



NORFOLK ISLAND GOVERNMENT

ADDRESS TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON PETITIONS

WHY DID THE NORFOLK ISLAND COMMUNITY PETITION THE AUSTRALIAN FEDERAL PARLIAMENT IN OCTOBER 2014?

Honourable Members,

The Norfolk Island Government as the democratically elected representatives of the Norfolk Island community wish to thank you for this opportunity to give evidence to the Committee today on the issues that led to the Norfolk Island community petitioning the Federal Parliament in October 2014.

In order to understand why the Norfolk Island community petitioned the Australian Parliament one needs to look at the historical timeline of key events leading up to the petition, and key events following on from the lodgement of the petition

A compendium setting out the key events is provided today to each Member of the Committee and we would ask that it be tabled, and included as evidence in support of the Government's address to you today.

BACKGROUND TO SELF GOVERNMENT ON NORFOLK ISLAND

Norfolk Island has from 1979 until 2010, successfully funded and been responsible for administering three tiers of government – Federal, State and Local. This arrangement commenced with the enactment of the Norfolk Island Act of 1979. This self-government arrangement was established as the most appropriate form of governance for the island following consideration of the 1976 Nimmo Royal Commission into Norfolk Island.

There were many reasons for the establishment of Norfolk Island's unique governance arrangements; and those reasons are as valid today as they were then in the '70s. That the island today has economic issues does not in any way justify abolition of the Norfolk Island democratic and political structure. The island has great potential both in its traditional area of tourism; in harnessing its natural resources; and growing its economic activity.

In 2010, in return for short term financial assistance a Memorandum of Understanding was entered into between the Commonwealth of Australia and Norfolk Island Governments in which Norfolk Island agreed in broad terms to participate in the Australian Taxation and Social Security systems. In 2011 the Commonwealth Government and the Norfolk Island Government entered into the Roadmap for Reform process in good faith that Norfolk Island would undertake agreed actions such as opening up immigration and improving transparency and accountability. Norfolk Island has fulfilled these obligations. The Commonwealth would in turn, in exchange for Norfolk Island's participation in the tax and social welfare system, relieve the island of cost burdens in the areas they cover in the wider Australian system. These reforms were promoted as being to "strengthen self-Government"

It has to be recognised that the Commonwealth's failure to deliver on significant aspects of the reform process outlined in the 2011 Road Map has been a major contributor to the uncertainty in this island uncertainty that has translated into real dollar impacts for every business and every person living on this island - and for the Norfolk Island Administration's finances. These financial impacts have not only had a severe effect on the lives of real people; they have also affected island revenue raising capacity and the capacity to deliver services.

It needs to be acknowledged that the Norfolk Island Government has been trying continuously, without success, since 2011 to have dialogue with the Commonwealth Government on Norfolk Island's preferred model of territory self-governance. This leads us to the question -

WHAT GALVANISED THE COMMUNITY TO INITIATE THE PETITION TO THE FEDERAL PARLIAMENT?

The Chief Minister met with Assistant Minister Briggs in Adelaide on 8 October 2014 in an attempt to dialogue with the Australian government on the Norfolk Island preferred model of territory self-governance which had been on hold for the last four years, in an attempt to achieve certainty for the Norfolk Island community going forward. (Refer to Attachment A in the compendium). Minister Briggs indicated that a cabinet paper was with the Prime Minister as a prelude to a full cabinet decision which would **NOT INCLUDE** the Norfolk Island model. It was clear to the Chief Minister that the Australian Government intended to remove the current Norfolk Island self governance model and take away the voting rights of Norfolk Islanders in that process.

The Government responded as follows:

A Matter of Public Importance having been raised as a consequence of the Adelaide meeting, the Legislative Assembly met on 15 October 2014 and resolved that the Speaker of the Legislative Assembly of Norfolk Island convey a motion and the Statement of the Matter of Public Importance to the Honourable Speaker of the House of Representatives in Canberra requesting that the Honourable Speaker bring it to the attention of Members of the House of Representatives (See Attachment D in the Compendium).

Of momentous significance is how the Community responded. It responded --

By initiating the petition which we are discussing today; a petition which attracted in excess of 700 signatures of residents and descendants of the original settlers of Pitcairn Island IN LESS THAN 7 DAYS!!!!. This is testament to just how important this issue is to the Norfolk Island community.

The Petition requested the Federal Parliament that –

“Before voting on any Bill to change governance arrangements for Norfolk Island established by the *Norfolk Island Act 1979* of the Commonwealth, that the residents of Norfolk Island have the right to be provided the facts and consulted at referendum or plebiscite and have a democratic say on the future model of governance for Norfolk Island before any proposed changes are voted on by the House”

The Petition was lodged on 21 October 2014 with the Chair of the Petitions Committee in Canberra by the Chief Minister of the Norfolk Island Government and the Speaker of the Legislative Assembly of Norfolk Island.

The Petition is consistent with the motion of the Legislative Assembly of 20 August 2014 which expressed the opinion that before any change to Norfolk Island's model of governance is made, the Norfolk Island community shall be given an opportunity at referendum or plebiscite to express its views.

The question that needs to be answered is –Why did Assistant Minister Briggs on 8 October 2014, some two weeks before the JSC handed down its report, advise the Norfolk Island Chief Minister that there was a paper before the Australian Cabinet which did not include the Norfolk Island model of Territory Self-Governance; and the JSC, which was referenced by Minister Briggs to inquire into opportunities for economic development on Norfolk Island handed down a report in which the JSC recommends the abolition of self-government in Norfolk Island?

By way of background, I will expand on the JSC process -

On 25 March 2014 the Assistant Minister for Infrastructure and Regional Development, The Hon Jamie Briggs MP, asked the **Joint Standing Committee on the National Capital and External Territories (the JSC)** to inquire into and report on the opportunities for economic development on Norfolk Island.. The Committee's terms of reference were to inquire into and report on:

1. Redressing barriers to tourism, with particular regard to air services, facilities for cruise ships, roads and other infrastructure;
2. Complements to tourism, such as agriculture, other industry or small-medium enterprises; and
3. Proposals and opportunities for niche industries.

At an open public hearing on the 29th April, 2014 the committee received submissions from Norfolk Island stakeholders including the Norfolk Island Government and a range of community members. In his opening remarks the Chairman, Mr Luke Simpkins specifically stated

"The committee is not seeking with this inquiry to replicate the work of previous reviews or complementary processes which look into wider governance issues. Rather this inquiry focuses on one of the aspirational goals of the Norfolk Island roadmap - namely, positive action to encourage diversification and broadening of the island's economic base. The committee wants to hear your ideas and thoughts for growing economic activity on the island."

This stipulation excluded a vast range of material that many organisations and individuals would have submitted if it were known the JSC was going to exceed their stated terms of reference.

Contributions to the committee at this hearing were thus confined to the terms of reference as defined and reinforced by chairman Simpkins. In later mainland based sessions external parties (in particular former territory Administrator Pope and departmental officers) were invited and allowed to contribute beyond the stated terms of reference of the committee.

At no point were the terms of reference formally expanded, nor was any opportunity made for those who had contributed already to submit on issues of governance.

On the 20th October 2014, the Committee tabled its report – *Same country: different world – The future of Norfolk Island* – into the inquiry into Economic development on Norfolk Island. The report contained eight recommendations: Recommendation 1 reads -

The Committee recommends that, as soon as possible the Commonwealth repeal the Norfolk Island Act 1979 (Cth) and establish an interim administration, to assist the transition to a local government type body, determined in line with the community's needs and aspirations. This will require the development of a new legislative framework.

The report draws on unspecified prior reports to justify this recommendation but quotes Assistant Minister Briggs as saying -

“Over the last four decades there has been a plethora of reviews and reports looking at these arrangements, including a Royal commission conducted in 1976, 12 separate parliamentary inquiries and the commissioning of more than 20 reports from experts in various fields including outgoing reports from former administrators. All of these reports have been unanimous in recommending significant changes and reforms.”

The 1976 Royal Commission was in fact a key driver for the move to self-government.

In a radio interview, Assistant Minister Briggs erroneously claimed “There are no Gun Laws on Norfolk Island, No Child Welfare legislation and no Drink Driving Laws.”

These statements from the Assistant Minister typify the antagonistic approach that has been brought to bear against the island and calls into question what quality of briefing was the Minister given.

There is no one better placed to make decisions for the island than the people whose lives and interests are based there. Throughout the history of the island there has been difficulties generated by decision makers based in capital cities who have little or no understanding of the workings of small geographically isolated places. To replace the current governance arrangements with an advisory council is contrary to the principles of democracy, decency and common sense and contrary to the intent of the Commonwealth of Australia in 1979; evidence would indicate that this model is not working elsewhere eg the Indian Ocean Territories whose model of governance is currently under review by the JSC

COMMUNITY CONSULTATION ON THE JSC REPORT

Since the release of the JSC Report the Office of the Administrator has undertaken community consultation, but the process clearly lacks credibility with the community. For example, for the first community meeting on recommendation 1 and 2 of the JSC Report the Administrator engaged an independent facilitator from offshore; a facilitator who has since confirmed in writing “that the Administrator’s summary did not reflect the overall feeling of the one meeting that I facilitated and commented on”. In addition, when asked at that community meeting that a referendum be held on JSC Recommendation No. 1, the Administrator responded “you can ask for a referendum until the cows come home”

Address to House of Representatives Standing Committee on Petitions by Minister Robin Adams
MLA on behalf of the Norfolk Island Government on the matter of the Petition on Norfolk Island
Governance

The consultation process appears to have a bias toward a pre-determined outcome.

The Commonwealth's current proposal to appoint an unelected interim advisory council to guide the formation of the proposed local government body is openly referred to in the community as a dictatorship. It is not acceptable to have a team of hand-picked acolytes given the role of shaping the island's future.

Given that the island has already agreed to participate in Australian taxation arrangements, and assuming this measure will bring the economic relief predicted, there is no basis for the abolition of self-government. It is recognised that some reform of government structure to reflect that some areas will no longer be funded or governed from within the island's resources would be necessary and appropriate.

In the package of legislation that Assistant Minister Briggs has introduced into the parliament on the 26 March 2015 it is of major concern that in addition to the loss of self-government that the Australian Parliament is removing the current Preamble to the *Norfolk Island Act 1979* which gives recognition to the special relationship that the Norfolk Islanders of Pitcairn descent have had with the island since 1856 and their desire to preserve their traditions and culture. This is the only piece of legislation that gives recognition to the descendants of the 1856 settlers from Pitcairn Island. This is most distressing to the Norfolk Island Government, the Norfolk Island Council of Elders and many in the Norfolk Island community.

The Preamble states:

“AND WHEREAS on 8 June 1856 persons who had previously inhabited Pitcairn Island settled on Norfolk Island:

AND WHEREAS the residents of Norfolk Island include descendants of the settlers from Pitcairn Island:

AND WHEREAS the Parliament recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture:”

At no time has there been consultation on the removal of the Preamble to the *Norfolk Island Act 1979*.

In summary, the Norfolk Island Government welcomes those reforms that are in common with the Norfolk Island Government's preferred model of territory-self governance eg entry into the Australian Taxation and Social Welfare system (See Attachment A) but strongly urge inclusion of the following refinements:

- Retain the Norfolk Island Legislative Assembly with reduced responsibilities as per Attachment A;

- Retain the areas of concern relating to the Preamble to the Norfolk Island Act abovementioned; and
- Abandon the Commonwealth's insistence upon Land rates as the principle revenue raiser for Municipal responsibilities and replace with an appropriate Municipal goods and services levy designed to raise similar annual income.

We urge every decision maker around these reforms to note the many parallels between the Commonwealth proposal and the Norfolk Island preferred model of territory self-governance as detailed in Attachment A..

With these few essential details agreed the reform process would be delivering a more readily acceptable way forward.

Without them, history is set to repeat itself with underlying tensions, cost imposts and needless setbacks for all.

Thank you for your time.