

HANSARD

## **PUBLIC SECTOR MANAGEMENT BILL 1999**

MR GARDNER Thank you Mr Acting Deputy Speaker we had suspended earlier business of the House and had indicated that it would come on before Order of the Day No.5, I just wonder if we may be able to return to that matter.

ACTING DEPUTY SPEAKER I thought it was after Order of the Day No.5, but yes Mr Gardner. The question is that we revert to notice Appointment of a Select Committee. I'm not too sure who has the call but Mr Gardner you were going to provide some additional information.

### **APPOINTMENT OF A SELECT COMMITTEE**

MR GARDNER Certainly Mr Acting Deputy Speaker I have copied a letter from the Public Service Association, which I intend to distribute to Members in a few minutes. I have also sought advice from the Crown Counsel in relation to this matter and certainly it is on her advice that I draw your attention, Mr Acting Deputy Speaker, to Standing Order 72(a). By that I'm seeking to go in camera, Mr Acting Deputy Speaker, to provide that information and to give some background into the allegations that have been made.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Honourable Members Standing Order 72(a) provides that a Member may not refer to the conditions of service or conduct of a named or identifiable officer, unless the House has on motion duly moved without notice, which to exclude strangers and suspend broadcasting of this proceeding. I therefore seek an appropriate motion, to this effect, if Members wish to debate the matter, which falls within the ambit of this standing order. Mr Brown.

MR BROWN Could I ask a question, Mr Acting Deputy Speaker, is it proposed to talk of the conditions of service or conduct of a named or identifiable officer or are we talking of a Minister or both. Not having seen the letter, I don't know the answer to that question.

ACTING DEPUTY SPEAKER I haven't seen the letter, perhaps Mr Gardner.

MR GARDNER It's intended by utilising Standing Order 72(a), Mr Acting Deputy Speaker, to cover in particular and protect the good name of those people involved, including an employee of the administration.

ACTING DEPUTY SPEAKER Thank you Mr Gardner, do you wish to move the motion then.

MR GARDNER I certainly do Mr Acting Deputy Speaker. I move that strangers be excluded and that broadcasting be suspended.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. The question is that strangers be excluded and that broadcasting be excluded. I put the question.

QUESTION PUT  
AGREED

I think the ayes have it. It is agreed that strangers are excluded and that broadcasting is suspended. If we could just pause for a moment.

MR GARDNER Are we ready. Mr Acting Deputy Speaker the paper that I have circulated to you raises the subject of an allegation into political interference and intimidation in this selection process. It doesn't deal with the names of the persons involved, again on Crown Counsel advice, I have been advised that the names should not be mentioned and neither should the content of the allegations, as that is a matter for the Committee of Inquiry to deal with and seek the relevant facts on. May I just add here that the Public Service Association have been copied with a detailed allegation and it is the Public Service Association that are providing the necessary legal counsel to the officer who is involved, who has made the allegation and has advised to her, the officer, not to provide detail of that for distribution until they have received legal counsel on the matter. I have pointed out to the PSA that any evidence produced to an inquiry is covered by relevant provisions of parliamentary privilege and that I sought to establish this committee to investigate the matter and the allegations that have been made. I do not as yet have a copy of the allegations, but I have certainly discussed them in camera, with the persons involved, all parties involved.

ACTING DEPUTY SPEAKER Thank you Mr Gardner could I just clarify one point, are you tabling that letter from the Public Service Association that has just been distributed

MR GARDNER I request that that remain confidential and that it will then form part of the papers called for by the committee.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate.

MR GARDNER This is really to demonstrate that there is, that an allegation has been made and that it's not purely just hearsay or myself constructing some sort of allegation. But I am satisfied that there are allegations that require answers and require investigation.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Just to clarify Members we are still debating Mr Brown's amendment, as I understand it. Mr Brown



MR McCOY Thank you Mr Acting Deputy Speaker I believe it points it out quite clearly in part A of Mr Gardner's motion that a select committee be appointed to inquire into and report upon whether the alleged political interference by an Executive Member in a selection process of position of Cultural Affairs Advisor has any foundation in fact. Now I believe, as Mr Gardner has tried to outline, that this is simply what he is trying to do. To bring together the information as whether any interference took place at all and I am very supportive of what Mr Gardner is trying to achieve here. I do understand Mr Browns difficulty with the circular, the PSA circular or letter, correspondence, because they can not or have not pointed the allegation. They have indicated that interference or intimidation has happened and coercion of a PSA member. Obviously the PSA has had a complaint from one of their members, which is all the PSA can do, is to provide a letter like this. Which says to me, that a complaint has come from one of the members and then believe the next step is what Mr Gardner is trying to achieve. We gather the information to see if the complaint that has gone to the PSA is worthy of the Assembly's attention.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Is there any further debate. Mr Ion Robertson

MR ION ROBERTSON Thank you. Geoff I realise that you have looked into this as independently as you possibly can. On Friday you advised that there was allegations of harassment and now today we have changed the wording harassment.

MR GARDNER On Friday, Mr Acting Deputy Speaker, just in reply to that. On Friday when I discussed it at Executive's and raised the issue at meeting of Members, I quoted directly from this letter that has been circulated regarding the alleged political interference, allegations of political interference. I don't think I used the word harassment or harassed.

MR SMITH Mr Acting Deputy Speaker I understand that you talked about this in the House this morning.

ACTING DEPUTY SPEAKER Yes

MR SMITH So therefore this has already been talked about in public. So therefore, the appointment of a select committee because of what happened this morning and I assume there's an amendment that John has got to this motion.

ACTING DEPUTY SPEAKER Can I just clarify for you Mr Smith that the matter was not decided this morning. We suspended it to allow this letter to come forward. So there has been no decisions made on and we also have an amendment to one 1(c), which is what we are debating at the moment and I will read that for you. He has moved that we add 1(C), whether any other influence, whether political, administrative or otherwise in the selection process of position of Cultural Advisor has occurred and we are debating that

amendment at the moment. So is there any further debate Honourable Members. Mr Brown

MR BROWN Can I just say, Mr Acting Deputy Speaker, this letter, the noting of material other than this letter, Members will understand this is all I've seen. This letter is asking that the Assembly provide the PSA and it's members and all staff with a written assurance that the processes of recruitment and selection, except for the most senior management positions, remain an administrative function and not a political one and that the Assembly will not endorse, condone or in any way support political interference or influence in these processes. I'd have thought that we are in a position to respond to that and say yes that's quite right.

MR GARDNER I have already done that.

MR BROWN The letter doesn't seem to be asking for anything more than that and the letter doesn't contain an allegation of the Public Service Board being pressured by anyone.

MR GARDNER As a result of that letter, Mr Acting Deputy Speaker, I replied in the terms that John's just said and had received a request from the Public Service Association to meet with them, towards the end of last week. I met with them towards the end of last week and with the person making the allegation and was satisfied at that point that there needed to be some answers found, one way or the other, in regards to the allegations that were made. That they were of a particularly important nature, as I think I said to Members this morning, I searched high and low for the options and discussed with some Members of this Assembly, possible options of dealing with this matter and as I said this morning, subsequent to the receipt of this letter I was made known of the fact that the Public Service Board, in relation to this particular position, had decided to re-advertise the position of, had provided advice seeking, I understand it from the CAO, his sanction to re-advertise the position for the reasons that I outlined this morning. In other words, that the skill base wasn't here to fulfill the requirements of the duty statement on Norfolk Island and that it would be unfair to put somebody into that position. As a result of receiving that advice and also as a result of receiving the concerns of the Public Service Association that there was perceived to have been a flow on affect of the allegations of political interference to the Public Service Board, I believed that the only way to investigate that and to correctly investigate it and find the truth out was in the establishment of this select committee.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate on the proposed amendment. There being no further debate Members are quite clear on it, I'll just read it again. It's moved by Mr Brown that 1(c) be added and that reads whether any other influence, whether political, administrative or otherwise in the selection process for the position of Cultural Advisor has occurred. I put the question that the amendment be agreed to



ACTING DEPUTY SPEAKER No so that motion is agreed. Mr McCoy is now the proposed member of the committee, along with Mr Gardner and Mr Robertson. Resume on the question that the motion be agreed to as amended.

QUESTION PUT

Could the Clerk please call the House

MR SMITH	AYE
MR BUFFET	ABSTAIN
MR BATES	AYE
MR ROBERTSON	AYE
MR GARDNER	AYE
MR ION ROBERTSON	NO
MR McCOY	AYE
MR NOBBS	AYE
MR BROWN	NO

The results of the voting Honourable Members is ayes yes, noes 2 and one abstention so the motion is agreed. To clarify that the motion amended is agreed with Mr Bates being removed from the committee and Mr McCoy being included.

MR ROBERTSON Mr Speaker could you just clarify that last count again please.

ACTING DEPUTY SPEAKER The count that we have here is the ayes, in favour, is 6, against was 2 and 1 abstention.

MR ROBERTSON Thank you.

MR GARDNER It resumes automatically does it.