

**PRAYER**

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

Gentlemen please remove your coats if you wish. We move to Condolences, Mr Buffett.

**CONDOLENCES**

**DEPUTY SPEAKER** Thank you Mr Speaker. Mr Speaker, it is with regret that we record the passing on the 24<sup>th</sup> December of 1999, Christmas Eve on Norfolk Island of John Oliver Anderson. Jack Anderson was the husband of Mae and the father of Wendy, Tania, Brendon and Darren and older brother of Skeet and Puss Anderson. Jack was the son of Geggie and Murray Anderson and lived most of his 68 years in Norfolk Island. He was born here on the 25<sup>th</sup> February in 1931. Completed his formal education at the Norfolk Island Central School. He took up an apprenticeship as a carpenter with the late Charlie Bailey. Jack Anderson was a skilled carpenter and he undertook his trade for most of his adult life. He worked with his father Murray Anderson, building many homes in this Island. He also worked with the Norfolk Island Administration and since 1972 he worked with the Restoration team in parting his significant skills in the restoration and in the maintenance of the historic buildings in Kingston in Norfolk Island. He also extended these skills as an excellent boat builder. He was a keen fisherman, a keen sportsman, cricketer, tennis and at golf. Jack had a wonderful knowledge of Norfolk Island's heritage, Mr Speaker, a knowledge which gained him some fame after being interviewed by Ray Martin of 60 Minutes, the Australian television program, when they were doing a series on Norfolk Island. Jack will be missed, Mr Speaker, not only by his immediate family, but also by his mates in the Restoration team. To Mae and to Wendy, Tania, Brendon, Darren to Skeet and Puss and to granddaughters, to daughters in law, Sandy and Juinita and son in law, Barry and Jack's grandchildren we do, Mr Speaker, extend heartfelt sympathy.

**MR SPEAKER** Yes thank you Mr Buffet. Honourable Members as a mark of respect to the memory of the deceased, I ask that all Members stand in silence please. Thank you Honourable Members. We move to the rest of the programme. Mr Buffet I'll ask you to take the Chair. While you are coming up here we look to the first item on the agenda, Mr Bates.

**MR BATES** Thank you Mr Speaker, I move that so much as Standing Orders be suspended as would prevent the House from only dealing with the matters set out in the programme.

**MR BROWN** Mr Deputy Speaker, I wish to move an amendment to the affect that all words after that be deleted and the following substituted in their place, that this sitting be suspended until Wednesday 19 February 2000 at 10am. Mr Deputy Speaker, I move that Motion as a mark of respect to the family of a former, recently former Chief Minister who have suffered a fairly significant family tragedy in recent days.

**DEPUTY SPEAKER** Thank you Mr Brown. Mr Brown has moved an amendment to the first Motion that is before us Honourable Members. Debate Honourable Members. No debate then I put the amendment to you Honourable Members. Just to read it again as I understood Mr Brown and please correct me if I didn't take the words out correctly

whilst you were reading them. All of the words after that be deleted and in it's place these words be put, that this sitting be suspended until Wednesday the 19<sup>th</sup> January 2000 at 10am.

### QUESTION PUT

Would the Clerk please call the House.

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

The result of voting Honourable Members, the ayes 3, the noes 6. The noes have it.

MR BROWN Can I move a further amendment Mr Deputy Speaker. I move that after the word programme, the following words be added, together with such other matters as may be granted leave by the House.

DEPUTY SPEAKER Thank you. Mr Brown has a further amendment which reads after the word programme, together with such other matters as may be granted leave. Debate Honourable Members, Mr Brown.

MR BROWN Mr Deputy Speaker, notice has been given of a Motion to, in effect, bring to an end this Legislative Assembly. At our last meeting I introduced a Motion which would, had it been passed, have had the effect of changing the present situation in relation the members of the public service, being at the same time Members of the Assembly. It seemed to me that a significant proportion of Members at the time supported the concept of this question going to Referendum and I propose that during today's meeting to seek leave to move a Motion calling for a Referendum on that question. Mr Deputy Speaker, according to my understanding of our Standing Orders, it was not possible to move this Motion in the time between our last meeting and today's meeting because insufficient time existed. Bearing in mind that normally a meeting occurs on a Wednesday rather than on a Monday. But be that as it may, I will be seeking leave to move a Motion calling for a Referendum on that question later in the meeting and I simply seek that Mr Bates Motion be amended so as to enable me to do that.

MR SMITH Deputy Speaker, can I ask if Members have any other things, beside what Mr Brown has just made.

MR ROBINSON Thank you, at one stage there was an intent to amend the Firearm's Act but after speaking with Canberra earlier today, that was found not to be necessary.

MR NOBBS I've got nothing, but I support that if that's the only proposal on the, that somebody is going to bring forward, I'll support it being forward today and debated for sure.

DEPUTY SPEAKER No further debate. Honourable Members I will put the amendment to you, which are the words earlier read, that after the word programme together with such other matters as may be granted leave.

QUESTION PUT  
AYE

The ayes have it. The Motion is so amended thank you. Is there any further debate in respect of the amended Motion. No further debate. Honourable Members I will put the amended Motion to you. It is the original Motion with Mr Brown's second amendment added to it.

QUESTION PUT  
AYE

The ayes have it. We move to Notices and in terms of that first Motion it is a report of the Select Committee.

## **NOTICES**

### **REPORT OF THE SELECT COMMITTEE**

MR BATES Thank you Mr Deputy Speaker, I move that the recommendations of Page 11 of the report tabled in the House on the 5<sup>th</sup> January 2000 by the Chairman of the Select Committee appointed to enquire into allegations of political interference and intimidation be debated and voted on paragraph by paragraph. Thank you Mr Deputy Speaker, Members will be aware that at the meeting that we had last Wednesday, the report was tabled, it was noted and it was agreed that some of the evidence should be circulated and it was also agreed that certain pages be published for public information and comment. But at that stage it really left the report in limbo and as much as there were recommendations there I have no firm views on those records, but that point in time we hadn't had time to absorb them, but I thought it would be a shame if we had a report that was simply noted and recommendations not, at least discussed, in this forum and with that in mind in endeavour to have this meeting brought forward today to clear the matter up and to discuss those issues.

MR BROWN Mr Deputy Speaker, I can understand Mr Bates point of view here. I wonder if he could assist me by advising of just what aspects of these recommendations are not already covered by the work that's been done over the last year or so. No doubt there are some and if he is able to point them out that would be helpful to me.

MR BATES Thank you Mr Deputy Speaker, I think collectively it would be a little bit difficult for me to answer that question without going through them point by point. If it is the intention of the House to go through them point by point, then I'd certainly do the best I can to, the best of my knowledge, keep Mr Brown up to speed with those issues. No doubt other Members have feelings on a number of them.

MR BROWN Mr Deputy Speaker, it's my understanding that we have spent a very significant amount of money and time over the last two years, two and a bit years, in trying to resolve issues such as these and it was my understanding that we thought that we had taken account of all of these things. If that's so then the recommendations may have already been taken account of in the Public Sector Management Bill that we recently passed and in the

discussions that we have recently had. Now if that's not so, then something's pretty dreadfully wrong. If we have spent something, which was probably well in excess of \$100 000 between consultant's report, public service time, MLA's time, Ministers time and if in spending all of that money we haven't properly addressed these issues, you have got to ask the question did we waste our money. Alternatively you've got to ask the question did the Select Committee, acting with the benefit of whatever advice was available to it, overlook the fact that all of these issues should have been dealt with, in terms of the Public Sector Review process that we have just gone through and in the event that these issues were not dealt with, I wonder if any of the Members of the Select Committee are able to assist us by telling us just what went wrong when we spent all of that money and didn't deal with the issues. I'm not sure of the answer to that. I'd be interested to hear the views of other Members.

MR BATES

Thank you Mr Deputy Speaker, I had intended to keep my comments on the various sections of this until we got to that particular section rather than just jump all around, but since Mr Brown has put it that way, I'm not certain that 4(3) for instance has been solved by the Public Sector Management Bill. I think there was some suggestion in the John Howard Report that Members of the Assembly should have, this role should be more clearly defined. Just so people know what I'm talking about, that particular paragraph reads that a code of conduct be developed for Members of the Legislative Assembly of Norfolk Island. In particular in relation to Members dealing with members of the public service and the community at large. There is present in other jurisdictions for such a code. I've been a little bit critical sometimes of the actions of Members in their relationship with the public service and especially Executive Members, but I probably, as much as anyone clearly or not clearly, but I have a view as to how this sort of thing may develop and it's very clear that in our infancy in our role of internal self-government and roles not clearly defined and also the lack of support structure for Executive Members. That Executive Members have taken on a much more doing role than maybe they would in other legislatures. But I think we have made mistakes in that area. I think we've made mistakes especially where Executive Members have gone into that with public servants on the mainland. Where they should, I believe, be sending their public servants into battle and retaining that arm's length control over things like that. I think we have made mistakes. I think we've even had Executive Members thinking that their really section heads when their not. I and think, I'm not criticising anybody, but I think it's part of our development and I think we need to, now it's time for change in that area, I believe, and to get it on a proper footnote. So that's one matter that I don't think has been resolved by some of these other issues, but I'm interested to hear what other people say and if we talk about the paragraphs one by one then these things can come out at the time.

MR NOBBS

Thank you Mr Acting Deputy Speaker, I would just like to address the first line of this. Flowing out of the evidence tendered to it the committee believes it appropriate to make the following recommendations and observations and it lists a number of them. I would like to make one other point in relation to the complaint that was made against a Minister. It relates to parliamentary procedure and is in my opinion extremely serious. For it went to the very heart of parliamentary democracy as we know it. The complaint implied the Minister crossed the line of demarcation, which parliamentarians accept as the doctrine of separation of powers. The doctrine requires a distinct separation of the three arms of government, the legislature, the judiciary and the administrative service. The complaint made against Mr Robinson suggests that he quite wittingly progressed beyond his role in the legislature and moved into the realms of the responsibilities of the administrative service. I'm not commenting here on whether it was right or wrong, I'm just saying that it was a complaint. We seem, Mr Deputy Speaker, to have forgotten that the complainant, Mrs. Evans is well versed

in parliamentary procedure having served as a Member of this House and held for some time Ministerial responsibility. Mr Deputy Speaker, I look to certain reports which have, as Mr Brown said, cost us heaps. The Howard Report for instance, which he said cost \$100 000, I wish it did, I mean I think the consultant got nearly \$100 000, the rest of it I'm not to sure, but I would say 200 might be closer to the figure. The Howard Report dealt with, amongst other things, Norfolk Island's system of Government and the report commented the present arrangements guiding the formation, operation of government rely to heavily on borrowing precedence and traditions from the Westminster System and to little on the practicalities of governing a small Island community. I'm not proposing to discuss the obvious weaknesses of the past 20 years of self-government except a second the Howard report quote. What I wish to draw on is the fact despite such a statement the Howard Report did specify under the Section titled the Role of Executive Member some very specific observations and recommendations. Listed were activities that Executive Members should rely on management to do and I quote one. To attend to personal matters, including the hiring and termination of staff and their terms and conditions of employment. So the Howard Report to me, Mr Deputy Speaker, is very clear on this responsibility. As a result of the Howard Report we have seen a passage through this House of a new Public Service Act and provided to Members, outside this House, a draft Human Resource and Procedure Manual. Members received a copy of the latter in early December under covering letter from Mr Rod McAlpine, Program Manager, Corporate Services and Deputy C.A.O., dated the 3<sup>rd</sup> of the 12<sup>th</sup> 99. The draft Human Resources Policy deals with recruitment process and states that no information on the interview process is to be given to interviewees, including the successful application until the interview report and the letter of appointment have been approved by the C.E.O. Thus no information on the selection would be made available until the final approval was in place. This is what one would expect and I question why it did not happen. The immediate answer is that the document quoted is purely a draft and not in force, but all are aware of it's existence. What is in force, Members were provided in early 99 with a document and a covering letter also from Mr Rod McAlpine, which contains current Human Resources Policies. Two are relevant to the current case. Section 2(4)(1) and 2(4)(2) deal with staff selection and I quote from one of these. All staff selection to vacant positions shall be on the basis of merit. That is based on assessment of skills, qualifications, knowledge, experience and personal qualities which are relevant to the duties of the specific position, end of quote. These two documents date (a) the current requirements are and I will deal with them briefly. The first is following the interview process and these are currently in place, following the interview process a report must be prepared with recommendations of the selection panel. The interview report will form part of a submission to the Public Service Board for consideration and decision and (c) the third point. The Public Service Board shall notify the outcome of that submission and the successful and unsuccessful applicants shall then be notified in writing. These, Mr Deputy Speaker, are not new. The procedures were first introduced in 1989, revived in October 1993 and reviewed in November 95. I think, Mr Speaker, that the inference from reading these policies is pretty clear. No applicant shall be advised until the procedures of approval are complete. Given the documentation available in recent times on the subject, it is difficult to understand how a senior public servant and a Minister would act as they did. I would wish to provide Members and others with a chronological of order of events, which I have tried to put together of what actually happened with this whole exercise. On the 23<sup>rd</sup> of September 99 the Public Service approved the position, job description and salary scale of the Cultural Officer position. It was advertised, I understand, the job was advertised on the 23<sup>rd</sup> of the 9<sup>th</sup> and the 2<sup>nd</sup> of the 10<sup>th</sup>. Four local applicants were received and all were interviewed. On the 22<sup>nd</sup> of the 11<sup>th</sup>, the selection panel's recommendation was submitted to the Public Service Board. On the 29<sup>th</sup> of the 11<sup>th</sup> 99, I understand that Mr McAlpine advised Mrs. Evans that she is the preferred candidate. On the 2<sup>nd</sup> of the 12<sup>th</sup> an applicant other than Mrs. Evans was invited and did address

the Public Service Board. On the 2<sup>nd</sup> of the 12<sup>th</sup> at the same meeting, the Public Service Board did not confirm the appointment of Mrs. Evans as the Board had had not sufficient time to assess the report. On the 3<sup>rd</sup> of the 12<sup>th</sup>, I understand Mr McAlpine advised Mr Robinson, on his return to the Island, of the successful applicant. On the 10<sup>th</sup> of the 12<sup>th</sup> the alleged incident occurred between Mr Robinson and Mrs. Evans. On the 10<sup>th</sup> of the 12<sup>th</sup>, the Public Service Association advised the Chief Minister and the Head of the Norfolk Island Public Service of the allegations made. On the 16<sup>th</sup> of the 12<sup>th</sup> 99 Mr Gardner, acting as position held by the Chief Minister, advised the Public Service Association of his role and requested advice as to allegations. On the 17<sup>th</sup> of the 12<sup>th</sup> Mr Gardner met with the Public Service and on the 17<sup>th</sup> of the 12<sup>th</sup> 99, Mrs. Evans was refused permission to her grievances with the Public Service at it's scheduled meeting. On the 17<sup>th</sup> of the 12<sup>th</sup> 99 the Public Service Board, at it's meeting, did not fill the position, sought to redefine the position description on the basis of discussions between the C.A.O. and the Chief Minister and decided to re-advertise the position. On the 20<sup>th</sup> of the 12<sup>th</sup> Mr Gardner recommended that a Select Committee be set up by the Assembly. Mr Deputy Speaker, I needed to bring those into line for what I about to say. I accept the committee had a extremely difficult task, Mr Deputy Speaker, picking up the evidence after the crime area had been trampled on by outsiders and others. The matter should have been dealt with immediately the complaint was aired on 10<sup>th</sup> December.

MR BROWN Point of order Mr Deputy Speaker.

DEPUTY SPEAKER Point of order, Mr Brown.

MR BROWN Mr Nobbs has referred which he described as the crime area. With respect that would appear to be a breach of our Standing Orders in that it appears to cast an unfavourable light on a Member of the Legislative Assembly and it should be withdrawn.

MR NOBBS Mr Deputy Speaker, I thank Mr Brown for that interruption, I really needed a drink, but I put the crime area in inverted commas, but I couldn't say that over the air. But if it offends anybody I willing

DEPUTY SPEAKER I think it would be best if you were able to choose some other words.

MR NOBBS What I was trying to say was that it was sometime after the event and there had been a lot of toing and throwing going on from the 10<sup>th</sup> until the 17<sup>th</sup> of the 12<sup>th</sup>, which added to the problems in relation to the committee. The report really provides more questions than answers and these required urgent attention by the Chief Minister and his province, the Public Service and the Public Service Board for. My leading marks coupled with the chronological order of events, suggests that the Minister, undoubtedly, crossed the line. However, not having been previent to the evidence taken, I am unaware to what degree this occurred and I am thus forced to accept the committee's findings as there was no evidence tendered to it suggesting political interference in the selection process. Mr Deputy Speaker, there are a couple of things, which I believe, are not covered in this whole exercise and I would like to ask a couple of questions, which the Chief Minister, I don't expect him but I think that he should be looking into and this is the points that I put out. The first one is where there major breaches of the Administrative Human Resources Policy as existing at the present time. The second one, is it appropriate for an MLA to be involved in the administration recruitment process in any capacity. Who, when and how did the Government and I put that in inverted commas, i.e. I assume they mean the four Executive Members advised the Public Service it had difficulty with

the position specifications. Four, if the Government did not advise the Board, what was the basis of the Public Service decision of the 17<sup>th</sup> December to request the Government to clarify what they were on about. Five, as the Chief Minister discussed with the CAO, the Public Service Board requested to determine such clarification of what the Government wanted with the position and six, and there are heaps more if you really want them, but I've only got six here. What rules are in place, governing an applicant for a position, addressing the Board on a job specification to which they had applied. Mr Speaker, I think that those are issues that should be addressed and I don't see them in Section 4. I'm quite prepared to go ahead and discuss these chapter and verse, if Mr Bates so desires to progress his Motion and I think and I would say now that it is now up to the Minister to take his own counsel and decide should he wish to retain his position under the current circumstances.

MR BROWN

Mr Deputy Speaker, Ron has spoken of the doctrine of separation of powers. It is doctrine he has little knowledge of, with all due respect. The doctrine of separation of powers deals with the separation of the Legislature, that's the Legislative Assembly, the Executive, that's the Government and the Administration, and the Judicature. What Ron hasn't understood is that a person sitting around the table today, can sit here in two capacities. He can sit here as one of nine Members of the Legislative Assembly, including the Speaker, the Deputy Speaker, the Acting Deputy Speaker. At the same time he can be sitting here as one of four members of the Government. Same person, same table, two hats. As a Member of the Government, for example, he answers questions without notice and he answers questions with notice. He may introduce Government Legislation hoping that the Legislative Assembly will support it, but they are two very different positions and Ron hasn't understood that distinction. It is very relevant for a member of the Government to participate in deciding just what type of support the Government needs from the Public Service. There's nothing sinister or wrong about that. This isn't a case and the findings of the Select Committee have said so. This isn't a case where a Minister has alleged to have said to the Public Service Board, hey you're the blokes that make this appointment, appoint this person. The Select Committee found that that was very much was not the case. The Select Committee, interestingly, went onto then criticise the Public Service Board, by saying words to the effect, this is indeed a strange decision, when the Board said hang on a minute we are not all happy about this, we are going to send you all back to start it again. If there was any political involvement in all of this issue, the political involvement came in two places, Mr Deputy Speaker. It came as a result of a Member of the Legislative Assembly being involved in the Public Service recruitment process and I'll say that again. A Member of the Legislative Assembly being involved in the Public Service recruitment process, but that involvement was as a member of the Public Service and that's part of this difficulty that I've been talking about for some time. Of people being the wearers of two caps. The wearer of one cap as a Member of the Legislative Assembly and a different cap as a Member of the Public Service. So there's your first problem and the second problem is the Member of the Select Committee misunderstanding their role and choosing to be critical of the Public Service Board in terms of it's deliberations on appointment of a member of the service. Fortunately that criticism came after the Public Service Board had made it's decision and in no way can that criticism by the Select Committee be said to have constituted any form of pressure on the Board at the time of making it's decision. The simple fact is that the Select Committee found that the relevant Minister had made no endeavor to influence the Public Service Board. Now Mr Nobbs has made reference to Mrs. Evans and I presume that we are taking a view that as Mrs. Evans made the complaint we are happy to use her name. Mr Nobbs made reference to Mrs. Evans having, at a previous time, been a Member of the Assembly and to the fact that she felt intimidated. Now lets look a little further than that. Let's be a little bit more fair. The Select Committee found that there was no intention on the part of the Minister to intimidate Mrs.



MR BROWN Mr Deputy Speaker, it's unfortunate that a running Hansard is not available to us, but my notes indicate that Mr Nobbs has said that the Board advised Mrs. Evans that she was the successful candidate and indeed at a later stage

MR NOBBS Point of order, Mr Deputy Speaker. That's incorrect.

MR BROWN Thank you Mr Deputy Speaker, I'm working from hand written which I made at the time. That's the best material that I have available to me, Mr Deputy Speaker, but certainly that is not that I wrote at the time. Now certainly Mr Nobbs went onto to say that Mr McAlpine later advised Mrs. Evans that she had been the successful applicant. What an amazing thing to say. The Board had not, at that stage, made a decision and yet Mr Nobbs is accusing Mr McAlpine of advising Mrs. Evans that she was the successful applicant. Mr Nobbs says that on the 17<sup>th</sup> December, Mrs. Evans was refused permission to air her grievances with the Public Service Board. Now that's not surprising, Mr Deputy Speaker, in light of the fact that I am totally unaware of any right that anyone has to insist that the Public Service Board listens to them airing their grievances. Mr Nobbs has said that the Minister has undoubtedly crossed the line. Well that's his view. He's entitled to say in my view the Minister has crossed the line, but he's not entitled the Minister has undoubtedly crossed the line. I don't accept that for one moment. In my view the Minister has done his best to do his job properly and frankly that is what was substantiated by the Select Committee Report. This has been a difficult matter, Mr Deputy Speaker. It's a matter, which should have got to the stage that it did. On the basis of absolutely malicious hearsay, this House has been convinced to set up a Select Committee. To have that committee work it's heart out for two weeks to prepare a report. To have that report tabled in the Assembly and frankly that report was, somewhat, disappointing for those that had made the allegations, because it really was a whitewash of the whole affair. It really said look this has been a very significant load of poppycock. Now in so far as the recommendations are concerned and that's what we are looking at today. The first recommendation is that Mr Robinson should make an apology. Now I ask Members why. Mr Robinson has been found innocent of all charges. Why the hell should he apologize to anybody. Why didn't the committee invite Mrs. Evans to apologize for the trouble that she has caused. Why didn't the committee invite the Public Service, if the Public Service caused any of the problem to apologize for the trouble that it has caused

MR NOBBS Point of Order, Mr Deputy Speaker. May I draw your attention sir to the Minutes of the proceedings of the 29<sup>th</sup> December, which of the Select Committee and in it says that Mr Gardner tabled a letter from Mr Brown on which he seeks confirmation that he is not able to be present at the hearing either as counsel for Mr Robinson or as a Member of the Legislative Assembly. My problem now is that we have a architect for the defense operating on my right here and I feel that it's quite inappropriate that having criticized public servants being on the Assembly and alike that a practicing lawyer should bring his cases in front of you Sir, thank you.

MR NOBBS Mr Nobbs if I could respond by saying this. That it is not the role of the presiding officer to adjudicate on those matters. What is my role is to ensure that Members have an opportunity to air their views, not withstanding that they may cover a broad spectrum and for those views to be, to not only be given an opportunity but to also be put in a manner which is not demeaning to all of the processes. In that context, the Chief Minister earlier asked if he could have an opportunity to say something and I have indicated that I will give him

the call to put another view to some of the matters that Mr Brown is raising and I equally have said the same to you and I continue to ensure that you will get the call after that in that context.

MR BROWN Thank you Mr Deputy Speaker, could I ask that, if Mr Nobbs wishes to raise a future point of order he do so by reference to the Standing Orders, because after all the point of order must

DEPUTY SPEAKER Mr Brown I administer the Standing Orders and whilst I am in the Chair and I have just given an indicator of how they will be operating and you have the call to continue your participation in the debate.

MR BROWN Thank you Mr Deputy Speaker, might I first of all address the question of abuse of points of order, because that is something that I am entitled to do. Here we have had Mr Nobbs endeavor to interrupt my debate, on a number of occasions, by calling what he has referred to as points of order

DEPUTY SPEAKER Mr Brown, I have invited you to address the matter in front of the House, that is the Motion in front of the House.

MR BROWN I am endeavoring, Mr Deputy Speaker, to at present address the question of abuse and that is relevant

DEPUTY SPEAKER That is not the matter that is before us, Mr Brown.

MR BROWN I will again ask that if Mr Nobbs wishes to raise a point of order he refer to a particular Standing Order, Mr Deputy Speaker, but might I now proceed. There are many issues, which are raised by this Select Committee Report. Not the least of them, is the question of members of the Public Service being in a unique position in Norfolk Island and able to be both a member of the Public Service and a Member of the Assembly. That in my view, Mr Deputy Speaker, has contributed to part of this problem. Having said that, I do not support the recommendation that Mr Robinson ought to make an apology to anybody. I do believe that the report should have made reference to Mrs. Evans position in having made a false accusation. At the very least, I believe, that Mrs. Evans should have been asked to make an apology and in so far as the remainder of the recommendations are concerned, if any of them has not been addressed in the recently passed Public Sector Management Bill, I would be interested to know which of the recommendations that may be and I would also be interested to know why it is that after spending all the time and money that we've spent on that Bill, which has now been passed, the particular matter wasn't addressed. Thank you.

MR SMITH Yes thank you Mr Acting Deputy Speaker, there's a view things that Mr Brown has said that need clarification. One, he made a suggestion that I had, I can't remember his exact words, but single handily sacked somebody from the Public Service. Mr Brown was a Minister at the time, he would know that is not true and that it is not possible for a Minister to do that. It's up to the Public Service Board. So that out of the way, I am not to sure whether John has got his eyes firmly on the next Motion on the Notice Paper here and is making the best of it, which is to dissolve the House

MR BROWN Point of Order. An imputation against an Member, Mr Deputy Speaker.

MR SMITH If it will help, Mr Deputy Speaker, I wasn't necessarily saying that in a derogatory sense.

DEPUTY SPEAKER I've not interrupted it to be so. Chief Minister.

MR SMITH However I will move of that to the other points that Mr Brown has made. He has done everything today, except talk about the recommendations of the report and raised five issues that I can think of. One is the Public Service Board, one is the Public Sector Management Bill, one is the separation of powers and there was two others, which will come to me very shortly. But I would propose, Mr Deputy Speaker, that we move straight onto what the Motion is about and that's the recommendations and observations of the committee. That they be dealt with in the manner that has been proposed by one of the Members and if we don't propose to deal with them, then I will be moving that the question be put very shortly.

MR BROWN I so move Mr Acting Deputy Speaker.

DEPUTY SPEAKER I am obliged to put that Motion forthwith, however before the appropriate Members pursue that, I did say that I would give Mr Nobbs an opportunity to

MR BROWN Point of order, Mr Deputy Speaker, I have moved that the question be put.

DEPUTY SPEAKER I put the question Honourable Members. The question is that this Motion be voted upon.

#### QUESTON PUT

Would the Clerk please call the House.

MR SMITH	NO
MR BUFFETT	NO
MR BATES	NO
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	AYE
MR BROWN	AYE

The result of voting, Honourable Members, the ayes 2, the noes 7. The noes have it. We continue debate on this matter and if you have concluded, Chief Minister, I have interpreted that you have, but if I have misinterpreted that please say so.

MR SMITH I have at this point.

MR NOBBS Thank you, Mr Deputy Speaker, I'd just like to clarify a point there where I said on the 29<sup>th</sup> of the 11<sup>th</sup>, I understand Mr McAlpine advised Mrs. Evans she was the preferred candidate and no reference was made at that point to the Public Service Board. I would just like to respond to the rest of the comments by Mr Brown, by again quoting from the Howard Report and I quote, the present arrangements guiding the formation, operations of Government rely to heavily on the borrowing precedence and traditions from the Westminster

system and, Mr Deputy Speaker, this is the important point, too little on the practicalities of governing a small Island community. I think that some Members have been in here for a considerable amount of time in the last twenty years. Thank you.

MR BROWN Point of Order, Mr Deputy Speaker. To such extent as Mr Nobbs has been critical of yourself, as the longest serving Member of this House. I raise the Point of Order and ask that the comment be withdrawn..

DEPUTY SPEAKER I do not interpret that a Point of Order is needed there, Mr Brown, thank you. Mr Robinson.

MR ROBINSON Thank you, Mr Deputy Speaker, to allege that a Minister can influence the Public Service Board for political reasons, is to cast dispersions on the independence and the integrity of the members of that Board. When those who made those false and mendacious allegations have publicly apologized to the Members of the Board, I will be less concerned about one rule for one and one for another. Suffice as to say, I have had no intention of offending anyone. If of unintentionally offended anyone by using the words competent, qualified and anthropology, I apologize.

MR BATES Thank you, Mr Deputy Speaker. One listening to Mr Browns debate and not having the benefit of reading the full report, could certainly come to the conclusion that Mrs. Evans had a funny dream one night and things proceeded from there and I think it's worthy for those people listening to just realise that she didn't have a funny dream. There was some substance to all of this and in the early part of the report the background overview the committee came up with a few things, which are contained in that report and I think they're worthy of reading. On page 5210 it says on the morning of Friday the 10<sup>th</sup> December 1999, the Minister approached Mrs. Evans to discuss the position of Cultural Officer. On the evidence tendered to the committee, it is understood that Mrs. Evans took offence to some of the points raised by the Minister during those discussions and became visibly upset. Shortly after Mrs. Evans asked to be excused. The Minister then withdrew from Mrs. Evans office. Immediately following this turn of events, Mrs. Evans spoke to Mrs. Alma Davidson, Research Officer to the Norfolk Island Government, who works in the Old Military Barracks complex. Mrs. Evans relayed to Mrs. Davidson the nature of her discussions with the Minister. In evidence tendered to the committee Mrs. Davidson has confirmed that Mrs. Evans was distressed and visibly upset. Mrs. Davidson was able to calm Mrs. Evans and made notes of Mrs. Evans recollection of the conversation between herself and the Minister. It goes on, Mr Acting Deputy Speaker. Mrs. Davidson reported the incident to Mr McAlpine, Programme Manager, Corporate Services of the Norfolk Island Administration, suggested that he should come and talk with Mrs. Evans personally. Mr McAlpine was also acting as Chief Administrative Officer at the time. Members of the Public Service Association were also informed, but it says Mr McAlpine on 213 on page 6, spoke to Mrs. Evans, calmed her and proceeded to explain to her that the Minister did not have a role to play in the selection process and it goes on. Further over in the report, Mr Acting Deputy Speaker, on page 10, the findings of the committee continued, it says on point 3(3) that further, whilst Mrs. Evans has stated that at no time did the Executive Member, Mr Ion Robinson, raise his voice. She did interpret that the tenor of his approach was in a front to her intelligence, for example, his suggesting that he needed someone, who understands Norfolk Islands culture and asking her if she understood what an anthropologist was. I draw those things to the House as attention and also to the listening public, because, as I said earlier, one could be forgiven for thinking that Mrs. Evans just had a

wild dream and all this developed from there. We all know where there's a little bit of smoke there's a little bit of fire and certainly there's always two sides to a story.

MR BROWN Mr Deputy Speaker, we have all heard of the girl who cried rape. Easy allegation to make, difficult to disprove.

DEPUTY SPEAKER Order, order. Mr Brown, I think in the context of the matter that is before the House, that particular mode of addressing the House is inappropriate and I would ask you to temper your presentations to the House.

MR BROWN Mr Deputy Speaker, Mrs. Evans had been a Secretary in the Legislative Assembly for many years. She had been a Member of the Legislative Assembly. She'd be an Minister in the Norfolk Island Government. She knew well, if anyone knew, that a Minister had no role in the appointment of a public servant. It is inadequate for Mr Bates or anybody else, to say look the committee accepted that Mrs. Evans thought such and such. If Mrs. Evans really did think such and such, she had forgotten about all of her years of prior experience. I simply do not accept that, in terms of natural justice and in terms of decency. It is not appropriate for a Select Committee or for anybody else to say, Mrs. Evans told me this therefore it must be true. That simply is not on, Mr Deputy Speaker. There is no evidence that the Minister did anything that is wrong and it is totally inappropriate for the Select Committee or this House to entertain the thought for even five seconds that the real facts were otherwise.

MR McCOY Thank you Mr Deputy Speaker. Earlier on Mr Brown inferred that the Select Committee had denigrated or criticized the Public Service Board. I wonder if Mr Brown would like to explain where he came of that notion and also where he refers that the Select Committee expressed that the Public Service Board had more or less acted inappropriately, I'd like to remind Mr Brown that it was the members of the Public Service Board themselves, who said that it was a strange and unusual step to take, to interview an applicant prior to an appointment being made. That was expressed by more than one member and that strange and unusual step to take.

MR BROWN Mr Deputy Speaker, I am in a difficult position, because I had sought both as a Member and a solicitor for the Minister to attend the hearings of the Select Committee. The Select Committee, as was within it's legal right, refused me that permission. I was unable to sit to listen to even five seconds of the evidence before it or of it's deliberations. Now that, most people would feel, is a gross denial of natural justice. Normally a Select Committee looks at things like problems with drugs, problems with alcohol, problems with gambling. Normally a Select Committee is not sitting as a Star Chamber to investigate the actions of one person without allowing that one person and his legal representative, at the very least, to be present. But that's what occurred on this occasion. Mr Robinson was allowed to be present for a very short time to hear, when the accusation was eventually made, what may have been part or may have been all of the accusation against him. Now when we met last week a Motion was passed to the effect that the written evidence, which was put before the Select Committee, was to be distributed to Members. Now that hasn't happened. Members do, to this stage, Members do not have copies of that. Now to such extent, as Mr McCoy is suggesting that something was said by the Public Service Board, I don't have a clue whether they said that or not, because whatever the written evidence was, hasn't been distributed and whatever the verbal evidence was, whatever the oral evidence was, is being hidden from us. Because the Minister for Health told us it was not in the public interest for that to become a public matter and we voted in favour of it being kept in camera. Now I didn't intend to denigrate the Public Service Board in



MR BROWN Mr Deputy Speaker, if any Member feels that the amendment should not be agreed to, then I ask all Members to review the question of whether all of the evidence which was provided to the Select Committee, should be provided to each and every Member of the House, because in the absence of that it really is not possible, in a meaningful way, to look any further than the extent of my amendment that was before us, thank you.

DEPUTY SPEAKER No further debate, Honourable Members I will put to you the amendment which is as described and if all Members are clear on what the amendment is I will ask you to vote upon it. The question is that the amendment be agreed to.

#### QUESTION PUT

Would the Clerk please call the House.

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

The result of voting Honourable Members, the ayes two, the noes six, abstentions one. The noes have it. The amendment is lost. Any final debate in respect of the original Motion, which continues to stand. Honourable Members I put to you the question that the Motion be agreed to.

#### QUESTION PUT

Would the Clerk please call the House.

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

The result of voting, Honourable Members, the ayes six, the noes two, the abstentions one. The ayes have it. The Motion is agreed. We proceed Honourable Members to considering the recommendations which are on page 11 of the report and they proceed through 4.1 to 4.4. and we will look at those recommendations.

#### **RECOMMENDATION 4.1.**

MR ROBERTSON Thank you Mr Deputy Speaker, No. 1 calls for a public apology, Mr Ion Robinson has done that just a few minutes ago in this House, which is broadcast. Do we need to carry it further.

DEPUTY SPEAKER That is a matter for the House to decide. Debate.

MR BROWN Mr Deputy Speaker, I move that recommendation one be amended by removing it in its entirety.

MR BATES Thank you Mr Deputy Speaker, I'm not too sure if Mr Brown is endeavoring to change the wording of this report. I think the report has been made by a committee and it's a real report and I don't know if there is any power for anybody to change the report by taking a section out of the report. Along with Mr Gary Robertson, I believe that Mr Robinson has made an attempt at an apology. I don't wish to elaborate on whether that apology is sufficient or meets this criteria. He did definitely make an apology, I just tried to draw the attention to the House and the listening public before that it's just not a simple matter of Mrs. Evans thinking something happened and making a complaint. There's more to this than all of that and there are some interesting facts that have come out of it, I think Mr Nobbs mentioned earlier, that the Public Service Board in September formally agreed the criteria and then turns around in December and wants to know what the Government wants to do with this position. So there are a lot of good things that have come out of it. It seems to pass over fairly easily what actually happened in the roles of Executive Members, but we come to a further criteria further down which I have elaborated on where the code of conduct for Members should be developed and I'll make further comment at that point in time. But I'm happy to accept the recommendations of the committee without endeavoring to change those recommendations through a Motion in the House. I think they should stand and I also accept that Mr Robinson has made an attempt at an apology.

MR GARDNER Thank you Mr Deputy Speaker, that first recommendation, 4.1, as is expressed in the recommendations is the view of the committee. I think it's quite clear that the view of the committee will remain, whether that was wiped off or not. It is a view of the Members of the committee that the appropriate course of action is a public apology. People do get upset in many different arenas for many different reasons and common courtesy, I put to you Mr Deputy Speaker, is that if somebody is affronted or does become very upset by something and there is a realization that maybe because of your actions somewhere along the line you have caused somebody to be upset and even though you are not able to read their mind as to exactly why they feel as though they are upset. The common courtesy suggests that an apology should be forthcoming.

MR BROWN Mr Deputy Speaker, common courtesy is a wonderful thing, but it must be extended to all and isn't it time that common courtesy was extended to Mr Robinson and that there was an apology to him, because he's been upset by what, many would regard, as a false accusation.

MR BATES Point of Order. We are discussing the recommendations of the committee not some other view of Mr Browns.

DEPUTY SPEAKER Yes I've interpreted that we are talking about the matter of public apology Mr Bates. Mr Brown.

MR BROWN Mr Deputy Speaker, the Minister for Health has made reference to common courtesy and it's my view that common courtesy should be extended all around. Mr Robinson has already said that if anyone was upset by what he's done, he regrets that. But it's time that the people who claim they were upset said that if Mr Robinson has been hurt in any way by their allegations, they regret that, but there's none of that being even suggested, let alone done. I simply don't believe that we should vote in favour of this first recommendation. We should either delete it from the report or we should note it, if that's what we wish to do, but we shouldn't support it.

MR NOBBS Thank you Mr Deputy Speaker, I thought that Mr Robinson had accepted some responsibility for causing distress to Mrs. Evans and that's all the recommendation that has been made by the committee. Mr Brown has gone onto suggest otherwise, but that's the recommendation that we have been asked to support or not support and I believe that he has issued his apology. Mr Brown was shaking his head in support when he was making it so I presume it's passed his legal advisor, so everything should be okay and I suggest that we move onto 4.2. Thank you.

MR McCOY Thank you Mr Deputy Speaker, to some agree I was along the same lines as Mr Nobbs. I don't hear Mr Robinson calling out for a public apology, so as Mr Robinson has apologized, like Mr Nobbs said, I believe we do move on to 4.2.

MR BROWN Mr Deputy Speaker, this has been a classic kangaroo court. Absolutely classic. The Star Chamber went out 500 hundred or more years ago, if my recollection is correct, but it has been reintroduced into Norfolk Island. It's been reintroduced in an environment where an accused person

DEPUTY SPEAKER Order Mr Brown. May I draw your attention to the appropriate Standing Orders, which indicate that it is inappropriate for Members of the House to cast dispersions upon decisions of the House. In this case determined that there be a Select Committee and it would be inappropriate for you to denigrate that decision.

MR BROWN Mr Deputy Speaker, with respect I have no difficulty at this stage with the House having decided to appoint a Select Committee. I'm commenting on the workings of the Select Committee, which are not workings of the House in so far as I am aware. In particular because I was denied the opportunity to be present, as was every other Member.

DEPUTY SPEAKER Mr Brown I don't want to enter into debate with you about the matter, it's your terminology of the Select Committee that I am drawing attention to. It's working is the subject of debate.

MR BROWN Thank you Mr Deputy Speaker, the Select Committee sat in the absence of the person accused. In the absence of other Members. In absence of legal representatives of any of the persons involved. Now that is an unusual situation. That would be regarded, in most places, as a gross denial of natural justice

MR McCOY Point of Order. I may need some guidance here, but I believe Standing Order 65, no Member shall digress from the subject matter and if I stand corrected, I believe we are talking about recommendation, observations of the committee point 4.1. The committee is of the view and the Motion we have is that the allegation of political interference that the committee was appointed to inquire into be debated paragraph by paragraph.

DEPUTY SPEAKER Yes thank you Mr McCoy. I wouldn't necessarily take that totally on a point of order, but I think we are starting to significantly wander away from the first item. Let us be sure as to what we are about. We are about your amendment Mr Brown, which is that and I didn't write the words, but to give the impression that item one, 4.1, be put aside and that is the amendment that I think we should stick to at this stage and endeavor to finalize the debate upon that and vote upon that.

MR BROWN Thank you Mr Deputy Speaker, notwithstanding my view that this has been a kangaroo court of which this Assembly should be ashamed. It is my view

MR GARDNER Point of order, Mr Deputy Speaker. I believe that is casting imputations to Members of this Assembly and to Members of the Select Committee, which is a committee established by this House.

DEPUTY SPEAKER Mr Brown I referred to the situation earlier about decisions of the House and the appointment of the Select Committee and it would be inappropriate to refer to that in somewhat derogatory terms as a Star Chamber situation. You may have your views, but they are inappropriate words to be used in the description of it.

MR BROWN With respect Mr Deputy Speaker, I was not talking of the Assembly's decision to make the appointment, I was talking of the workings. But nevertheless, my point is that an apology to such an extent as an apology is appropriate has been made. The particular recommendation is no longer relevant and we should discharge it.

DEPUTY SPEAKER The proposal before us, Honourable Members, is that 4.1 be put aside. There is no further debate. I will put that question to you.

#### QUESTION PUT

Would the Clerk please call the House.

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

Result of voting, Honourable Members, the ayes two, the noes six with one abstention. The noes have it. That Motion is lost.

MR BROWN I'll move a further amendment if I could Mr Deputy Speaker. That recommendation No. 1 be noted.

DEPUTY SPEAKER The question is that 4.1 be noted. Debate. Mr Brown.

MR BROWN Mr Deputy Speaker, it has already been dealt with. The appropriate course is to note it.

DEPUTY SPEAKER Further debate. I put that question to you Honourable Members. The question is that 4.1 be noted.

QUESTION PUT

AGREED

The ayes have it. 4.1 is noted. 4.2. Debate Honourable Members.

## **RECOMMENDATION 4.2**

MR BROWN Let's move that the question be put, but there sounds as if there's no need. Mr Deputy Speaker, I move that the recommendation be noted.

MR NOBBS Mr Deputy Speaker, I would have thought that it more appropriate that it be implemented or actioned. This is something that I was wondering and I asked it in my questions, which I didn't expect answered today George, but you should be looking at. These are in compassed, quite a few of these are encompassed in relation to this particular issue and I find it a bit difficult that we haven't got answers to why and how and the wherefore's in relation to the change in the position, as at the meeting of December the 17<sup>th</sup> or leading up to and then at the meeting of the Public Service Board on December 17<sup>th</sup> and I would add that, just ask you that you consider those points and you deal with them fairly smartly and I would suggest that I would put an amendment that it be actioned.

DEPUTY SPEAKER If there is no further debate I will put Mr Nobbs amendment first and that is that item 4.2 be actioned. Mr Gardner

MR GARDNER Mr Deputy Speaker, if I could just say a few words on this particular recommendation at this time. This was certainly not an attempt to try and tell the Public Service Board what they should do. It was merely an attempt to try and resolve an issue that had been around for some three and a half months since the applications were first called for in the Norfolk Islander, sometime back in September and that the processes dragged on somewhat and I think was in some way contributed to the problems that we experienced with this particular matter and that as it says, quite clearly there, it's in everybody's best interest basically that this matter be resolved.

MR BATES Thank you Mr Deputy Speaker, without having the benefit of being present at the committee and having the transcripts and other evidence. There are some little peculiarities surrounding this situation and the recommendations of the committee. I seem to be at a little bit of a loss in the sequence of events in as much as the Public Service Board did agree sometime in September of the criteria for the position. They agree with the terms of reference and when you look at the findings of the committee at 311, it says that each of the members of the Board were individually asked by the Select Committee whether or not any stage of the selection process have they had discussion with the Executive Member about the matter surrounding this process and they all denied having had discussions with the Executive Member. That is about the selection criteria. It doesn't say whether they had discussion with the Executive Member about other matters and without knowing whether that question was specifically asked of them, it's a little bit unclear to me anyway as to why the Board turns around in December and decides not to fill the position and to seek other views as to what the

Government really wants in respect of the position and then to advise the Members and then all turn around and apply again. It just seems to be something missing in all of that. Certainly they claim that the Executive Member didn't interfere with the selection process, but it seems strange that they turn around and make those sorts of observations and I'm not being previous(?) to what there reasons for making those observations really were and it would be helpful if we really knew why the Board turns around, after agreeing to the criteria, claiming they have no discussions with the Executive Member about the selection process, but then turns around and refuses to fill the position. Wants to re-advertise it and get further detail from the Chief Minister as to what is wanted in the situation. It all just doesn't quite add up, but I don't think we should be telling the Board and the CAO precisely what to do about filling this, but it just leaves some little doubts in my mind as to what it's all about and what really did happen.

MR ROBINSON Thank you Mr Deputy Speaker, I'd just like to make a minor correction to what Geoffrey was saying. In fact this has been going on for over 12 months, when the Cultural Affairs position was first agreed to in a Budget review. So I'm all for getting on with it.

DEPUTY SPEAKER Honourable Members in this particular matter the original Motion was that 4.2 be noted and then there is an amendment to say that 4.2 be actioned. If there is no further debate I will put the amendment to you. The question is that the amendment be agreed to.

QUESTION PUT  
AGREED

On that basis the amendment is agreed, Honourable Members, and I put to you now the Motion as amended be agreed to. That's the question.

QUESTION PUT  
AGREED

That Motion is agreed. So therefore 4.2., Honourable Members, is to be actioned. We move to 4.3.

### **RECOMMENDATION 4.3.**

MR BATES Yes thank you Mr Deputy Speaker, earlier in this meeting I alerted to the fact that in our transition to internal self-government we have had some teething problems and not playing the blame with anybody, but for what has happened. I'm sure all parties did their best under the circumstances, but we did develop, I believe, for a while there where Executive Members so of them thought they were branch heads and section heads. We had incidents of Executive Members dealing with the public service in Australia and some of them chewed up in little bits and spat out by the bureaucracy over there. I think it is time that we did have a little rethink and some codes developed as to how this should happen, but I think it's part of the growing up process. I'm not being critical of anybody. I can understand that Executive Members in the past have lacked assistance in their roles and have found that they have to do things themselves and they've done the best they can with what they've had, but I think there is lessons to be learnt from some of those things and something like this, I believe, could be one of the most significant things that's come out of this report. I think it was touched on by John Howard. I think it's well worthy of further consideration. I think it's something that

may not happen overnight, but I think it's something that he move an action on direction and clarify these things as part of the growing up process of internal self-government and I certainly support that paragraph.

**MR GARDNER** Mr Deputy Speaker, I echo those words of Brian's and in actual fact I think it even goes back a bit further than just the Howard Report. I think it goes back to the 7<sup>th</sup> Legislative Assembly, when a report of theirs into roles and responsibilities was forthcoming. Unfortunately at the end of their term and again unfortunately the recommendations in that report regarding roles and responsibilities weren't picked up and actioned by this Assembly. I certainly hope that that process isn't going to continue into the next Assembly and that's something will actually be actioned in that regard.

**MR ROBINSON** Thank you, I think it's a good idea, but we should harking back to Mr Bates favourite one. What are the cost implications and who's gonna do it.

**MR NOBBS** I agree with the recommendation. I think it would be a good 21<sup>st</sup> birthday present for this House. Thank you.

**MR BROWN** Because I believe that gross denial of natural justice occurred in the preparation of this report, Mr Deputy Speaker, I'll be voting against each of the recommendations. In so far as the quality of support from the Public Service is concerned, I hope that Members will start to give thought to the question of just who runs what and for whom. My understanding is that the Public Service is there to support the Government and the Legislative Assembly and not to run them, but that is certainly a confusion at this stage. The other difficulty at this stage is certainly one of providing adequate support. I'm not being critical of the overwhelming majority of the members of the Public Service. I'm being critical of the just the other echelon of it, which is not managing to provide the leadership to the remainder of the Public Service or the support to the Legislative Assembly and the Government that should be supplied. It certainly is time that there was an improvement, but I will be voting against the recommendation.

**DEPUTY SPEAKER** Thank you. No further debate Honourable Members. The question is that 4.3 be agreed.

**QUESTION PUT  
AGREED**

Thank you. 4.3 is agreed Honourable Members.

#### **RECOMMENDATION 4.4**

**MR BROWN** I move that it be noted.

**MR NOBBS** A further amendment that it be actioned.

**MR BATES** Thank you Mr Deputy Speaker, at the beginning of the meeting I think Mr Brown asked me what things have we done that along with this recommendations and observations and I do think that most of the things in this 4.4 have been done. We've passed the Public Sector Management Act. Later in this meeting I have another Motion about going to the electorate fairly soon, because I believe that Public Sector

Management Act is not going to go any further with this Assembly. Therefore, I think the recommendations that follow it are probably not going to go any further during the life of this Assembly. I believe that because I think this House has already agreed that the appointment of Executive Members and I have questions and remarks about whether those appointments should be made, but the House has decided not to make them until the next Assembly. I think it's fairly right that there's going to be no changes in who makes appointments. Whether it's the Public Service Board or whether it's the Chief Administrative Officer, during the life of this Assembly if those appointments are not made. I think it is one of those issues that is in limbo and I was going to use that as support for my debate that House have an election as soon as possible, but I just mention that to Members because I think it is relevant to the next subject matter.

MR GARDNER Thank you Mr Deputy Speaker. 4.4 in its entirety, if I could just add there that even though there is an understanding that, to some degree, these matters are dealt with. I think obviously what's appeared with even the Human Resource Policy's that are in place at the moment. Is that those particular types of issues don't seem to properly adhered to and what we are trying to reinforce here is the fact that these things need to be properly actioned and the procedures properly done and take place in the proper order. So we really, by this recommendation, just highlighting a potential area where there is proven difficulty at the moment, but certainly a potential area in the future under the new Public Sector Management Act for things to go a bit haywire as well, unless they are set in concrete.

DEPUTY SPEAKER I will put the amendment Honourable Members. The amendment is that 4.4 be actioned.

QUESTION PUT  
AGREED

Therefore we have a Motion as amended and the amended Motion is that 4.4 be actioned. So I will put that in its final form to you unless there is some further debate. The question is that the Motion as amended be agreed to.

QUESTION PUT  
AGREED

Thank you Mr Brown. The item 4.4 is to be actioned.

MR BROWN Mr Deputy Speaker could I seek leave at this stage to move the Motion which I foreshadowed about a referendum.

DEPUTY SPEAKER Yes, could I just tidy this matter first of all, Mr Brown. I'm just about to refer to Mr Gardner. As I understand it, this report is not a public report. We have been discussing the recommendations that arrive out of it in a public forum. It may be appropriate, for the Chairman, to be given an opportunity Mr Gardner to, I've been told it was published in the Gazette. To just read through point one, two, three and four with the result that we have just indicated, so that there would be some clarity to the overall picture about it. Did you want that opportunity Mr Gardner.

MR GARDNER Myself or yourself, Mr Deputy Speaker, as you are aware once a report has been tabled in this House the committee is dissolved as a result of that action

and so probably inappropriate to, for me to take on the mantel once again as Chairman of that. Maybe it would be best placed in your position in the Speaker's Chair, Mr Deputy Speaker.

DEPUTY SPEAKER Well I will just refer to them in point form and the overall result. 4.1 has been noted by the House, that is the matter that refers to a public apology. 4.2 is a Motion that this matter be actioned and this relates to the filling of the position of Cultural Affairs Advisor. 4.3 is agreed by Members and relates to development of a code of conduct and 4.4 is to be actioned and that lists a number of matters that relate to appointment of staff and related matters, but that's just a summary. Mr Bates.

MR BATES Mr Deputy Speaker, it may not be the appropriate time, I did overlook it during debate, but I'm just wondering if something could be clarified. I believe that this report has been tabled in the House and therefore can be released to other people with the permission of the Chief Minister and I also understand that some parties have sought copies of this report and been denied. I wonder if the Chief Minister could make some explanation for the benefit of those parties that have been denied copies of the report as to what his reasons are for not giving them copies are and whether it's his intention to make them available to them later on.

MR SMITH Thank you Mr Deputy Speaker, yes I don't mind at all. Mr Bates is right. I was approached by one or two people about releasing this report. What I did say to the ones that wanted it was that the recommendations and the findings were being published in the Gazette, which I don't think they knew at that time, but second to that I didn't have any problem with those particular organisations having the report, but I just wanted to confirm it with the rest of the Members that they were happy for the report to be distributed to anybody and by looking around the table, maybe later today you might give an indication. If there is no difficulty with the Members, I have no difficulty in handing out the report.

MR NOBBS Mr Deputy Speaker, I move that the report be made public in it's entirety.

DEPUTY SPEAKER We have a question before us Honourable Members that the report be made public. Any debate. I put the question to you.

QUESTION PUT  
AGREED

Any abstentions.

MR BROWN I abstain.

DEPUTY SPEAKER That Motion is agreed. Thank you Honourable Members that particular matter is concluded. Mr Brown you were about to speak to me before.

MR BROWN Thank you Mr Deputy Speaker, I seek leave to move a Motion which was circulated to Members earlier today in relation to recommending that the Speaker call a referendum on a particular subject.

DEPUTY SPEAKER Leave is granted.

**REFERENDUM – PUBLIC SERVANTS – LEGISLATIVE ASSEMBLY**

**MR BROWN** Mr Deputy Speaker, I move that this House recommends to the Speaker, under the provisions of the Referendum Act 1964, that he direct a referendum on the following: 1. Do you believe that Senior Officers and employees of the Public Service, i.e. Programme Managers, Branch Heads, Sections Heads and Managers of Government Business Enterprises should be eligible, at the same time, to maintain their Public Service employment and to sit as Members of the Legislative Assembly. 2. If the present system is changed, should such change be made effective from the earliest possible date, i.e. within a short time after obtaining assent to the necessary amending Legislation. Mr Deputy Speaker, the purpose of bringing this Motion forward today is to enable such a referendum to be held on the same date as a fresh election for the Legislative Assembly, whether that be an early election or a later election. It is a matter, which is of significant importance to the community. A number of Members have in recent times suggested that they would prefer to obtain the views of the community at referendum, before further considering the matter themselves and it is in order to obtain those views at referendum that the Motion is before the House today. Thank you.

**MR NOBBS** Thank you, I've got no problems with the referendum being called in relation to point one, that's the Senior Officers and employees of the Public Service, because as I stated, I think at the last meeting, that I do have difficulty with Senior Officers being also in this body here, but I think at the last meeting it was pointed out to me on several occasions that you can't have a double barrel referendum. I mean more that one question in the referendum and my suggestion is and I will move an amendment if I may, that all words after Legislative Assembly and the question mark at the end of paragraph one be deleted.

**MR BATES** Point of Order, Mr Deputy Speaker. I thought Mr Brown sought Leave to this Motion, I'm not sure whether Leave itself was granted, whether you yourself granted leave or we took a vote on it. Could you clarify that for me.

**DEPUTY SPEAKER** Yes I can clarify it Mr Bates. I did ask whether Leave was granted, there was no dissenting voice and on that basis Leave was granted. There was an opportunity for the House to have a say in that. Thank you.

**MR BROWN** Mr Deputy Speaker, Mr Nobbs has moved an amendment. We do not have the benefit of having the Crown Counsel or the Legislative Counsel with us today. I certainly don't want to create any difficulties with this Motion and I would be happy to, with Leave of the House, delete item No. 2 from my Motion so that we dealt only with No. 1.

**DEPUTY SPEAKER** Is Leave granted in respect of that matter. Leave is granted.  
We will consider the Motion now as those words that are contained within Item 1. In other words Item 2 is totally deleted. Further debate.

**MR BATES** Thank you Mr Deputy Speaker, as with all referendums the wording of the referendum is fairly crucial to the desired result. It's been suggested on a number of occasions over the last twenty years that public servants shouldn't sit in this House. It's, I also pointed out to Members of the House that it was not an accident that Norfolk Island is different to other parts of the world in this area. It was a conscious decision made at the time of internal self-government and it's certainly been something that some people have been unhappy with over the last twenty years and I think I've pointed out that no less than five or six different

public servants have served in this House and I think that some of them have made a worthwhile contribution. I certainly believe, if there is to be change, that it is more constitutional than a change that is made by a few Members that have been elected here and don't like the situation, therefore want to change it. I do believe it is more appropriate to seek the views of the electorate. As I said the wording of the referendum, once you agree to this I think you are stuck with those words. It seems to single out certain sections of the public service and not other sections. I think that there is some acknowledgement in this House that people if they are elected to the Assembly, need to live. I think there's that, does not apply only to public servants, I think it applies to anybody in the workforce. I've certainly been somebody that is always supported the fact that if you are able to get elected than you should be able to support yourself. There shouldn't be impediments put in your way to functioning as an elected representative and it shouldn't be a place for only the wealthy or those with independent means and I know that there has been some discussion around here about the remuneration for backbenchers and I think it is probably a little bit out of the question to suggest that backbenchers should receive a full remuneration, but while anybody in the backbenchers needs to supplement their income, life can be very difficult and can be impediments to good people standing for the House, simply because they are not adequate means to support their families on a backbenchers salary. So I think the question extends beyond public servants. I think we need to give more consideration to the total issue than just charging off on a referendum, but I do think that if once the matter has had adequate airing and should be decided, that it should be decided the people and certainly not by a few Members of the House. Thank you Mr Deputy Speaker.

MR SMITH Thank you Mr Deputy Speaker. I hope Mr Brown wasn't one of the one's that opposed me my amendment to a Motion in the House last month, to go to the community to get their views on the voting system. I hope that Mr Brown agreed with my Motion or my amended Motion to agree to that.

MR BROWN Mr Deputy Speaker, I have always agreed to with sensible proposals on the part of the Chief Minister.

MR SMITH So I'm taking it that Mr Brown is saying that he didn't support my Motion last time, but here we are. That was defeated, I must say that amendment in the last sitting where I wanted the community to have a say on how they should vote for all of us. Today we have a Motion here that may affect none of us. We don't know that, but it may affect 140, 160 people that are out in the community, maybe. But a couple of points with the actual words of the Motion, it says do you believe that Senior Officers and employees of the Public Service, it then goes on to say in brackets that is Programme Managers, Branch Heads, Section Heads and Managers of Government Business Enterprises. Those words effectively rule out anybody. The Senior Officers and employees of the Public Service, it doesn't matter what you put after that. So you would be ruling out anybody being able to stand, but even though some of this Motion has merit, we've had this discussion a few times in our time. It's been an issue for, with Mr Brown I think since 1982,83 something like that and that's okay, but what concerns me is that we had a meeting with the Public Service Association recently, which Mr Brown was there, and we talked about such a Motion and there were certain things said at that meeting, that I think may have even been discussed in the House at the next sitting. That if there is going to be moves such as this there needs to be some compensation for a person, who may be working in the Public Service and decides they'd like to stand for the community in the Legislative Assembly, but if they do that they, if they weren't able to work in the Public Service after they get elected, that could leave them on the meager salaries that the non-Executive Members already get, which would leave them in a really awkward position. So what in fact that would

do, would make those same people doubt whether they should stand for election to the Assembly or not and probably wouldn't on the basis that you don't know whether you're going to be an Executive Member or a non-Executive Member once you get elected to the House, but it was suggested by Mr Brown, I think, himself that maybe the remuneration should be looked at before any such proposal would be looked at and I think that was discussed in the last sitting as well. If there is a move on Mr Brown's part to make moves to make applications to the Remuneration Tribunal that non-Executives should get, certainly more than what they get now in the case of people, not only in the Public Service, but also people in the private sector who may have to leave their job to be part of the Legislative Assembly and find themselves in a situation where they haven't got enough money to support themselves and their family. If that was done before this was run I would be a lot happier with it, but I wouldn't like to see people put in the position, particularly where there is a large amount of residents that work within the Public Service put into a position where they would like to be able to stand, but find that they can't because they don't have other means of support and getting elected to the Assembly would put them in the position of not being able to have their job, but also wouldn't be getting paid very much from the meager salary that, remuneration that Members get if they are non-executives. The other thing is if the next Motion that is going to come up is successful, I don't know whether we should be bothering with this at all, because it's not actually going to do anything, because a referendum takes a little longer than an election to arrange. That's working on the assumption that that Motion may be agreed to. If it's not it's a different situation. If the next Motion was agreed to, the next Assembly is the one that should be sorting this out, not if we are going to be bailing out very shortly. If we are going to do our full term, there maybe time to do this. To run a referendum and do the thing sensibly.

**MR BROWN** Mr Deputy Speaker, the Chief Minister has misunderstood the intent of the Motion. The Motion is intended to refer to "Senior Officers and employees" and then goes on to describe them. Program managers, Branch Heads, Section Heads and Managers of Government Business Enterprises. It could be made more plain for the Chief Minister, perhaps, by adding the word senior before employees, because that word is intended. It is intended to refer Senior Officers and employees, but if the Chief Minister would be happier with it referring to Senior Officers and Senior employees, that's fine and I'd be happy to seek Leave to amend my Motion accordingly. But it does go on to describe them and there certainly are not 140 to 160 people in Norfolk Island who fit the description of Programme Managers, Branch Heads, Section Heads and Managers of Government Business Enterprises. The Chief Minister has referred for a need for compensation. Well there is the ability to obtain that, Mr Deputy Speaker, for example everyone who is elected to this House is eligible to offer himself for appointment to Executive Office and that is not necessarily the best paid position on Norfolk Island, but certainly significantly better paid than that of a backbencher. Now when I say it's not the best paid position, various people have been Ministers in the past and found that they were not re-elected and they've found that their pay stopped upon the, I'm sorry in the case of a Minister, their pay stopped upon the swearing in of their successor. There's no accrued holiday pay, no long service leave, no pension, no bit of assistance to get back to having a job. It just stops. But nevertheless the pay of an Executive these days isn't too bad. For some Executives it is perhaps very good pay compared to what they have earned in the past. For others it may be minimal, but it's something that does really have to average across everybody. It would be very hard to pay one Executive based on what he might be worth in the private sector or the public sector and pay another Executive another totally different amount because in the private or public sectors he might not be able to command as much. But there is an ability to obtain that increased compensation by accepting nomination for Executive Office. Now if there is a feeling that backbenchers, themselves, should be able to also earn more money. Then backbenchers

have to do two things. Firstly they have to understand that it's not the Legislative Assembly that decides how much they get paid. That role falls to the Public Sector Remuneration Tribunal, an independent tribunal, which receives applications and submissions and makes decisions and one could expect that the Public Sector Remuneration Tribunal if asked to sanction increases in the backbench remuneration, would ask well what additional work load is going to be shouldered by the backbenchers and that, Mr Deputy Speaker, is a question for the Assembly. If the Assembly, for example, decided to embrace the committee system which exists in other Parliaments and it may well be that a backbencher could properly demonstrate that he spends many more hours per week than is currently spent and in demonstrating that he would demonstrate that he would be entitled. Whether it be on the basis of payment per day of attendance at committee meetings or on some other basis. He could demonstrate that he is entitled to expect an increase in his remuneration. The Chief Minister mentioned that perhaps we shouldn't bother about this Motion anyway, because if the next Motion is successful, that is the Motion calling for an early election, then it all won't matter. Well indeed it will matter, Mr Deputy Speaker, because this is a subject that comes up Assembly after Assembly. Which gets delayed, delayed and delayed and really isn't adequately dealt with. I don't recall there being a suggestion in the past that it be dealt with by referendum, but it's pretty hard to argue against asking the community what they think and it's also pretty hard to argue against making that decision at a time, which is not very long before the next election. Now the next election might come as a result of a decision later today. It might come as a result of a decision on the 9<sup>th</sup> February. It might come simply as a result of the expiration of the term of this Assembly, but whenever it might come, it is quite possible to time it so that it coincides with a referendum on this question. I think that it's time that we faced up to the question. Self-government has now been running for just over 20 years. I think that in many areas a good job has been done. I think that in many other areas we are finding that things are slightly different to what we might have thought at first or things aren't working out quite the way we thought they would and there's nothing wrong with that. There is nothing wrong with sitting down, reviewing where we've come from. Reviewing where we've got to and deciding that maybe a slightly different path will be to the benefit of everybody for the future. So I hope that Members will support the Motion, Mr Deputy Speaker.

MR NOBBS

Thank you Mr Deputy Speaker, I was a bit surprised today to find in my box, when I arrived, that Mr Brown had moved this Motion. However, as I support it, I proposed the concept, I think, at the last meeting in December that Senior Managers should be excluded from Membership of the Assembly whilst being, also holding senior positions within the Public Service and I've been fairly vocal on that. Myself which find it extremely difficult to perform both functions and on that basis I have no problem in supporting the concept. The only problem I have is that we have got a John Howard Report and in April 1998 it was given to us and it was suggested at that time that one of the first things developed was a structure for the Public Service. Now it was stated at the time by some senior public servants and also Members, I believe, that it would be quite simple to establish a structure under the present arrangements, which would be dove tailed into operation once the new Public Service Act, etc, came into force. That unfortunately has not happened. At the time of the report by Howard, there was 13 Executive positions with a top salary point in the range of \$62 000. Now these are the type of positions that I believe should not have the role of being over there and over here, so to speak and so I will support it, because on the basis with this, with the Programme Managers, Branch Heads, Section Heads and Managers of General Business Enterprise, from what I can gleam is the current structure of the Administration. They seem to form the Senior Executive positions, but it's not for me to say. This is a Motion for the public to decided on and I have got no problem as it going forward as soon as possible to the people.

MR BUFFETT Thank you Mr Acting Deputy Speaker. In the debate that we have heard so far, Mr Acting Deputy Speaker, is one argument that it's hard to argue against the community deciding this particular issue. The infance there is that we would not want to do that. I really would like to put to Members that in fact, quite contrary to having a few that the community shouldn't decide the matter, the electors decide this matter already. They decide this matter at every election

MR BROWN Can I raise a Point of Order Mr Deputy Speaker. Mr Acting Deputy Speaker there are previsions in our Legislative, in our Standing Orders, which prohibit a Member debating a matter in relation to, which he has a pecuniary interest and a contract with the Government.

ACTING DEPUTY SPEAKER Thank you Mr Brown, I think you are referring to Standing Order 139.

MR BROWN Thank you Mr Acting Deputy Speaker, I raised a point of order based on that Standing Order.

ACTING DEPUTY SPEAKER Thank you Mr Brown, that is a matter for the House to determine the ruling on that.

MR BROWN Mr Deputy Speaker, could I simply say that it is a matter for the House to determine whether a person does have such a pecuniary interest. It is not a matter for the House to determine whether or not if that pecuniary interest exists. It should be waved.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Mr Buffett you can continue. You may continue.

MR BUFFETT The reality is

MR BROWN Further point of order. I've raised a point of order in relations to Standing Order 139. Do I take it that you have found against me on that point of order.

ACTING DEPUTY SPEAKER Not at all Mr Brown. Can you just bear with me a minute.

MR BUFFETT I'm happy to continue whilst you are looking at that matter, Mr Acting Deputy Speaker.

MR BROWN No I've raised a point of order and that's it.

ACTING DEPUTY SPEAKER Thank you Mr Brown. I'll put that matter to the House. I'll just get the wording of the Standing Order if I may. Chief Minister.

MR SMITH A matter of clarification from you from the point of order that has been called. That is working on the assumption that somebody has the knowledge that somebody is, we're talking about the leading up to election or an election, that somebody has the knowledge that a Member here who is going to stand for the election. If nobody here has that knowledge there is no point of order, but I would like to see you clarify that. That would be

assuming that a Member who's speaking who has declared that they will be standing for an election which this would therefore give them a conflict of interest, but in the circumstances I don't believe they have. Just for clarification.

ACTING DEPUTY SPEAKER Thank you Mr Smith for that, just for Members benefit I will read Standing Order 139. It's regarding pecuniary interest. A Member who is party to or has a direct or indirect interest in a contract made by or on behalf of the Commonwealth or the Administration, under which goods or services are to be supplied to the Commonwealth or the Administration, shall not take part in a discussion of a matter or vote on a question where the matter or the question relates directly or indirectly to that contract. Any question concerning the application of this Standing Order shall be decided by the House. I think the question is, Honourable Member, before the House, is that Standing Order 139 and it's application to the matter under discussion this afternoon is required to be decided by the House. The question, if Members are comfortable for it, that I'll pose to Members. Mr Bates.

MR BATES If your coming up with the fact that somebody may have pecuniary interest in something. I have difficulty in understanding how anybody can have pecuniary interest in a referendum. That I believe as well, we have referendum, the subject matter of the referendum. Somebody may have an interest in the subject matter, but certainly I don't see how they can have a pecuniary interest in a referendum.

MR BROWN Mr Acting Deputy Speaker, the Standing Order is intended to prohibit a Member who has an interest in a contract with the Administration, from participating in debate on question relating to that contract. At it's simplest. And in this situation, a Member who does indeed have a contract to supply services to the Administration, wishes to enter debate as to whether a referendum should be held, which would bring to an end his ability to hold dual roles. There can be no clearer case than this of a conflict within that Standing Order and the decision which must be made by the House is, is Mr Buffett a person who was such a contract and is this debating something which relates directly or indirectly to that contract. That is if a referendum is to be held, which brings the end of the ability to hold that contract and be Member of the House.

ACTING DEPUTY SPEAKER If you could just bear with me Members. Thank you Honourable Members. My proposal to you is to resolve this question, Honourable Members, is that so much of Standing Orders be suspended that would prevent

MR BROWN Point of order. Mr Deputy Speaker it is not appropriate for the Chair a suspension of Standing Orders.

MR SMITH Mr Acting Deputy Speaker, I move that so much of Standing Orders be set aside to resolve this question.

ACTING DEPUTY SPEAKER Are you able to be more specific on that matter Mr Smith.

MR SMITH I move that so much as Standing Orders be set aside to allow this debate to continue.

ACTING DEPUTY SPEAKER Thank you that's the question before us Honourable Members, that so much of Standing Orders be suspended that would allow debate to continue on this matter.

MR NOBBS I would be hypocritical to vote against Mr Buffett's speaking, because I didn't, it could be said that the same occurred in the previous, when Mr Ion Robinson had some pecuniary interest as well, so I can not support you on this Mr Brown.

MR BROWN I assist Mr Nobbs

ACTING DEPUTY SPEAKER Thank you Mr Brown, if you could just bear with me for a minute please. Honourable Members the question is, I'll just seek clarification from Mr Smith on this matter, that Mr Smith is seeking to suspend so much of Standing Orders that prevent Mr Buffett and Mr Bates from entering debate.

MR SMITH That is the very words that I really needed to say.

ACTING DEPUTY SPEAKER Thank you Honourable Members, I put that question.

#### QUESTION PUT

Madam Clerk would you call the House.

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

Thank you Madam Clerk. Honourable Members the result of voting, the ayes six, the noes three. That Motion is agreed, Mr Buffett you may continue.

MR BROWN Can I raise a further point of order. The Motion which has just been voted on is a Motion, which again, is subject to Standing Order 139. As such both Mr Buffett and Mr Bates voted on a Motion which is subject to Standing Order 139, but I accept that if their votes were disregarded the, well no, and if their votes were disregarded there are, in accordance with the Standing Orders, insufficient votes to suspend the Standing Orders.

ACTING DEPUTY SPEAKER Thank you Mr Brown on that point of order, advice from the House of Reps and Servarice & Vandell a legal firm in Sydney, it appears as though preventing Mr Bates and Mr Buffet for voting on that particular point would be to prejudice the disposition by the House. You may continue Mr Buffett.

MR BROWN Point of Order. Standing Order 244, requires that Standing Orders can only be suspended if not less six Members vote in favour of their suspension.

ACTING DEPUTY SPEAKER Thank you Mr Brown, six Members did vote in favour of that. You may continue Mr Buffett.

MR BUFFETT I was endeavoring to say earlier, Mr Acting Deputy Speaker, that the community in Norfolk Island, the electors, make their decision known at the ballot box each time there is an election as to whether they would want countenance public servants being one of their elected Members or whether they would not want to do so and I say that to really indicate that there is not the need that is being put about for a referendum on that matter, because the community is a liberty to chooses at this moment, whether they do or whether they don't wish to have public servants representing them. Indeed, to try and encourage the electorate to be pre-emptive in their attitude to prospective candidates, I'm not to sure is in the best interest of the totality of the Norfolk Island community. I say that they are at liberty to exercise that when they go to the polls election time, each three years or so. But let me mention a couple of other things. Yes Norfolk Island is different. It is different from many other places. Not all places I might say. There are particularly some other places in the Pacific that one might recognize that would have some infinity with how things happen here and they have similar provisions that we do, but in our situation it is different in that we do have provisions for public servants to be participants in the Legislature. Not in it's fullest sense, we all know about the arrangement for Ministerial Officers to be held, then of course there is a requirement that public servants do withdraw from the service and there are a number of reasons that we have struck upon this. Not only in the life of this Assembly, but also in the predecessor of the Assembly in the Norfolk Island Council. One is of course that this a small place and there is greater transparency amongst the actions of the service people and amongst the Ministers, but one of the other reasons is that there is a small pool of people within Norfolk Island, which the community may call upon, we are but under 2000 people in our totality and in fact to try and block off something like ten percent of those numbers, is really not in the best interests of the Norfolk Island community. Let Members choose from them, if they choose and to put them aside at election time if they choose not to have them. Probably one of the more compelling reasons, however, that we did move into this situation was this. We have made some estimates of the number of people who may be in the service. It varies from depending on what sort of figure you want to choose. Something like 170 permanent office, something like 200 people if you include those who have less permanent work in the Administration.

MR NOBBS Point of order. I thought we were debating the Motion which says the Senior Officers, that is Programme Managers, Branch Heads, Section Heads and Managers of Government Business. Have we got 200 of these. That's all I ask.

MR BUFFETT But Mr Nobbs is right, we are addressing in the Motion those people, but I am endeavoring to spread out for you the broad spectrum in this, so that you will just see why we have it the way we do have it and the people who are in the context of that employment, in the main, are people who are in the Norfolk Island in the long term and the Legislative Assembly and the Governmental arrangements that we embarked upon in 1979, was to be one that is specific to those people who live here in the long term and therefore it would seem incongruous if in fact you are promoting self-government, but yet you have a system which endeavors to systematically exclude some from participation in the process. Now granted this may talk about say, I don't know, at a guess a couple of dozen people, it is not necessarily the totality of the service, but we know how some of these things creep along and we also know that there has been moves in very recent weeks for the totality of people within the service to be excluded. So don't think that that thought is not around. This is but a part of the totality of it.

MR BROWN Point of order, Mr Deputy Speaker. To such extent as Mr Buffett is casting dispersions on a Member in suggesting that there is some secret agenda behind

this Motion, then such action is not consistent with Standing Order 62 and should be considered highly disorderly.

ACTING DEPUTY SPEAKER Thank you Mr Brown, I don't believe that that was the intention of Mr Buffett's address. Mr Buffett.

MR BUFFETT Thank you. So having said all of these things you would see why I would encourage Members not to feel the need that is put about. Not to feel the need that it needs to be supported, if it thought that the community won't have a say. The community does at every election time. If in fact I am unable to persuade about that matter, I hope I am wrong about that, but I just mention it. I'd like to draw your attention to some words in this particular Motion. It is saying or asking the question, do you believe that Senior Officers, Senior Employees etc, should be eligible. Well let me point out to you, which you realise, but I emphasise it in the context of this debate, that the eligibility exists at present. The eligibility has existed all of the 20 years that we have had the self-governmental arrangements. It existed prior to that in the old council situation. I was a Member of the Norfolk Island Council in that context, before we had a successive arrangement to enter into the Norfolk Island Legislative Assembly and so what is proposed here is to take away. To take away a facility that exists within the Norfolk Island community and in that context I think that the words require some adjustment and I will explain why. The words Members may or not be familiar with the provisions of the referendum Legislation and I can't say that I have had the opportunity to look them up and refresh my memory since this piece of paper came around to us just today, but nevertheless, it is my understanding that this is the case. That when a question is put a referendum the yes case must have a certain percentage above the no case and therefore it is a clear indicator that that's what the community desires. In this case, I put to you Honourable Members, that there should be a clear indicator from the community whether or no they want to change in this matter. Whether they want to take something away and on that basis the question really needs to be reversed, if you want to put that question. You really need to say do you want those people to be prevented, to be prevented, if that's what you want, if you really want to ask the community. I'm saying to you that I don't think it is necessary, but if in fact you consider it necessary, I think that the words need to be adjusted and for that arrangement, that existing arrangement in the Norfolk Island community to be taken away, then there needs to be the required percentage of people within the community to so indicate and at an appropriate time I will move an amendment to the present proposal that is before us to give effect to what I have just said.

MR BROWN Mr Acting Deputy Speaker, could I ask whether Mr Buffett would be supportive of the Motion if the word eligible was changed to ineligible.

MR BUFFETT Yes well this is not quite question time and I'm not a Minister to need to respond, but in the context of the debate I have already indicated at the very outset that I think the referendum component is unwarranted. That people do in the community have the present capacity to put or not put and this is a proposal that they should we not put Members in, public servants into Membership of the Assembly. I've given my view that I don't think that's necessary. So therefore I wouldn't be in favour of this Motion, but I am endeavoring to say that if in fact I am not of the majority view and Members want to do something else. That they should do it in the context that I have endeavored to describe to you all.

MR NOBBS Thank you Mr Acting Deputy Speaker. I to as a Member of the old Advisory Council and I was also at that time a public servant and I can tell you, Mr Buffett, that in my time it was vastly different Advisory Council to what we have today. Now so

that's the first point. The second one is that I would find it and I repeat, extremely difficult and I really don't know if you had Senior members in the Assembly, how their position actually operates with them having to spend time in the Assembly and going back over there. I mean we are losing on average about a third of your week on Assembly business I would suggest and therefore we are losing in that position. What happens then. I know that you don't get paid twice, but it's just the actual operation of the job and I would also find it extremely difficult to be sitting here and having my section or what have you of the public service being criticized or brought under and I couldn't actually in my position as a Member here, actually support them, because I am elected under a different system. So it's so confusing that I believe that Senior staff in their interest, should not be part of this process and be elected to the Assembly, unless they want to resign, of course naturally, that's a present arrangement. I will, I still support the Motion as put, thank you.

**MR BROWN** Mr Acting Deputy Speaker, Mr Buffett was indeed a Member of the last Norfolk Island Council, but it was not until immediately prior to the election of that last Norfolk Island Advisory Council that a person was able to both a Member of the service and a Member of the Council or at least it had not been the case for many years. It may have been the case when Mr Nobbs was a Member, but the Legislature was in fact changed as I understand it to enable people, such as Mr Buffett, to actually stand for that last Council and what I am saying is I think it's time the community had the opportunity to say whether they thought all of that was a good idea.

**MR ROBERTOSN** Thank you Mr Acting Deputy Speaker, the meeting of the House in December, there was mention made in an amendment that was put into the Public Sector Management Bill and I spoke at that stage and I said that I had experienced some rather strange happenings within this Assembly in that a Member of the Public Service and at the same time being a Legislative Assembly can wear two hats to the detriment of some issues and only some issues, but there was a problem. I also felt that anybody that did come into the Assembly or was successful candidates and were employed by the Administration that there were two things. The first thing was that if they accepted the position of a Executive Officer, if that so happened then there was no problem in as much as that person was automatically deemed to have resigned from the Administration, but if they didn't then the remuneration side of it was something that needed to be looked at. Now whether how it's done, whether it's done through the Remuneration Tribunal is something that needs to be addressed and addressed by the next Assembly or whatever. But if felt that under no circumstances, should anybody, whether it be public sector or private sector should be expected to fill the roles within the Assembly on a remuneration that is currently being offered. On the other hand I don't have any difficulty with this going into the public arena and to be voted on in a referendum. Now maybe some of the wording needs to be changed fractionally, but I still feel that there needs to be that to come out and I have no difficulty in supporting this and maybe there might be a possible changes, being some suggested changes to some of the wording, but I don't think it can be quite cleaned up straight away. Mr Buffett has indicated that he has some changes, Mr Brown has indicated one or two changes and the intentions of others may possibly be some more, but I would still support the amendments or Motions, whatever, coming forward to the referendum.

**MR GARDNER** Thank you Mr Speaker. I think probably one of the biggest problems that I echo what Gary has been saying about level of remuneration and really we are only a very small population and I truly believe that we need to try and encourage skilled and talented people to stand for and be Members of the Legislative Assembly. I think it would be remise of us to try and prevent anybody or to knock out anybody from being a Member of the

Legislative Assembly for any reason. I'm not saying that this is what this Motion is about, but I just want to try and emphasize the fact that we are only a very small community and our levels of expertise and skills are limited and that we should at all times and the community, I'm sure, are looking to at all times looking for the best representation that they can find amongst the candidates. No matter what persuasion they are from and of. The difficulty I think that I do have with this Motion at this particular time, even though I'm supportive and as I said last meeting I was supportive of a question like this being decided at referendum and by the community at large. Is really it's proposed proximity to the general election that I notice there's a Motion to dissolve the House later on by Mr Bates. The difficulty that I have, I guess with Mr Brown's Motion, is that he is proposing to hold it on the same date as that of the next election of Members to the Legislative Assembly. I think I would be disturbed if that was that the case. That there was a referendum running along side, a referendum question running along side a general election which has any possible way of influencing the outcome of a general election and I think we have to pay particular attention to that point. I think it's very important. I mean who's to say whether Mr Bates Motion appearing as No. 2 on the Notice Paper gets up or not. If it does and it seems to place a general election sometime around the latter half of February. Referendum could possibly click in at the same time. If Mr Bates Motion doesn't get up and as Mr Brown eluded to early today, that it may be as a result of a Motion at the February 9<sup>th</sup> Meeting. It may be as a result of a Motion at another meeting subsequent to the 9<sup>th</sup> February or it may just run out its time towards, I believe, the end of April. If we were to run out our time towards the end of April, certainly if we were to go to referendum we could achieve that before the end of April, but still I think that it's close proximity to a general election may unduly influence the result one way or the other, one way or the other and I think that, I think somebody else said earlier today and it's certainly shouldn't be taken as though I'm trying to pass the buck on this one, but I think really it was a matter that this Assembly should have dealt with in its very early days. It's not a matter for us to deal with at the end of our days. It's a matter for the next Assembly, I believe, to deal with very early in their days and that should have happened.

**MR ROBINSON** One thing we seem to be getting away from, this Motion does not prevent people standing for the Assembly. All it does is prevent them from having two jobs at once. Now the Commonwealth when they set up the Norfolk Island Act anticipated that one day, maybe we would grow up and be big enough to look after our own affairs and we'll actually do things properly. If you look up 39(1)(d) of the Norfolk Island Act it says in there disqualification for Membership of the Legislative Assembly and (d) says he is a holder of an office or appointment under a law of the Commonwealth or the Territory, being an officer, office or appointment that is prescribed for the purposes of this paragraph. Well obviously they haven't prescribed any officers or appointments for the purposes of the paragraph yet, but they did anticipate that one day would see the folly of having people having two hats. Obviously some of the Members around here can't see it yet, but the Commonwealth and their wisdom in 1979, put that Clause in there, because they knew that one day people would wake up.

**MR BROWN** Mr Speaker, an earlier speaker made mention of the fact that we have a small community and suggested that there are not many people to stand for the Assembly and that the pool of potential candidates should be as wide as possible. What that speaker omitted was that in a small community there are not many people available to fill senior public service jobs either and both the senior public servants and the Members of the Legislative Assembly, should be providing the best possible service to the community of Norfolk Island, not to themselves and it's for that reason that I'm firmly of the view that a person shouldn't have both jobs. What I'm proposing is that we ask the community what the community feels. Thank you.

MR BUFFETT Can I just clarify two things. I know I've said them before, but in the context of the previous two speakers. The community is given an opportunity. I just made that point again, at the election time. They are able to give the electoral nod to candidates and they can make that on the basis of whether they consider appropriate if they are public servants, whether or no that is appropriate in those circumstances. The other point is, quoted by Mr Robinson, 39(1)(d), I think it was, I quite remember the quote. It rather gave the impression that that particular Clause was particularly designed for Norfolk Island. The reality is it isn't. It's a fairly standard Clause in one of the Australian pieces of Legislation, in which they have that provision in their context, but it was clearly indicated that there were differences in Norfolk Island circumstances and therefore the balance of the Act provided what we have at present. So it wasn't a particular Clause, specifically crafted for the Norfolk Island context and to say words as we may well in sometime in the future do things properly, inferring that maybe Norfolk Island did not have and does not have the capacity. I indeed serious challenge anybody who would want to say those words. I think Norfolk Island does things properly, certainly better than most other places and we should be proud of that and we should not be putting up with people who try to say that we don't do things properly.

MR SMITH Thank you Mr Acting Deputy Speaker, what I was going to suggest that Mr Brown might like to adjourn this until the next sitting, because I like you, agree with the points that you made. That to run this at the same time as the election could influence the outcome of parts of the election, but this would put it on a basis, if we had of discussed the next Motion first, we would know where we are going, but of course we don't know what the result of that Motion is to dissolve the House at this point in time. But if it is, if that was to be agreed to we will then in effect be running the election and the referendum at the same time, but by adjourning it we would at least know by tomorrow whether or not the House is going to dissolve. If the next Motion doesn't get agreed to then I would have no problem supporting the Motion on the same basis that you, Mr Acting Deputy Speaker, had said. That if it was to be further down the track, in fact we were going to run our full time, that we would have time to deal with such a thing like this, but to get a Motion on the table on the same day, incidentally, the same day the Motion arrived here that there is to be a Motion to dissolve the House, I think it just doesn't give us enough time to work out the points that need to be worked out and the concerns of Members, around the table, get taken into account. So if Mr Brown is prepared to adjourn to the next sitting the Motion that would be fine.

MR BROWN Mr Acting Deputy Speaker, I wonder if I could assist the Chief Minister by suggesting that we suspend further discussion of this matter until after we have concluded discussion on the Motion that Mr Bates proposes and to that end I move that discussion of this matter be suspended at this stage and be resumed later in today's sitting.

ACTING DEPUTY SPEAKER Thank you Mr Brown, Members heard that question are Members comfortable with that. Is there debate on that Motion. There being no debate I put the question that debate on this matter be suspended for discussion following Notice No.2 on the Notice Paper.

QUESTION PUT  
AGREED

The ayes have it. Members that matter is agreed to and that matter stands suspended until after debate of Notice No.2 appearing on the programme. We now move to Notice No.2 Honourable Members.

## **NOTICE NO.2 – DISSOLUTION OF THE HOUSE**

MR BATES

Thank you Mr Acting Deputy Speaker, I move that the Administrator be requested to determine in accordance with Section 35 of the Norfolk Island Act 1979, a date for a general election for the earliest date possible. Thank you Mr Acting Deputy Speaker, I think Members will recall that it was generally agreed that we should be looking for an election towards the end of March for various reasons. Most of them being to allow the new elected Members the courtesy of a little additional time to plan their budget for the first financial year in which they have been elected. I put my Motion to effect of that and to achieve that we need to pass a similar Motion to this at the 9<sup>th</sup> February meeting. So my Motion really maybe brings that forward, I think somebody suggested late February or early March. It brings it forward approximately four weeks if it were successful. So why have I proposed it over four weeks. It certainly my belief that those four weeks could be more productive in the hands of a new Assembly and I mentioned in previous debate on the previous subject in the report there that certain things in the Public Sector Management Act that this House has worked towards achieving are really in limbo. This House itself has said we are not going to appoint some of these positions and we are going to leave that to the new Assembly. I think it's fairly clear then that there is not going to be much happen with that until we have a new Assembly. So those four weeks are probably more beneficial to get on and settle down what we all perceive as difficulties in the areas of the public service and the top part of it, the earlier the better. It's also my belief that there is a lot of inactivity and frustrations associated here with budget reviews and finances generally. I believe that there is frustrations in the areas of some Ministers in the areas of finances. Inactivity in that area, I believe, is another reason why those four weeks could be better utilized for the benefit of this community in the hands of an Assembly that can look, only about three years in which to get on with the job. We have also discussed touches of grey areas surrounding recent developments. I think even this meeting here indicates that we are far from settled. I think also the mood of the electorate, I think the electors would like to see something happen and us to get onto it. All those things add up to me forming the opinions. I have already said that those few weeks would be more productive in the hands of a new Assembly. I'll be interested to hear the views of other Members in the mean while. Thank you Mr Acting Deputy Speaker.

MR NOBBS

Thank you I support the calling of this, I mean it was suggested, I suggested to Members when I was, got the boot, that it was a good time to have a full election when they had my bi-election or the bi-election that Lopyy and I was in and I, there's been no change to that ever since, because I think we are just marking time. The timing of it, I believe, in as soon as possible will allow the incoming Assembly Members and it may not change I don't know, but the incoming Assembly would then be able to forge the revised budget for the year, which will come in February, I believe and also have time then to build up the budget for the next financial year that's 2000 – 2001 and give it an operational, a base from then on. So I've got no problems with the actual timing of it and I would suggest that as soon as possible be agreed to.

MR SMITH

Thank you Mr Acting Deputy Speaker, I have a view about this, more of a view now after what Mr Bates has said. That the Assembly is elected or the Members are elected to the Assembly to do their time. If there is problems within the Assembly

which there generally always is, although I thought that we had done fairly well in our time in that sense. Except for a couple of one or two major hiccups. But if there is problems within the Assembly you deal with it in the Assembly. Going early to an election does make sense if the Assembly is battling itself and I suppose we may be getting to that point where it is starting to focus inwardly, which is sad, because no Assembly should do that. We should be focusing on what it is doing for the community. My hesitation in agreeing to this Motion of Brian's to dissolve as quickly as possible, firstly as he said, it's only a matter of weeks. It's not true, we have actually three and a half months to run if we run our full term. That's three months and twenty days or nineteen days, because day is just about gone. Three and a half months, we had talked about going at the end of the March. We had talked about going in November last year. We had talked about going in May last year. Most of those were from the Member who is proposing this Motion, which is okay, Members are allowed to have that view. But Members also have the option that if they don't like the way that things are going that they can opt out altogether themselves. The things that I think we need to consider is some of the major things that are around and let me just mention gaming. Just in passing, because that's not my area of expertise and maybe the Minister will have something to say about that. We are on the verge of getting somewhere with our gaming proposals. But the one that really concerns me is this Public Sector Management Bill, which is now passed. That is sitting in limbo at the moment, for various reasons. A Member has said that it is going nowhere and nothing is going to happen to it within the time that we have got left in three and a half months. Well that's not true. It's was proposed that the next thing that we would be dealing with is one of the most important things and I think Mr Bates might be one of the first ones to say that it's a good idea to get the HR Policy stuff in place, rather than leaving the Bill where it is. I mean, we do not know what will be the make up of the next Assembly. It may have none of us in it. That's highly possible. If that was the case, they may pick up the Public Sector Management Bill and say what's this and they probably will anyway. So I one didn't want the Public Sector Management Bill to go anywhere, one would probably agree to a Motion like this, but I don't want to see that happen. I would like to see that the money that Mr Brown raised, he didn't raise the money he raised the issue about the money that was spent on the John Howard Report and the Public Sector Management Bill over the last 18 months go to waste and that has been raised a couple of times today. That's it gone to waste. We go to the polls it goes to waste. I think every Member around the table recognizes that if we go to the polls, this Public Sector Management Bill will go nowhere and I'm not suggesting that Mr Bates is proposing his Motion for that reasons, but I'm saying is that we would be making more sense to the people in the community to get this thing up and running. It's been a battle to get it up to where it is. We have a slight hiccup at the moment and Members know what the reason for that is. We've got the regulations to do for the Public Sector Management Bill. We've got the HR Policy stuff that we have got to sort out. We've got appoint the Review Board. Now if we left it, because we are not going to do it in four and a half week or five weeks, whatever it's going to take to get an election going. So it's out of the question for us dealing with it. So you can put that three to six months down the track, when the next Assembly comes in, undoubtedly there will some Members around the table here who will be in the next Assembly, but it's still going to take a long time to pick it up and to put it into place. So what a waste of time and money if we do that, but that's the choice of the Members today. This Public Sector Management stuff was probably one of the biggest Bill, well it was the biggest Bill that we have dealt with. We have spent a lot of time on it, a lot of money on it, a lot of effort went into it, a lot of consultation and I would be really, really sorry to see us decide to go to an election because of minor reasons, when we have got such a Bill around the table. Of course that is the prerogative of the Members of the Legislative Assembly. If they want to go then by majority they go, but you have got to be a little bit responsible to the people who put us here right from the very beginning, right to the very end. If we were deteriorating into a

situation where some Assembly's have, I would be one of the first to say yes let's go, let's go early and I need to clarify one point myself, Mr Acting Deputy Speaker, that it doesn't worry me whether we go now or in three months time, personally. But it's the responsibility of us as elected Members of the community to do the job we are supposed to do. Not at a whim, just throw in the towel. If we have got problems that, as Mr Bates raised, if he has a problem with the budgeting system. He's always had a problem with the budgeting system, particularly under my time and he mentioned that. That's fine, but he's also made a couple of attempts to take it off me and that's fine to, because that's what the process is about. But surely we'll not going to be thinking along, unless you all think the same, that's okay to, but do something about it. It doesn't worry me that we go in March. It doesn't worry me if we go at the time we are supposed to, which is the 30<sup>th</sup> April or as quickly as possible. But let's just think about the actions, that we do, when we do that. There's a proposal for a referendum. It's on the table today. If this Motion agrees, I won't be supporting John's Motion, because of the very reason that yourself, Mr Acting Deputy Speaker raised, that are running a referendum and a election at the same time, is not a good thing. I don't know that it's been done before. Maybe it has. If we are going to run our full term, different story. It gives us time, it gives the community time to pick up on what we are talking about with the other Motion, which is Mr Browns, to go to referendum on public servants standing for the Assembly. But I've just mentioned those, Public Sector Management Bill, real important one. We go early it means we don't want that to come into place and maybe there is one or two Members that don't support the concept of what that's all about and that's their view. But there is other things. There is the budget review that's on right now. If we go now who does the budget review. We are in the processes of doing that. So what happens to that. Do you give that to the new Assembly when they come in on the 28<sup>th</sup> February or what it is and you say sort this out and then you do the next budget. Let me talk about that just for a minute. You may remember, you may recall that when we got elected we got in on the 30<sup>th</sup> April. To deal with the budget that year I proposed an interim budget, which some Members didn't think was a good idea at the time, but it was for that very reason. For the new Members who weren't sure about how the processes worked. That we would have three months past the beginning of the financial year to deal with the budget. Do you know how much input was in that, Mr Acting Deputy Speaker, from all Members, I don't even need to answer the question. You all know what the in put was into that. There mere fact that we delayed the budget three months. It made no difference. Maybe other Members or a new Minister may have a different idea about how to do the budget and that's the way it does usually work. The budget process really starts soon as the budget review process finishes. Most of it's done within the Administration anyway, it really comes down to the Assembly to deal with the extra funding that is needed for it, but however, it is a point and Mr Bates has raised that as an issue. The way that finance is being done. I know this adds to his argument that he is very hot on the GST idea and this may help that along a little bit, if we go to the polls now another Finance Minister will be sitting here saying, well let's go on with this GST and that would make Brian very happy and that's okay. But I just hark back to what I said at the beginning. We were elected to do a term of three years. We've had no petition from the community to say get out, we're sick of you, there probably sick of us anyway, but at least they know that we've got a job to do and if we haven't done that properly, whenever the election is, we'll go. They'll take us out or we'll take whoever we want out when we do. But if there was a cry from the community to go, well it would be a little different. I must admit I haven't had a lot of that, but other Members may have. Thank you Mr Acting Deputy Speaker.

MR BATES

Thank you Mr Acting Deputy Speaker, I think to need to take up some of the points made by Mr Smith on that matter. Just to clarify the air really, some of them don't really mean much, but the Public Sector Manager Bill has been passed by this

House, it is in existence. So I don't know how he explains that my call for an early election is trying to stop it from going anywhere. It exists and I don't think it's be accented to, but that's not something that I have anything to do with. He said we were responsible to people to stay here for three years. We are responsible here to do what's best for the people. I'm talking about a few weeks, hanging onto a few weeks because I believe that there was a general acceptance for the end of March for a general election and the reasons for that. There was a responsibility to the people or responsibility to the next Assembly to allow them time to properly formulate a budget without making bad errors in having to make panic decisions and I thought that was generally accepted. I think he said that I have made several attempts to take his portfolio off him and I really wish he would put that down and show me where I've done that and clarify that, because either my memory is exceedingly poor that I can't recall that one at all. He said I wanted GST. I've made it no secret of the fact that we need some form of taxation reform. I think it's obvious to everybody around the House that we cannot succeed in internal self-government if we don't make some attempt for some form of taxation reform. It doesn't have to be Brian's GST as Mr Smith has pointed out. I think I have been very patient with that over time, in letting that take it's own course. I've certainly pushed it along, but I've not stood up and said look Brian likes GST therefore the Island's got to like it. I've never said that. I've let it take a course where people can come to grips with whether they agree with me that we need some sort of taxation reform or not. But George seems to have a happy of knack, I think one time he even suggested I wanted to put up taxes when I couldn't decide with him over his budget review and that's another complete furthy, I think he must be politicking on some of those things. But I certainly object to him saying what I am trying to do by my opinions and I think he has already said that I am trying to give GST a kick along by this Motion. I object to that. That's not my idea at all. I believe that the responsibility of the people of this Island, that it is better to give the next Assembly a chance to formulate it's budget. To get on with these things. To progress the Public Sector Management Bill. We have already made decisions that we are not going to fill some of the positions. I believe that by not filling those positions the Public Sector Management Bill really is in limbo, because I think that is the key aspect of it. So I think the sooner we get on with those things the better, but I certainly object to peoples writing, putting words which are untrue and saying that my intentions are something other than what they really are. I believe it's in the best interest of this community. I believe of the responsibility to the people and I believe that the next Assembly can better cope with some of the problems than we can. Thank you Mr Acting Deputy Speaker.

**MR SMITH** I'll just defer to Brian, yes. What I said Mr Bates was that you were pretty hot on the GST idea I didn't say Mr Bates is proposing that GST is the answer to Norfolk's problems. I just needed to clarify that, because it is an important thing to say.

**MR ROBERTSON** Thank you Mr Acting Deputy Speaker. I don't have to many difficulties with this proposal. I've had a number of people over the last month or so who have approached me and said what are you doing about an early election, because as was mentioned by previous speaker, anyway, that March was an indicator given. February was tossed into the pool at one stage and also doing the full term was done in another. But I have had a number of phone calls over this weekend following the Notice Paper on Friday, to say well it's about time. You seem to be stagnating, get out and let some others get on with the work and I don't have to many difficulties with that. I've looked at all the things that I've basically been responsible for to find out just how far we are progressing and what would the effect be if we were to go early. Say first week in March or last week in March or somewhere around there and there's not to many things that are currently in to much of an abeyance. As far as the Offshore Finance Centre going, we have got a model for that coming up within the next two weeks, which

will then, there's nothing that we can act on other than to look at the model and then proceed from there and that's going to take well into the next Assembly. Electricity Generation Plant, well we've got some ideas of that and that only just needs a final decision as to what we are going to do with that, as does the new crane. We currently have bit of a problem, because we have got a Legislative Draftsman that is no more and so the fact of urgently requiring either some regulations or drafting of any particular Bill between now and then is a problem that we are going to facing. Sure we can call on a outside person to do such thing, but we do have a problem. As far as people putting us there, the people that put us there, I guess as this stage, are the same people that have rung me to say well come on it's about time that there was some changes done. You don't seem to progressing and I don't think it's a case of throwing in a towel or doing any other issue like that. It's a case of looking at the responsibilities we've got. We seem to be getting into a period of two to three months now, whilst there might be three months and a half to go. What can we achieve in that period of time with what we have to do and whilst I think at this stage if we are leaving it until the very last month before we achieve those things then we are not doing our job in the first place. They should have all been done by now, knowing full well that the last two to three months in a Assembly is a time when if you haven't accomplished it by then you are going to have one tremendous job to try and accomplish it in the last few weeks. So I don't have any difficulty supporting the Motion.

MR McCOY Thank you Mr Acting Deputy Speaker. I don't have any problems in supporting the Motion. I'm sure most Members sitting around the table will remember my comments when Mr Nobbs was removed from the Assembly. I pushed strongly at that time to go for elections, instead of a bi-election. Simply on the view that I felt that this Assembly had three strikes and in that case it was out. Mr Brown had his portfolio for Minister for Health stripped from him. Mr Robert Adams got disillusioned and resigned and then Mr Nobbs was removed from his position on the Assembly. As we all know I was the new Member when we came around to the budget process and I couldn't really, whether it was because of my inexperience, get on a good grip on where the budget was going and I'm sure many other Members and many people in the community felt that yes we had trouble putting together a budget and it appears that after the fiasco that we've had through the Cultural Affairs Adviser and the debate that went around the House earlier on today, it has lead me to the very firm conclusion that yes it is time that we ask the people, the electorate if they feel that this group who are here in the House at the moment, should carry on or that new Members or new candidates who may put their names up be given the opportunity to get in and, well I guess they would have to do a budget review because we are still waiting for ours and that may give them an opportunity to put a budget together for the Year 2000 – 2001 and I am of the opinion that the sooner we go the better. Thank you.

ACTING DEPUTY SPEAKER There being no further debate, Honourable Members, I put the question.

#### QUESTION PUT

Madam Clerk would you call the House.

MR SMITH	NO
MR BUFFETT	AYE
MR BATES	AYE
MR ROBERTSON	AYE

MR GARDNER	AYE
MR ION ROBINSON	NO
MR McCOY	AYE
MR NOBBS	AYE
MR BROWN	AYE

Thank you Madam Clerk. Honourable Members the result of voting, the ayes seven, the noes two and I think for the benefit of the listening public, the Motion that has been agreed, proposed by Mr Bates, is that the Administrator be requested to determine in accordance with Section 35 of the Norfolk Island Act 1979, a date for a general election at the earliest date possible. Thank you Honourable Members we now resume and return to Mr Browns Motion that was earlier on suspended. Mr Brown.

MR BROWN Thank you Mr Acting Deputy Speaker, I don't wish to add to what I have said before. I do believe that it is an appropriate question for the community to decide whether or not the referendum is held on the date of the next election is a different question. We have invited the Administrator to nominate a date at the earliest possible time for a new election. If that date happens to be before the date on which a referendum could be held then obviously the referendum will have to be held later and I don't think it was the intention of the House to endeavor to encourage the Administrator to pick one date or another for the election. So I do seek the support of Members in putting this question to the community for the community to make a decision about it. Whether it be for the benefit of this Assembly to take action or for the benefit of the next Assembly.

MR BUFFETT Yes, I really want to propose an amendment, Mr Acting Deputy Speaker, and the amendment would be this. That in the third line of the existing Motion all words after eligible, I'll read the ones, these are to be deleted. Eligible at the same time to maintain their public service employment and to sit, those words be deleted and words inserted at lieu are to be prohibited from candidature. The words that remain there as Members of the Legislative Assembly.

MR BROWN Mr Acting Deputy Speaker, the amendment proposes something quite different to what I had suggested and perhaps I could try and briefly explain that. My earlier suggestion had been that if a member of the service stands for election and is elected, he should be deemed to resign from the service immediately upon the declaration of the poll and that is aimed at preventing a member of the service from needing to resign in order to stand as a candidate. The situation, within the Commonwealth sphere, for example is that a person who wishes to be a candidate must resign prior to nominating and that was the basis on which both the Cleary case and the Kelly and Free case came undone in that the particular people had not resigned prior to standing for election. Notwithstanding that I think in each case, well certainly in one of them, they did attempt to clarify that situation a little further down the track. So I was not seeking to create a situation where both a Member of the service and the service itself would be inconvenienced by the member needing to resign from the service in order to nominate. I was merely wanting a situation to be introduced or re-introduced depending on which way you look at it. Where if a member decides to stand, he is quite able to, and if upon being successful and upon declaration of the poll he is still a member of the service he is deemed to resign at that stage. I believe that that is a preferable course, it is certainly a fairer course. It does leave open the difficulty of the time between nominations of candidates and the election where some would say, oh well if that person has a particular job in Admin, he might say to people look unless you vote for me I am not going to do this. I'm not suggesting that's going to

happen. I am quite happy with the situation which is in accordance with that, which I believe exists in some of the Australian States and that which has certainly been recommended in a number of the enquiries that have taken place. That is that you are deemed to resign as soon as the poll is declared and I'm a genuine person, Mr Acting Deputy Speaker. If Mr Buffett is proposing to support the Motion with an amendment, then I would be happy to ask that the word eligible changed to ineligible. But if Mr Buffett is still intending to vote against the Motion, whether its amended or not, well I'm not sure how far my graciousness will extend on today. Just that one word eligible could be changed to ineligible and it would then say what I have been suggesting that you can't be both of them. It doesn't prevent you standing, but you can't be both of them if you get elected.

MR NOBBS Just a point of clarification before I speak. Could you read out the amendment please.

ACTING DEPUTY SPEAKER This is in Section 1 of the Motion that was circulated to Members, sorry, that was contained in the body of a letter to the Honourable George Smith, Speaker of the Legislative Assembly from Mr Brown of this date. That this House recommends to the Speaker, under the provisions of the Referendum Act 1964, that he direct a referendum on the following. Do you believe that Senior Officers and Senior employees of the Public Service, i.e. Programme Managers, Branch Heads, Section Heads and Managers of Government Business Enterprises should be prohibited from candidature as Members of the Legislative Assembly. That is Mr Buffett's proposed wording. Mr Nobbs.

MR NOBBS Mr Acting Deputy Speaker, the current arrangements are that a person can stand. A public servant can stand, but if he is elected by this group, by this body of the House as an Executive Member he then must, or he or she, must then resign and I'll use he for the going, but I mean he and she, shall resign from the public service to take up that position. Surely this excludes a person doing precisely that, this amendment and on that basis I can not vote in favour of it.

MR BATES Thank you Mr Acting Deputy Speaker, I do believe, as I said right at the beginning, that the wording of the substance of the referendum, I think, is fairly important, because it's my understanding that referendums work on a 60/40 basis and it really means that, I believe, this thing is more constitutional than just something that should be decided by a few people and if it, as it is my understanding, is that there could be changes, constitutional changes, I say they are constitutional changes because they are big changes, made simply on a 40 percent vote. I think it if was ineligible then it means that the 60 percent of the people have got to say we want change. The other way is that, I think it's loaded in the wrong direction in the way it's worded.

MR BROWN Mr Acting Deputy Speaker, could I simply say that the Motion isn't intentionally loaded. Could I secondly say that I would be amazed if a Legislative Assembly, if Mr Bates recollection of the percentages is correct, I don't think that is correct, but if it is correct I would amazed if this Assembly or any future Assembly on the basis of a 40 percent voted at Assembly changed something. This doesn't direct this Assembly or any future Assembly to do anything. It asks the view of the community and I would expect that if the community's view came back at 48 percent in favour of the present situation and 52 percent in favour of a change. The change might well occur and if the community came back 52 percent in favour of the present situation and 48 percent in favour of the change. I don't think the change

will occur. So I think we need to give this Assembly and future Assembly's more credibility than has been given in that argument.

ACTING DEPUTY SPEAKER      Honourable Members the question before us, we are discussing Mr Buffett's amendment. Is there further debate on that proposed amendment.

MR BUFFETT                      Mr Acting Deputy Speaker, just so I may come closer to what Mr Brown is talking about. I haven't proposed the word ineligible. I used some other words. I used the words prohibited from candidature. But I am very comfortable to put the ineligible because I think it achieves the same thing if in fact there the words you are comfortable with and so with your concurrence, Mr Speaker, with Members I'm happy to make that adjustment of words. But in fairness I have got to say to Mr Brown, although he may well be saying well if you are happy about the words what about giving some support to the Motion. I earlier gave my reasons and not only did I give my reasons, but others gave reasons why they thought that a Motion of this situation would be both inappropriate as to it's contents and inappropriate as to it's timing. There the words that you particularly mentioned, Chief Minister, and I think also you eluded to that, Mr Acting Deputy Speaker, and having said that I have got to be fair to say that I stick to the view that I put. I'm not about to trade it off.

ACTING DEPUTY SPEAKER      Thank you Mr Buffett. I take it from that, that that would read the insertion of ineligible in place of eligible and continue

MR BUFFETT                      And the rest remains the same.

ACTING DEPUTY SPEAKER      Remains the same, at the same time to maintain their public service employment.

MR BROWN                      Mr Acting Deputy Speaker, as I understand Mr Buffett, he is proposing an amendment and if the Motion is amended in accordance with his proposal he intends to then vote against the Motion. In that situation I don't propose to insult the House by wasting it's time in supporting Mr Buffett's amendment. I will vote against the amendment and vote in favour of the Motion as it stands.

MR BUFFETT                      Just to clarify, there is some indication that maybe I'm trying to play games or trying to offer some insult to the mentality of the Members. That obviously is not the case. It is quite unclear to me, Mr Acting Deputy Speaker, as to what the final result of this Motion is and if it is to pass, I would prefer it to pass in the amended form, than in the unamended form and so not knowing what the end result is that I am endeavoring to do the best with the Motion that is available to me at the time. Hopefully at the end of the day you won't think that it's needed to be supported and that's the reasons and I'm sorry to appear to be so curitious about it, but I think you do understand what I am on about and we don't need to make politics out of it.

MR SMITH                      Just a short bit that Mr Brown might pick up on. We don't actually have a date suggested in the Motion and as Mr Brown had said a little earlier that he didn't expect it to fall at the same time

**PROBLEM WITH RECORDING – SILENT BREAK IN TAPE**

MR SMITH At the moment, is start the proceedings for a referendum, so if Mr Brown would like to propose a date after the election I would be more comfortable.

ACTING DEPUTY SPEAKER Thank you Chief Minister, can I just draw your attention to Mr Browns covering letter to all Members of the Legislative Assembly of today's date. Where his is suggesting there that it would be appropriate to be held on the same date as that of the next election of Members to the Legislative Assembly. If that is still the case we are unable to decide that. That is a matter for the Administrator to decide as a result of the previous Motion.

MR BROWN Mr Acting Deputy Speaker, it certainly is the case that this House has no role in deciding the date of the election. It is also the case that a certain time period must pass before a referendum can be held and it may well be that the date which the Administrator selects for the election makes it impossible for a referendum to be held on the same date, because sufficient time might not be available. But I'm not endeavoring to fetter the discretion of the appropriate people in selecting dates. It's not normal for the House to vote as to a date in relation to a proposed referendum. It is normal simply for the House to vote or for at least for the House to recommend to the Speaker that a referendum to be held and it's a matter for the Speaker then to select a convenient and lawful date on which that can occur.

MR SMITH Thank you Mr Acting Deputy Speaker, I think what I'm looking for from Mr Brown is for him to say that yes if it was possible to have it three or four weeks after the election, if that was put into Hansard something like that.

ACTING DEPUTY SPEAKER I don't, if I just may, I don't think it is the role of this Legislative Assembly to determine the processes in the life of a subsequent Legislative Assembly.

MR SMITH I'm talking about Mr Brown's preferences. It was important tot what we said before about that if it was going to happen on the same day as the election I would not support the Motion. But if Mr Brown was able to say that he would prefer it to be after that time then of course that might be accommodated down the track.

ACTING DEPUTY SPEAKER Again Mr Smith, I think I need to point out that really is a matter for the incoming Assembly to resolve if that were to be the case.

MR BROWN Mr Acting Deputy Speaker, as I understand it is a matter for the Speaker to put the mechanism for a referendum in place and such as I understand it. It is not for me or for any Member of the House to endeavor to fetter the Speaker's discretion in terms of what date is selected for that referendum. I don't think it is appropriate for me to endeavor to put a date in this Motion, by the same token it's not appropriate for the Speaker to do nothing about it in the event that the Motion passes.

ACTING DEPUTY SPEAKER Being no further debate, Mr Buffett I look to you to seek leave to move your proposed amendment.

MR BUFFETT Oh yes my apologies I thought we had gone through that. I do so seek leave.

#### **AMENDMENT TO MR BROWNS MOTION**

ACTING DEPUTY SPEAKER Leave is granted Mr Buffett. Question before Honourable Members is Mr Buffett's amendment that the word eligible be taken out of Mr Brown's Motion and the ineligible inserted.

#### QUESTION PUT

Madam Clerk would you call the House

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

Thank you Madam Clerk. Result of voting Honourable Members, the ayes four, the noes five. That amendment is defeated. We now return to the Motion and for the benefit of Members and the listening public I will read the Motion as proposed by Mr Brown. That this House recommends to the Speaker under the provisions of the Referendum Act 1964, that he direct a referendum on the following. Do you believe that Senior Officers and employees of the Public Service, i.e. Programme Managers, Branch Heads, Section Heads and Managers of Government Business Enterprises should be eligible at the same time to maintain their public service employment and to sit as Members of the Legislative Assembly. That's the question before us Honourable Members. Is there any debate.

MR NOBBS Just a point of clarification. I thought that it was point by, do you believe that Senior Officers and Senior Employees was put in there.

MR BROWN If I didn't formally seek leave to make that amendment could I seek that leave Mr Acting Deputy Speaker, just so there is no confusion. So that in that first line it refers to Senior Officers and Senior Employees.

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

#### **AMENDMENT – MR BROWNS MOTION ON REFERENDUM**

ACTING DEPUTY SPEAKER I think we need to deal with the insertion of that first and that is the amendment sought by Mr Brown to insert the word Senior before employees. Is there any debate on that Honourable Members. Being no debate I put the question.

#### QUESTION PUT

Do you wish the House to be called Mr Buffett.

MR BUFFETT Yes please.

ACTING DEPUTY SPEAKER Madam Clerk would you call the House.

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

Thank you Madam Clerk. The result of voting Honourable Members, the ayes seven, the noes one and one abstention. The ayes have it. As a result of that, Honourable Members, we have inserted the word Senior before employees in the body of the Motion. We now return to the Motion as amended. Is there further debate on the Motion as amended. There being no further debate, Honourable Members, I put the question.

MR BUFFETT This is the real substantive Motion.

ACTING DEPUTY SPEAKER This is the real substantive Motion, Mr Buffett and I put that question, Honourable Members. Any there any abstentions. Madam Clerk would you call the House.

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

The result of voting, Honourable Members, the ayes six, the noes three. That Motion is so agreed. Honourable Members we now move on to fixing of the next sitting day.

#### **FIXING OF NEXT SITTING**

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

MR SPEAKER There being no further debate. I put the question.

QUESTION PUT  
AGREED.

We move to adjournment.

#### **ADJOURNMENT**

MR BROWN Mr Speaker I move that the House do now adjourn.

MR GARDNER

Thank you Mr Speaker, I just wish to say a few words if I might, Mr Speaker, with respect to our departing Legislative Council, Mr James Williamsom. James's enthusiasm for and dedication to the job at hand as seen this Assembly able to pass significant parts of Legislation, including our package of Gaming Legislation earlier on in the life of this Assembly and more recently the Public Sector Management Legislation. Often the night light has burnt bright in his office at Administration, as he has tirelessly worked to achieve his targets for drafting Legislation. I am sure that my Executive colleagues are, as I am, appreciative of his outstanding commitment to the Legislative Assembly and in the end to the people of Norfolk Island. To James I wish to pass on my personal thanks for the tremendous support and advice he has provided me with in my role as an Executive Member these past 12 months or so. To him, his wife Wendy and their family, I would hope that all Members would join me in wishing them all the very best for their future endeavors and that good health and happiness accompany them. Thank you Mr Speaker.

MR McCOY

Thank you Mr Speaker, I'd just like to make a little mention for the benefit for some of the people in the community and also for the benefit of the men who work in the literage service for the Administration. As we all know we had a problem with the ship and simply the conditions that prevailed caused that ship to be unloadable. It could not be unloaded in other words. As we all know the Cascade Cliff Project is in progress, which all due respect to KIPRA, they've had a lot of days where they couldn't work. No one could foresee the weather that came along, but of course I've heard over the years that the literage tend to hold the community at ransom because they choose not to work and in this case, we have had a ship that came in 28 times and there have been complaints from the literage crew and the literage boys have taken the view every time that well they have to do the right thing by the community and try and get the cargo off that ship. As we all know, last week the ship had been sitting around for quite a few days. An attempt was made to unload it, fortunately no fatalities occurred and an meeting was held at 7 am at the wharf on, I believe, Thursday or Friday morning in which the literage took the initiative to give it another go, knowing full well that there were big problems the day before. It looked like things were going to go smoothly, but with the change of the tide and when they tried to bring the cement off the ship the swing, like a pendulum, with the cement it had approximately a 30 foot or 10 metre swing, which at that time I believe the agent for the shipping company was in the lighter and he saw the dangers and chose to tell the ship to sail on. The outcome of where the cargo is or when it will get back to the Island, I'm not to sure, but as has been said many times in the House, that there are problems because of the Cascade Cliff Project and I'm sure that we are all quite aware that the Cascade Cliff Project is at a stage where, well then maybe you couldn't close or make the area at Cascade safe. So the Island and the community was put in a very serious situation, once again, where the ship could not unload and I merely make this mention because we are all quite aware of the harbour and future harbour and quarry reports that were done in 1992 and I have a burning question in my mind as to why we are now, eight years down the track, and we still have no solution to the shipping problems that Norfolk Island is faced with, because no one seems to have taken the initiative to try and get the Island up to speed with the way shipping is going in the Pacific and we are not as fortunate as other Pacific Islands, where they have a protective reef around them and I hope that whoever is in the 9<sup>th</sup> Assembly will take the initiative to try and ensure that this problem is addressed as soon as possible and I hope that maybe some other Members of the House might have a comment to say.

MR BUFFETT

Yes, thank you Mr Speaker, two things if I may. Can I add to the words made by Mr Gardner about acknowledging the service and the significant assistance

given to us by our Legislative Draftsman. I in a private capacity have needed to promote pieces of amending Legislation and the effort that he has put into that task is illustrative, I think, in a number of ways of the work that he has done in a wide range of quarters here and I just wanted to add that that is much appreciated in my quarter as well as in the others. The second matter that I would like to just mention is in my capacity as the Regional Rep of the Commonwealth Parliamentary Association. The Executive, the Chairman of the CPA Executive, I have already indicated to Members a couple of weeks ago now, is to make a visit to Norfolk Island arriving tomorrow evening and I just wanted, in this context, so that we could say it in the hearing of the wider community. He will be arriving tomorrow evening and will be in the Island for Wednesday the 12<sup>th</sup> and he will depart on Thursday the 13<sup>th</sup>, in which he will attend a meeting of the Norfolk Island CPA Branch, which will include all Members of course. That is the representation within the Island and those who may have had previous service and are still members of the Branch and he will be shown something of the Island whilst he is here. But I wanted in this context, also, to just say that he will be given a warm welcome, Mr Speaker, amongst us. He also is a Parliamentarian, obviously, being of the Commonwealth Parliamentary Association and he is a Speaker in his own right of the National Assembly of Tanzania and so I would ask you that you would join me when he arrives in making him warmly welcome in Norfolk Island.

MR ROBERTSON

Thank you Mr Speaker, following the words of John McCoy. I'd actually meant to or intended to say something on that issue, but he beat to the gun. I have the full documentation here to do just that. Members of the community would be fairly aware of the difficulties as been experienced with shipping, particularly over the last month, with the Cascade Cliff Project reaching the, the timing of the Cascade cliff is reaching the stage where there is a large amount of rock, which is currently on the road in front of the Cascade Pier. In the Cascade agreements that have been put out to KIPRA, the successful tenderor, part of their conditions that were given advice of 24 hours notice, they were to make safe, where possible, the cliff to allow access for visiting ships. That currently is not able to be done. The safety factor has now come into it 100 percent. The reason why the amount of rock that is currently sitting on the road in front of the pier is because it is dangerous even for the contractor to pick that up and shift it and that's because of the unstable nature of the rock down the face of the cliff, not necessarily on top. They won't be able to get much done in that area until such time as they finish on level two, which is the main rock face that you see. It's the most heaviest and the best rock that we can currently ascertain, but when they start on that level they will have to move and complete that before they can shift any of that rock. Now one of the other things that is says in the contract, that emergency areas should be maintained at all times. To that area the (?) contractor and Gerald Downy have met today and they are looking at ways were they can put in some form of ramp to allow an emergency vessel to be launched. Mainly on the rubber ducky type of thing or whatever is necessary at the time. As far as the actual ship is concerned, the Amelia, has been concerned raised for that over the last 28 voyages. The meeting on Thursday morning, 7 am, down with literage, stevedores, crane drivers, the works were down there and I had long discussions with them as to whether or not they would work the ship. They felt it was to dangerous. The sea was not quite that bad, but the ship itself tended to roll around in the swell, which in itself caused difficulties when the unloading operations took place. On two days prior to that, on that Tuesday, that actually had some of the gear come adrift and narrowly miss one of the men on the lighter. I made the declaration to them that as far as I was concerned it would be the last voyage of the Amelia and in fact today I signed a signed a declaration that says the Amelia will not be unloaded should it arrive back here and I did that for two reasons. The first reason is that there has been a lot of problems arising with this particular vessel, whether it be in dead flat calm water or whether it be of slightly less calm as per the nature of the sea on the

Thursday and I did it for another reason. Is that the PDL Shipping Company have indicated that as of April there will be a new ship coming on line. A brand new vessel of which they feel would adequately do the job. So the letter that I have sent to the shipping company and my discussions with the local agent this morning indicates that whilst the Amelia will not be unloaded as per Section 7 of the Litterage Act or loaded, one or the other. That they are fully at liberty to come to the Island with another vessel, should it be suitable for the unloading operations. It means that we still have one vessel supplying from New Zealand and we have two vessels, actually, supplying from Australia which aren't giving us the same concern. So that's the situation that exists. I will be making a full statement. We have got a meeting of the Cascade Cliff Management Committee is taking place at 8.30 tomorrow morning to discuss the final bits and pieces of this and I will be making a full statement in the paper on this Saturday.

MR BATES

Thank you Mr Speaker, I would like to pay tribute to the work of the litterage workers. I thank John for bringing this forward and clarifying some of the issues. It is certainly the people that aren't involved in litterage often comment that oh I've seen them working in worse conditions than this and they look at the sea alongside the jetty and it's true that often the seas alongside the jetty, sometimes they work in them and sometimes they don't. But the real problem that people that just see it from the jetty don't really understand is what happens alongside the ship and I've never had to do that sort of work so I'm not fully equipped to explain a little bit, but in trying to keep a lighter alongside a ship and catch something that is heavy and bashing against the side of the ship and swinging around above your head. Possibility of bashing and breaking and raining debris down on top of you and landing it in a lighter is not an easy task. I think Members will recall that the availability of suitable vessels to work these waters has been something that's been a problem. It's not so long ago that only ships with union purchase could be worked here. Now it's a tribute to the litterage workers themselves here that they have now devised ways of working, because those vessels were virtually unavailable and now devised ways of working ships that don't have union purchase and I pay tribute to them for that. I witnessed only last week, something I don't think I've ever seen at Kingston jetty. They needed two forklifts to clear the freight that was coming off another vessel. One forklift couldn't up with the rate the freight was coming off the vessel. I don't know if it's a record, but I saw it and I witnessed it and that jetty was chock a block with cargo. So that just proves that there are suitable vessels around that can work these waters without union purchase. I was a great supporter of a proposal put to us here that the Island purchase a stern loading vessel and operate a different operation and what made me a little bit cold on that is that I believe that litterage's are traditional, almost a culture in Norfolk Island. If you had a SLV that could work here, litterage would be dead. There would be no more litterage. One day I guess that will happen. That we will find other ways of getting our cargo off and litterage will be part of history. But litterage is a tradition that's almost part of our culture. It's a tourist attraction and I certainly wouldn't be one that would wish the end of litterage unless it became absolutely necessary, but I just wanted to support John in what he said. People should consider that their observations are what's happening around the jetty. Probably in no relationship as to why a ship is working or not. It's what's going on out at the ship, I believe, even on this last ship that even the stevedore's who work aboard the ship, for the first time, were really concerned about the operation and their safety. So thank you John for bringing that forward and I support the worker's and I support what you said.

MR NOBBS

Thank you Speaker, I'd just like to endorse what Mr Gardner said in relation to James Williamson. He did a great job. Also what John McCoy said about the litterage workers. The point that I wish to bring up at the present time is the availability of metal at the present time, on the Island here and whilst it will be, I understand that there will

be a decision brought down one way or the other in relation to the Island Industries proposal in the next fortnight. Whether this will be allowed to go ahead or not, I don't know, and I don't think anybody else does except for the guys making the decision of course. But there is another applicant in as well. Application in for a crushing site, this doesn't seem to have gone anywhere and whilst it is not in our forum, with the Commonwealth, I would really appreciate it if the Minister could take this matter up with the Administrator. I understand that there has been an environmental report completed and submitted some months ago, but there seems to be nothing happening. So I think we should cover it. I don't think either of the two proponents are frightened of competition and as a back up I would suggest to you, Gary, that you may like to push this ahead with the Administrator and see whether we can get some action in relation to the second one and that's all. Thank you.

MR SMITH  
the House do now adjourn.

Well there being no further debate. I put the question that

QUESTION PUT  
AGREED

The ayes certainly have it. This House stands adjourned until Wednesday 9<sup>th</sup> February 2000 at 10am.

