



# **Norfolk Island**

## **All Party Parliamentary Group**

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Submission to the Australian Parliament Joint Standing  
Committee on National Capital and External Territories

*‘Inquiry into Local Governance  
on Norfolk Island’*

**House of Commons  
LONDON  
SW1A 2AA**

**March 2023**

***The UK Parliament Norfolk Island All Party Parliamentary Group (APPG) welcomes the opportunity to provide a submission to the Australian Parliament's Joint Standing Committee (JSC) inquiry into local governance on Norfolk Island.***

## **Background**

The UK Norfolk Island APPG was formed in 2016 following a cross-party visit to the island by UK parliamentarians that same year. During the visit clear evidence was presented to the delegation that the Norfolk Island community were unhappy with both their treatment and representation by the Australian Senate and House of Representatives (*Appendix A. Rawson Hall Poll; Appendix B. Australian and UK Government Petitions information*).

Members of the APPG have continued to engage with the people of Norfolk Island through a programme of regular meetings both in person and online – in addition to support offered through the Commonwealth Parliamentary Association.

The following submission will be split into three sections, each addressing the various terms of reference (ToR) outlined in the inquiry parameters:

	Theme	JSC Inquiry and ToR point number
1	Finances and Revenue collection	1, 2, 3, 5
2	Governance and Equity	6, 7, 8
3	Service Delivery	2, 4

### **1. Finances and Revenue collection**

The sensitive balance required to ensure a diversity of revenue streams, high employment and robust economy has seemingly not been understood by the Australian government. The dismantling and closure of the Norfolk Island Government Business Enterprise (GBE's) organisation and the relocation of employment offshore have resulted in a significant downturn to the local economy.

In addition, uncontrolled inbound migration has resulted in a 32% population increase within the past six years; this has presented a significant challenge to the islands ability to manage demands on infrastructure. It has also severely impacted residents' quality of life - financially, practically, socially, environmentally, and indeed democratically (*Appendix C. provides a partial list of previous revenue streams and alternatives that could have been enabled within the previous NI governance framework*).

There is a valid concern over the implementation of any immigration restriction that would inhibit human rights, however this must be balanced. There is necessity for enforcement, in the same vein as neighbouring Lord Howe Island has immigration protection. Mirroring the immigration policy of Australia; the focus for Norfolk Island should be on attracting businesses and skilled migrants within the constraints of the environment, infrastructure and social structures.

### **Recommendation 1**

In the absence of the Australian Government recognising the Norfolk Island Exclusive Economic Zone (EEZ) and the lack of disclosure since 1979 of revenues from this EEZ\* the APPG recommends the following.

That the Joint Standing Committee encourages the Australian Government to facilitate local economic development initiatives to empower sustainable socio-economic outcomes, and further reconsiders the economic enablers that are possible within UN aligned frameworks of governance and partnership (*Appendix D. Sea around us.org reporting of NI EEZ revenues in \$US through 1979 when reporting ceased*).

*\*Noting this omission currently sidesteps UN reporting obligations and is at odds with the UK Falklands EEZ arrangements.*

## **2. Governance and Equity**

The overarching concern from the Norfolk Island APPG is with the Australian Government's removal of the islands democratically elected Norfolk Island Legislative Assembly (NILA). This has resulted in a significant deficit of representational democracy, natural justice and equity for the people of Norfolk Island.

With the removal of the NILA, the administration became designated as a 'local council' under New South Wales legislation but deemed to be within the Australian Capital Territory federally despite Norfolk Island having little in common with Canberra. As a result islanders now have no vote in matters deemed to be Australian State responsibilities – so education and health (organised by Canberra) are administered elsewhere, at first NSW and later Queensland.

In addition, when Commonwealth of Australia legislation was passed to effect the changes in accountability, the preamble referring to the 1979 legislation (referencing the period of successful self-governance on NI) was removed from the act. This sanitisation of NI's historical self-sufficiency from the record is still deeply felt among the islanders. The imposition of Commonwealth laws covering tax, social security, immigration, customs and health are also seen by many as incompatible with such a small, remote and unique jurisdiction. At the time of writing, there has been no evidence of impact studies to ascertain the efficacy or impacts of these laws and policies.

In 2021, after the local Norfolk Council refused to impose increased taxes and charges to cover the costs of upgrading infrastructure to the standards specified by Australia (notably for the runway upgrade), the Council was put into administration. A further frustration for the people of Norfolk Island.

There is also concern over the cost and suitability of 'fly in fly out' mandated civil servants currently administering Norfolk Island. The most senior positions on Norfolk Island are therefore held by individuals who are not permanently resident on the Island – this does cause issues with local accountability for the key decisions being made.

### **On-Island attempts to bring attention to the issues of Governance and Equity:**

Below are several extracts from a document shared with the APPG. These are part of a missive delivered to the Norfolk Island Administrator by a local protest group – they demonstrate the level of frustration and concern felt by many islanders with the current governance on Norfolk Island.

*"Protest is the only mechanism available to the people of Norfolk Island. The Australian Government removal of the island's legislative assembly (17<sup>th</sup> June 2015) and the further decision made by the Hon Nola Marino MP on the 6<sup>th</sup> of December 2021 to dismiss and prevent any elected or democratically accountable body for the*

*equitable representation of the Norfolk Island community leaves little or no alternative for the people of Norfolk Island to be heard or afforded transparent, equitable and due consideration for issues of heritage, socio-economic and island cultural sensitivity – to name a few of these areas of concern.*

*Ongoing petitions and protests should provide a strong indication to the Australian Government that the imposed situation on Norfolk Island is not aligned to UN or international standards, and importantly does not genuinely engage with the people of Norfolk Island...*

*...recognition of the indigenous Norfolk Islanders connection to their lands is deliberately not acknowledged by the Australian Government. This letter seeks to open that discussion and for the Australian Government to formalise a documented understanding of our connection to our lands...*

*...bring equity, accountability and cultural consideration to land rating. Land rates on Norfolk Island have been imposed on landowners without any consideration of equity, position of the island economy or capacity to pay, these are integral considerations and obligations under the Australian Government's own frameworks.*

*This letter should make it clear that islanders have raised concerns repeatedly about the lack of due process in the determination of land rates, to the point that ongoing evidence indicates the rates are increased to displace Norfolk Islanders from their homeland."*

## **Recommendation 2**

The APPG encourages the Australian Government to partner and empower Norfolk Island – the United Kingdom benefits from a time honoured and trusted relationship with 16 diverse British Overseas Territories. New Zealand also has a mutually beneficial relationship with the Cook Islands, Niue, Ross Dependency and Tokelau.

These relationships all align to the UN decolonisation commitments and are mutually beneficial free association frameworks.

There should be a clear demonstration from the Australian Government going forward that the relationship between Norfolk Island and the Commonwealth of Australia is one of mutual respect.

## **3. Service delivery**

In responding to the JSC ToR points 2 and 4 it is important to firstly identify that prior to the Australian Government's removal of limited self-government, Norfolk Island prided itself on the depth, cost effectiveness and practical capacity of service delivery and infrastructure available to residents and visitors.

The list below, although not exhaustive, details the significant investments made by the Norfolk Island Government and the people of Norfolk Island over the past few decades.

Norfolk Islanders have previously been able to diversify the economy to create a broad range of revenue streams, island-based taxes, levies and fees-for-service industries. Norfolk Island was therefore previously able to provide the following structures and services:

- 26 bed hospital, complete with; pathology/x-ray/dentist/physio/maternity/operating theatres.
- Onsite hospital care residential accommodation units.
- School from kindergarten to year 12 and comprehensive school infrastructure.
- Wastewater treatment plant, multistage effluent treatment plant.
- Pension, healthcare and social support programs commensurate with the 1978 Australian Cabinet advice.
- ICT telecommunications complete with fibre optic cable to the node island-wide.
- Sea freight transportation and lifting equipment.
- International Airport - Category 5/6 compliant, inclusive of modern security and infrastructure.
- Community firefighting service and dedicated tenders/equipment.
- Post office, Philatelic Bureau, and air/sea freight handling facilities.
- Immigration and Quarantine facilities, inclusive of equipment and trained personnel.
- ASA compliant diesel generation plant, island-wide reticulation with solar power generation.
- Radio station equipped for coast-to-coast broadcast capability.
- Emergency management facility with capacity to HQ and shelter community.
- Over 90% of the local roads tar sealed/maintained to a level commensurate with local standards.
- Functional and practical public service.
- Comprehensive NI parliamentary facility, chambers, court facilities and offices.

The APPG highlights the points above to emphasise that, when the Joint Standing Committee considers *“the relationship between property-based taxation and the delivery of commensurate local government services”* for the Norfolk Island community, it is vital to acknowledge:

1. The geographical separation and isolation of the island; the Australian Government’s intent to re-imagine Norfolk Island as a physically connected suburb of regional Australia is the root cause of the current crisis of cost with the practical delivery of island services.
2. That Norfolk Island is a Pacific Island whose indigenous population share commonalities throughout the Pacific such as custodial land usage which does not marry well with the imposition of collected land rates.
3. For almost three decades the above services were delivered on-island at almost no cost to the Australian Government or taxpayer - coincidentally the same period whereby EEZ revenues were also taken by Australia government.
4. The attempt to ‘upgrade’ assets to Australian standards is not generally appropriate given Norfolk’s size and customs. New imposed rules have stopped the bulk freighter coming every few weeks resulting in food shortages and dramatic increase in costs. As an aside, the requirement for NI to export its waste by air freight due to the sea around NI being designated as a National Park by Australia is also seen by many as not viable and carrying a large carbon footprint.
5. Free association models of Pacific-Island partnerships achieved through the UN self-determination process ensure adequate, accountable, and appropriate service delivery that meets international requirements whilst enabling a significant level of democratic freedom.



### Recommendation 3

The APPG recommendation is that the Joint Standing Committee examines the mutual benefits for Norfolk Island and Australia in reaching a free association model of engagement and support/empowerment that balances the geostrategic security and EEZ components defined by the Australian Government as imperatives (*Appendix E. Australian Cabinet documents from 1998/9*) when considering the status and operations of Norfolk Island.

### Conclusion

Ultimately Norfolk Islanders self-determination is paramount; the unique history, geography and culture of the territory is a source of pride and should be championed by Australia. Indeed when the former Legislative Assembly were able to establish Kingston as a World Heritage Site back in 2007 it was a validation of the unique lived experience that generations of Norfolk Islanders have shared.

Just as the Australian constitution was altered to recognise the distinct heritage and rights of the Aboriginal people and Torres Straits Islanders so too should the heritage and rights of Norfolk Islanders be acknowledged.

Presently, the Australian government is acting as the Federal, State and Local authority in Norfolk Island; this is clearly not sustainable and has become an overarching concern for the local population.

It is strongly felt by the people of Norfolk Island that the last JSC investigation which effectively ended the NILA bears a great deal of responsibility for the current systematic failures. A growing bureaucracy has been installed by Canberra which has consumed vast amounts of money whilst bringing little to no benefit to Norfolk Island or its inhabitants.

It is therefore now vital that the Government of the Commonwealth of Australia works with the people of Norfolk Island to support the territory back to self-government.

Yours Sincerely,



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**The Rt Hon Lord Howarth of Newport CBE**  
*President*



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**Andrew Rosindell MP**  
*Chairman*





## Appendix B

### Overview of this petition and significance of the data collected:

This petition was commenced to present unequivocal evidence regarding the will of the majority of the people and community of Norfolk Island.

*"A Petition of the people of Norfolk Island to Her Majesty's Government and the Parliament of the United Kingdom. We, the undersigned identify the historic, cultural, legal and constitutional relationship Norfolk Island and the Norfolk Island people have celebrated since 1856 with the United Kingdom and the British people. We hereby submit this petition to Her Majesty's Government and to the Parliament of the United Kingdom of Great Britain and Northern Ireland, to seek support for the people of Norfolk Island to be able to uphold their right of self-determination in accordance with the United Nations' Charter specific to decolonisation; and humbly request the same right of self-determination as afforded to the people of the British Overseas Territories."*

Number of signatures:	Residents	657	Non-Resident	40	Under 18 years	46	Visitors	123
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### The significance of the petition data in relation to population and the Norfolk Island Electoral Roll:

To illustrate the percentage of Norfolk Island residents who supported this petition, the number of signatures has been compared against the last official referendum. The last official referendum was held in Norfolk Island on the 8<sup>th</sup> of May 2015 with 912 persons recorded as voting in the following numbers:

08/05/2015	Referendum votes:	Yes	624	No	266	Informal	22
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The May 2015 referendum asked the question:

*"Should the people of Norfolk Island have the right to freely determine their political status, their economic, social and cultural development and be consulted at referendum or plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament."*

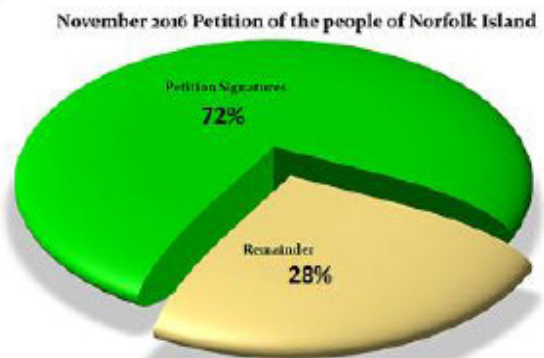
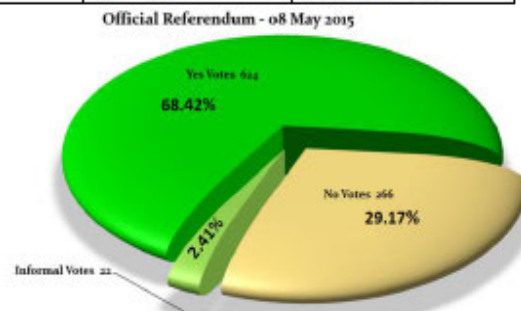
Out of a possible 912 votes in the May 2015 referendum, the Yes vote equalled 68% of the total votes cast.

(Note: Regrettably the Australian Government ignored the referendum outcome and imposed significant political, economic, social and cultural change against the wishes of the majority of the people of Norfolk Island).

The long-term resident population has been impacted by the changes imposed by the Australian Government (see attachment C & D), and thus altered the normally resident numbers, however since the Australian Government removed the Norfolk Island Referendum Act 1964 our best comparative number is the official referendum total from 2015 of 912 possible voters.

The 2016 petition data presents an even stronger case.

(Of a possible 912 petition signatures) 657 residents signed the Petition of the people of Norfolk Island to Her Majesty's Government and the Parliament of the United Kingdom – this number would indicate 72% of the Norfolk Island people "seek support for the people of Norfolk Island to be able to uphold their right of self-determination in accordance with the United Nations' Charter specific to decolonisation; and humbly request the same right of self-determination as afforded to the people of the British Overseas Territories."





## ***Appendix B (Cont..)***

The outcome of voting for the referendum question as identified above was:

**Yes votes = 624      No votes = 266      Informal votes = 22**

The vote outcome demonstrated that the mythical "majority" purported to support Assistant Minister Jamie Briggs and NI Administrator's removal of self-government was grossly misleading and would have adversely affected previous assessment and consideration of the proposed governance and fiscal changes voted on by the Australian Senate.

The Australian Government steadfastly ignored the Norfolk Island community views, even though significant numbers signed petitions, form letters and attended public meetings, demonstrating that there was no majority support for the removal of self-government from Norfolk Island. Below are some of the community actions and participant numbers:

Note. Total on the Norfolk Island electoral roll in 2015 was 965 persons.

Petition to the Australian House of Representatives	834 Signatures
Petition to the Australian Senate	830 Signatures
Petition to the Australian Governor General	452 Signatures
Form letters sent to Assistant Minister Jamie Briggs	84 Letters

## ***Appendix C***

The below list showcases several previous revenue streams that could have been enabled within the previous NI governance framework. The following industries complement the historic island trades of tourism and agriculture – they are also perfectly scalable to the small/medium business model that Norfolk Island thrives on.

- Cannabinoid and Hemp Industry – Medical and Clothing.
- Australian 2nd Shipping Register – As recommended by the Australian Shippers Council.
- Dairy products.
- Casino (single licence).
- Branded Alcohol and Duty Free online sales platform.
- RTO and training options for Hospitality and Tourism trainees.
- Commercial Fishing outside of the 'Box'.
- Education Hub for the region.
- Boarding School arrangements.
- Bee keeping and export.
- Guava pulp export.
- Film industry<sup>1</sup>
- New technology evaluation.
- University and research projects – NICHE, Energy, Steady State economy, Waste to Fuel etc.

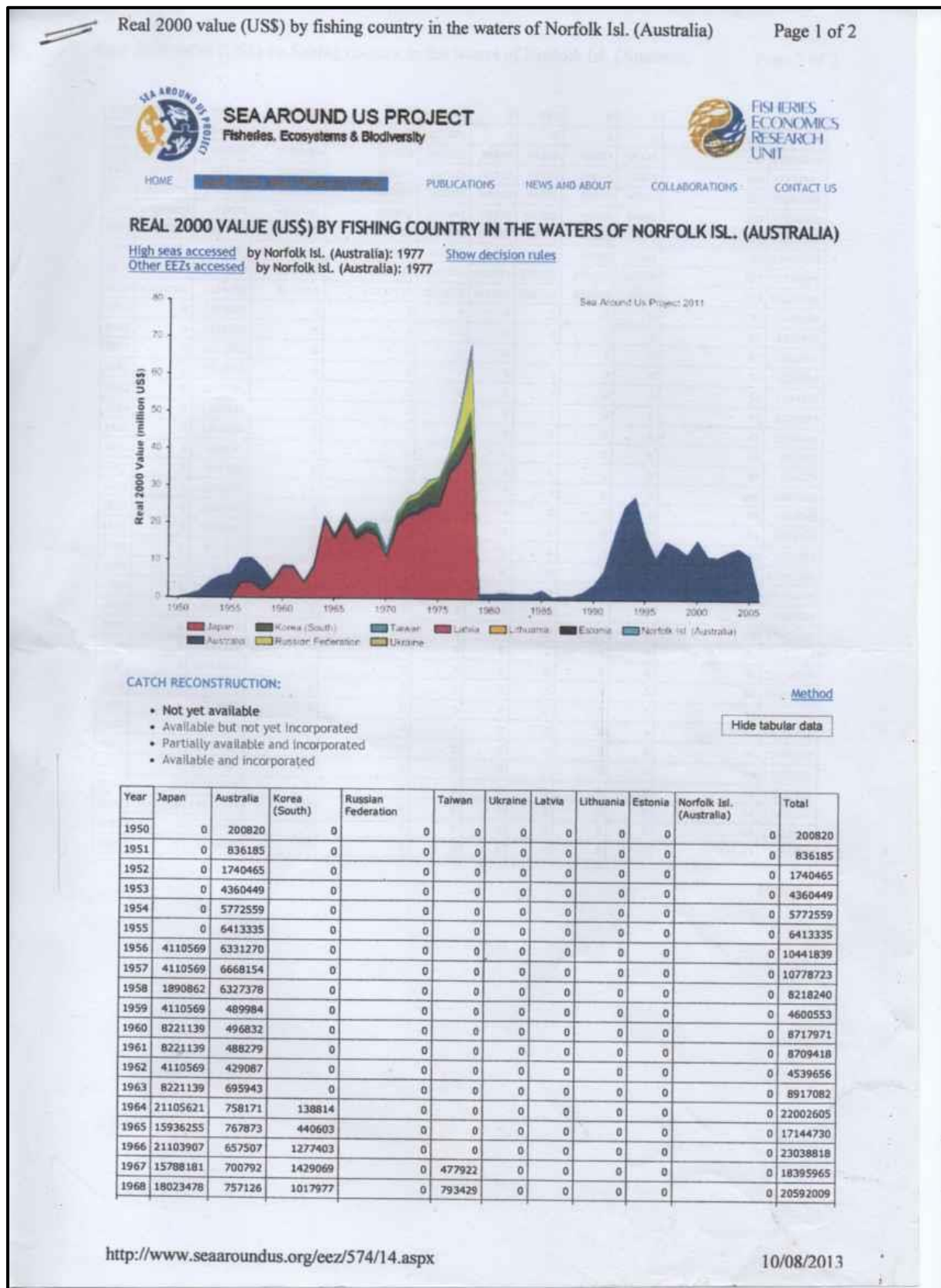
In addition, Norfolk Island offers a safe environment for training and small scale industry as well as research and analysis; there is also significant potential to link in with universities for study programs focusing on the development of renewable energy and related environmentally protective technologies.

In all cases to date the competitive advantage to merit the establishment of new enterprises on this remote island is premised upon applicable taxation and regulatory regime.

The Norfolk Island Central School consistently provides quality and high scoring student experiences that facilitate smooth linkage to Australian (and international) Universities, Tases, Apprenticeships and employment. Add to this the family safe environment on Norfolk Island and you have a great combination for boarding and schooling.

- Grace Films<sup>1</sup> utilized NI to film and complete the production of “My Minds Own Melody”, a film production that involved significant equipment repositioning and local support.
- New Zealand is an example of how high-profile filming can reinvigorate the perception of the destination – Lord of the Rings, Last Samurai etc.
- Primary production and export industries still pose a potential revenue stream for NI, however AQIS and transportation difficulties have historically impacted on landed quality of exports from the island and ongoing viability.

## Appendix D





## **Appendix E**

**Source:** <https://www.canberratimes.com.au/story/6562168/norfolk-located-deep-in-australias-sphere-of-influence/?cs=14230&fbclid=IwAR0jBbx2BJ8JxB2-NVeXwFW4d4MglXOqk6xPpkTiVKLKHKbxyTIQrBLfdn8>

January 2 2020 - 4:30AM

### **Cabinet documents 1998-99: Norfolk Island 'deep in Australia's sphere of Pacific influence'**

The Howard cabinet moved more than 20 years ago to quash Norfolk Islanders' hopes for independence, pointing to the island's strategic importance deep in Australia's sphere of influence in the Pacific.

Australia was reluctant to lose control of Norfolk Island, "conveniently situated" deep in the Pacific. Picture: Shutterstock

The move, revealed in cabinet documents released on Wednesday, provides insight into the final decision from 2016 to strip Norfolk of self-government, a move that has ignited the islands who are now asking the United Nations to intervene.

In December 1997 then-territories minister Alex Somlyay urged cabinet to ward off any idea that Norfolk was on path to independence.

He said the status quo - in which Norfolk had self-government - should not continue, given the state of the island's finances, and because it gave the impression that independence was an option.

The most sensible long-term option was to make Norfolk Island a shire of NSW, Mr Somlyay wrote in a submission to cabinet. But he acknowledged that would be "practically and politically very difficult" given that the island had had self-government since 1979 and the move would need a NSW referendum.

The island was "conveniently situated Australian sovereign territory deep within Australia's sphere of influence in the Pacific", he said. It was a staging post for aircraft in the operations in the Pacific, and was useful as a forward support base for Defence operations, as it had been used in the 1987 Fijian coup. It was also a base for Coastwatch surveillance and patrol boards and had important fisheries and potential oil resources.

Independence would be contrary to Australia's national interests and have implications for drug trafficking and transnational crime. Nor would it be in the interests of the islanders themselves.

Islanders had asked for the transfer of all power other than foreign affairs, defence and coinage by 2000, but that would amount to a "free association" arrangement such as New Zealand had with the Cook Islands and Niue. It would not protect Australia's interests and leave Norfolk vulnerable to exploitation by others, he wrote.

Shifting Norfolk to the same status as the ACT and the Northern Territory was the most achievable option with "minimal adverse political consequences".

"Opposition will come from two quarters - those genuinely concerned about a loss of island identity, and a wealth group, who have arrived in the last 20 or so years, primarily attracted by the favourable taxation," he told cabinet.

"While I anticipate opposition to these overall changes from vested interests on the island, I believe they are essential to the Commonwealth's interests and in the interests of the majority island residents."