

**RESUMPTION 23.12.99**

ACTING DEPUTY SPEAKER Honourable Members we resume this morning on the question that the detail stage amendments moved by Mr Smith at the November sitting of the House be agreed to and I look to Mr Smith to resume. Members will also be aware that Mr BUFFETT, Mr Nobbs, Mr Brown and Mr McCoy have all foreshadowed various detail stage amendments, but I propose with Members agreement to dispose of the amendments already before the House, which were moved by the Chief Minister at the November sitting. When that is completed I will then look to other Members in turn to propose their Motions. Mr Smith.

**PUBLIC SECTOR MANAGEMENT BILL 1999**

MR SMITH Thank you Mr Acting Deputy Speaker, my amendments to the Public Sector Management Bill 1999 are really correcting minor errors for all of the Clauses. I might just mention that Clause 1, well the first one is a amendment that corrects a minor drafting error. The second one corrects a numbering error. The third amendment corrects a numbering error and corrects a drafting error by including references to Executive Directors in paragraphs A & B and transfers to subsection 39(3) the *prohibition on the making appointments for longer than 6 months*; (4) this Clause makes a amendment consequential on the inclusion of Clause 38(4); (5) this Clause amends a minor drafting error; (6) this Clause amend a minor drafting error and (7) this Clause a minor drafting error as well. So there should be no difficulty with those amendments in my detail stage amendment.

ACTING DEPUTY SPEAKER Thank you Chief Minister. Is there further debate Honourable Members on the question that the amendments as proposed by Mr Smith be agreed to. No further debate Honourable Members I put the question that the amendments as put by Mr Smith be agreed to.

QUESTION PUT  
AGREED

I think the ayes have it. The question now before the House, Honourable Members, is that the Clauses as amended be agreed to. We'll just put a hold on that Honourable Members and might move to Mr Buffett

MR BUFFETT Yes thank you Mr Acting Deputy Speaker, I have a number of amendments. There are 11 Clauses in respect of the amendments that I have in front me and that have been circulated to Members and I will move, basically move them Clause by Clause or though I will move a couple of them collectively, because they relate one to the other, if that's alright with you Mr Acting Deputy Speaker. If I may move Clauses 1, 2 & 3, Mr Acting Deputy Speaker. The first one is a consequential renumbering arrangement, the second and the third relate to the Board that is proposed within the new Public Sector Management arrangement and the third relates to the presiding membership not having a casting vote. The proposal that is in front of us at this moment provides for 3 members to be members of the Board and this proposal is seeking that the presiding member have some background in which there will be some reasonable degree of surety that there may be knowledge of fairness and equity in all of the processes and so this process provides that a Judge or a former Judge or somebody in the magistracy may be promoted as the presiding member and that's the Clause 2. The third Clause, as I have mentioned, does not give the presiding member a casting vote, which is the present arrangement. On that score I think if you will look at the sequences within the Norfolk Island processes over a number of years, we have had

hesitancy in giving another to somebody who might preside over meetings and this is consistent with that thought and I propose those 3 Clauses to you Honourable Members.

**MR ROBINSON** Most people realise that I don't have a particular difficulty with these 3 amendments. It's as difficult enough to get people to sit on Boards in a voluntary capacity as it is. It maybe even more difficult to find a judge, a former Judge or a Magistrate who can afford the time to look at it, to look at this position, but apart from that, that's the only difficulty I have with these first 3.

**MR NOBBS** I have great difficulty with this particular amendment in relation to the Board and a former Judge and a Magistrate. I don't believe that in a management situation such as this, that you need to be a Magistrate, bearing in mind that if the members so desire, the Assembly so desires, anybody can be appointed a Magistrate. So it would be a very simple objective, if this goes through and they wanted to stack or put somebody in that they require, they just appoint them as a Magistrate and then they put them in as Chairman. So I don't think it's really relevant this sort of thing and I definitely don't support. I think that we are looking at a management structure for what is virtually a company and therefore we should be looking at people with management skills and I don't think that's really a requirement of a Magistrate myself, but so I won't be voting in favour of it.

**MR ROBERTSON** Thank you Mr Acting Deputy Speaker, I like Ron agree the same with regarding the presiding members of the Board. Because I to have that difficulty, it's a management thing rather than the, rather than somebody appointed as a Judge and so forth and I don't propose to agree to that section.

**MR BUFFETT** Could I just point out the principal role of the Board under the new structure, as I understand it and that is that it is an appeal authority. It's an appeal authority and in the context of an appeal authority I think there is some wisdom in having some reasonable surety that you have members on the Board that have firmly entrenched in their minds the concepts of fairness and equity and that's the basis of the proposal that I put to you in respect of Clause 2.

**MR NOBBS** I just want to respond to that because I find it a bit difficult. Certainly it's an appeal situation, but I don't know anywhere else in any other Public Service that's requires a legal eagle to head up the Appeal Board, but there may be cases, I haven't struck them. The other thing is the major role of the Public Service Board will be to review the administrative and operative arrangements of the Public Service in general. That's it's major role. You would hope that there would never be a need for a appeal situation if everything's done fairly and above board, but there we go. Thank you.

**MR SMITH** Mr Acting Deputy Speaker, I'm tending to agree with what the Members are saying because one obvious thing is that it limits the amount of people that you could appoint to be the Chairman of the Review Board. I appreciate what Mr BUFFETT is saying, but the points that are being made particularly if the Board is doing other things other than review stuff, it could create a difficulty if for example we had a Judge of the Supreme Court as a member of the Board and the Chairman.

**ACTING DEPUTY SPEAKER** Further debate Honorable Members. If you could just bear with me a moment as I seek some advice from Madam Clerk on the process. Honourable Members as you are aware the Papers before you this morning and the foreshadowed amendments from

Members all deal with Clause 38. There would, I believe, be a need to defer agreement on the amendment No. as proposed by Mr Buffet as we still have not finalised Mr Smith's proposed amendment for Clause 38 and I note that also Mr Nobbs and Mr McCoy, sorry Mr McCoy is dealing with Clause 38 at this time. Is there further debate on that matter Honourable Members.

MR NOBBS Aren't we dealing with Clause 10 or are we still on

ACTING DEPUTY SPEAKER We are dealing with the first amendment of Mr Buffett's, dealing with omitting 38 and substituting 38(a). It seems to me, Mr Nobbs, that where we get to amendment No. unless so to speak that amendment gets up, if it doesn't get up in this case we would have 38(a) with nothing attached to it.

MR ROBINSON No. amendment of Mr Buffett's Bill will only be considered after we have considered No. which is Clause 38 and that's as I understand it all as Mr Acting Deputy Speaker is trying to say that we can not decided on Mr Buffett's Clause 1 yet until Clause 38 is decided on.

ACTING DEPUTY SPEAKER Thank you Mr Robinson. The difficulty with that is if that amendment is agreed to admitting 38 it admits 38 completely from the matter that is before us. If you just bear with me Honourable Members. Members I put it to you that I would be seeking a suspension of the sitting for 5 minutes just to discuss the processes involved here. Therefore this House stands suspended for 5 minutes. Thank you.

## **SUSPENSION**

## **RESUMPTION**

ACTING DEPUTY SPEAKER We resume on the Public Sector Management Bill 1999. I look to Mr Smith regarding the question that the Clauses, Mr Smiths Clauses as amended be agreed to.

## **QUESTION PUT AGREED**

I think the ayes have it. We move onto Mr BUFFETT and we resume on Mr Buffett's proposed amendments.

MR BUFFETT Did you want me to start at item No. in respect of my amendments.

ACTING DEPUTY SPEAKER Yes thank you Mr Buffett if you could. We'll deal with No. in order through and deal with No. last if that's agreeable to you.

MR BUFFETT Well in respect of Clause 2 in respect of my amendments I have addressed those Mr Acting Deputy Speaker, so have other Members around the table. So I don't need to be repetitive of that. That just requires us to examine and do as we wish in respect of it. This is the composition of the Boards presiding member.

ACTING DEPUTY SPEAKER Being no further debate, I put the question that amendment No. be agreed to.

## QUESTION PUT

Madam Clerk will you call the House.

|                 |     |     |
|-----------------|-----|-----|
| MR SMITH        | NO  |     |
| MR BUFFETT      |     | AYE |
| MR BATES        | AYE |     |
| MR ROBERTSON    | NO  |     |
| MR GARDNER      | NO  |     |
| MR ION ROBINSON | NO  |     |
| MR McCOY        | AYE |     |
| MR NOBBS        | NO  |     |
| MR BROWN        | NO  |     |

The result of voting, Honourable Members, the noes 6 the ayes 3. The noes have it. That amendment is not agreed to. The question before the House, Honourable Members, is that amendment No. be agreed to. Mr Buffett

MR BUFFETT Thank you Mr Acting Deputy Speaker, I've also addressed this one which really relates to the deletion of the provision that the presiding member has a casting vote.

MR SMITH Mr Acting Deputy Speaker, I don't have any problem with that minor amendment.

ACTING DEPUTY SPEAKER There being no further debate, Honourable Members, I put the question that amendment No. 3 be agreed to.

QUESTION PUT  
AGREED

The ayes have it. That amendment is so agreed. Honourable Members we now move on to amendment No. 4.

MR BUFFETT I don't propose to move that amendment Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER That amendment is not to be proceeded with. Honourable Members the question before the House is that amendment No. 5 be agreed to. Is there debate, Honourable Members.

MR BUFFETT Thank you Mr Acting Deputy Speaker, this is in 2 parts. It relates to appointment of the Chief Executive Officer and the appointment of Executive Director's. The first part remains unchanged, that is the appointment of the Chief Executive Officer, it's the second part that there are proposed adjustments for. The overall context of the present Bill that is in front of us, Mr Acting Deputy Speaker, is to move the appointments of the senior line of management out of a more independent area presently by the Board to the more political arena, that is in the Legislative Assembly. That's a significant shift, but it's a shift for a



appeal in relation to the selection. Mr Buffett told us that it's not intended that there be an appeal in relation to this, but I notice in Subsection (4) of Section 38(a) of the proposed amendment, it does make reference to the result of an appeal under Section 55 and I wonder if Mr BUFFETT could just assist us in explaining how that works and whether he in fact intends to do something additional in order to create the situation he has talked of where the Board would not be subject to appeal in relation to this work.

**MR ROBERTSON** Thank you Mr Acting Deputy Speaker, that point was just going to be raised by myself with that relation to the appeal side of it. Second one is that I also have a difficulty, that was just raised by Mr Robinson, in that must include all Board members whilst there only be 3 there has been on many occasions 1 of the Board members absent for either leave or whatever reason and then it would fall back to some delay in selection or some delay in whatever, simply because the person isn't there. So I have a difficulty including all Board members as a must.

**MR SMITH** Mr Acting Deputy Speaker, I think, I know that we need to think about what we are doing with this. It would be assumed that when you appoint the Executive Directors and if that happened, say in the next 3 months which is what has been proposed, this would only happen once every, you would assume every 3 to 5 years. When the Executive Directors are appointed you would assume that they are going to do their full term of their contract, if your talking of 3 or 4 Executive Directors, probably in the first instance they will all be appointed roughly at the same time. That you would assume that this particular section would not have to be used again until the termination of those contracts of those Executive Directors. What I don't foresee and maybe I'm wrong about it is that I don't foresee that we will be going through this process often. These are the Executive Directors this is not just people who will be coming and going because of retirement and things like that. It's the Executive Director positions which I was doubtful about this amendment in the first place, but after thinking about it the Board is only there in the first instance. It will actually help the Assembly which is going to be the employer of these people, that to get the recommendations to the Members of the Assembly of the candidates for the position. It's the Assembly that still makes the final decision out of the recommendation that come from the Board. The Board is not the employer as is in the current situation with the Public Service Board. I don't really see a problem and maybe I'm wrong and maybe Ric you might be able to correct if you see there's a problem, with all of the Board being on the selection panel, say in the first instance which may be in 3 months time, they probably will do the whole lot, however many it ends up being and that should be it for the Board. There not choosing the final candidate, they are making a recommendation to the Members. So whoever the Board ends up being, you would assume that they would all sit on a particular time to make these recommendations to the Assembly and then you would assume that whatever the contract time may be and let's say it's 5 years, that they wouldn't have to do it again for 5 years. So I'm a lot happier with this amendment as it is because it really is, well we would hope it was only a once off thing that has to happen, because once the Executive Directors are appointed, unless they resign of course in their term of contract, then the Board would have to deal with it again.

**MR GARDNER** Thank you Mr Acting Deputy Speaker, I share concerns over particularly this Item 3 in Clause 38 and proposed Clause 38(a). I had always been of the belief that with the appointment of the Executive Directors that we would have a independent expert selection panel that would constituted to be able to make, to recommend appointments. Not that I'm questioning the expertise of any future or current members of the Public Service Board in relation to the selection or recruitment process for these high ranking positions within the public service, but I think that really the recommendations should come from an independent expert panel

or selection panel. As would be normal process, the applicants would be ranked according to their skills and reference then made to the Public Service Board to then make a recommendation on those rankings to the Legislative Assembly for appointment. So I have difficulty with the Public Service Board being involved in this matter and I would prefer to see that the recruitment panel remains independent and exclusive of the Public Service Board.

**MR NOBBS** I take on Mr Gardner's point as well, because the Board really one of their primary functions will be to look at the operation of the administration and see whether it's working properly and if there is problems with it and the Assembly, it should make a view. You can't have a situation here where you've got the Board sitting as selecting these people who will be running the place virtually and also then appealing, handling the appeals and then being the Judge and jury on there operation at the end of it. I mean I find it a bit difficult myself and I wouldn't like to work under that sort of situation, to tell you the truth, because you won't get a fair appeal. I mean I know looking at it from an appeal process is against the procedures and what have you that are carried out. So I don't support it, I'm sorry.

**MR BROWN** Mr Acting Deputy Speaker, I have similar views to Ron's but for different reasons I suppose. Firstly how many members should be sitting as the Board for the purpose of these selections. I don't think it's workable to say that you are going to have every Member of the Board there. I think George is kidding himself a little in thinking that it's only going to be once every 3 to 5 years that these appointments will be made. People leave their employment for all kinds of reasons. They might leave some what involuntary because they pass away. They might leave because they get to ill to continue to work. They might leave because their sacked. They might leave because family circumstances require them to leave the Island. They might leave because they just get fed up with the job. They might leave because they don't enjoy working in the particular structure and I think that, as I said, it is unsafe to simply assume that this will be a one in 3 to 5 year task. It is most unlikely that the appointments to each position will end at the same time and it is most unlikely that the appointments to each position will continue for their full term and only their full term. In so far as the appeal process is concerned, it doesn't matter how good your Public Service Board is. I'm not saying that the membership of this Board or any future Board is anything other than absolutely superb, but you do have to give thought to how a situation looks and you cannot sit as Judge in your own case. It's not done in any circumstance in the western world and it should not be done in this circumstance. Thank you.

**MR BUFFETT** Yes there are 2 things that I wanted to respond to from earlier comment. The first one was in respect of 38(a)(3) where it says the selection panel undertaking a selection process for the recruitment of an Executive Director must include all of the Board members and there was concern that maybe it would be difficult to marshal the 3 and various other comments have been made. I just wanted to point out in respect of that, that there is a provision in Section 11 of the proposed Legislation for Deputies. So that the matter of fielding just the 3 is really wider than that and so that situation that I think Members might have in their mind about the difficulties, may not be as difficult as thought. The second response, if I may make, and ask you to look at 38a(4), Mr Brown raised this matter about the appeal process. Could I ask you to just pick up your pen and look at that Paragraph and the second last line where it says to be almost to the end, put a full stop after that and delete the rest of it. I've just consulted with the draftsman about that and that was intended but has not been affected and if you would be kind enough to do that and if you would consider that I moved it in that form.

**MR ROBINSON** If we go back to the original Bill and under 38(2)(a) on page 23 at the very top there. The process of selecting here is probably not as good as Mr Buffett's

amendment, because 38(2)(a) arrange for a selection process to be undertaken by a selection panel in respect of that appointment in accordance with the Human Resources Policy. Certainly our method of arranging selection panels for initial interviews needs to be looked at and overhauled, but I'm not sure whether the Bill itself solves that problem. So on reflection, looking at Mr BUFFETT's amendment, I think it gives us a better system of a selection panel.

ACTING DEPUTY SPEAKER The question before the House Honourable Members is that amendment No. 5 be agreed to and as Mr Buffett has already outlined that is with the deletion of that part of 4 under 38a that he eluded to. Is there further debate. Mr Brown.

MR BROWN Thank you Mr Acting Deputy Speaker, could I just ask Mr BUFFETT again whether with the deletion that he has recommended to us. Does there remain, nevertheless, an ability to appeal under Section 55 or is it intended that such a recommendation cannot be the subject of an appeal purely because Section 55 doesn't cover it.

MR BUFFETT The present writings, Mr Acting Deputy Speaker, in respect of this amendment proposes that there should not be an appeal against the appointment of Executive Directors on the basis that the process to appoint them would have been undertaken by the Public Service Board, by the Legislative Assembly and by the Executive Member and it is thought maybe with the participation of those, some significant authority within the Island, may constitute a reasonable process and maybe the last word. That's how it sits at this moment. If, however, there is a thought that there should, nevertheless, still be an appeal proposal, I would not propose that it be an appeal to the Public Service Board, because that would be appealing against a decision that they have participated in and one may need to examine another appeal avenue, for example the Administrative Review Tribunal. That is not part of the proposal, I say Mr Acting Deputy Speaker, but in fact if there was a strong thought about that there are ways to tackle it.

MR BROWN Mr Acting Deputy Speaker, my concern is still whether the proposed Legislation will preclude an appeal or whether we are just hoping that people won't appeal. I can't see anything in the Legislation that says your not allowed to appeal. I can see that Section 54 creates the right of appeal and that it could be argued that Section 54 is limited to an appeal in a situation where the Chief Executive Officer notifies a person but perhaps in this case it's intended that the person won't be notified by the Chief Executive Officer and therefore the Section 54 appeal right won't apply, but I'd just like to be certain that we have covered everything that we need to cover so that we don't end up with the problem that Mr Nobbs has quite correctly described to us.

MR BUFFETT If I might refer, Mr Brown, to Item 9 on my list of amendments, which addresses Clause 50. It's my understanding, but I'm willing to take further advice if in fact Members feel this is not the case. It is my understanding that that particular amendment would displace the Executive Directorship from the appeal process. Which addresses the point that Mr Brown was raising.

MR NOBBS I'm just inquiring of Mr Buffett why the, for the Chief Executive Officer there is results of any appeal in 2(c) results of any appeal under Section 5 in respect of that selection is also included in his provisions for appointment of the Chief Executive Officer. So why's that in there.

MR BUFFETT Mr Acting Deputy Speaker, the principal reason for that is that the Board has not been participant in the process of the appointment.

MR NOBBS With respect we were talking about Section 50 and Section 50 said selection means in respect of appointment of a person as Chief Executive Officer or Executive Director and what you said was that that inferred that it was out of the selection process and therefore an appeal didn't apply and yet in

MR BUFFETT No it's the reverse. Section 50 lists those that are to be included, included and there is an amendment to that to strike out Executive Director so that Executive Director is no longer included.

MR BROWN Mr Acting Deputy Speaker, I wonder if Mr Buffett could let me have one more bit of assistance. It seems to me at first glance that Paragraph 38(2)(c) anticipates that the selection process for the Chief Executive Officer position could be subject to the Section 54 appeal process. Now if that's the case is it intended that a decision made by the Assembly would be subject to appeal to the Public Service Board.

MR BUFFETT Mr Acting Deputy Speaker, in respect of the words that are there at this moment, the answer to that is yes. I've got to say that I can see some inconsistencies in that and I would be happy for an adjustment to be made if that is appropriate but I probably would need to do some consulting before that might take place.

ACTING DEPUTY SPEAKER Honourable Members the question before the House is that amendment No. 5 be agreed to is there any further debate on that amendment Honourable Members whilst we wait for Mr BUFFETT.

MR ROBINSON Mr Acting Deputy Speaker, if Mr Buffett's Clause 5 gets up and running do we then negate Mr Smith's Clause 3. Seen as we have just agreed to Mr Smith's Clause 3.

ACTING DEPUTY SPEAKER That would be correct, yes.

MR ROBINSON That's good. I'm just trying to make it clear.

MR BUFFETT Thank you Mr Acting Deputy Speaker, I just had some consultations with the draftsman and my apologies for that being a little prolonged. The explanation that I should endeavour to make to those who have raised this query is that the Section 50 arrangement talks about the selection process not the decision taking of the Assembly, the selection process that is prior to that. It's the process that comes up with a name or names that is put forward to the Assembly. Now that is apalable, but when it goes to the Assembly, the Assembly decides on it's own account and that is not subject to appeal.

ACTING DEPUTY SPEAKER The question before us Honourable Members is that Clause No. 5 be agreed to is there any further debate.

MR BUFFETT Could I just clarify that the appointment of the C.E.O, which is the first part of this, I have not proposal to change that's rest as earlier proposed by whoever, it's one of the reasons why I just had to tidy this, one whoever had proposed because there is not proposal for adjustment. It is the second part that is the proposal for change.

MR BROWN Mr Acting Deputy Speaker, the remaining part of the answer to my query lies in Section 51 of the Bill which basically provides that rights to review only exist where they are created by different Section of the Act and if no right to review is created then there is no right. That together with the explanation Mr Buffett has just given satisfies my query.

ACTING DEPUTY SPEAKER There being no further debate Honourable Members then I put the question that amendment No. 5 be agreed to.

#### QUESTON PUT

Madam Clerk could you call the House.

|                 |     |     |
|-----------------|-----|-----|
| MR SMITH        | AYE |     |
| MR BUFFETT      |     | AYE |
| MR BATES        | AYE |     |
| MR ROBERTSON    | AYE |     |
| MR GARDNER      | AYE |     |
| MR ION ROBINSON | AYE |     |
| MR McCOY        | AYE |     |
| MR NOBBS        | NO  |     |
| MR BROWN        | AYE |     |

Honourable Members the result of voting, the ayes 8 the noes 1. That amendment is so agreed. Honourable Members the question before the House now. Mr Buffett.

MR BUFFETT I wonder, Mr Acting Deputy Speaker, if I could move to Clause 9 because it is relative to what we have just said here and it clarifies the question that was raised by Mr Brown.

ACTING DEPUTY SPEAKER Yes Mr Buffett no difficulty with that. The question, Honourable Members, before the House is that amendment No. 9 be agreed to.

MR BUFFETT And this really is amending Clause 50 which takes out the Executive Director appeal provision in the very way that we have all discussed it in the context of Mr Brown raising his query and this tidies that component.

ACTING DEPUTY SPEAKER No further debate on that amendment, Honourable Members. Therefore I put the question. The question is that amendment No. 9 be agreed to.

#### QUESTION PUT AGREED

I think the ayes have it. We now move back Honourable Members to amendment No. 6. The question before the House is that amendment No. 6 be agreed to.

MR BUFFETT Mr Acting Deputy Speaker, Clause 6 covers the corporate management group and this is really an attempt, both in this Clause and in the next Clause of my amendments to really ensure that there isn't the concept of management by committee within the public service and so there is an endeavour to add some words to indicate that

there role is more to ensure that all of the functions function cohesively, it's not a matter of that group taking a vote before anything can be done. I do understand that, in due course, the Human Resources Policy will further spell out the role and the duties and how this group, the corporate management group may function, but as we will know that that is not in place yet and I am rather keen to make this point in the principal Legislation in the absence of the other.

**MR NOBBS** I have some difficulties with this, I believe that if you are paying people a considerable amount of money to run the place well they should be allowed to run it and this business of just having consultative or advisory functions, I mean I don't know what's going on. Having battered for about 2 hours last night against a couple of fairly irate employees in relation to the present management of the Admin, I think it's time we had some major changes and this consultative and advisory function is not on in my caper. They are there, you are paying them \$65 000 and 50 odd to \$60 000 each for a employees and they should be allowed to run the show. If you want them as advisory bodies well pay them \$20 000 a year, because somebody has got to make the decision somewhere and this group is the reason that it was put in there is to actually run the Admin and that's why I put in this consultative committee which feeds into that group and I'm definitely against watering down of their role in anyway.

**MR BUFFETT** I do think it's clear that I need to just be a bit more illustrative of what this relates to. It in no way what so ever waters down the authority or the responsibility of those who would be appointed to the posts. They will have defined, clearly, both authority and responsibility and that's what Mr Nobbs is referring to and that's not what this is referring to. This is talking about a collective group when they come together and so that it is quite clear that the service is not subject to that group having to work and take votes in a committee sense for the operation of the service. That their responsibility and their authority is not marred in any way and that's what Mr Nobbs is about and I support that, but so that this group does not in fact overshadow it and so that they will have full authority to do those things. But when they are in the corporate their role is not to mar that but in fact to ensure that there are consumative arrangements between their various 3, 4 or 5 groups and that's the important component and that's what this part addresses. It is not intended to overshadow the other at all. In fact it is ensure that their authority is not overshadowed. I should emphasise that. It is to ensure that their authority is not overshadowed.

**MR BROWN** Mr Acting Deputy Speaker, Mr Nobbs is certainly correct when he intimates that there are plenty of people that are not happy with the way the public service runs at present. I have brought to Members attention on previous occasions the fact that the Chief Administrative Officer is absolutely hindered in carrying out his task by the amount of time that he has to spend up in this compound assisting the Chief Minister rather than sitting in his own building fulfilling the role of C.A.O.. That in part is due to there being no Secretary to Government here to assist in co-ordination the affairs of Government, I realise a new appointment has been made recently but to the best of my knowledge that appointment isn't in the Secretary to Government type role. I share Mr Nobbs concerns, I understand what Mr Buffett has said to us however, and I wonder whether Mr Nobbs concerns and Mr Buffett's aims can both be achieved through the Human Resources Policy or through determinations by the Executive Member by disallowable instrument as provided in the existing draft. I certainly would be concerned, as is Mr Nobbs, to see yet another little group set up that can sit down and have lots of nice meetings and cups of tea and in affect at the end of the day run around and around in circles and cause nothing to happen and causing nothing to happen is one of our problems. It is a problem that has existed for a long while in the public service, that if people run around in circles for long enough they can actually cause nothing to happen, nothing changes, nothing progresses, nothing happens.

MR SMITH

Mr Acting Deputy Speaker, I'm not sure what this really does in amending the original Bill. Mr Buffett has said or suggested that we want the administration run by a committee and that Members of the Corporate Management Group would have to vote on things. It's never been my intention that the Corporate Management Group does do it in that form and I don't recall anywhere in that Bill where it says that the Corporate Management Group has to get together and vote on whether they go down a particular path or not. My proposal with the Corporate Management Group was to take the problems that Mr Brown has just referred to, that do happen sometimes not by anybody's fault at all but the way the haphazard way that the Executive Management Group that we have now was set up 4 or 5 years ago, I think has lead so some disastrous problems where you have an Executive Manager, under the C.A.O, at the moment who may run a whole section, including Human Resources, Finances, Capital Works etc on their own and Mr Acting Deputy Speaker I believe that is difficult for those personnel in those positions to try and run a, basically with what we've got now we have 3 MANAGERS in these positions, that are effectively running 1/3 of the place each and they carry out all functions in some cases of all of that 1/3 of the administration. The proposal was that they would have a Corporate Management Group so if you, I'll go back a step. They were already doing this, the MANAGERS already get together with the C.A.O and it was on a regular basis and as far as I know I still is happening on a regular basis, where things have come from the Government or the Assembly they should get passed to this group to deal with. Mr Brown is correct when you don't have a Secretary to Government it lands on the CAO's desk to deal with. It still would but it would pass down to this management group to deal with what the Assembly or the Government or the Minister wants to have happen. To often there are things that have come from the Government go through a particular course down through the administration and can be delayed or it can come right back to the Government needing further advice and needs to go back down that same path but through a different manager. There is many examples of that and I am sure Members can think of things that have happened in that way. So part one of the core things with the Public Sector Management Bill is in this Corporate Management Group. So that those Executive MANAGERS don't operate independently but operate as a Corporate Management Group. Not for the small day to day things that need to be discussed, but in major policy areas for example with budgeting. The budgeting is done in 3 or 4 different ways, which in the end makes it a little more difficult for the Government or the Assembly to deal with. I think it's time that we got away from the independence in some areas of the management of the administration, for the managers benefit. If we create difficulties for them, as I believe has happened in the past 4 or 5 years, it's only going to make their job harder and we don't necessarily get the things done that we want to have done. So with the Corporate Management Group as part of the, what is the key to how this all works, which then leads me back to this amendment where I said, at the beginning, I don't know what this will do. I have concern with the consultative or advisory functions. What are they. If it takes away things that I have been hoping that this Bill will do in that management area, I would find it real difficult to support. There is one saving factor, though of course and I would hope that it wouldn't have to get used to often if this amendment passes and that is 3(b) where it says any other functions determined by the Executive Members by disallowable instrument. We certainly don't want the management being run by instrument form whoever the Minister may be at the time. But probably now turn to Mr BUFFETT, Mr Acting Deputy Speaker, to perhaps be able to explain a little bit more about the consultative or advisory functions as he sees them. Although I do take into account, as he says, that we don't want a committee that has to vote on every issue that comes through that management group. So if I can ask that question.

MR BUFFETT

The present words within the proposed Legislation just says the functions. Maybe I should ask Mr Smith what he means by the functions. This

proposal is endeavoured to be a little bit more illustrative, because, as I explained at the very outset, because it is eventually planned that the Human Resources Policy may spell this out. The reality is, as I have already explained, is that we haven't got that at this moment, so there is a blank and I am endeavouring to, in fact, meet the very things that others have already said, to get away from the independence. Well that's why the consultative content is there for example, so that it gives some further meaning and to ensure that it doesn't move into the management by committee that I have already explained, so I won't be repetitive there. So in fact this, this is not an easy set of words because the Human Resources Policy will need to flesh it all out, but in the absence of that there is an effort to try and be more illustrative of the task and that's what this is about Mr Acting Deputy Speaker.

MR SMITH I do see what Mr Buffett is getting at and I can actually see the point of what he is talking about until the HR Policy stuff is all put into place, I suppose he is right. Of course it can always be changed.

ACTING DEPUTY SPEAKER There being no further debate Honourable Members, I put the question that amendment No. 6 be agreed to.

#### QUESTION PUT

Madam Clerk would you call the House.

|                 |     |     |
|-----------------|-----|-----|
| MR SMITH        | AYE |     |
| MR BUFFETT      |     | AYE |
| MR BATES        | AYE |     |
| MR ROBERSTON    | NO  |     |
| MR GARDNER      | AYE |     |
| MR ION ROBINSON | NO  |     |
| MR McCOY        | AYE |     |
| MR NOBBS        | NO  |     |
| MR BROWN        | NO  |     |

The result of voting Honourable Members the ayes 5, the noes 4. That amendment is so agreed. Honourable Members we now move on the amendment No. 7. The question before the House is that amendment No. 7 be agreed to.

MR BUFFETT Mr Acting Deputy Speaker, this is exactly the same as the foregoing and so all the arguments that have been advanced are really repetitive.

ACTING DEPUTY SPEAKER Thank you is there further debate Honourable Members. No further debate I put the question. The question is that amendment No. 7 be agreed to.

#### QUESTION PUT

Madam Clerk would you call the House

|            |    |     |
|------------|----|-----|
| MR SMITH   | NO |     |
| MR BUFFETT |    | AYE |

|                 |     |
|-----------------|-----|
| MR BATES        | AYE |
| MR ROBERTSON    | NO  |
| MR GARDNER      | AYE |
| MR ION ROBINSON | NO  |
| MR McCOY        | AYE |
| MR NOBBS        | NO  |
| MR BROWN        | NO  |

The result of voting Honourable Members. The ayes 4, the noes 5. That amendment is not agreed. Honourable Members we know move onto amendment No. 8. The question before the House is that amendment No. 8 be agreed to.

MR BUFFETT Thank you. This Clause really covers the matter of redundancies, Mr Acting Deputy Speaker. Within the proposals that are in front of us, not my proposals, but the proposals in the piece of the Legislation that has earlier been introduced, redundancies are basically in 2 parts. One voluntary redundancy and the other is involuntary. This particular Clause is talking about the involuntary component, in other words where people are forced into this situation. It presently provides that if somebody is retrenched, involuntary, one can't gain re-employment within the administration for a year. This amendment really is trying to do a bit better than that and it's proposing some period that is shorter than one year and it's for this reason. We are talking about involuntary situations whereby people are forced to be in this situation. We all know that redundancies has some difficulties that relate to the financial situation, but really redundancies are much wider than that. They really bring with them, with it some personal difficulties and a range of other things and this effort is to try and reduce the prospect of that situation continuing by reducing the time in one particular area of prospective employment in the community where they may be applicants. And the proposal is to reduce it to 9 months in LIEU of the 1 year. That's really what this amendment is about Mr Acting Deputy Speaker.

MR ROBINSON Thank you Mr Acting Deputy Speaker, the Norfolk Island Public Service Association has written us all a letter agreeing to and disagreeing with several of the amendments proposed by the Members. I wouldn't like to offend the Public Service Association as they are inclined to write little letters around the place. I see that they have not accepted part 8 of the amendment and I see no real reason for reducing the time. So I will not be supporting this Clause.

MR BROWN Mr Acting Deputy Speaker, on looking at page 27, I suspect Mr BUFFETT might be talking about line 8 rather than line 9 and to such extent as that maybe important, can I point that out to him. In so far as this particular amendment is concerned is dealing with people who have been involuntarily retrenched and I certainly see a distinction between that and a person who has been voluntarily retrenched or resigned or retired. It may well be that a person in the latter situation might have done so in order to draw on his long service leave, provident fund and accumulated annual leave and in that situation my argument and I propose to seek leave to move an amendment shortly.

ACTING DEPUTY SPEAKER I don't know Mr Brown whether your copy of the Bill and mine are the same.

MR BROWN I'm sorry, I have been talking of line 8 counting the lines, but you have correctly pointed out to me that there is a scale along the left hand side of the page which has used, now that I turn the corner, the word if as line 1 and so if we treat the word if as line 1 then

indeed it is line 9. Nevertheless I propose to seek leave shortly to move an amendment such that a person who has retired, resigned or voluntarily taken retrenchment service would need to repay to the provident fund, the provident fund monies which he received at that time and I think that 's the real objection to a person being re-employed, because it gives them 2 bites at the public purse and subject to making that change, I would not have a difficulty with Mr Buffett's proposal. Because after all he is limiting the situation to someone who has been involuntarily retrenched, but as I said I think the provident fund monies should be repaid to the fund if a person is re-employed and I propose to seek leave to move an amendment to that affect at an appropriate time.

**MR NOBBS** Once again I don't support this one. I would suggest that once the Human Resources Policy is finalised that this 3 months will have a marked affect on the pay out for a involuntary retrenchment and therefore I wouldn't be supporting it because in reality we are talking about in the case of somebody who could be re-employed. I mean there is no guarantee after 3 months that if you got the bullet that you are going to get back on again, so I mean it's a bit hypothetical and therefore if you, particularly in the case of an involuntary retrenchment I would suggest that reducing the pay out available if this comes in. Bearing in mind that at the present time, I think, for a involuntary retrenchment they get 26 weeks pay, which is half the year, but so I couldn't support this particular proposal at the moment.

**MR BROWN** Mr Acting Deputy Speaker, Mr Nobbs has raised an important point. If someone's going to have the benefit of 6 months pay as compensation for involuntary retrenchment and then be able within 3 months to come back into the service, there's something wrong with that and certainly I feel I would have to support Mr Nobbs.

**MR BUFFETT** Yes I think I just need to point out that people may have the impression that one have the facility to return to the service and pick up exactly where one left off and that's not the case. One needs to serve for periods of time before certain benefits can accrue and that would not be available to somebody who reenters the service and so you will see that somebody that is in that position, who has been involuntary put out of the service, may have some financial benefits, but will have lost benefits also in a continuing sense, that would have ceased and then going back would allow them to have a job, which is important in any community, but they would not to be able to have the continuity that would have other wise been available if in fact they had not been retrenched.

**MR BROWN** Mr Acting Deputy Speaker, I accept that in terms of continuity, Mr Buffett is right, but in terms of the public purse there has for a long time been a feeling within significant parts of the community that the administration has been a law unto itself and that many people have been able to come into the service, leave, return to the service whenever their ready and do that basically at will. So I don't think that the community is going to accept a situation where we create the possibility that someone could earn a very good living by involuntarily retrenched and then within a short time coming back into the service. I accept that there is some justice in what Mr Buffett is endeavouring to do but it needs to go further, it needs to ensure that any additional benefit earned by someone coming back into the service after 3 months, but being the beneficiary of 6 months of termination pay, it needs to ensure that that super profit as it were would be returned to the public purse and if Mr Buffett would like to come along at a later time with an amendment that was going to achieve both things I would be happy to support it, but I wouldn't be happy to support a situation where we allow for super profits to be earned in that fashion.

MR BUFFETT I just wanted to say, Mr Acting Deputy Speaker, that I am rather puzzled by the use of terminology super profits, when somebody is in fact in the retrench situation, out of a job and is endeavouring to secure some fairness for that and also seeking to have some opportunity, at a latter stage not immediately and that's the purpose of this. There is a number of months, it's 9 months in this particular case, in which they would not have the facility to seek a job in that particular quarter. I don't think we are talking about super dollars in this situation and I think that point should be made.

MR BROWN I may be being unfair to Mr Buffett, but my reading of his amendment is that he wants to change previous year to previous 3 months and that to me means

MR BUFFETT I've got 9 months, my apologies 9 months.

MR BROWN Mr Acting Deputy Speaker, my objection is invalid if the figure is 9 months, because I'm talking of someone getting 6 months pay and then being able to come back into the service after 3 months. If there coming back into the service after 9 months, their 6 months has already expired.

MR ROBINSON Thank you, if you have a look at the amendment that David circulated, one is dated the 14<sup>th</sup> of the 12<sup>th</sup> that says previous 3 months and the one dated the 16<sup>th</sup> of the 11<sup>th</sup> is 9 months.

MR BUFFETT Mr Acting Deputy Speaker, I do apologise to the House. The figure that I should have there is 9 months.

ACTING DEPUTY SPEAKER It is agreed then that that figure should read previous 9 months. Honourable Members the question before us is that amendment No. 8 be agreed to. The terms of amendment No. 8 dealing with Clause 49, page 27 line 9 should read omit previous year and substitute previous 9 months. Is there further debate on that amendment Honourable Members.

MR NOBBS Thank you that clarifies it a bit more, though my comment in relation to the pay out that would be received for involuntary redundancy would still be affected. I think in the process when it becomes and I assume it will be changed in the Human Resources Policy, that would be my only concern, but as Mr Buffett is in the position of a public servant, I guess I will support it.

ACTING DEPUTY SPEAKER There being no further debate, I put the question. Mr McCoy.

MR McCOY Thank you Mr Acting Deputy Speaker, I would just like to point out to that the circular that came from the Public Service Association is also dated Wednesday the 15<sup>th</sup> December. So whether there is any confusion there as well, because they, as Mr Robinson pointed out Part 8 is not accepted by the Public Service Association. Now whether they had a copy with 3 months, previous 3 months or the same copy that I have not I am not to sure.

MR BUFFETT I have a copy of what the PSA has written and whilst there paragraph in respect of part 8, does say part 8 is not accepted. It does go on to say however, the PSA is fully supportive of a period of either 1 year, which is what is there before or 9 months, which is what I proposed.

MR ROBINSON And it goes onto say, as would seem to be the intention of this amendment without drafting error, so if it is the drafting error

MR BUFFETT We tidied the drafting error

ACTING DEPUTY SPEAKER Thank you Honourable Members, Order. Mr Robinson.

MR ROBINSON Thank you, I've finished Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Is there further debate, Honourable Members. There being no further debate I put the question that amendment No. 8 be agreed to.

QUESTION PUT  
AGREED

I think the ayes have it. Thank you Honourable Members. We know to amendment No. 1. The question is that amendment No.1 be agreed to, Mr Buffett.

MR BUFFETT Are you going back to No. 1.

ACTING DEPUTY SPEAKER We hadn't dealt with No. 1 Mr Buffett.

MR BUFFETT What about No. 10 and No. 11.

ACTING DEPUTY SPEAKER We can deal with No. 1, if you wish at this stage, Mr Buffett.

MR BUFFETT Maybe we should just tidy the sequence and then go back to that if that's alright.

ACTING DEPUTY SPEAKER Thank you Mr Buffett. The question before the House, Honourable Members is that amendment No. 10 be agreed to. Mr Buffett.

MR BUFFETT Yes thank you Mr Acting Deputy Speaker, we have really covered this before, in our twoings and throwings and this tidies another Clause which talks about the appeal process for a recruitment of an Executive Director. You will recall that I mentioned to you, Mr Acting Deputy Speaker, that it is the plan that there be no appeal, but bearing in mind it will be an endorsement in examination by the 3 bodies that we had earlier mentioned, that is the Assembly, the Executive Member and the Board and it seems reasonable that that might be the last word in the situation.

ACTING DEPUTY SPEAKER Is there further debate. Honourable Members there being no further debate I put the question that amendment No. 10 be agreed to.

QUESTION PUT  
AGREED

I think the ayes have it. Thank you Honourable Members. We now move onto question No. 11. The question is that amendment No. 11 be agreed to.

MR BUFFETT Thank you Mr Acting Deputy Speaker, this is really a Clause that endeavours to give emphasis to the value of existing officers and recognises that some of the disadvantages that are in place in progression in a small service and therefore this proposal is that the merit appeal process lies with public servants. It's not necessarily a process that gives the full and same facility to people external to the service.

MR NOBBS Thank you Mr Deputy Speaker, this goes right to my very heart. This is something that I have been fighting for years and I've I don't believe that an appeal process should be refined just to public servants. I believe that any person who applies for a job in the public service, whether they be, be they a public servant or not, should have the right to go through the appeal process and I definitely be voting no on this one, Mr Acting Deputy Speaker.

MR BROWN Mr Acting Deputy Speaker, it seems to be quite unfair if we are proposing that the only people who have the right to make use of an appeal process are those who are already in the service. We talk of merit principals and then the very first thing that this amendment seems to do is confine merit to those already in the service and to deprive the community of the benefit of merit reviews for people who may far exceed, in terms of qualifications and ability, any of those presently within the service for a particular position. I support Mr Nobbs, I won't be supporting the amendment.

ACTING DEPUTY SPEAKER No further debate. I put the question that amendment No. 11 be agreed to.

#### QUESTION PUT

Mr BUFFETT would you like the House called. Madam Clerk would you call the House.

|                 |     |     |
|-----------------|-----|-----|
| MR SMITH        | NO  |     |
| MR BUFFETT      |     | AYE |
| MR BATES        | AYE |     |
| MR ROBERTSON    | NO  |     |
| MR GARDNER      | NO  |     |
| MR ION ROBINSON | NO  |     |
| MR McCOY        | NO  |     |
| MR NOBBS        | NO  |     |
| MR BROWN        | NO  |     |

Honourable Members the result of voting the ayes 2 the noes 7. That amendment is not agreed. Honourable Members we now return to amendment No. 1 in Mr Buffett's name and the question is that amendment No. 1 be agreed to.

MR BUFFETT Well this is really consequential amendment as I understand it and we could tackle in that context Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Being no debate, therefore I put the question that amendment No. 1 be agreed to.

QUESTION PUT  
AGREED

The ayes have it. Honourable Members the question before the House now is that the Clauses as amended be agreed to.

QUESTION PUT  
AGREED

The ayes have it. Thank you Honourable Members. I now look to Mr Nobbs for his amendments.

MR NOBBS Thank you Mr Acting Deputy Speaker, there is actually 2 amendments. No. 1 is a consequential amendment and if I may, Mr Acting Deputy Speaker, to leave this, the first amendment, to see what happens with the 2<sup>nd</sup> part. Would that be the way to deal with it.

ACTING DEPUTY SPEAKER Mr Nobbs that's fine.

MR NOBBS It's the amendment is search of Staff Consultative Committee and it's functions and I'll read it. There will be a Staff Consultative Committee; (2) the Staff Consultative Committee consists of (a) 2 members of the Corporate Management Group nominated by, but not including the Chief Executive Officer and (b) 4 employees elected by employees in the prescribed manner, one of whom shall be elected as the presiding member of the committee. The functions of the Staff Consultative Committee will be to (a) to provide, prescribe advice and guidance to the Chief Executive Officer or the Board and to consider issues referred to it by employees and (c) any function set out in the Human Resource Policy and (d) any other function determined by the Executive Member by disallowable instrument. 42(b) deals with meetings of Staff Consultative Committee and (1) says the presiding member; (a) may convene a meeting of the Staff Consultative Committee by giving reasonable notice to the other persons entitled to attend and; (b) must convene a meeting at least once every 2 months, but must not, without the approval of the Chief Executive Officer convene more than 1 meeting in any calendar week. (2) the presiding member will preside at a meeting of the Staff Consultative Committee, but if the member is unable to do so another member, determined by the committee, will preside at that meeting. (3) the presiding member may determine that a meeting of the Staff Consultative Committee will be held during the normal hours of duty of an employee member of the committee and (4) a member of the Staff Consultative Committee referred to in Paragraph 42(a)(2)(b) will the member is taking part in a meeting of that Committee is (a) not subject to direction by the Executive Member of (b) not subject as an employee to direction by any other person. New Section 42(c) Subsection, which is manual report of the Staff Consultative Committee. The Staff Consultative Committee must before each 30 June report to the Board in respect of the committee's activities during the previous year and that's it. The situation is that it provides a, as the title says, a Consultative Committee which the staff has major input into to. I think it's overdue in the service and whilst the Public Service Association has supported the proposal and they have a problem or they suggest that the 4 employees in 42(a)(2)(b) 4 employees should be retained, but 2 of them should be nominated by the prescribed body, which is the PSA. I disagree with that, as I feel it's a staff representative body and we have had discussions and we've agreed, I think, to disagree on it That's myself and the Public Service Association. The situation is that this is a fairly straight forward amendment, I believe, it provides input, as I said, from the staff. Meetings must be convened every 2 months, they have to sit down and have a chat of some description and keep themselves, but they cannot make it an ongoing saga, that's why I put in here that the approval of the Chief Executive Officer must be required to convene more than 1 meeting in any calendar week. I don't think there's any other thing I need to say on it really.

MR ROBINSON Thank you Mr Gardner, I'm first looking at this Bill, this amendment I thought it was a good idea and I haven't changed my mind. I intend to support it.

MR SMITH Mr Acting Deputy Speaker, I fully support this Motion. I think it's a good idea, it's been talked about amongst the service. It's been talked about around the table here and I fully support it.

MR BROWN Mr Acting Deputy Speaker, I've not had experience with such a committee, but Mr Nobbs tells me that he believes that the concept is used in some other places. I certainly accept that there is a difference between the PSA, which is a staff association and a management or consultative group such as that as Mr Nobbs is proposing. I don't believe that it is appropriate for the PSA to expect to be able to nominate members to that committee, that's part of the management of the administration. I don't have any difficulty in supporting the concept today. If it works that will be great. If it doesn't work we are not stopped from changing it around later on to make it work better and if it doesn't work at all we can pull it out later on. I'm happy to support it today.

MR BATES Thank you Mr Acting Deputy Speaker, I wonder if Mr Nobbs could just clarify the last part of 42(c) the Staff Consultative Committee must, before each 30<sup>th</sup> June, report to the Board in respect of the committee's activities during the previous year. I guess he's saying the previous calendar year and it gives them 6 months to make their report or is it the previous financial year, which means it could be 12 months. Because if it's 12 months for the previous financial year, which the administration works on quite a lot, then it's too long.

MR NOBBS The election of the committee will be in the prescribed manner and that is the prescribed manner is yet to be described, I believe, but it refers to a couple of other activities in the Bill, itself. That was, what I wanted in this was a report, an annual report from the committee, a definite report to be tabled to the members and alike, that's what we needed. But because, I don't think the prescribed situation's been put in place, procedures for the prescribed election of these sort of bodies that we are not to sure when the elections will actually take place. So the 30<sup>th</sup> June was put in there as a date and I would assume it would be close to that date that there will be some elections for these sort of positions. There's a need for an election for a Public Service Board member, there's one that I can recall of the top of my head, so I mean it's tied in with them Brian. So I'm not to sure whether, what it will work out as the actual reporting year, but it has

MR BATES So what your saying Mr Nobbs is that is if their elected in April then they report before the 30<sup>th</sup> June for their activities for that year commencing in April.

MR NOBBS I report must be made each year before the 30<sup>th</sup> June and I can't be clear on that at the present time until

MR BATES Sorry Mr Acting Deputy Speaker, it could be tidier if it said within 3 months of the completion of the year, which would mean we wouldn't have to wait 11 months on some occasions for the report. That's why comment on that one. Within 3 months of the end of the year, then it would be tidier I think.

ACTING DEPUTY SPEAKER There being no further debate. The question Honourable Members is that Mr Nobbs detailed stage amendments be agreed to. Is there any further debate before I put that question.



candidates. Now that might be true, but it is equally important to have a competent and efficient public service and if you are going to allow people to be in both you will not get that competent and efficient public service. In recent times Members were addressing a question in relation to a person who was a member of the public service and a Member of the Assembly and they were asking in which role that particular person made a particular overseas trip and some Members, felt at the time, that it was perhaps in neither role and that the whole question of what is the role had slipped between the stools. That is the sort of thing that can happen, where you allow this mixture to occur. But I think it is important that know that we are reviewing this Legislation, we do our very best to ensure that we have top quality administration within the administration and that issues such as dual roles come to an end. A further consideration is the position of someone in the private sector. They don't have the benefit of Legislation such as the present Legislation, which enables the dual role to be held and it would be somewhat outrageous if we tried to impose that on the private sector, because within the private sector they to realise that there can be significant difficulties if a person tries to hold both roles. One of those difficulties might be that you never know when your employee is going to be at work, because the commitments as a Assembly Member, in terms of committee meetings, full meetings of the Assembly, visiting officials or whatever, can take up large parts of any day of the week. In addition to that many in the private sector are concerned that if one of their employees were a Member of the Assembly and tried to do his best as an Assembly Member and in doing so offended a number of people, because this does happen. When makes a decision without fear or favour from time to time people will be offended and many within the private sector would be concerned that there business would suffer as a result of having an employee who is a Member of the Assembly. It's for that reason many in the private sector simply won't stand for election to the Assembly. The Public Service Association has been invited to comment on my proposed amendment and their comment was to ask whether it could be changed a little, so as to provide in effect a guaranteed right of return to the service, within a certain period of ceasing to be an Assembly Member. Now although I don't believe that is an ideal situation, because it puts a member of the public service in an advantageous position compared to anyone else on the Island. I was nevertheless prepared to make that change and the Legislative Council kindly attended to the drafting of that. That change has been circulated to Members, but I'm not at this stage proposing to move it, because the Public Service Association has advised me that they don't support it at this stage. I have said to their President that I intend to proceed with my assisting amendment, but that I would happy, in the future, if they reached the stage of being happy to support the change that was discussed, I would be happy to introduce that as an further amendment later on. The only reason that the PSA has given me for not supporting the proposed change to my amendment, is that they would like to see in place a system which provided higher remuneration to a backbencher and their feeling was that in resigning from the public service and they have no difficulty with that concept. Their general thrust was that they supported the position, that a person should not be a member of both. But they felt that fairness required that the remuneration of a backbencher be higher than it is now and they left me, certainly, with the impression that if the Assembly were to review it's attitude to remuneration and if the Remuneration Tribunal were to be convinced to provide for a higher pay, then the PSA would indeed support, at the very least, the change that we have discussed to my amendment. So I think it is significant that the PSA recognizes the difficulty. The PSA, I believe, recognizes that it is time for it to be fixed and although I'm not in an position to do anything about increasing the remuneration of backbenchers, I understand that quite a few Members are of a view that that should be a consequence to flow in the event that my amendment is accepted by the House. I'm not quite sure how we would do that, because you clearly couldn't increase a backbenchers remuneration without justification. So you wouldn't do it just because you'd like to see the backbenchers getting more money. But perhaps there could be an examination of whether the load of duties of a backbencher has increased since the Remuneration Tribunal last considered it. Perhaps it has to

some extent. More importantly, perhaps it is time for us to look at the introduction of a fuller committee system, so that there is the opportunity for backbenchers to participate more fully in the workings of the Parliament and if that was done, perhaps it could be done on the basis not of a fixed remuneration, but of a basic remuneration which would be added to on the basis of a particular daily fee for attendance at committee meetings and then if you had a particular backbencher that wasn't inclined to participate in the committee system, he would receive the basic remuneration. If you had a couple of other backbenchers who very interested in it all and wanted to turn it into a 40 hour week, they would receive something close to a living wage from it. But although I'm quite happy to discuss those issues on a later occasion, for today's purposes because of the fact that I haven't been able to reach final agreement with the Public Service Association, I intend to proceed just with the amendment which was originally circulated.

ACTING DEPUTY SPEAKER Thank you Mr Brown, just to clarify that with the membership. The amendment that Mr Brown is referring to is dated the 16<sup>th</sup> of November 1999, signed in his name on that date. Honourable Members is there debate. Mr Nobbs

MR NOBBS Thank you Mr Acting Deputy Speaker, I understand where Mr Brown is coming from in relation to this amendment and it has caused me concern over the years, but there is a but to it and he covered it actually in his last section, I'll get onto it in a minute. Elsewhere you have to resign on nomination and that could be a month before the election. Normally the procedure is that the public servant is allowed back into the service if there unsuccessful, but if there successful they must resign and that's it. But in this case it's just resigning on election. The point that Mr Brown really got onto and I believes the hub of it is the actual remuneration for a backbencher and I find, I actually agree with the amendment but I can't support it on the basis that Norfolk Island is different. Elsewhere we have a backbenchers and that receive a full time salary as far as I'm aware, the sections that I know of and or they receive some reasonable remuneration. Whereas I don't believe that under the present arrangements here that the back benchers receive anything near and Mr Brown has covered really fairly fully, enough funding to sustain them as a full time job and I'm not saying that we should go for more money, don't start thinking that because I'm not thinking of that at all. I would support it, I would suggest that there is another alternative and that's to cut the numbers of the Assembly down, but and that would be saving some funds which could be utilized on the back benchers that remain and obviously there wouldn't be to many of them. But that in itself has some questions which need looking at as well, as to how are we going to keep them honest, sort of thing, or the Ministers honest if you've only got a couple of backbenchers, you'll be in trouble. But anyhow that's for another day. As I say I agree that there is a problem with having public servants on the Assembly and I've always said this, but under the present arrangements I really can't support it. I would suggest that, maybe a compromise might be that if you are in the Executive level and above, that they should be totally banned, but the rest down well that's it, because the Executive's are the real decision makers in the organisation and that they should, those people maybe shouldn't be subject to this amendment proposed by Mr Brown. But as I say, I agree with the thrust of it, but I just under the present arrangements, as far as remuneration for Members, I can't see that it's a fair ask at the present time. Thank you.

MR McCOY Thank you Mr Acting Deputy Speaker, firstly I'd say that I can not support his Motion or this amendment of Mr Browns and I can understand the concerns that Mr Brown and Mr Nobbs have put forward and I am also a person out of the private sector, but I believe people who put them name up to be Members of the Assembly do it with good intent and believe me it is not easy on the wage that a backbencher is given, but I also appreciate we don't have half the work load that the Executives have and I do question the consideration of continually



problem with all employed persons and I think it would be a shame if we ever got to the stage where our Assembly was only a place that employed employees or people with sufficient means can offer themselves for election. I believe that any person, any elector shall be able to offer themselves for election and if elected carry out their duties without interference by others. It's the public that puts them there and it's the public that examines them at the end of the day when another election comes up and they will quickly tell the person whether a public servant or whatever their background is if they have not performed then they don't get re-elected. So I really believe it is something for the electorate rather than a few individuals who just don't like it. We are a small community and I think we need to draw on whatever expertise we can for our Government because we are small and I think it's very good that we have, in a House like this, people of different backgrounds. One of the problems is, of course, whatever background you come from things of biases come in and usually not allowed to influence things that happen to be the direction which your background came from and people perceive immediately that if your backgrounds in that area your doing something that you shouldn't be doing for your own personal benefit. But I do see that in the backgrounds of some of the people here that there have been some pluses. I'm sure Mr Brown, for instance, has made some good contributions in the area of legal aspects. I'm sure you yourself, Mr Acting Deputy Speaker, have made good contributions in your background and agriculture. I'm sure John has made great contributions, to this House, as a young Norfolk Islander who is dedicated to local affairs, including tourism and foreplay. So what I'm trying to say here is that we must have a mix of backgrounds and I think that's what makes the Assembly work. Nine identical backgrounds would not be good, but just to sum it up I really believe it's an issue for the electorate rather than a few individuals.

MR ROBINSON Thank you Mr Acting Deputy Speaker, this is not about how unique and different Norfolk Island is. It's about the doctrine of the separation of powers. Now the PSA claims to be concerned about political interference in job selection for the public service. Yet at this moment, we have a Member of this House sitting on a 3 person selection panel, one of whom he's related to. How different do you want to be. I accept that people do need to eat, but if we don't start fixing the problem soon it's never going to get looked at. So I support the Motion.

MR GARDNER Thank you Mr Speaker, I've listened with interest to what's been said around the table today. I tend to agree with what my colleague Mr Robertson has said today in regard to this, but I do see some difficulties with members of the public service also being Member of the Legislative Assembly and I do agree that it would be unfair to expect them to give up their livelihoods to come in and take on a position in the Assembly and really what we are talking about a position in the Assembly is a position as a backbencher, because I think as all Members are aware if a Member of the Public Service is elected to the Assembly and takes on Executive Office, they are forced by that decision to resign from the Public Service. So we are only talking about backbenchers and the level of remuneration that is involved here is quite simply not enough to justify anybody wanting to give up any sort of role to be able enter into representation on the Legislative Assembly, especially in the back bench area. As I said I do recognize some difficulty with the current arrangements. We recognize as part of the self-government process in 1979 that the Commonwealth, I think, were the ones that recommended that we, for different reasons, different purposes, that we allow public servants to sit as Members of the Legislative Assembly and that had to do with our size, also the level of expertise that we would be denying ourselves, as I think Brian's just pointed out, if we were to prevent members of the service who without doubt have an immense level of expertise in different areas that the processes within the Legislative Assembly probably should not be devoid of. I have to agree, as well with what Mr Bates says, this whole arrangement has been in place for 20 years. It's been debated from time to time, but without doubt proved at every poll that we've had, that I can recall, support is there with



MR McCOY Thank you Mr Acting Deputy Speaker. Mr Acting Deputy Speaker, I seek your leave to move my foreshadowed amendment, but in a further amended form. This further amended form does not affect part 1 of my detail stage amendment, but it is consequential on Mr Buffett's amendment, that it affects part 2.

ACTING DEPUTY SPEAKER Thank you Mr McCoy, leave is so granted.

MR McCOY The first one, Clause 17 page 11 line 21, it simply reads omit the Executive Member and substitute the Chief Executive Officer. This is just simplification because I believe that if the Secretary to the Board has to be an employee of the Public Service, then it's up to the Chief Executive Officer to make that decision.

MR SMITH Mr Acting Deputy Speaker, I don't have any problem with that minor change, I think it's probably very sensible.

ACTING DEPUTY SPEAKER Mr McCoy is it your proposal to deal with your amendments in 2 parts.

MR McCOY Yes Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Is there further debate on that amendment. We are talking of amendment No. 1 in Mr McCoy's name. The question before the House is that amendment No. 1 be agreed to. Being no further debate I put the question that amendment No. 1 be agreed to.

QUESTION PUT  
AGREED

I think the ayes have it. Mr McCoy I call on you for amendment No. 2.

MR McCOY Thank you Mr Acting Deputy Speaker, I seek leave to move the foreshadowed amendment in it's further amended form and this relates to Part No. , Clause 38, page 23, lines 12 and 13.

ACTING DEPUTY SPEAKER Thank you Mr McCoy leave was previously granted.

MR McCOY Thank you. And it reads to omit Subclause 38(3) and substitute the following Subclause 3 and it reads the Chief Executive Officer must not be appointed for a period or periods, whether or not consecutive, exceeding 5 years.

MR McCOY Thank you Mr Acting Deputy Speaker, the purpose for this amendment is to provide some stimulus within the Public Service for advancement and promotion as set out in the draft Human Resources Policy. I believe that the following objectives would be achieved if no person could be employed as Chief Executive Officer for more than 5 years, whether consecutive or otherwise. And they are as follows; in the area of performance management it's simply means that a person cannot become so entrenched in the Chief Executive Officer's position where he or she no longer performs their duty and therefore good management of the Public Service suffers and also in the area of Training and Development; employees in the Public Service could possibly see an opportunity to pursue training and gain qualifications. Also by working through the service, they would gain experience and I believe good experience with the vision of one day, possibly becoming the Chief Executive Officer and also through promotion it means that



MR BATES

Thank you Mr Acting Deputy Speaker, now I don't like to burn bridges if it's not absolutely necessary to burn them. I feel that if this amendment went though you are locking yourself into a situation which, I believe, is not a real problem because as it is already stated most C.E.O.'s don't stay to long and I believe that they shouldn't be there to long either. But in the event that you did get a, it's not an easy job, usually a Chief Executive Officer that can get the support of the Public Service, usually doesn't have the support of his Executive Members of he if has the support of his Executive Members he doesn't have the support of is Public Service. So it's not an easy job, but in the event that you did get, say the perfect C.E.O, and one that had the Public Service up and running and performing as everybody's minds think it should be and also had the support of the Executive Members, it would be a shame to lose him simply because of this. On the other hand if he's one that's no performing well it's pretty certain that he wouldn't get reappointed. So I really feel that if this Motion went through you are burning bridges. You are making such a state that even a very good C.A.O. that's really got the place ticking over to everybody's satisfaction just can not be reappointed. As for the career path of those with their sites on that job, I think even now we have conflict within those principals. We talk about the Public Service as being a career path. We talk about staff training and yet we turn around and choose in summon our recruitment policy's some of the time suggests place it on merit only, rather than look at the performance and the money that might have been spent in training a person to better themselves, we don't seem to look at that criteria so much as we look at the merit principal of some unknown quantity somewhere outside there that maybe has a slightly higher education or something. So I think we have conflict already in the career path area and I don't want to dwell on that to long, but I think it is open for those that do get on that career path that are the understudy of the C.A.O to be selected if they have the ability for that job in some future time. Maybe take them a little bit longer than they would have liked to if you do have a good C.A.O. that stays for a while. But I guess if it is a good C.A.O. that's offered extension beyond the 5 years and the staff immediately under them would be only to pleased to work with him, because they would see that it is happening and the results were there. I also believe that were the amendment to go through and you did have the situation where you had a real you beaut C.E.O. that everybody wanted to keep on, then the Assembly on the day would simply change that provision and keep him anyway so I don't think it's of much consequence either way. I would prefer not to support it. I would prefer to leave it as it is and I think that's my stand. Thank you Mr Acting Deputy Speaker

MR SMITH

Thank you Mr Acting Deputy Speaker, there is a couple of factors that come into this anyway. I think the amendment is fine as it stands, but we've also got to consider that even though, I would hope we, we set a precedent by appointing a local person, a Norfolk Island person to be the C.A.O. that that would continue for every, not necessarily the appointment of the Government, but if he doesn't want to do that, but that Assemblies of the future would continue to appoint local people to that position. But the other side of it of course is if we have a person who comes in from outside, they would be limited anyway within their immigration status which is always the way that it has worked. So would be possibly restricted in that area anyway depending how well that C.A.O. performs, Mr Brown is right in the past C.A.O.'s often have wanted to get off the Island as quick as they can rather than stay and go longer than 5 years. However, it must be said with the Public Sector Management Act when it becomes a Act, changes a lot of things and Mr Bates is quite right that if it all goes as it should and we do train people up from within the community to be in these positions, I don't know what would happen after 5 years, if somebody had spent 15 years going through the service and ends up being the Chief Executive Officer, that they are restricted after 5 years. However, of course the Assembly of the time can change that if there is a C.A.O. that is performing to the Assembly's satisfaction, that they could change that particular Clause anyway in the Act. I certainly don't have any problems with the

amendment as it stands. The only difficulty that may arise is the second part, 3 and 3(a) of what Mr McCoy is proposing, is the Executive Directors who

ACTING DEPUTY SPEAKER Mr Smith if I could draw your attention that 3(a) isn't proposed.

MR SMITH 3(a) has been withdrawn. Well there would be no difficulty at all in that situation.

ACTING DEPUTY SPEAKER You may have been out of the Chamber at the time

MR SMITH I must have been out for a brief moment yes. So I support the amendment.

MR NOBBS Thank you Mr Acting Deputy Speaker, I fully support the proposal and as been saying I take the Chief Minister up on the point that if we train the staff, I think that's been one of the problems and this should be the catalyst, I believe for the establishment by the Assembly and the Executive Member responsible and whoever and the Public Service Board when they review the situation for a proper training program and a career path which will ensure that we have people coming through the ranks who can accept the position or compete for and hopefully be appointed to the position of C.A.O. or C.E.O. as it's going to be, from within the service and I would, I believe that Mr McCoy's Motion should be the catalyst which is establishes this and we should all take it in good faith and I fully support it.

MR SMITH Thank you Mr Acting Deputy Speaker, just to pick up on the word if, which Mr Nobbs used. The if refers to the next Assembly who will be dealing with this and the if refers to whether they will continue the training that, I think, most of the Members around the table believe should happen within the Public Service. The if only applied to the next Assembly.

MR ROBERTSON I do say that listening to the debate around the table, particularly the flying words from Mr Nobbs, I'm happy to go either way.

MR McCOY Thank you Mr Acting Deputy Speaker, just to respond to a few things that were said. Yeah everyone is quite correct we have had C.E.O.'s who were employed for, I guess it use to be a term of 2 years with a further extension of 12 months and that system seemed to work in the past. So what I'm trying to achieve here is no different, but the fault I saw with the 3 year term, it didn't create any sense of responsibility, but giving the, what will be the C.E.O. 5 years, gives that C.E.O. that sense of responsibility and as being correctly pointed out, most of our C.A.O.'s has come from offshore by, if my memory is correct, I think we've only had 2 local C.A.O.'s and of course will we continually employ such higher qualified people from offshore. It negates the possibility as people, as I said before, working through the service to become, one day, what will be the C.E.O. and as Mr Nobbs pointed out this should be the catalyst of our new management Bill, Public Sector Management Bill, because like I said right at the start it creates a stimulus within the service and I believe it also, to some degree, will bind this Assembly and future Assembly's to the Public Sector Management Bill and be more committed to provide the training that is set out in the Human Resources Policy and I commend the amendment to the House.

MR GARDNER Thank you Mr Deputy Speaker, I've got difficulty with this amendment, purely for the fact, I think I outlined to Members the other day, I was a bit concerned

that if we had somebody pretty good on the ground and especially somebody local that was able to achieve the position of Chief Executive Officer, for example before they turned the age of 40 years, that there is a possibility if we carry on with this that we would be restricting somebody from, basically a livelihood. In other words we would be chasing them off Island to find a job of a similar nature, especially if they retained the skills, the expertise and the knowledge of the system that we have here on the Island. I just find this one very difficult to be able to give the stamp of approval to, thank you Mr Deputy Speaker.

**MR McCOY** Thank you Mr Deputy Speaker, just a response to that. As has been mentioned many times around the table, any future Assembly can change the Act, so if we do have such a whiz bang C.E.O. I'm sure the Assembly of the day would be more than happy to keep that person on and I know that to some degree would, well wouldn't help the situation that I've tried to elevate.

**MR GARDNER** If I could probably, to use Brian's words, burn our bridges at this time. I think it would probably be easier if we had a difficulty we can change it later on rather than now.

**MR ROBINSON** Thank you Mr Gardner, you have just basically covered the points I wanted to make, so just to inform you that I won't be supporting the second part of Mr McCoy's amendment.

**MR NOBBS** Thank you, I think there is plenty of others that have been chased off the Island for not having the positions available for them, but that's for another day. The other point I put out is that it would be wonderful to have somebody under 40 appointed to the C.E.O. position and I am sure they would get a very good job in Australia. Thank you.

**MR GARDNER** So be it I take that onboard, Mr Deputy Speaker, I think what we're about trying to do and certainly I hope it would have the support of this whole Assembly that we are about trying to retain our local people on the Island, I think this is a disincentive by trying to retain our own people here on Norfolk Island.

**MR McCOY** Thank you Mr Deputy Speaker, no this is a disincentive, because many people who have already been employed in the Public Service saw they had no future of advancing through the service, so they chose to pull the pin, so to speak, or resign, pack their bags and move offshore.

**MR BROWN** Mr Deputy Speaker, throughout the Bill we're talking of merit principals and if we're fair dinkum about merit principals I think that the aspect that John's proposed amendment overlooks is a C.E.O., under the proposal, can't just be reappointed by the Chief Minister at whim. As I understand it, it would involve going right through the application process and you would select the best person at the time and you would appoint him. Now if we accept that that's the case there is something wrong with John's proposed amendment, because it says to us even if the guy is the best available you can't appoint him. Now I think that that's a real problem and it is my mind a problem to such extent that I've decided that I can't support the amendment. Thank you.

**ACTING DEPUTY SPEAKER** No further debate. Honourable Members the question before us is that Mr McCoy's detail stage amendments be agreed .

## QUESTION PUT

Yes we are talking about Clause 2, the balance of them.

## QUESTION PUT

Will the Clerk please call the House

|                 |     |     |
|-----------------|-----|-----|
| MR SMITH        | AYE |     |
| MR BUFFETT      |     | AYE |
| MR BATES        | NO  |     |
| MR ROBERTSON    | NO  |     |
| MR GARDNER      | NO  |     |
| MR ION ROBINSON | NO  |     |
| MR McCOY        | AYE |     |
| MR NOBBS        | NO  |     |
| MR BROWN        | NO  |     |

Thank you the result of debating Honourable Members, the ayes 4, the noes 5. There are no abstentions. The noes have it. That amendment is not agreed. Honourable Members I think we have tackled Mr McCoy's amendments and we have concluded there and we need to now look at the balance of the Bill and I will ask you the question that the remainder of the Bill be agreed to.

QUESTION PUT  
AGREED

The ayes have it. So the balance of the Bill is agreed to and I now seek a final Motion that the Bill, as amended, be agreed. Chief Minister.

MR SMITH I so move that.

ACTING DEPUTY SPEAKER Final debate Honourable Members, Mr Brown.

MR BROWN Mr Deputy Speaker, earlier in today's meeting I indicated that I proposed to seek leave to move 2 amendments to Clause 49 on page 27. I've decided not to seek that leave today, Mr Deputy Speaker, but I thought I should just mention that to Members and I propose to introduce amending Legislation as such time as it is available. I must just briefly explain what that was if I could, Mr Deputy Speaker, because it's important. I was going to propose that at Line 7 of Clause 49 on page 27 from Paragraph D the word retrenchment, sorry, the word voluntary retrenchment be omitted and it be replaced by the words resignation, retirement or voluntary retrenchment and I was going to move an amendment at Line 15, this is the section in relation to the Provident account to require that if a person, having left the service and being paid out his Provident account subsequently came back into the service, he would need to repay to the Provident account the amount which he had earlier received from it. But on speaking with the Legislative Council it has become apparent that that would require, also an amendment to the Provident Account Legislation, that can't be drafted today and I'll simply bring it to Members at a later time.

ACTING DEPUTY SPEAKER Honourable Members the question that is before us is that the Bill that is amended be agreed to. In other words final debate on the Bill that we have debated for

this morning. Is there any final participation in this debate. No final participation then I'll put the question.

**QUESTION PUT  
AGREED**

The ayes have it. The Bill as amended, Honourable Members, is agreed to.

**FIXING OF THE NEXT SITTING DAY**

**MR BATES** Thank you Mr Deputy Speaker, I move that the House at it's rising adjourn until Wednesday the 9<sup>th</sup> February in the Year 2000 at 10am.

**MR NOBBS** Mr Deputy Speaker, I understand there's a need to report, is the committee going to move that.

**MR GARDNER** Thank you Mr Deputy Speaker, the Motion that was passed through the House yesterday in regard to the formation of the Select Committee. One of the terms of reference of that committee was that that committee report back to the House within 14 days. Indeed that hasn't been overlooked. The matter is as Members are aware, it requires an approach to the Administrator by 3 Members of this Assembly to call for a sitting of the House and I think that's the avenue that we would prefer to pursue. That in the event of that Bill being available within 14 working days of the date of that Motion, if we have it prior to that date we would be able to come to the House to present that report to the House at that time.

**MR BROWN** Mr Deputy Speaker, I have no difficulty with the date being set as the 9<sup>th</sup> February on the understanding that an earlier meeting can be called. I may need to seek to call an earlier meeting in relation to what, I believe, was a significant misleading of the House by one of our Ministers yesterday and I have in mind, at present, that I may seek an early meeting of the House with view of appointing a Select Committee to look into that, but that to can be done by application of the Administrator.

**DEPUTY SPEAKER** No further debate. The question is that we will meet on Wednesday 9<sup>th</sup> February 2000 at 10am.

**QUESTON PUT  
AGREED**

The ayes have it.

**ADJOURNMENT**

**MR NOBBS** Deputy Speaker, I move that the House do now adjourn.

**DEPUTY SPEAKER** The question is that the House do now adjourn. Is there any participation in the adjournment debate. Mr Nobbs if you want first call.

**MR NOBBS** Well I will pursue it certainly. Thank you very much, Mr Deputy Speaker. It's the final call of the year this one, I think it will be. I can't see them getting their report through within, before the 1<sup>st</sup> January, well before Christmas anyhow at least.

Therefore I'd just like on behalf of Marleen and myself to wish all the Members of the Norfolk Island community a very merry Christmas and a safe Christmas, hopefully, and a very happy and prosperous New Year. Mr Deputy Speaker, we're moving into a the new Millenium, as they seem to call it now. I was out, actually doing a little bit or work yesterday morning before the meeting and I was thinking then that what would Norfolk been like at this time 100 years ago and I was, my thoughts went back to the, as I was actually on the edge of the Melanesian Mission that it was a full blown Melanesian Mission going at that time. That our first lads were preparing themselves to go to the, as first Norfolk Island representatives, in the theatre of the Bore War and all these sort of thoughts went through my mind and I'm just wondering what people will be thinking of this fairly lengthy Assembly meeting in a 100 years time, probably not much at all. But anyhow I'd like to wish all the members of the community and also my colleagues in the Assembly from Marleen and myself all the very best for the coming year.

**MR ROBINSON** Thank you I'd just like to echo what Mr Nobbs has said and that it's interesting that just over 104 years ago Norfolk Island still had full internal self-government. We haven't got back there yet, but have a good New Millenium folks.

**MR BROWN** Mr Deputy Speaker, I was just keen to extend wishes for Christmas and New Year to all of my colleagues, to the entire community on Norfolk Island and all of those with whom we deal in Australia.

**MR BATES** Thank you Mr Deputy Speaker, I to on behalf of my family and myself would like to join in wishing my fellow colleagues and their families, Assembly and Administration staff and their families and all on Norfolk the very best for the festive season. I remain unsure if next year is the last year of the 20<sup>th</sup> Century or the first year of the 21<sup>st</sup> Century, but whatever it is, to each one of you I hope it brings with it all you hoped for. I feel honoured to be a Member of the Assembly that takes us out of the 1900's and into the 2000's. I believe there's never a Century to witness such wonders as the 20<sup>th</sup> Century as, but I won't attempt to elaborate on them, because there's also been a Century where man's inhumanity to man has also probably out done any other Century. It was only earlier this week that I heard on the radio that there are 600 million children in the world living in poverty. What this does tell me though is that we live in a very special part of the world and it is my wish that keeping that way through the 21<sup>st</sup> Century and beyond will be the number one priority of all who have the privilege of serving in this Chamber in the future. Thank you.

**MR ROBERTSON** Thank you Mr Deputy Speaker, sentiments that have been expressed before me are mine as well and Ber's, but the one interesting thing I think is that this year, probably, we have more of our locals returned than has been in Christmas's before and I guess this is because of the Millenium whether it be this year or next year, seems to have attracted and there's been extra effort to ensure that the celebrations that take place are done in a fitting manner and to this end I would like to congratulate the Millenium Committee that has worked tirelessly over the last 9 months to ensure that whatever happens on New Year's Eve is a successful and bright, in fact it will be bright, because I understand that the firework displays will be happening on 3 occasions. This year has been an interesting one, as far as the Members of this Assembly are concerned. There's been a couple of changes to Members, been a slight hiccup with one, but pleased to see Ron's back in the seat again, because without him Questions without Notice would probably be reduced to half an hour, but they have been interesting questions and I enjoyed the camaraderie that is within this Assembly, it's been excellent and one that whilst has been the view little parries and thrusts from time to time, in general, the Members have been able to accept their responsibilities and work towards a common good, which is the betterment of this Island and

the people in it. So I extend a very Merry Christmas and a prosperous New Year, particularly in the Year 200, to each and every one of these people on this Island.

MR SMITH Yes thank you Mr Deputy Speaker, just picking up what other Members have said and particularly what Gary has said. We are drawing to the end of the year 1999, we're drawing to the end of our term as the 8<sup>th</sup> Legislative Assembly and also the end of the 19<sup>th</sup> Century, whether the Millenium is the next year or the year after is not the point I'm making. Just like to reflect on this year, preparing Norfolk Island, I think, for the Year 2000 and the things that this Assembly has achieved and done, not to everybody's satisfaction, but particularly some major things that are around may provide for the future in Norfolk Island with gaming and other things, but a new way of doing things with this Assembly. I think we're getting close to the end of our term having got on fairly well and been through some fairly major issues, but importantly we passed a Bill, Public Sector Management Bill, that has probably had more consultation with people within Norfolk Island than anything else before and it is certainly the way to handle things in the Legislative Assembly arena rather than, as has been sometimes in the pass, where certain Legislation has just gone ahead without the consultation hasn't worked and I hope that we've set a way of dealing with major Legislation with consultation, as we have done with this particular Bill and I pay compliments to the people who have been involved in that, including all the Members around the table here who have had a lot of input into such things. Finally, briefly, I know Mr Deputy Speaker you are going to say some words that you would have said last week, but I would wish everybody a very good Christmas and a happy and prosperous New Year and finally I would just like to thank all the support, to people who have supported my family in the recent week. Thank you.

MR McCOY Thank you Mr Deputy Speaker, I like my colleagues here would like to extend my seasons greetings to the colleagues in the House and also to the entire community of Norfolk Island, especially the younger folks out there. This is, of course, the festive season and I do say to the younger people on the Island, yorly take it easy this Christmas and make sure everybody sees it through to the New Millennium. I also extend my deepest sympathies to the Hassen and BUFFETT family, because I attended a funeral the other day which touched me like no other funeral has before on the Island and I hope that I don't attend a funeral like that again in my life time. I would like to see anymore of our young Island people be driven to such a drastic measure. So apart from all that I wish everybody a fantastic, not only New Year, but for the whole of the Millennium that you will be seeing.

MR GARDNER I don't want to be left out Mr Deputy Speaker, I would like to, if I could, pass on to all of my colleagues in the Legislative Assembly and their families, to the staff of the Legislative Assembly, Madam Clerk, Deputy Clerk when she is acting in that role and other support staff of the Legislative Assembly and their families, to all of the Administration staff and their families and especially to those that have provided very valued advice and support to me over the last 12 months in my first 12 months as an Executive Member. To the whole of the community of Norfolk Island, friends of and visitors to Norfolk Island I extend to you all my best wishes for a very Merry Christmas and a very safe and prosperous New Year.

DEPUTY SPEAKER Honourable Members maybe I could conclude from the Chair at today's sitting, by also saying to each of you and to your families very, very warm wishes for Christmas and the New Year of 2000, all of your families warm wishes. May I also add to the thoughts, that have been mentioned by Members in appreciation and wishes to those who are people who have responsibilities in this House to provide support services to us, the Clerk and the Deputy Clerk as already been mentioned and those others that play a very meaningful role. Those

who are in the Public Service who play a significant role in supporting the things that we endeavour to do in the Legislature here in Norfolk Island. May I also extend that to those who perform roles in statutory bodies and various services within the Island, the health services, the police services and the various statutory bodies that play a very meaningful and in the most case voluntary role in ensuring that our community is very well looked after. In the widest sense in the community, may I offer on our behalf where that may be necessary and certainly on behalf of Margaret and myself, warm wishes to everyone who lives in Norfolk Island and also to those who are visitors. The strangers who are within our gates at Christmas time. They are indeed welcome and we find it an honour that they share the festive season with us, especially when it is Millennium time and again without entering into the debate as to whether this is the last or the first, I have a view of course that next year is the last, but that may not be shared by everyone, but the Millennium concept and those who are here in the Millennium concept, we are delighted that they are here to share it with us, particularly when many of them are our own people who might live abroad and who have come to share it with us. That's absolutely wonderful, absolutely wonderful. Warm wishes to all of those people, may I say a safe and courteous New Year to everyone. Being courteous and well meaning has a great meaning in Norfolk Island's context. We continue to live in challenging times in Norfolk Island, very challenging times, but to ensure that we will be able to make achievements we need to ensure that we preserve the customs and the heritage that are of this place. That is why we're different. That's why we are not an anomaly, but are of substance on our own account and it is that which will ensure that we are able to meet the challenges that come along and that which will allow us to go where we need to go as a community together and I'm confident that in the year and the years that are ahead that we will be able to do that, provided we are prepared to do it together, I'm confident that we can. Honourable Members if there is no further debate in the Adjournment debate, I will put the question that the House do now adjourn.

QUESTION PUT  
AGREED

The ayes have it. Therefore this House stands adjourned until Wednesday the 9<sup>th</sup> February in the Year 2000 at 10 o'clock in the morning.

