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SELECT COMMITTEE TO CONSIDER CERTAIN ISSUES INCLUDING ELECTORAL AND GOVERNANCE ISSUES

**PUBLIC HEARING HELD IN THE LEGISLATIVE ASSEMBLY CHAMBER
AT 5.30 PM ON TUESDAY, 29th APRIL 2003**

Present: J T (Chairman)
G R Gardner
I F Buffett
G C Smith
R C Nobbs

Public Gallery: Ivan Clark;

CHAIRMAN BROWN Welcome to these hearings of the Select Committee into Electoral and Governance issues. This evening Mr Michael William King is to provide evidence to us. Could I invite Mr King to approach the glass of water please. Mr King our secretary will minister an oath to you

MR KING I Michael William King do solemnly and sincerely swear, that the evidence I shall give touching the matter before this Select Committee shall be the truth, the whole truth and nothing but the truth; So Help Me God!

CHAIRMAN BROWN Mr King welcome to our Select Committee. I understand that you are familiar with our Terms of Reference which were set down by the Legislative Assembly last December. I understand that you wish to make a verbal submission this evening and we invite you to commence to do so

MR KING Thank you Mr Chairman. Good evening to you and good evening to Members. Firstly I must apologise for not making a written submission. I dearly wanted to make a written submission. You understand my views from your initial meeting, that I consider the Terms of Reference very, very, very, wide and extremely deep and it is quite an impossible task to know where to start if one is going to make a written submission. In addition to that my time constraints have been very great in recent times. It was only as recent as last week that I felt I may be able to come down and make one or two meaningful comments. But before I do so I would like to preface my remarks Mr Chairman by saying that any words or observations or statements, comments that I do make, I please ask that the Members of the Select Committee take no personal reflection. I mean no insult or lack of respect to any existing Member or past Member of the Legislative Assembly or Government nor to the existing Government or Members. So I hope that my comments are seen in an instructive light and merely as a participant in the democratic process. Having said that Mr Chairman it is a matter of record my involvement in politics in the Island. I have been a member for two terms of the Legislative Assembly both terms on the front bench. As Head of Government, I have covered a great deal of the ministries and on more than one occasion I was referred to as the Minister for Everything. I don't know whether that was a reflection of the actuality of the situation or the fact that I had too much to say about things but I've had fairly wide experience on the Ministry. Regretfully, not on the backbench. Circumstances intervened in that particular regard.

Some Members may not be aware that my association with the Island goes back some thirty-five years. I have lived here for the past twenty-three straight years, probably a total of about twenty-five years. I've raised a family of four in the Island. I have of course been a keen observer as you are all aware, a keen observer of local politics or been on the edge of politics and been known to make political comment from time to time for some two decades at least.

Sometimes Mr Chairman I regret not having been here during the debate on the self-Government issue although I'm not sure whether I would have been in a position to make a contribution or not. Perhaps I might not have been as astute as I am now or politically aware as I am now. Thinking back it is my view and the view that I have maintained for some time that the full implications of self-Government weren't properly debated or discussed at that time. I believe there was a lack of education then and I believe that even in this current day some twenty-four years later that there is an unsatisfactory level of understanding in the community about the political processes in Norfolk Island and what in fact Norfolk Island took on in 1979.

Nevertheless, Mr Chairman, I've been fortunate enough to observe the early years of self-Government from different vantage points, most of them political in one sense or another. I have made many contributions to the columns of the local paper on political issues, largely I must say in an effort to inform or to stimulate debate. I haven't always succeeded in doing that. I've attracted a lot of replies, a lot of which has been vitriole rather than informed comment which is unfortunate. But mainly my objective in those cases, and a practice that I continued during my years in the political arena, was an objective which was designed to attract and stimulate debate on political issues, which I think there is very little of in the Island. Sometimes of course I bit of more than I could chew when I entered the columns but those are the situations that one finds oneself in.

I've been an organiser and a leader in industrial relations but I have to say, only here on the island. I'm not as some have suggested in the paper recently a socialist of a bygone era or something or other. My interest in politics arose only here in Norfolk Island from what I saw as some distortions of equity and some lack of respect or understanding for the role of the working class and that's where my interests and tendencies have been aligned since that time. I've been involved in protest marches and stop work meetings and strikes here on the island. I was involved in lobbying the Commonwealth Government, the local Government and the International Labour Organisation on various industrial matters with some mixed success.

I've been involved in the referendum process both on the giving end and the receiving end. I've walked the streets with petitions for one thing and another including petitioning for a new general election. I've also been instrumental in framing referendum questions so as to attract the historical no outcome, as others have done I must say. I'm well aware of the ease with which one can gather the necessary signatures on a petition simply by employing emotion and capitalising on ignorance. From the perspective of a lobbyist the referendum process is a wonderful democratic device. From a political perspective but it is of course a nightmare.

I've conducted media campaigns, election campaigns, not only for myself but for some others. My last endeavour was for myself and that of course was an abject failure.

In the political arena I've watched regretfully almost half of our Legislative Assembly since self-Government fail to complete a full term, largely through infighting and instability. I've also witnessed regretfully some half of the Chief Executives of the Public Service fail to complete their terms of employment and leave under circumstances which can at best be described as unfortunate, disappointing and unsettling.

I've seen the obscurity of leadership from the days of the ludicrous triumvirate with it's revolving Head of Government to the murkiness surrounding the role of the President of the Legislative Assembly, to the indistinct boundary between the executive and the Legislative Assembly, a blurring which I might add Mr Chairman in my view was often encouraged for political purposes.

For year after year I've watched the various Legislative Assembly's struggle with limited and diminishing funds and a budget process that almost always focussed on balancing the books rather than having a more responsible, wider, economic focus. And all that while the Islands fund position continued to deteriorate and there was a continued demonstrated reluctance or inability to gather more taxes when there was clearly a capacity to pay.

Sadly Mr Chairman in recent years I've witnessed a significant deterioration in the relationship between Norfolk Island and the Commonwealth of Australia to the point where the Australian citizenship of Norfolk Islanders has been devalued. Mr Chairman finally as far as my opening remarks are concerned I've seen and read many reports on the Island concluded by Committees of our Legislative Assembly, by Committees of the Commonwealth Parliament, by various experts commissioned by our Government and by others. A whole swag of them. Most of them find their way onto our Legislative Assembly, into this forum to sit on the Notice Paper and to eventually fade into obscurity. If the Legislative Assembly does decide to adopt a position in respect of those, which of course is in the minority rather than the majority of cases, then the recommendations that are adopted are invariably never ever implemented. It is against that background of reporting at committees that I make the statement that the Committee will understand the scepticism (and perhaps the lack of people in the gallery) about where this Committee is heading. I regret having to say that but Mr Chairman those are my observations and experiences. I have some other bits and pieces I can talk about but perhaps I now call to you to seek your guidance in perhaps asking specific questions or leading me in a particular area

CHAIRMAN BROWN

At this stage fellow Members are there any particular questions any of you would like to address to Mr King. I might start at the opposite end of the table this evening. Mr Buffett

MR I BUFFETT
you

Thank you Mr Chairman. Not at this particular time thank

MR GARDNER

Thank you Mr Chairman. Mr King you made a statement about the failure to complete terms of the Legislative Assembly and that's the second or third time that's come up in evidence that's been given before our Select Committee. Do you see that as being a different arrangement to that as exists in other Parliaments elsewhere and the reason I say that is I've just completed reading a book by an independent member for Killare in Australia, a Mr Peter Andersen, and in his book he provides some views on why the Commonwealth Parliament have been in exactly the same situation for the last twenty years. There's been ten Commonwealth Parliaments in the last twenty years basically have gone the two year stint. I would be interested in your views to see whether there are some parallels between the two

MR KING

Those elections were driven by political parties and the ambitions of political parties which is a separate situation but of course I guess the most clear reflection of a stable and progressive parliament is one which completes its full term and I think that is the desirable objective which is required by the community at large but certainly in our terms. I can understand in the Australian situation, political parties seeking the right time to call a full or half election or total dissolution or whatever, but I think you will understand that that's a

different political environment entirely. I think ours is driven by a desire in the community for progress and stability

MR GARDNER Don't you believe at times that some consideration has been given to the time being right. Not necessarily by a party but by a majority of Ministers or the community at the time

MR KING Absolutely. That's happened here. My comments were directed to those times when the Parliament has folded because of instability and infighting, not times when it was logistically appropriate if you like or convenient to call an election. That's happened a number of times but I'm not taking those occasions into account at all

MR NOBBS Evening Mr King. How are you? I just take you a step further on that. Normally in the mainland be it Australia or New Zealand, usually they have a party system and there are also very distinct policies that are in place. Do you think there is a failure in the Norfolk Island system in relation to there being very limited policies and it's more of a popularity vote taken because of the fact that there are no dead set policies, or proper policies put out by candidates when they stand

MR KING I don't know if I know how to answer that question. I'm sorry but are you asking me if I think the early elections or the failure to complete full term on occasion is brought about by the Members themselves not having had any policies from the start. I'm sorry is that your question

MR NOBBS Some of them have been through community pressures on various issues that probably either the parliament in place at that point didn't have the clear policies. You don't agree that that could be a point

MR KING I can't quite latch onto your question Mr Nobbs I'm sorry

MR NOBBS Okay. I won't ask anything further

MR SMITH Thank you. Mr King I would like to pursue the same question the Chief Minister was asking in relation to the shorter terms that occurred in the Legislative Assembly. Do you see Mr King that as a bad occurrence. I'll rephrase that. The Legislative Assembly's that have run their full term, have you made a comparison between a full term Assembly and a short term Assembly in what they achieved and do you think it's wrong that an Assembly aborts its term if it is not running very well, whether by infighting or community pressure

MR KING Firstly Mr Smith I think the ability to hold a Legislative Assembly and a Government together for the full term should be applauded. Secondly, no I don't think an Assembly or Government should continue if it's not getting on, or progressing matters, if there is infighting or an inability to progress matters. It should fold... precisely. Perhaps at a later time we are going to be able to talk about maybe the electoral systems or the voting systems or the manner in which the Government operates and those other measures which lead you to that situation where the Government and Legislative Assembly's fall over. I don't think it's a bad thing at all. I think by and large you should go out. You should fold. I've been involved in a Government, (I don't know what number it was, 1994 I think) when we fell to fighting. I think I might have been scratching and tearing with Mr Chairman there and he might have been doing the same with me. We weren't getting on. We weren't the best of friends. We are probably

better friends now than what we were then. That's probably because I'm not in politics and he remains, but I think that on that occasion and on other similar occasions it was the wise thing to do but nevertheless that doesn't make it satisfactory in the eyes of the community and the electorate and certainly it wouldn't meet community expectations I'm sure... well it doesn't meet community expectations. Community expectations are that the Government gets on, sets its policy, sets its programmes and gets on with them and makes some achievements. The best achievements that it can do in the term that is given them

MR SMITH Another question along similar lines. Based on what you said earlier do you think that the terms of the Legislative Assembly may be too long

MR KING Term's too long... absolutely not. I think if everyone got along properly and worked together without all the infighting and the back biting then I think the terms are too short. I've made the observations before that by and large you are replacing half the Legislative Assembly every time you have an election. You are replacing nearly all the Government or three quarters of the Government is replaced in every general election that you have. Given that there is a period of acquiring knowledge and understanding how the process works. In my experience I've seen that. That takes about a year for some people to come up to scratch. By and large the community are inviting by their votes people into this House who have had no experience or little experience in politics or the political arena and not only that, people find themselves in Government who don't even understand the notion of executive authority let alone have any level managerial experience. So there's this long learning curve which takes at least a year in most cases. So you have a year of productivity and then half the Legislative Assembly is hoping that the last year goes fast so they can duck for cover. No... I think three years is too short, I think it should be longer, at least four years. Perhaps even six years with an election every three years like they do in the Tourist Bureau, they have a revolving election don't they, replacing half of them every couple of years or something. That type of arrangement.

MR SMITH You spoke of petitions and referenda that you had been involved in. there has been some criticism over the last few years about Norfolk Island using the referendum to get the community's comment. Do you believe that the petitions and referendum are a successful way of judging the community's attitude towards issues and also about the Legislative Assembly itself

MR KING I'm not sure that I do.. no. I think if I'm called upon to give a definite answer, no. I don't think so. I know full well from my own experience that referendums are often decided on an emotional point or aspect. I recall one occasion, I can't recall what referendum it was, there's been that many of them, but there was 1000 information packs put out for the community to read and understand before the vote took place. A matter in which the Government was supporting; it was a referendum called by the Government incidentally. Of those 1000 information packs only five of them were collected from various vantage points around the Island and the vote was taken in an overwhelming no against the Government. I can conclude from that, the community failed to inform itself properly and clearly and voted purely on emotion. It was an emotional issue, it might have been the alpacas. But that's my point to the question. As far as referenda being called by others in the community, well as I mentioned in my opening remarks. I know full well how easy it is to gather three hundred signatures in the community. People will sign a petition rather than plead ignorance on the matter, I can assure you of that. But returning to Government initiated referenda it is often said, not by me but by many before me, that a modern democracy is a representative democracy. A return to referenda is really a reversion to the ancient Greek days. We live in a modern democracy which elects representatives to take decisions for us and I think that's where the decisions ought to be taken,

down here. The Government as the elected Members are in a position to gather the information and to properly inform themselves, hopefully without emotion taking too much a part in the consideration process. But this is where the decisions ought to be made. There is no doubt in my mind on that, and having said that, I should also say that my view, and a very very strong view is that even if a referendum is decided in a particular way yes or no, the Government of course as you understand, is not bound by that decision and ought not bind itself because at the end of the day it is the Government who is here to inform themselves properly. A particular referendum in point is the mobile phone one. I think it was an overwhelming defeat of the Government proposal. I think you should have gone ahead with it anyway. It may well have been seen as a slap in the face but the reality was, that with your backs against the wall, you were looking at a money making proposal, a proposal which afforded you an opportunity to join the rest of the world as it were (we are a modern community, a modern democracy) to join the rest of the world and to make some money on the side without I might add, causing too much disruption or damage to the community

MR SMITH In the same vein as the referendum, you made the statement that people tend to vote at referendum, emotionally. Isn't that what a referendum is about. Is it not about what people are actually thinking themselves. I'm not too sure that they would vote emotionally in referenda

MR KING I meant as apart from clear thinking, informed thinking not clouded by emotion. That's what I'm talking about. I don't want to hear a mobile phone going off next to me while I'm having a beer at the pub but I can accept that that man is using a device, that phone, because he's in business or he wants to keep in touch with someone. I can accept that in him doing so the Government and the public purse and the community is benefiting from the money that he's generating but I don't want him to interrupt my beer drinking

MR I BUFFETT Thank you Mr Chairman. Mr King may well have answered the question I am going to ask in some of the response he has given to Mr Smith. Mr King one of the issues that is currently before the Norfolk Island Legislative Assembly and I guess the people of Norfolk generally is this question of incumbency. I was going to ask you that earlier on in the piece what your views in respect of that was and I just wondered whether you wanted to make a further submission on the question of incumbency within this or whether your view is still that revolving one of saying a six year period and changing half of it each three years

MR KING I haven't set my mind to that at all. That jumped out on the spur of Mr Smith's question but I haven't given that a great deal of thought. But what I have given a great deal of thought to is the fact that I believe three years is too short. Far too short to make proper progress. And that's what it's all about. Some of the disappointments that are expressed by people in the community are in respect of progress and continuity. I was the beneficiary of continuity in respect of my business pursuits and I was extremely fortunate to have one man who was the same Minister, who I was able to deal with from one Legislative Assembly to another and from a business point of view that meant volumes, that I didn't have to go through the task of dealing with someone who had yet to educate himself in respect of that particular matter. It meant volumes and I expect that it means exactly the same to anyone else who wants to invest in the community. So continuity, and continuity comes with the longer period of time

MR I BUFFETT Perhaps one more question, under the present arrangement do you believe with the salary structure for example, with executive members receiving a salary to carry out their duties, perhaps two things flow from that. Do you believe that is adequate in terms of encouraging perhaps younger people within the community to be involved

and understand some of the issues of the Norfolk Island political situation and I would be interested to hear your comment, if for example we are to retain short term periods of three years, it is not easy unless you've already had some previous employment, to make the decision to go into politics to withdraw yourself from your everyday business or activity to give service to the community, is really a situation where if you are not elected next time it may take you a period of two to three months to find yourself back in a very small work force. I would be interested to hear your comments on some of those issues in terms of looking at perhaps getting the younger people in this community more involved in politics, by looking at this experiment we call self-Government

MR KING

Well. Experiment! Thank you Mr Buffett. I'm sorry. I'm surprised that you've used the word experiment... a twenty-four year experiment!

It's more attractive now for people in the community. For many, many years this was the province of the business sector down here because the wage structure was such that only those who had a supplementary income could afford to come down here and represent people. So you had clearly an imbalance in representation. Interests in the community were not properly represented in a balanced situation. There's no doubt in my mind about that. But that of course has changed a bit in recent years. The salary has gone up. I don't know what they are now. I know for MLA's I think there should be a more enhanced role for MLA's.

I always dwell on my claim that people didn't know what they were taking on in self-Government days, the breadth and width of the functions and processes down here are just mammoth. We know because we've been down here and experienced it. All of us have been Ministers of Government, we know what is involved, but most of the community don't even know, twenty-four years later. They don't understand. And that's where the downwards pressure comes from to reduce the wages bill, reduce, reduce, reduce, reduce, reduce. Even your own Focus 2002 Team, all they focussed on was expenditure rather than income but again, that's where the focus has been all the time. Downwards pressure. If you are going to invite people to join in the representative arena then I don't say that you have to make it worthwhile but you have to make it sufficient for them to live and be able to support their families and meet their living expenses. I don't know what it is now except that I do know that MLA's is far, far too low and given that, probably the executives is far too low as well, given the nature of their responsibilities. Having said that of course it doesn't deal with the issue of the public perception about the cost of Government and the wages bill. How we might go about educating them more, I think that is the one thing that arose out of one of the Select Committee Reports of recent years, one recommendation that was adopted was that of the Youth Assembly and I think that's a good thing and I think that's great and that's giving kids more of an understanding of what goes on down here but your biggest problem is lack of media in the island. You cannot get your message out. It's just not heard. With all due respect to Tom and Tim they run a wonderful newssheet or newsletter or however it might be termed but it's not a newspaper. It doesn't disseminate information. Word for word printing of three pages of Hansard doesn't inform anyone of anything. There's a certain art and skill in précising those things and presenting them in a digestible form which is just not used here. You don't have an adequate print media. You don't have any talk back radio. You don't have any television exposure and debates. All those things which inform the community and stimulate debate on issues. Go and buy the television station. What a wonderful opportunity. It would cost you tuppence ha'penny. Go and buy that and use that as a forum to stimulate debate. That's something that someone – I don't know who – some commentator could come in to run the show and invite the Ministers on there for debate. Invite the opposing factions on there to have a discussion. Inform the community. People would be turning off the Simpson's or whatever else they watch on television, to watch these things. And I don't mean that lightly. I mean, I don't even



know if it's for sale but that's one of your greatest problems that you are just not getting your message out to your people. Sorry. I may have digressed there

CHAIRMAN BROWN Mr King do you have a view as to whether or not it is appropriate to consider that the Chief Minister be elected by the community or is the better course to continue with the present system where the Chief Minister is elected by the nine Members

MR KING I wonder if I might before turning directly to that question, talk about leadership for a bit if I may

CHAIRMAN BROWN Please do

MR KING I did say in my opening remarks that I witnessed the obscurity of leadership over at least two decades now and I don't say that lightly. I'm sure now with all due respect I had to look around to see who was the Chief Minister there and with all due respect to the present Chief Minister probably half the community doesn't know it. I think that whatever steps might be taken as a result of this committee's deliberations in that regard, want to have a number of things as their focus. One is to clarify the role of the speaker. Secondly to embrace the principle of the separation of powers. Thirdly to strengthen the role and the authority of the Chief Minister and fourthly to enhance the role for non executives. Now Mr Chairman I've never really supported the MLA's meetings. They do nothing for the standing of the Chief Minister...

MR GARDNER That's the informal meeting

MR KING That's the informal MLA's. Informal. Behind the scenes. Out of public hearing, sight, secret meetings however you would like to term them. The Chief Minister (if of course he's not the Speaker which he oughtn't be anyway,) they place him in a position no greater than all the other Members. I think it's wrong. Surely the House cannot elect a person as their chief or their leader and then relegate him or her to a lesser standing and that's exactly what MLA's meetings do. The leader must be allowed to lead otherwise he or she will be rendered ineffective and useless. There is no question about that. Mr Chairman the chairing of those meetings by the speaker in my view is a highly inappropriate role and I know it's been said time and time again but it offends... it offends against that long standing convention which describes the role of the Speaker in the Westminster system. But you all know that. I know I sound like a parrot in even saying it once but those meetings should always be chaired by the senior Minister and policy matters and matters relating to the exercise of executive authority should not be aired at those meetings until they've been discussed at executive level. Sure an information meeting to advise but by and large those meetings were treated like an ambush. Not only an ambush for the Chief Minister but for the other Ministers as well and not only an ambush by non executives but ambush of Ministers by other Ministers as well. Out of control. Crazy stuff. And I saw that happen and continue to happen over two terms. It undermined my position. Not that I sought ever to put myself Mike King, up on that position on that pedestal (it may come as a surprise for some of you to hear that I felt uncomfortable up there) but I speak in terms of the office of the head of the Government or the Chief Minister, rather than Mike King. But having said that, I wouldn't want any of these suggestions to be seen as an attempt to sideline the non executives and I would like to speak a little more about that a little later on.

The important objective is to strengthen the standing and effectiveness of executive office,. They are the ones that assume executive authority, take the executive decisions; they are the ones...

policy belongs to the Government. You may like to feel that it belongs to someone else... the House? You may like to feel that the parliament can dictate to the Minister how to perform his functions or take his executive decisions but quite frankly those things don't happen elsewhere. They can't be allowed to happen. There are certainly legal barriers to that which I'm sure Mr Chairman could talk to you about. If these kind of suggestions were adopted Mr Chairman then the non executive Members should revert really to their extremely important task in keeping the Government accountable and honest and most particularly in the public forum of the House. Ministers should perhaps be required to be in attendance at least one specific day per week so that they can entertain or meet with non executives about matters that may interest them for information or perhaps in representing the interests of their constituents. The use of committees is very, very limited in our situation. I think it was the recommendations of one of the committees on occasion. A much improved system of committees might enhance the role of the non executives. A very important thing, if you are going to modify this MLA's thing. There are gaps that can and should be filled by committees that seem to be evident in a lot of areas; the legislative process, the consideration of bills, economic matters, social affairs, financial management. There should be committees of all those things comprised of the backbenchers, maybe with one executive. Give them an enhanced role. You are not going to get them to put their hands up for those roles unless you pay them enough money to do it. If you don't pay them enough money to do it you won't have them; you won't have the committees and you continue to have your squabbles and your problems. All those areas are areas that require ongoing attention but involvement at that level might reduce the perceived need for the regular MLA's to ambush and undermine the executive performance behind close doors; they should perform in the open forum of the House. That's where they can perform effectively. So having said those things Mr Chairman and got that off my chest I will talk to you about the issue of enhancing that role of the Chief Minister.

It wasn't really until last night that I started to draw the few threads together and pull out some old notes I had lying about and I thought that perhaps the system like the system – and it's not an issue peculiar to Norfolk Island. It's been addressed by many. If you go on the internet and type in "electoral systems" in your Google search and narrow it down to Westminster systems you can find arguments all around the world for decades about how Chief Ministers are elected. You'll find very few arguments about Speaker I might add, the non executive Speaker; in fact I found none. There is no peculiarity such as we find in Norfolk Island where the Speaker assumes a role outside of the Parliament. None. To specifically address your question Mr Chairman I thought perhaps something along the lines that the first meeting following the election that the House decides firstly by secret ballot the position of speaker. That's the natural sequence of events in any event. Secret ballot. Nominations of course with nominees for that position understanding that if they are successful then they cannot nominate for executive office. System of voting? Simple. First past the post system where the lowest person is eliminated until the majority of House votes is achieved by any one person. Fairly easy. Next business on the same day, the election of Chief Minister. Nominations. A process which I found in the North West Territories of Canada in the Assembly where they have addressed the same perplexing question for some time. It didn't go outside to a direct election by the people for a Chief Minister incidentally, they stayed in House to do it and followed a process similar to this. So the first meeting following the inaugural meeting, nominations called, each nominee given a short period to talk, after each nominee has spoken a limited number of questions allowed by each of the other Members in the Parliament, a ballot taken, again secret, commission then by the Administrator on the recommendation of the House. The Speaker then calls for nominations for the positions of the other three remaining executives at that meeting. The House rises for a couple of weeks. In the meantime, nominations are expected to be with the Speaker within a week; they are published in the local paper; the House resumes two weeks after and the House then follows much the same

simple procedure, allowing each person who is nominated for executive office to speak, the only difference being that at the end of the section the commissions are by the Administrator on recommendation of the Chief Minister reinforcing the authority of the Chief Minister, giving him the greater standing, extending a greater possibility that there are people in the meantime who have lobbied him and spoken with him, they've all come together, there's been a lot of talking and a lot of meetings late at night as well in that intervening period, but nevertheless, you have a period of two weeks where there's a meeting of minds and understanding gained between a person who has already been appointed Chief Minister and those who aspire to join him in his cabinet. That in my view will strengthen his standing and his role. Limited questions again. Secret ballot. First past the post system. Each person given three votes until someone has to achieve the nine votes, process of elimination from the bottom upwards until three people achieve nine votes or more. Commission by the Administrator on the advice of the Chief Minister. That's the key I believe. So, yes, I've made a few notes on that and I will leave them if you like and I have to say I haven't given them years of thought but I've come to this conclusion and it's satisfied some things that have been in my mind for a number of years

CHAIRMAN BROWN Mr King could I clarify part of what you've just suggested to us. In the North West Territories example, did you tell us that the Members make the selection but the Chief Minister makes the recommendation to the Administrator

MR KING No I didn't say that because I don't know that. I don't know. I felt that, that was an important feature here to enable the Chief Minister to put the stamp on it. What I proposed there does not follow precisely the North West Territories model

CHAIRMAN BROWN And so do we take it that you are of a view that the Chief Minister should continue to be elected by – in the Norfolk Island scenario – the nine Members rather than by the community

MR KING Yes I think it naturally follows doesn't it, that if a Chief Minister was elected by the people then he could only be removed by the people and that would be undesirable I would think

CHAIRMAN BROWN And in terms of the executive members do you have a view, one way or the other, as to the wisdom of a Chief Minister being able to make his own recommendation to the parliament as to an executive and as a by product of that being able to make his own recommendation to the Parliament as to the termination of an executive office

MR KING I have very strong views on that, I think that would be the ultimate quite frankly but I think you are probably asking too much there. When I started tapping out a few keys there I sort of had in mind what one might be up against in seeking to change these things and I didn't go too far. I think what you are saying is the ultimate. In my day I would have preferred to have had blank bits of paper signed in my bottom drawer as was done elsewhere. On more than one occasion I was confronted with situations where I had to discipline my Ministers. I asked one to resign on one occasion. I was laughed at. And I certainly didn't have the numbers to remove him in the House. That's a ridiculous situation. What does that do for stability of Government and cohesion of cabinet or executive progression. Nothing\

CHAIRMAN BROWN Do you have a view as to the wisdom or otherwise of fixed terms for Assembly's

MR KING No I don't really. I think the community is probably too small to say to someone well we'll allow you five years and that's it

CHAIRMAN BROWN Do you have a view as to the desirability or otherwise of making provision either for the introduction of political parties or the introduction of some other mechanism whereby prospective candidates can identify themselves with particular policies

MR KING It's been done before quite frankly. It's been done without political parties. It was done once in 1982. Once in 1983. I think one in one system of voting and one under another system of voting incidentally but I don't have a view about political parties. I'm not great trade unionist despite what may have been written about me from time to time. I've often felt that there is a need for political parties here. I've got my hackles up on a couple of occasions when a couple of recommendations of committee's of this Parliament have suggested that there should be no political parties on Norfolk Island. Well who's the Parliament to tell me not to form a Political party. They certainly can't do that. The whole of democracies in the Western world clamour for collective thought, collective decision making and here's some people on Norfolk Island saying we should never have political parties. I would like to see political parties but I probably won't in my lifetime

MR I BUFFETT Just something that I want to explore with Mr King along the lines of what he's mentioned there regarding the question of should we elect the Chief Minister. We've had at least a couple of discussions with some Members of this community Mr King that suggests there are probably four core areas in the total governance of Norfolk Island; there's probably finance and all the things that hand of that, there's probably land and environment; there is probably community services and infrastructure and there's the balance of that the justice and intergovernmental relationship type issues. I would be interested to hear your thoughts, for example, if when an election comes round a person actually makes a stand on the basis of occupying one of those four positions

MR KING Good luck to him or her. Well it's not something that's been done before has it but I would like to see a situation eventually where someone is given some credibility for his knowledge and if he's demonstrated that knowledge then give him a role. I mean it's a pretty brave person who stands up in this political environment and says that he wants to be Minister for Finance because he can add up his numbers or count the beans! I really don't have anything intelligent to say about that

MR I BUFFETT Can I ask another question. In light of some of the other issues you've touched on could I leave that one with you to give a small amount of thought to and if you arrive at any conclusions in respect of that I think the committee would be interested to hear from you

MR KING Thank you. So you nominate to a particular office

MR I BUFFETT What you are effectively doing is nominating for a particular office, yes, and I would have thought if the community as a whole thought you were the appropriate person then that would be reflected by the votes you got and so on and so forth down the line. Now I'm not saying Mr King that the voting system we have at the moment is perfect for it, we may need to look at perhaps a preferential system coupled with this. When you are talking about the election of your four core executive offices, but I would invite you to give it some thought and I would be interested to hear from you

MR KING Let me just say before I do give it some further thought that it would result in a very complex electoral system and voting system. There may be a number of people nominating for all these various offices. It would be worse than the Canberra ballot paper

MR I BUFFETT That may well be but once again Mr King I pose the question to you that given we are a parliament of nine independents with a very small electoral base we too as a committee and perhaps individually would be exploring these sorts of issues to perhaps get away from something that you suggested earlier on the just general elections and leaving the internal lobbying as to who gets executive portfolio is probably in some cases and I may suggest that probably in some previous Assembly's may not have been the most appropriate people to pick up the executive portfolio positions so it's not perhaps a counter view of what you are saying but may need to be incorporated if we can incorporate it in there somewhere

CHAIRMAN BROWN What I propose to do now is just to run around the table as I'm sure some of our Members now have additional questions they would like to ask then I would like to deal briefly with our precise Terms of Reference with you and then I would like to invite you to make any further comments you would care to make

MR SMITH Thank you Mr Chair. Actually my question was based along those lines anyway to Mr King with the prime issue, which has been the prime issue about the electoral system, we do have different views that Norfolk Island might have to the Commonwealth, if Mr King wouldn't mind expanding on his feelings and views about our electoral system and proposed changes

CHAIRMAN BROWN Mr King as you are aware there have been three terms of the electoral system, one has been whether or not it should be a requirement that a person hold Australian citizenship in order to be eligible to vote or to stand for election and we would be interested in hearing your view about that and also your view as to whether the course which the Assembly has chosen to follow requiring Australian, New Zealand and British citizenship is an appropriate course or whether you think some other course is more appropriate; secondly we would be interested in hearing your views as to the period of time for which a person should reside in Norfolk Island before enrolling to vote and finally we would be interested to hear your views about the adequacy and the efficiency and the integrity of the administrative procedures relating to the conduct of elections and referenda in Norfolk Island

MR KING Thank you Mr Chair. I don't have any strong views about allowing voting solely for Australian citizens. Certainly I have some very strong views about confining Membership of this House to Australian citizens. They are very strong. They are entrenched views. Entrenched in my mind

CHAIRMAN BROWN Mr King you are saying you have an open mind in terms of the right to vote but that you believe Australian citizenship should be a requirement to stand for election

MR KING Yes. Precisely. As far as the period of time is concerned I've lost track of that debate a little bit. I have to say that I'm disappointed that the Norfolk Island Government and the Norfolk Island Legislative Assembly hasn't negotiated its best position long, long before now and simply have avoided the resources that have been directed towards the fight they could never ever win. You've had a lot of people up against you, the Chris Sidotti's of this world, the Brian Burdekins and all those people who were concerned that Australian citizens in

Australia didn't have the right of representation in Parliament. Now those are pretty strong characters and pretty strong organisations to fight. It gets back to the issue of relationships between the Commonwealth of Australia and the question of whether we are a part of Australia and I'm not going to buy into that at the moment but as far as a period of time is concerned I'm not sure why there is a reluctance to allow holders of temporary entry permits and the General Entry Permits to vote earlier rather than later. The reality is that most of them are not going to enrol here anyway because their average length of stay is only somewhere around six months or something or other so there's never going to be a body of temporary entry permit holders who gather their forces up on Rooty Hill Road and march on the Legislative Assembly. It's just not going to happen. It's an unreal scenario so any fears based on that understanding are quite false in my view, they just don't hold water so what does it get back to. Does it get back to getting your hackles up because the Australian Government is telling you to do something which other people have been telling you to do for years and years and years and you haven't gotten around to. I think even our own Select Committees have recommended changes which have not been brought about. Nevertheless we find ourselves in a situation now of confrontation with the Australian Government which only adds further to the deterioration in our relationship. Anyway I've digressed a bit but getting back to the period of time before voting. Again from a Human Rights point of view I can't see any reason why... I can't see any consistency between having a system where an entry permit system says you can come and stay in our community for three years or indeed we can examine you for permanent residency, we can examine your health, your warts, your dimples, everything about you but we are not going to give you the right to vote for three years. I mean that's just totally inconsistent, that's weird. Sure if you go to a system somewhere in the world and they say you can only have a permit for six months and then you can beetle off sure you wouldn't expect it but if you come in and say I want to stay for three years or I'm going to stay five years and hopefully I'll get my residency at the end of that period why couldn't you reasonably expect to be able to participate in local affairs. It is just totally beyond me. Totally beyond me. I just can't see any reason for it. Unless it's this fear, this unfounded fear that we are all going to get kicked out by TEP's which is nonsense so as far as voting is concerned. Six months. We've done it before. I voted when I was here and you would have too in 1968 or something. I voted then. I don't know who I voted for, I probably voted for old Ab Bathie and Charlie Unoo and all those red ragers of those years but I wouldn't have known because I wasn't politically aware. I wouldn't have known at the time what I was even voting for. But you've had it before. It didn't make any changes then, it won't make any changes now and it shouldn't be resisted. As far as standing for the Legislative Assembly is concerned I don't think there should be any residency period whatsoever. At the end of the day it's going to be the voters who are going to be the final arbiters. If someone has been here for six months and he's a great fellow and he's got something to offer, they'll vote him in. If they think he's been here for ten years and he's got nothing to offer they're not going to vote him in if you know what I mean. They are the final arbiters

CHAIRMAN BROWN

Mr King do you have a view about the adequacy and the efficiency and the integrity about the way we conduct our elections and referenda

MR KING

No I haven't seen any deficiencies. That's all I can say

MR NOBBS

Mr King just reverting to the Speaker role, have you given any thought to the possibility or otherwise of an independent Speaker

MR KING

Only when it's popped up. It hasn't come to my mind but I've read it from time to time as various recommendations and that. Frankly I wouldn't see any problem with it but who would take on such a role. Who could you point at and say they would be

scrupulously unbiased and not be fearful of recriminations; being pointed at. Very few people I would suggest

MR NOBBS All that person really needs to be independent for is for running the meetings. That's all

MR KING Well I mean you need to adjudicate on Standing Orders don't you and your judgements may not be to everyone's liking

MR NOBBS For sure. But it's the same as the courts though isn't it

MR KING Sure. Yes

MR NOBBS Just the other point surely, do you think there should be nine Members or less or more and should there be more than or less than the current accepted four Ministers

MR KING Well my views are the traditional views in respect of the number of Ministers, that we should not exceed four. The House should always be in a position to be able to overrule or turf them out or whatever so yes, I see it limited to four. Sometimes I feel there is a need to have more. The workload is very very great but of course you can deal with that by improving the structure and the performance level of the Public Service, your permanent wing. As far as the number of Members any attempts or recommendations to reduce the number of people in the House is simply a response to ill informed clamour

MR NOBBS You raised the Public Service and I'm pleased you did. Do you think the present usage of the Public Service under our current arrangements is the right way to go in that we have an office fairly well separated from the House and now the present Government is looking at reinstating the Secretary to Government arrangement whereas they should be working closer but not directly with the Public Service elsewhere

MR KING Well I mean the Public Service is of course as I said here your permanent wing of Government and it should always be so. That's the only permanence in the Westminster system. It should be strong and steps should be taken to strengthen the Public Service. I think that over the years, what could I say, I don't want to say the wrong words here but I think over the years, a great many talented people have left the Public Service for one reason or another because it's been unable to retain them and as well as being unable to retain them it's been unable to attract good qualified people back to the Public Service for reasons which may relate to conditions of employment, Public Sector happenings, events and things. But for one reason or another that's certainly the situation. At the moment up there in the golden Mile of which I'm a Member these days, there's a brick wall built up along the ridge there. Other people don't want to travel down to Kingston. They don't like what happens down in Kingston and they are a bit reluctant to go to certain sections of the Public Service because they're not getting responses or replies at the appropriate time or they are not getting the advice that they want. You can't blame the present Public Service for that. I think there's been a downward pressure over the years. The overall conditions of employment has resulted in a dearth in talent in the Public Service, which is pretty much regrettable. How you might arrest that I suppose is to recognise their value. The Public Sector Reform steps taken by this Government or the last Government left a complete shambles. Absolute shambles. And they call the Public Service Hollywood. Everyone's acting. Acting acting. And someone's even the Acting Acting Person. Acting here, acting there. That's no good for staff morale. How can you have a good

staff morale when everyone's acting in their position? No permanence. Where does their future lie. They're going to be turfed out when they find someone better. That's a shambles. People recognize that out there. As far as the reintroduction of the Secretary to Government is concerned I think that is one of the best steps taken by the Government or the Legislative Assembly in recent years. You need someone down here whose job it is to totally service the Ministers. They're out there; you have to pay for them. I don't know whether you're going to pay enough with your present offerings or whether that's going to be sufficient to attract someone but I can recall working under Don Morris who was absolutely scrupulously clean. He served four Ministers, John.. sorry, Mr Chairman was involved. He gave no-one preference over the other. He balanced up his time. He dealt with each one without showing any leanings or tendencies one way or the other. He bought me a drink. I think he bought Mr Brown a drink from time to time. He was scrupulous and a very very intelligent young fellow. I thought it was very much a shame when that position was abolished. The post-King era I think it was

CHAIRMAN BROWN Could I ask in relation to our Terms of Reference. One of them is whether it is desirable or otherwise to introduce a Constitution or similar document for the Island and if you think that is a sensible idea, do you have a view as to how it should be developed

MR KING Well I'm happy to embrace the Australian constitution Mr Chairman

CHAIRMAN BROWN Do you have a view as to whether it is desirable or otherwise to render the principles of self-Government on which the Norfolk Island Act is based, less able to be altered either by the Norfolk Island Government or the Commonwealth and if you have a view about that do you have a view about the best means by which an outcome might be achieved

MR KING Yes I certainly do. I think that might be achieved by enhancing the relationship between the Norfolk Island representatives and the Commonwealth representatives. Again I mention that I have seen and many have seen the deterioration in that relationship. It certainly wasn't so in my day and I know there were some quarters that might have called me a sycophant for one reason or another but I can assure you that I never have been. My relationship with the Commonwealth Government was excellent. They consulted with me and my Ministers about things like enquiries and things. They consulted with me and my Government about appointments and the like. I was very clearly in a position to have sums of money flicked off the ends of tables for funding projects like the cliff-face exercise. You lose all those things when your relationship deteriorates. That's how we can be more amenable to avoiding change by the Australian authorities. Build a better relationship

CHAIRMAN BROWN Mr King do you have any further comments you wish to make as we draw towards the close of this evening's hearing

MR KING I do. I wonder whether I might talk for a moment about the Parliamentary process in which I had observed what I felt were deficiencies over a number of years.

I was always concerned that there was very little debate or very little comment coming back from the community about bills that came through the Parliament but I think that boiled down to the fact that there seemed to be almost an unseemly haste in getting bills into the Parliament for first reading, second reading, approved in the space of a month by and large, or in most cases in the

space of a month which provided in my view inadequate time for Members to get their heads around it and inadequate time for factions and interests in the community to marshal their thinking about the impact of those bills and I gave some thought to how that might be improved.

I believe it could be improved by, for example, by introducing a new system. I'm not sure whether I could talk to this very quickly and perhaps I could give you my notes later on but a system whereby the Minister introduces the bill to the Parliament at the first reading. He need do no more than table the bill and perhaps the explanatory memorandum. Debate would be discouraged at that point in time. Then it comes up for a second reading one month later and at that point in time the question is first, if you agree the policy thrust of the bill – not so much the content, this clause or that sentence but the policy thrust of the bill, and it goes then to committee stage. This is the enhanced role of the non-executives again. It goes to the committee but if it gets knocked out at the second reading stage you obviate the necessity for Members to focus on anything other than the policy thrust of the bill. Okay. If you don't like the policy thrust of the bill then consensus Government can emerge and you roll the bill at the second reading. Don't waste any more money, any more time or effort on it. It's gone, we don't like or embrace the policy so it's gone. If you do embrace the policy it moves to committee stage. It's at the committee stage, (and it goes the very next day to committee), it's the committee then which goes out and seeks the expert opinion and does the consultation with the particular interest groups in the community. It's comprised largely of non-executives and maybe the sponsoring Minister whose duty it is then to take into the consultation, the concerns, cross the t's, dot the i's and mould it into its final form, slip it back into the Parliament for its final passage. A whole swag of things can be achieved by that. It would seem to me to ensure greater input by non-executives, (just to sum up, once again) to limit the focus of Members' attention between that first and second reading to policy matters only or the thrust of the policy, to obviate debate on grammatical and inconsequential things which occupies a bit of this Parliament's time; shouldn't that be a "t" crossed there or shouldn't that be a new paragraph. Parliament is not here for those sort of things. And a greater opportunity for input by the community and importantly, (though they are all important,) put a limit to the waste of resources when you've only got a small bucket of resource from which to draw, the policy is dead in the water at the second reading. Then it's going to be at least another month before you get your bill into the Parliament but once you've got your legislative priorities rolling along it doesn't matter. You've got a couple of bills that are in committee, a couple that are sitting at second reading stage and a couple ready to come into Parliament so your programme can roll along and I think that would strengthen a lot of the lack of input from the community and the non-executives

CHAIRMAN BROWN

Mr King we are aiming at concluding in about six minutes time, if you can work to that timetable. If not, we will sit a little longer

MR KING

No, no. I can. I also want to make some comment about practices in the Parliament which with respect Mr Chairman you are expert. A lot of Parliament's time is taken up with substantive motions. Motions that a Member introduces; a bill to keep dogs off the beach or whatever which effectively have no meaning... no substance. They don't mean anything. It means nothing that this Parliament tells the Chief Minister by some substantive motion introduced by a back bencher that he should introduce a Bill to say outlaw ties with horses on them. It doesn't mean anything. The only sanction that can arise from that is that the Parliament sack him. Nothing else. But they are not going to do that. They are meaningless motions. They don't do anything. I think they ought to be given low priorities. I think that the instances where motions, as I mentioned earlier, also seek to direct the authority or the exercise of the executive authority of the Ministers should not be allowed by the Business Committee because as you know Mr Chairman, as a lawyer of many years, Parliament cannot dictate to a Minister in the exercise of his executive authority. If they don't like the way he exercises it then

