have circulated this to Members and I want to make just a couple of brief comments. Firstly, the amount to be suspended is enormous. It's \$1,158,000 but members should have, when they glanced through it, noted that the large majority of that was for education and we are all aware that in the financial year we don't always get the accounts from the Education Department in NSW through and it's been the practise to suspense the amount that was due for fees to them in that period. There was a figure of \$70,000 in salaries and wages for the period which hadn't been paid but committed

for the period. There was a further amount in works area, \$75,000 odd which was an order placed for roading material so that we can hopefully get on with the road reconstruction and the rest are a miscellaneous collection of outstanding invoices and commitments actually made for the period. There is no funds being suspended where there is no commitment and in accordance with the auditors remarks about suspense creditors for vote purposes costs committed but not yet incurred will be shown by way of commitments in the financial statements for the year ended and not as previously shown as actually money spent in the time

MR PRESIDENT: Thank you Mr Bennett. That concludes those items that I considered that Members would want to put on the table and thank you for that. Mr Bates I would entertain your motion now as I think Members would want me to do and that is that the House adjourn now and meet again on the 29th July 1992 and I put that question to Members

QUESTION PUT
AGREED

Therefore Honourable Members, this House stands adjourned until Wednesday the 29th July 1992 at 10 in the morning.

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