



Australian Government

**Australian Government response to the Joint
Standing Committee on National Capital and
External Territories report:**

Restoring Democracy

April 2024

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Overview

The Australian Government welcomes the opportunity to respond to the report of the Joint Standing Committee on the National Capital and External Territories (JSCNCET) on its inquiry into local governance on Norfolk Island. The report follows the referral of the matter for inquiry by the Minister for Regional Development, Local Government and Territories on 7 February 2023.

The Australian Government appreciates the constructive and inclusive approach taken by the JSCNCET in examining potential options for the diverse and distinct needs of the Norfolk Island community.

The Australian Government supports the Committee's principal finding that a new local governing body should be established on Norfolk Island. The Australian Government has carefully considered the inquiry's recommendations, and is committed to working with the Norfolk Island community to establish a new local governing body that is robust and fit-for-purpose. Work has already commenced towards restoring local governance, through the recent establishment of the Norfolk Island Governance Committee. The Norfolk Island Governance Committee provides a mechanism for the Norfolk Island community to engage with a formal body regarding future planning for the Norfolk Island community. The Australian Government will continue to work with the Norfolk Island Governance Committee to deliver appropriate, sustainable and enduring governance arrangements for Norfolk Island.

The Australian Government thanks the JSCNCET members for their work in delivering the report and its recommendations, including considering 43 submissions and conducting four public hearings.

Australian Government response

The Australian Government's response to *Restoring Democracy* is set out in detail below.

Recommendation 1:

6.112 The Committee recommends that the Norfolk Island Governance Committee incorporate into its terms of reference consideration of the development of a preamble for the establishing legislation that:

- Recognises the culture, traditions, heritage and history of Norfolk Island;
- Defines the nature of the relationship between Norfolk Island and Australia; and
- Sets out the shared aspirations for the future direction of the relationship.

The Government **agrees** this recommendation.

The Norfolk Island Governance Committee has agreed to incorporate into its terms of reference the development of a preamble. The inclusion of a preamble has already been identified as a priority for the Norfolk Island Governance Committee and the community representatives have commenced work to lead the drafting of a new preamble.

Recommendation 2:

6.121 The Committee recommends a new bespoke model of local governance for Norfolk Island, to be enacted through Commonwealth legislation after thorough community consultation to define some key aspects of the model.

The Government **agrees in principle** this recommendation.

The Australian Government will work with the Norfolk Island community through the Norfolk Island Governance Committee to design a new bespoke model of local governance. The question of whether Commonwealth legislation is required will depend on the final model chosen.

Recommendation 3:

6.127 The Committee recommends that the new governing body include both democratically elected and appointed members with specific expertise in public administration, and that:

- The governing body consist of at least six members;
- A majority of members be elected, with elected members holding the balance of power on the body;
- The appointed positions be reserved for individuals with expertise in relevant matters of public administration, selected via a merit-based process that preferences qualified local community members when possible; and
- Capacity building be a key responsibility of the governing body to ensure that more Norfolk Islanders are qualified to hold future governance positions either in the governing body or local administration, and in the procurement of goods and services by the administration.

The Government **notes** this recommendation.

The Australian Government notes this recommendation, and, consistent with Recommendation 4, will work with the Norfolk Island Governance Committee to determine the final model for a new governing body.

Recommendation 4:

6.132 The Committee recommends that the Norfolk Island community have a say in the governing body, including that:

- The recommendation contained in this report be referred to the Norfolk Island Governance Committee for further consultation and refinement;
- This consultation and refinement result in a model that includes a clearly defined preamble for the establishing legislation, the size of the governing body, the specific expertise required by this governing body, and the revenue models to be incorporated into the establishing legislations; and
- A binding, compulsory vote of registered voters on Norfolk Island is required to approve the final model determined by the Norfolk Island Governance Committee.

The Government **agrees in part** this recommendation.

The Australian Government is committed to establishing a governance model for Norfolk Island that is fit-for-purpose. The Australian Government, through the Norfolk Island Governance Committee, will undertake thorough public consultation in order to provide the Norfolk Island community with the opportunity to have a say regarding the governing body.

The Norfolk Island Governance Committee has commenced the process of further consultation and refinement regarding the recommendations contained in the report.

A community election was held in October 2023 to elect the community representatives to the Norfolk Island Governance Committee. Community support for the final model will be tested through engagement with the Norfolk Island Governance Committee.

Recommendation 5:

6.134 The Committee recommends that the first elections for the new governing body should be held prior to December 2024.

The Government **notes** this recommendation.

The Australian Government is committed to establishing a new local governing body for Norfolk Island that is fit for purpose. The Norfolk Island Governance Committee is consulting with the community in developing a model, and the Government will consider the outcomes of this work. Should legislative change be required, the Australian Government cannot commit the Federal Parliament to passing legislation within a specific timeframe.

Recommendation 6:

6.138 The Committee recommends that the governing body be adaptive and supportive of the unique local history and identity of Norfolk Island, and that:

- The new Commonwealth legislation contain the form of the preamble developed by the Norfolk Island Governance Committee; and
- The legislation contain provisions for periodic review to ensure that the governing body is adaptable and can meet the future needs and interests of both Norfolk Island and Australia.

The Government **agrees in part** to this recommendation.

The Government is consulting with the Norfolk Island Governance Committee on the wording for a new preamble.

The question of whether Commonwealth legislation is required to enact a new governance model will depend on the final model chosen.

Recommendation 7:

6.138 The Committee recommends that the responsibilities of the new governing body and the mechanism for local input into Commonwealth and State responsibilities be clearly defined following the restoration of local democracy on Norfolk Island, including that:

- To ensure Commonwealth and State services meet local needs – the governing body should have a formal advisory role in relation to education, health, population strategy, heritage management, biosecurity, sea-freight and tourism;
- The management of key historical sites of cultural importance to the local community be subject to joint management between the Commonwealth and the local community; and
- These matters be incorporated into the terms of reference of the Norfolk Island Governance Committee for further local consultation and refinement.

The Government **agrees in part** to this recommendation.

The Australian Government is committed to strengthening relationships between Commonwealth, State and local stakeholders. The roles and responsibilities of any new governance arrangement will be clearly defined as the model is developed.