

Dr Candice Snell BVSc (Hons)

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Joint Standing Committee on the
National Capital and External Territories
Department of the House of Representatives
Ph: (02) 6277 2022

Members of the Joint Standing Committee into Inquiry into the Territories Law Reform Bill 2010,

I would like to make comment on the proposed changes by the Australian Government to the Norfolk Island Act.

In the 86 pages of proposed changes to the Act, some of the proposed amendments certainly have value, such as financial accountability; and some are already present within our legislative framework, such as the utilization of the Commonwealth ombudsman. BUT, in many of the proposed changes, what the bill represents is not about accountability and transparency of our form of government but a significant reduction in the power of our legislative assembly to legislate or make laws at a local level in a timely manner with the full knowledge of the community.

Following is a summary of my concerns which were also submitted to the Minister for Home Affairs and the Attorney General – no reply or justification of the proposed changes have been given to me at this date.

Governance

1. No justification has been given for the changes to the selection process of our Chief Minister and Ministers – we have been able to utilize the current system effectively and efficiently for the past 31 years. This allows for all elected members to co-operatively decide on their ministerial positions – if the Chief minister were to decide without consultation, this could create disharmony amongst the ministers and the other 5 not appointed. Under your proposed changes the other 5 not appointed could also decide to give a no confidence vote – how does this create a harmonious government??? We do not have party politics, there are no party alliances to back the minister.
2. No justification has been provided regarding the assigning of only 3 ministers by the chief minister? The chief minister and other members of the assembly have been effectively managing the number of executive members under the Norfolk Island Act and ministerial numbers is dependent on the perceived need and requirements of each assembly as they see fit.
3. There is no justification to remove Schedule 7 – the people of Norfolk Island elect 9 members to be privy to the discussions of the Executive Members, where

- necessary. What issue is there with the other members of the Assembly attending these meetings – surely their attendance at times increases rather than decreases transparency and accountability in the eyes of the public?
4. No justification has been provided showing there is need for the Commonwealth Minister AND Administrator for intervention in schedule 2 matters – under our current system our legislative assembly are able to do so here on Island, I cannot think of a single instance where a Commonwealth Minister needs to intervene in areas such as fencing, markets and street stalls, pasturage and enclosure of animals etc. etc.
I cannot see how on earth a minister in Canberra could possibly have a better understanding of the everyday running of Norfolk Island than the 9 we as a small community elect.
By saying you are ‘allowing’ the Minister to intervene you imply that we or he/she has a choice – by changing the Act you make it the **only** way in which legislative change is to take place – this does not allow for transparency and accountability but for time consuming and inappropriate intervention in the everyday running of Norfolk Island where none is necessary.
 5. No justification has been provided that increased intervention is required for Schedule 3 matters. Currently the Administrator can give advice on these matters, surely that is an adequate process to ensure good governance.
 6. The ability to allow the Commonwealth Minister to introduce a proposed law into the Legislative Assembly is all good and well, but under your proposed changes you also give him/ her the authority, if it is rejected by our Assembly, to intervene so that we don’ t have a choice. How democratic is that I ask???
 7. Giving the Commonwealth minister the power to make laws here on Norfolk Island without the consultation of the Norfolk Island Community or Legislative Assembly if he/she so wishes.
 8. Allowing the governor general to dissolve our assembly, or to dismiss Ministers is also all good and well but where is the definition of grossly inappropriate behaviour – does this include when our Assembly, Ministers or the people of Norfolk Island do not agree with a Commonwealth law to be introduced???
 9. Alteration of the Norfolk Island Act to allow for Regulations to take precedence over the Act – in other words you are allowing for a Commonwealth minister to make legislation without even the Norfolk Island Assembly or the people of Norfolk Island knowing about it, let alone make decisions on its appropriateness.
The other point to note is what has not been included or ‘to be inserted at a later date’ – if we accept this bill this allows for inclusions without any further consultation with the people of Norfolk Island. Once again, how is this democratic.

Electoral

1. Have the people of Norfolk Island asked for the change, where is the implied need???

Financial Framework

1. Instead of removing the power of our Finance Minister – surely it would be more prudent to, say on a 6 monthly basis, have the Commonwealth Financial Auditor

to look at the decisions made in the previous period and provide advice rather than intervention.

Administrative Reviews Tribunal and Freedom of Information

1. These processes can easily be included in our current legislative framework.

Commonwealth Ombudsman

1. The Norfolk Island Assembly has been working to utilize the Commonwealth Ombudsman for quite a period of time to ensure the accountability of our public service.
 - we currently are awaiting approval from the Australian government to utilize this resource.

Lastly, I would like to remind you of the purpose of the Norfolk Island Act – to allow the elected members of our legislative assembly the ability to govern our small island as an External Territory of Australia and whereas “*the Parliament considers it to be desirable and to be the wish of the people of Norfolk Island that Norfolk Island achieve, over a period of time, internal self-government as a Territory under the Authority of the Commonwealth and, to that end, to provide, among other things, for the establishment of a representative Legislative Assembly and of other separate political and administrative institutions on Norfolk Island.*

It is still the wish of the majority of the people of Norfolk Island to be governed under the Norfolk Island Act, it is still the wish of the majority of the Norfolk Islanders to continue along the path of internal self-government. Please continue to work together with us to achieve such means – not remove our power to do so.

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