

June 2005

Committee Secretary
Joint Standing Committee on the National Capital
and External Territories
Department of House of Representatives
Parliament House
Canberra ACT 2600
Australia

**Inquiry into current and future governance arrangements for the
Indian Ocean Territories.**

The Cocos (Keeling) Islands Shire Council has been informed that on 11 May, 2005, the Senate requested that the Joint Standing Committee on the National Capital and External Territories to conduct an inquiry into the current and future governance arrangements for the Indian Ocean Territories, being the Cocos (Keeling) Islands and Christmas Island, with particular reference to the points that are detailed below:

- (a) accountability and transparency of decision-making in relation to the Indian Ocean Territories;
- (b) the role of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands;

- (c) aspirations of the residents of Christmas Island and Cocos (Keeling) Islands for more representative governance arrangements;
- (d) the link between more effective governance and improved economic sustainability for the Indian Ocean Territories;
- (e) the operation of Western Australian applied laws;
- (f) community service delivery including the effectiveness of service delivery agreements with the Western Australian Government;
- (g) proposals for reform of governance arrangements.

The Cocos (Keeling) Islands Shire Council in relation to this inquiry has submitted the attached submission.

The Cocos (Keeling) Islands Shire Council has developed a strategic development planning document called Vision 2010 which is a unique and dynamic planning document, and can be presented as a Microsoft Power Point presentation. The presentation takes approximately 30 minutes and it would provide the Committee with a valuable insight into the future direction of the Cocos (Keeling) Islands Shire Council. I would recommend that such a presentation be included in the hearing before the Committee when it visits the Cocos (Keeling) Islands. The Cocos (Keeling) Islands Shire Council is also developing Island 2010 which details the Cocos (Keeling) Islands Shire Council's strategy relating to state type services.

In relation to the timing of the Committee's visit I would also like to inform the Committee that delegates from both the Cocos (Keeling) Islands Shire Council and the Christmas Island Shire Council will be attending the Western Australian Local Government Week in Perth

over the period August 4 to August 11, 2005, and the National General Assembly of the Australian Local Government Association in Canberra over the period November 7 to November 14, 2005.

R J Grant

President

Cocos (Keeling) Islands Shire Council

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

on the

**“Inquiry into Current and Future Governance
Arrangements for the Indian Ocean Territories”.**



Councillors

Ron Grant (President)
Balmut Pirus (Deputy President)
Haji Radal Feyrel
Haji Zaitol Wallie
Muhammad Said Chongkin
Woren Dedian
Signa Knight

Chief Executive Officer

Bill Price

June 2005.

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EXECUTIVE SUMMARY

1 Accountability and transparency of decision-making in relation to the Indian Ocean Territories.

Accountability and transparency of the levels of governance that relate to the Indian Ocean Territories should be as follows:

- Local government authorities at the same level as local government authorities in Western Australia.
- DOTARS, in the provision of state type services, at the minimum, the levels as used by the Western Australian Government.
- DOTARS, as a Commonwealth department, and other Commonwealth departments, at the level that Commonwealth departments are subjected to on the Australian mainland.
- DOTARS in relation to outsourcing and privatization of services provided by it, at a minimum, be subjected to the same standards of accountability and transparency as the Western Australian government when outsourcing or privatising services.

2 The role of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands.

That the Cocos (Keeling) Islands Shire Council and the Christmas Island Shire Council, irrespective of the ultimate form of future governance, continue in their current roles.

3 Aspirations of the residents of Christmas Island and Cocos (Keeling) Islands for more representative governance arrangements.

That an education programme be undertaken, by a body independent of DOTARS and the two Shire Councils, for the IOTs' communities, to explain the various options for future governance of the IOTs.

Upon the completion of the above programme, that referendums be held in the IOTs to determine the future form of governance that the communities desire.

4 The link between more effective governance and improved economic sustainability for the Indian Ocean Territories;

Vision 2010 provides comprehensive coverage of this area in relation to sustainable economic development and community services. The Cocos (Keeling) Islands Economic Development Association Inc's submission to the JSCNCET will address this in depth.

5 The operation of Western Australian applied laws.

Western Australian laws applied as Commonwealth laws to the Cocos (Keeling) Islands have provided a modern body of state type laws to the Cocos (Keeling) Islands, which replaced a total inadequate body of law that previously existed.

6 Community service delivery including the effectiveness of service delivery agreements with the Western Australian Government.

SDAs that have been, or will be, developed are essential to the good governance of the Cocos (Keeling) Islands. It has therefore to be determined if DOTARS have been provided with sufficient resources to ensure SDAs are introduced as expediently as possible.

7 Proposals for reform of governance arrangements.

Based upon the results of the IOTs' referendums, the form of future government is to be determined. The options would be:

- Continue as non-self governing territories
- Incorporation into Western Australia
- New self-governing Indian Ocean Territory which would incorporate the Cocos (Keeling) Islands and Christmas Island.

The IOTs must determine a common future form of future governance.

Although there may be a desire for self-governance there must also be also a proven record of leadership and direction at local and regional level. It is therefore essential that the Cocos (Keeling) Islands Shire Council and the Christmas Island Shire Council illustrate this at local government level. At a regional level the proposed Indian Ocean Territories Regional Council and the Indian Ocean Territories Economic Development Corporation should be developed and should provide positive examples of leadership and direction at regional level. The communities

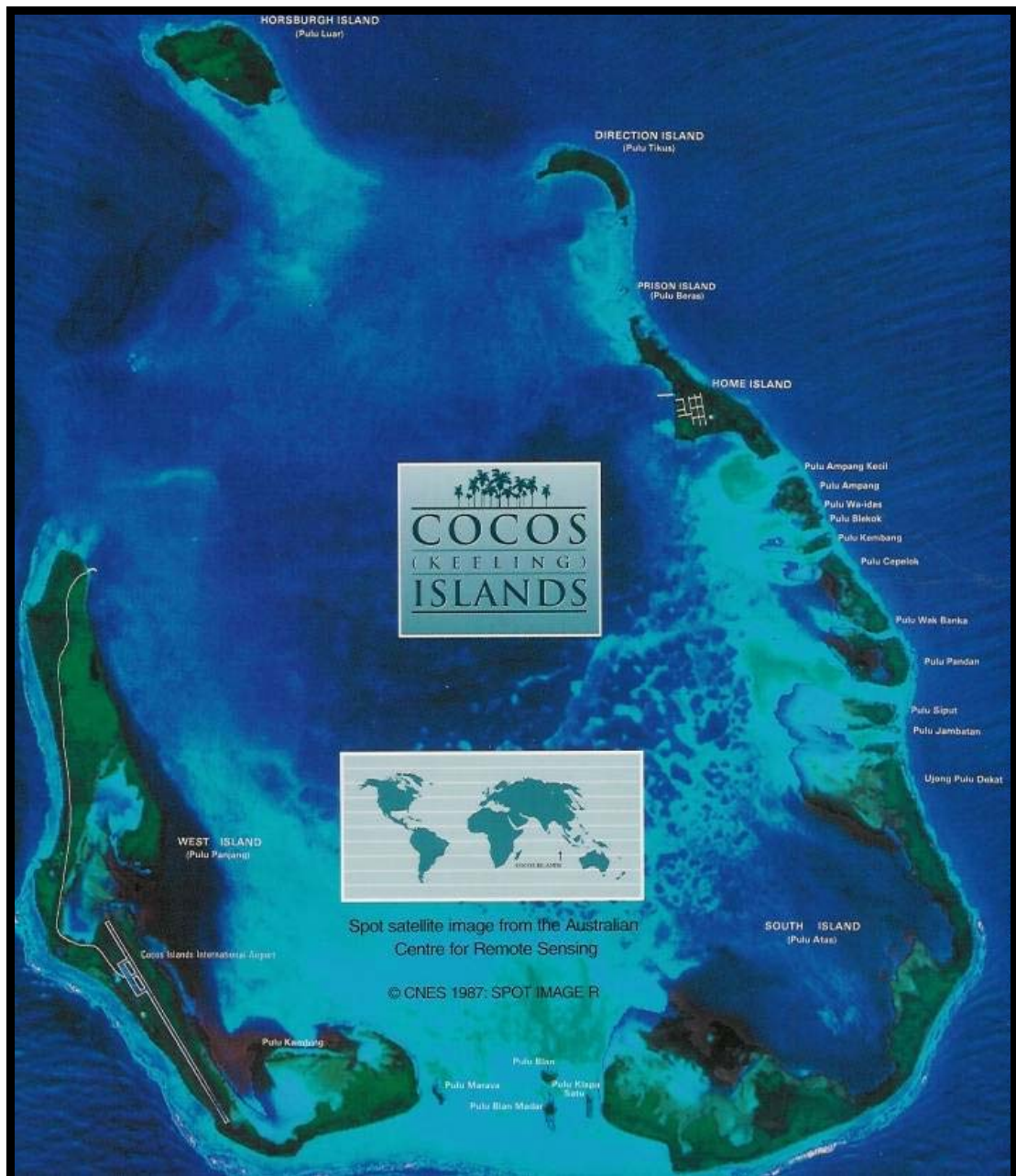
of the Cocos (Keeling) Islands and Christmas Island should develop other regional organisations to advance this philosophy.

8 Timing

Within twelve months of the JSCNCET presenting its report to Parliament the Commonwealth should have completed the proposed education programme as to the alternate forms of future governance for the IOTs' communities, and referendums to have been held as to the forms of future governance of the IOTs.

Based upon the results of the referendum, if the alternative of remaining non-self governing territories is rejected, within a period of five years of the lodgement of the JSCNCET's report to the Parliament, that the IOTs' communities wishes, either to be incorporated into Western Australia, subject to this being possible from a Western Australian government's point of view, or to become self-governing territory, be complied with and actually achieved.

THE COCOS (KEELING) ISLANDS



Key Statistics

Land area	17 square kilometres
Lagoon area	140 square kilometres
Population	600

Glossary of terms

ALGA	Australian Local Government Association
CISC	Christmas Island Shire Council
CKISC	Cocos (Keeling) Islands Shire Council
DLGRD	Western Australian Department of Local Government and Regional Development
DOTARS	Department of Transport and Regional Services
IOTHS	Indian Ocean Territories Health Service
IOTPF	Indian Ocean Territories Policy Forum, a forum consisting of the CKISC and CISC, which was established by the WALGA
IOTRC	Indian Ocean Territories Regional Council
Island 2010	Strategic planning document of the CKISC relating to the interaction of the CKISC with the provision of state type services
Islands 2010	Strategic planning document of the CKISC relating to the interaction between the Cocos (Keeling) Islands and Christmas Island
JSCNCET	Joint Standing Committee National Capital and External Territories
ROP	Regional Office Perth, DOTARS.

SDA	Service delivery agreement. An agreement between the Commonwealth and the Western Australian Government for the delivery of specified services that relate to the administration and management required by Western Australian legislation that has been applied as Commonwealth law to the Cocos (Keeling) Islands.
Vision 2010	Strategic planning document of the CKISC relating to community services and sustainable economic development
WALGA	Western Australian Local Government Australia

1 Accountability and transparency of decision-making in relation to the Indian Ocean Territories.

1.1 Introduction

Accountability and transparency of decision-making in relation to the Indian Ocean Territories is required to be examined at three levels in relation to governance; local government; territorial government and federal government.

1.2 Local Governance

1.2.1 The CKISC is the local government authority for the Cocos (Keeling) Islands. Section 2, “The role of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands” provides details that relate to the CKISC.

1.2.2 The CKISC has been established on the legal basis of the Local Government Act (1995)(WACKI). The Commonwealth has entered into a service delivery agreement (SDA) with the Western Australian Government for its Department of Local Government and Regional Development (DLGRD) to provide the CKISC and the Commonwealth Minister for Local Government, Territories and Roads, the same services that are provided to WA local government authorities and the WA Minister for Local Government and Regional Development. Therefore the CKISC has to comply with all the compliance requirements of the Local Government Act (1995)(WACKI). The CKISC also has an independent financial audit performed by Howarths, an international firm of chartered accountants. It is also subjected to inspections by the Indian Ocean Territories Environmental Services.

1.2.3 The CKISC has seven councillors elected by those members of the community that are on the Federal electoral role for the Cocos (Keeling) Islands or are ratepayers. The date, time and place of the monthly council meetings are gazetted and copies of the gazette are displayed on notice boards.. The CKISC monthly meetings alternate in being held between West Island and Home Island. Members of the public are welcome to attend CKISC meetings. Item 4 of the Council’s agenda is “Public Question Time”, where members of the public may address the CKISC. Item 3 of the Agenda is “Response to Previous Public Questions Taken on Notice”.

1.2.4 The public have a number of avenues in which to address issues to the CKISC. These include:

To address the issue to the CKISC’s CEO who can incorporate the item as an agenda item.

To contact a councillor who can have the issue addressed through the CEO, or have it raised as an “Elected Members Motion of Which Previous Notice has been Given”, or as a “Motion without Notice with the Leave of the Council”.

Attend Public Question time.

1.2.5 The CKISC also has an Annual Electors’ Meeting. The Annual Electors’ Meeting is the forum for the acceptance of the President’s Report; the Chief Executive Officer’s Report; the Auditor’s Report and the financial statements. Two Annual Electors’ meetings are held, one on Home Island, and one on West Island, to provide maximum

opportunity for the public to comment on the Council's operations.

- 1.2.6 Additionally, the CKISC is required to invite public comments on issues such as its Principal Activity Plan and leases by private treaty. The CKISC also publishes a fortnightly newsletter.
- 1.2.7 The Commonwealth has entered into a SDA with the Western Australian Government that relates to the Parliamentary Commissioner for Administrative Investigations (State Ombudsman), The State Ombudsman can investigate complaints made about the administrative actions of WA Government Agencies delivering services to CI and CKI under SDAs with the Commonwealth. The State Ombudsman can also investigate complaints about the administrative actions of the CI Shire Council and the Shire of CKI ¹.
- 1.2.8 The CKISC has prepared a strategic planning document, *Vision 2010*, which incorporates:
- Precincts project
 - Government precincts group
 - Community services precincts group
 - Sustainable economic development precincts group
 - Demographics project
 - Island Forum
 - Indian Ocean Malay Festival
 - Cocos (Keeling) Islands Development Corporation

¹ Service Delivery Arrangements (SDA) Performance Reports 2002/2003:88

Over the period December 2004 to May 2005, 25 individual public presentations of *Vision 2005* have been given. Three monthly meetings are held for the Community Services Precinct Group and the Sustainability Economic Development Precincts Group to keep individuals or organisations informed as to *Vision 2010* progress

1.3 Territorial Governance

- 1.3.1 The Minister for Local Government, Territories and Roads exercises ministerial powers and responsibilities for the Cocos (Keeling) Islands in accordance with the Cocos (Keeling) Islands Act 1955 (Commonwealth). The Act provides the legislative basis for the Territory's administrative, legislative and judicial systems².
- 1.3.2 The Minister actually in relation to the Cocos (Keeling) Islands performs two distinct roles, as the Federal Minister for Local Government, Territories and Roads, and in connection with the Cocos (Keeling) Islands fulfilling the role that would be performed by Western Australian Government ministers e.g. In his Federal position acting as the Commonwealth Minister for Local Government, and under the Local Government Act (1995)(WACKI) as the equivalent of the WA Minister for Local Government and Regional Development. Another example of the Minister performing the equivalent role of a WA state minister, is that relating to fisheries.
- 1.3.4 The Administrator, appointed by the Governor-General, under the Administration Ordinance 1975, is responsible for the law, order and good government of the Territory.

² Governance in the Indian Ocean Territories:1

The Administrator acts in accordance with any instructions provided by the Minister for Local Government, Territories and Roads and reports to the Minister³.

1.3.5 DOTARS provides policy advice to the Ministers and Parliamentary Secretary for the Transport and Regional Services portfolio and delivers a variety of programs on behalf of the Commonwealth Government. As such they provide these services to the Minister for Local Government, Territories and Roads, The programs delivered include the following state type services:

- Agriculture and Forestry
- Arts and Culture
- Attorney General
- Community Development
- Consumer and Employment Protection
- Education and Training
- Energy
- Environment
- Finance
- Fisheries
- Health
- Heritage
- Housing and Works
- Justice
- Local Government and Regional Development
- Planning and Infrastructure
- Police and Emergency Services
- Sports and Recreation
- Small Business
- State Development

³ Governance in the Indian Ocean Territories:2

Tourism
Treasury
Water resources
Youth

1.3.6 In relation to the delivery of state type services the Commonwealth has entered into SDAs with the Western Australian Government for the following state type services:

Arts and Culture
Community Development
Consumer and Employment Protection
Education and Training (School based education)
Education and Training (Training and Adult Education)
Environment
Emergency Services
Fisheries
Health
Housing and Works
Justice
Local Government and Regional Development
Planning and Infrastructure
Small Business
Treasury and Finance

1.3.7 There are no SDAs for the following state type services:

Agriculture and Forestry
Attorney General
Energy
Heritage
Police
Sports and Recreation
State Development

Tourism
Water resources
Youth

Note:

The Commonwealth has noted in the Service Delivery Arrangements Performance Reports (2002/2003):

“RPO will continue to aim to fill these gaps with priority on:

- Formalising arrangements with DET (Department of Education and Training) for management and operation of primary and secondary schools.
- Renegotiating the SDA with the WA Department of Health to reflect the level of service required once a comprehensive, mainland standard health services model of healthcare for the IOTs has been determined.

RPO will focus on negotiations with the WA Police Service for the provision of community and associated policing services for the IOTs, and with the WA Office of Energy for the provision of technical advisory services.

Other SDA needs that have been identified and are in the process of being negotiated include:

- WA Tourism Commission
- Sports and recreation
- Disability Services Commission
- Office of Health review
- Water and Rivers Commission

- Electoral Commission
- Builders Registration Board”.

1.3.8 In relation to those state type services that have SDAs residents of the Cocos (Keeling) Islands have the same degree of accountability and transparency as residents of Western Australia have in relation to these state services. These include:

- Reference to WA agencies in the SDAs
- Reference to the WA Parliamentary Commissioner for Administrative Investigations (State Ombudsman)
- Reference to DOTARS
- Reference to the Minister for Local Government, Territories and Roads either as specified in the applied Western Australian legislation, or in his broader role as the Minister with responsibilities for territories
- The Administrator
- The Commonwealth Parliament, through elected members, committees and Senate Estimates hearings
- Commonwealth Ombudsman

The Government of Western Australia maintains a web site (<http://www.gov.au/agencies.htm/>) which provides detailed information about Western Australian government departments and addresses issue that relate to accountability and transparency and may be used as guide for the IOTs.

1.3.9 In relation to those state type services that do not have SDAs the following issues relate to accountability and transparency:

- Lack of access to:
 - WA agencies that relate to the service being delivered if an SDA was in place
 - WA Parliamentary Commissioner for Administrative Investigations (State Ombudsman) if an SDA had been in place
- Accountability and transparency is restricted to:
 - Reference to DOTARS
 - Reference to the Minister for Local Government, Territories and Roads
 - The Administrator
 - The Commonwealth Parliament, through elected members, committees and Senate Estimates hearing
 - Commonwealth Ombudsman

1.3.10 DOTARs as a Commonwealth Department in relation to accountability and transparency is subjected to:

- Minister for Local Government, Territories and Roads
- Parliament, through members of Parliament, Parliamentary committees and Senate Estimates.
- Commonwealth Ombudsman
- Freedom of Information Act.

1.3.11 DOTARS has stated ⁴ :

⁴ Governance in the Indian Ocean Territories:11

“The Department stated that it intended to implement these aims by:

- Expanding contract service delivery models through Service delivery Arrangements with Western Australian state agencies;
- Adopting mainland service models such as outsourcing and privatisation; and
- Limiting Commonwealth service delivery and encouraging local government service”.

The second point above: “Adopting mainland service models such as outsourcing and privatisation” is required to be addressed in relation to accountability and transparency.

DOTARS has stated:” This ‘normalisation process’ involved replicating the governance arrangements and responsibilities which would apply to the territories were part of Western Australia ⁵”.

Where DOTARS seeks to outsource or privatise any of the state type services that are currently delivered by it, the Cocos (Keeling) Islands’ community should be assured of the same degree of accountability and transparency that the Western Australian community is provided when outsourcing or privatization occurs in that state for state type services..

⁵ Governance in the Indian Ocean Territories:11

1.3.12 In the outsourcing or privatisation of state type services provided by DOTARS the following should form the basis on which the outsourcing or privatisation is conducted:

- The applicable Western Australian law should be applied as Commonwealth law to the Cocos (Keeling) Islands. This provides the legislative base.
- The appropriate SDA should be in place for that legislation. The SDA would provide for the effective and efficient delivery on the required regulatory and management service by a Western Australian Government agency.
- That DOTARS tender in the open market for a provider of the service to be outsourced or privatised, and that such a process include the same degree of public consultation as would be provided in Western Australia.
- That DOTARS control such outsourcing, or privatization, through contractual arrangements, and that such contracts be able to be subjected to the normal accountability and transparency practice that exist for Commonwealth agencies,

1.3.13 In relation to the Cocos (Keeling) Islands DOTARS have outsourced the following by way of example:

- Education – WA Department of Education
- Environment – EcOz (Indian Ocean Territories Environmental Services)
- Emergency Services – WA FESA
- Fisheries – Fisheries WA

- Housing and Works – WA Department of Housing and Works
- Justice – WA Department of Justice
- Local Government and Regional Development – WA Department of Local Government and Regional Development
- Planning and infrastructure – CKISC
- Small Business – Small Business Development Corporation
- Utilities (Water, power and sewage) – Water Corp of WA

In each of the above cases the community of the Cocos (Keeling) Islands are being provided with an efficient and effective service.

1.3.15 Currently DOTARS, in relation to the Indian Ocean Territories Health Service (IOTHS) are conducting a market testing exercise to determine the degree of interest in outsourcing the services currently being provided by the IOTHS. The CKISC's position in relation to the outsourcing of the IOTHS is as follows:

- Health services are a state type service function.
- The CKISC, as a local government authority, will not be involved in the delivery of state type health services.

- The appropriate WA laws that are applicable to the provision of public and private health services should be applied as Commonwealth law to the Cocos (Keeling) Islands.
- SDA should be put in place with the WA Department of Health .
- SDAs should be in place in relation to Medical Board of WA and Nurses Board of WA.
- Expression of Interest should be called for the provision of the services currently provided by IOTHS.
- Community consultation should take place in relation to the market testing process as to the services to be provided in the future.
- The services to be provided by those parties who submit EOIs must be clearly defined and based upon the present and future community requirements.
- That EOIs submitted detail how best to restructure the current IOTHS so that efficient, effective and cost effective services are provided to the community.
- That the IOTHS continue as a public hospital/health service.

- That the CKISC has no objections to a private/government entity being contracted to provide the services currently being provided by the IOTHS, subject to the above, provided they have the expertise, track record and resources that are required.
- That DOTARS enter into contractual arrangements that reflect the above, and which would be subjected to the accountability and transparency arrangements previously detailed.

In relation to the market testing of the IOTHS the current status is as follows:

- The Health Act WA has been applied as Commonwealth law to the Cocos (Keeling) Islands
- DOTARS are currently renegotiating the SDA with the WA Department of Health to reflect the level of service required once a comprehensive mainland-standard health services model of health care for the IOTs has been determined.
- DOTARS has SDAs for the Medical Board of WA and the Nurses Board of WA
- DOTARS web site has provided community bulletins relating to the market testing for the IOTHS
- A meeting have been held on the Cocos (Keeling) Islands with DOTARS and three organisations that

had submitted EOIs. The CKISC has used this meeting to present its vision for the IOTHS.

- DOTARS has continued to keep the CKISC informed as to progress of the market testing for the IOTHS at face to face meetings in November 2004 and April 2005, and during regular teleconference.
- The IOTHS has continued to keep the CKISC informed as to the progress of the market testing e.g. three meetings in April 2005, one on the Cocos (Keeling) Islands and two on Christmas Island.

1.3.16 The CKISC has developed a strategy to obtain maximum communications to ensure input into issues that relate to the provision of state type services. This strategy includes:

- Monthly teleconference with the General Manager for Territories, Andrew Wilson
- Monthly teleconference with DOTARS' ROP Director, Grant Baron
- Six monthly face-to-face meetings with DOTARS' General Manager and DOTARS' staff. The meetings alternate between Canberra and the Cocos (Keeling) Islands
- Meetings with the Minister for Local Government, Territories and Roads. To date there have been two meetings, November 2004 and April 2005.
- Meetings with DOTARS' Director from Christmas Island when visiting the Cocos (Keeling) Islands
- Meetings with Western Australian government officers, and ROP officers, when visiting the Cocos (Keeling) Islands in relation to SDAs.

- Meetings with the Administrator. The last two meetings were held in April 2005, one being on the Cocos (Keeling) Islands and the other on Christmas Island.

1.3.17 The month of April 2004 provides an example of the above, with the following visits:

- Minister for Local Government and Roads
- DOTARS General Manager – Territories
- DOTARS staff, David McMahon, Janine Burgess and Taimus Werner-Gibbings – transfer of Commonwealth assets
- DOTARS staff, Steve Clay and Nick Seow – proposed tourism development
- Fisheries WA
- Museums WA
- WA Department of Local Government and Regional Development
- Senator Nigel Scullion
- Senator Kerry O'Brien
- Warren Snowdon MHR
- EcOz (Indian Ocean Territories Environment Services) – Paul Davey.
- The Administrator, Evan Williams
- Indian Ocean Territories Health Service

1.3.18 DOTARS has the following web site:
<http://www.dotars.gov.au> on which are copies of all :

- Government gazettes
- Community bulletins

- IOTHS bulletins

DOTARS emails out notifications of all new gazettes or bulletins. All bulletins, where required, are in English, Malay and Chinese. The CKISC then incorporates these notices into its fortnightly newsletter which are mailed to each householder.

- 1.3.17 The following Community Bulletin issued by DOTARS, dated March 1, 2004, addresses the delivery of government services for the Cocos (Keeling) Islands:

Community Bulletin

Number	04-2004	Date	1st March 2004
Topic	Delivery of Government Services on Cocos		
Relevance	Cocos (Keeling) Islands		

Following Karen Singer's recent departure from Cocos the arrangements regarding delivery of government services to the community have changed. The following information is, therefore, provided to assist you with understanding how DOTARS will manage these obligations from now on.

It is important to;

- delineate how the responsibilities of the Government are provided on-island; and
- confirm that DOTARS remains committed to sustaining a level of service delivery which is commensurate with those provided to other remote communities on the mainland. This benchmark was established by Cabinet in 2000.

The office in the Admin Building formerly used by the Administrator has been set up as an office for visiting DOTARS staff and service providers from Christmas Island, Perth and Canberra. The telephone number is 08 9162 6767.

Responsibilities of the Administrator

The position of Administrator is a statutory appointment, reporting to the Minister and Government. As Administrator, Evan Williams is responsible for:

- exercising delegations to enact legislation, when a recommendation is made by an appropriate person;
- in relation to community opinion about federal policies; acting as the primary point of contact for the Minister, the Government and the community;
- facilitating economic development opportunities for the island, in line with Australian Government policies; and
- some ceremonial duties

Mr William's contact details are telephone 08 9164 7960
 fax 08 9164 7961
 evan.williams@dotars.gov.cx

Responsibilities of DOTARS offices in Christmas Island, Perth and Canberra

DOTARS staff are responsible for facilitating the provision of “state government” type services to the community. They have a very limited role in handling matters which are the responsibility of other federal agencies on-island.

If you have an issue associated with one of the Commonwealth Agencies on-island you should contact them directly.

If the issue is related to the policies of other Commonwealth Agencies and their effect on the community you should contact the Administrator.

You may also call the Commonwealth Regional Information Service call centre (Freecall 1800 026 222 9:00 am to 6:00 pm Monday-Friday AEST) for information on Commonwealth services or visit the regional Australia web site at www.regionalaustralia.gov.au/index.cfm.

As Director DOTARS CI Robyn Jenkins is responsible for:

- managing the Water Corporation contracts on Cocos for;
 - provision of power, water and sewerage services; and
 - oversight of DOTARS assets and infrastructure
- managing the capital and operational budgets for these contracts

On occasions when Mr Williams is absent from the Indian Ocean Territories she acts as the Deputy Administrator for both Cocos and Christmas Islands.

If you have an issue about services provided on-island please contact the relevant service provider on-island, as follows

<i>Water Corporation</i>		9162 6722
utilities	Norm Cull	
hire of plant & equipment	Norm Cull	
residential properties leased from DOTARS	Peter Payne	
commercial properties	Mike Jaworski	08 9420 3254

Westralian Airports Corporation

airport	Peter Hall	9162 6536
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Ms Jenkins contact details are: telephone 08 9164 7901 ext. 7918
fax 08 9164 8245
robyn.jenkins@dotars.gov.cx

As General Manager, Indian Ocean Territories Health Service Judith Morrison is responsible for the delivery of health services.

Mrs Morrison's contact details are: telephone 08 9164 8333
 fax 08 9164 8338
 judith.morrison@dotars.gov.au

As Director DOTARS Perth Grant Barons is responsible for:

- managing the service delivery contracts, **major capital works** and operational budgets for police and emergency services, marine issues, the airport, public transport and environmental issues,
- managing the Service Delivery Agreements with the WA Government including education;

For contract management issues you may contact:

Ms Deb Blaskett
telephone 08 9225 1403
 fax 08 9225 1419
 deb.blaskett@dotars.gov.au

For management of Service Delivery Arrangements with the WA State Government please contact:

Mr Ryan Perry
telephone 08 9225 1406
 fax 08 9225 1419
 ryan.perry@dotars.gov.au

Mr Barons contact details are telephone 08 9225 1401
 fax 08 9225 1417
 grant.barons@dotars.gov.au

Canberra Office

In Canberra there are three Directors who are responsible for broader policy issues. In particular ensuring that state type services are provided in a way and to standards comparable to those provided in remote communities in Western Australia and that national economic policies for efficient provision of government services are implemented in the Territories. They are:

Business Unit Reform

managing the coordination of the Departmental capital works program, asset management policy and the provision of state government type service arrangements including new utilities, airport and port services etc.

The Director is Mr Greg George
 telephone 02 6274 7300

greg.george@dotars.gov.au

Commonwealth/State Government Policy

managing the provision of state-government type social services including health and public housing policy, community services, coordination with other federal agencies and the development of Buffet Close.

The director is Ms Mary-Ann Fisher
telephone 02 6274 8161
mary-ann.fisher@dotars.gov.au

Heritage and Environment Issues

The Director is Mr Greg McColl
telephone 02 6274 7902
greg.mccoll@dotars.gov.au

The fax number for all sections is 02 6174 8040

My contact details are telephone 02 6274 8005
fax 02 6274 8099
andrew.wilson@dotars.gov.au

Andrew Wilson
Assistant Secretary
Territories

1.3.18 The CKISC developed *Vision 2010* as a resource to provide sharper focus for its local government services. It is also in the process of developing *Island 2010* which will provide a similar focus on the relationship between the CKISC and DOTARS in relation to the future direction of state type services.

1.4 Federal Governance

1.4.1 DOTARS and all other departments of the Commonwealth in relation to accountability and transparency operate under the same provisions as exist on the Australian mainland.

- Minister for Local Government, Territories and Roads
- Other Commonwealth ministers
- Parliament, through members of Parliament, Parliamentary committees and Senate Estimates.
- Commonwealth Ombudsman
- Freedom of Information Act.

1.4.2 The Minister for Local Government, Territories and Roads has the following web site: <http://www.ministers.dotars.gov.au>, the web site contains media releases from the Minister. The Minister also has a monthly newsletter for the Indian Ocean Territories. A copy of the Minister's April newsletter is included in the Appendix.

2 The role of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands.

2.1 Formation and structure

2.1.1 Formation and elected members

The Cocos (Keeling) Islands Shire Council was established through the Local Government Act 1995 (WACKI). The CKISC held its first elections in 1993. There are seven elected councillors each of whom serves a four year term. Elections are held every two years for either four or three councillor vacancies. The president and deputy president are elected by the seven councillors for a term of two years.

CKISC elections have traditionally had high voter turnout. Refer Table 1 which provides the statistics for the last four CKISC elections.

Table 1 – CKISC election statistics

	1999	2001	2003	2005
Total number of names of persons on rolls	329	347	369	379
Total voter turnout	281	265	303	228
Percentage of persons who actually voted	85.4%	76.3%	82.11%	60.2%

By comparison, the Christmas Island Community Newsletter, The Islander – May 20, 2005 issue, stated: “The local council elections on Saturday 7th may saw an impressive turnout of 490 people. This represents approximately 48% of eligible voters – a figure federal elections in some countries would be proud off”.

The CKISC elected members provide a broad base for representation for the Cocos (Keeling) Island residents. This is illustrated in Table 2.

Table 2 – Elected Members – Representation

	1999	2001	2003	2005
Total number of names of persons on rolls	329	347	369	379
Councillors				
<u>Location</u> by <u>employment</u>				
West Island	4	4	4	3
Home Island	3	3	3	4
Total	7	7	7	7
<u>Location</u> by <u>residence</u>				
Living on West Island	3	1	1	0
Living on Home Island	4	6	6	7
Total	7	7	7	7

The Council in addition to its local government role holds approximately 6/7ths of the land in the Cocos (Keeling) Islands on a freehold basis, subject to the specific terms and conditions of two land trusts.

2.1.2 Council Committees

The Council has the following committees:

Audit and Finance Committee (3 councillors)

Strategic Directions Committee (3 councillors)

Trust Land Advisory Committee (2 councillors and 3 community members)

Council also has representation on the following community committees:

West Island Advisory Community (1 staff)

Fisheries Advisory and Consultative Committee (1 staff and 1 councillor)

Cocos (Keeling) Islands Tourism Association (1 staff)

2.1.3 Council Staff

The Council staff of 35 consists of:

Chief Executive Officer – Bill Price

Director of Finance – Melinda Lymon

Director of Development and Community Services – Noor Anthony

Principal Works Supervisor – Alan Clark

31 other staff.(24 permanent and 7 casual)

2.2 Legislative Base and Service Delivery Agreement

2.2.1 The Western Australian Local Government Act (1995) has been applied as Commonwealth law to the Cocos (Keeling) Islands in 1993, and as such is referred to as the Local Government Act (1995)(WACKI). In Western Australia, the responsible minister in relation to the Local Government Act 1995 is the Minister for Local Government and Regional Development. Reference to such a minister in the Local Government Act (1995)(WACKI) has been replaced by reference to the Commonwealth Minister for Local Government, Territories and Roads.

2.2.2 The Commonwealth has entered into a service delivery agreement (SDA) with the Western Australian government to have the Western Australian Department of Local Government and Regional Development provide to the Cocos (Keeling) Islands the same services that it provides to Western Australian local governments. The Department of Local Government and Regional Development's 2002/2003 SDA Performance Report is included in the Appendix.

2.2.3 The CKISC maintains a close working relationship with the DLGRD, and has held the following recent meetings with the DLGRD:

November 2004 Perth

April 2005 Cocos (Keeling) Islands

At the November 2004 meeting the CKISC requested that a visit be made to the Cocos (Keeling) Islands by the DLGRD and a Western Australian president of a like size but dynamic and progressive shire council. Steve Strange of the Bruce Rock Shire Council subsequently visited the Cocos (Keeling) Islands in April 2005. This proved to be a beneficial visit for both shires, and a reciprocal visit to Bruce Rock Shire Council is planned during Western Australian Local Government Week in Perth in August 2005. Previous visits have been made to the Cocos (Keeling) Islands by the Shire of Brookton and the Town of Mosman Park, both from Western Australia, as part of the SDA with the DLGRD.

2.3 Operations

2.3.1 The Council operations are divided into:

- General Administration
- Health
- Housing
- Community amenities
- Recreation and culture
- Transport
- Economic services
- Other property and services

2.4 Western Australian Local Government Association (WALGA)

WALGA is the peak local government body in WA. The CKISC is a member of WALGA and utilises the services of WALGA when required. A number of councillors and staff attend the annual WALGA conference which is normally held in August.

2.5 Indian Ocean Territories Policy Forum (IOTPF)

When the CKISC joined WALGA it was included in a country zone of WALGA. The CISC, also a member of WALGA, was also included in country zone of WALGA, although a different one to that for the CKISC. WALGA, resulting from a submission from the CKISC and CISC, formed the IOTPF. The only WALGA members of the IOTPF are the CKISC and the CISC, and the IOTPF provides a forum for these two councils to advance their views to WALGA.

The IOTPF meets several times a year, with meetings being held in the Cocos (Keeling) Islands, Christmas Island and Perth. A copy of the IOTPF minutes of the April 2005 meeting are included in the Appendix.

2.6 Australian Local Government Association

ALGA is a the peak Australian local government body, and a number of CKISC councillors and staff attend the annual general assembly of ALGA, which is normally held in Canberra in November.

2.7 Council Finances

2.7.1 Financial Statements June 30, 2004 (Audited)

The audited financial statements of the CKISC are included in the Appendix. The CKISC audited financial statements are unqualified and disclose that the CKISC has a sound financial position. Table 4 provides key information from these audited financial statements.

Table 3 – Key Financial Data

Statement of Financial Position	\$
Total assets	<u>23,687,055</u>
Net assets	23,226,364
Cash assets	2,119,267
Infrastructure assets	19,658,480

The cash of \$2,119,267 ensures that the following reserves are fully cash backed:

Staff leave	\$107,000
Plant	\$276,800
Building	\$364,930

Perth house proceeds	\$290,583
Trust land	\$124,000
Self insurance	\$400,000
Total	\$1,563,313

The infrastructure amount of \$19,658,480 relates basically to roads.

Table 4 – Key Financial Data

Operating Statement	\$
<u>Revenue</u>	
Total revenue	<u>3,223,610</u>
Major sources of revenue	
Grants – operating	1,322,870
Grants – non-operating	390,965
Profit on asset disposal	262,498
Fees and charges	809,553
Rates	120,562
<u>Expenses</u>	
Total expenses	<u>2,507,179</u>
Employee costs	1,218,954
Materials and contracts	697,384
Depreciation	265,487
Insurance	234,658

3 Aspirations of the residents of Christmas Island and Cocos (Keeling) Islands for more representative governance arrangements;

3.1 Current basis of government

The Cocos (Keeling) Islands are a non-self governing external territory of the Cocos (Keeling) Islands.

3.2 Commonwealth's stated position

3.2.1 In August 2000, the Federal Government determined that ⁶:

“ the Commonwealth's preferred long-option solution for the Territories is the incorporation of the Indian Ocean Territories (IOTs) into an existing State or Territory, with Western Australia (WA) as the preferred option”.

3.2.2 DOTARS in 2000 stated:

“The Department noted that while the formal incorporation of the Indian Ocean Territories is “many years away”, the Federal Government's current policies are: consistent with the aim of incorporation and ‘normalisation’ aimed at making the borders between the mainland and the Indian Ocean Territories as ‘seamless as possible’.

3.3 The CKISC's position

3.3.1 The CKISC's position is that prior to any adjustments to the form of governance for the Indian Ocean Territory a referendum of the residents of both the Cocos (Keeling)

⁶ Governance in the Indian Ocean Territories::3

Islands and Christmas Island should be held to determine what future form of governance the residents of these two non-self governing territories desire.

3.3.2 On August 4, 2004 the CKISC and CISC wrote separately to the Western Australian Premier on this issue. The Western Australian Premier's reply is included in the Appendix. In his letter the Western Australian Premier stated: "However, you have also voiced concerns about statements made by Senator the Hon. Ian Campbell, former Minister for Territories, regarding the Commonwealth's long-term objective of incorporation of the Territories into a mainland State, preferably Western Australia. Notwithstanding any impression which may have been created by Senator Campbell, I can assure you that the incorporation has not been raised with me at a political level by him or any other Commonwealth Minister. I note the objections in your letter to the position put forward by Senator Campbell and support your desire for referenda in the Territories on this issue. It seems only fair and reasonable for Australian citizens in the Territories to have the same rights as those on the mainland".

3.3.3 The CISC and the CKISC proposed, and seconded the following motion at the 2003 National General Assembly of ALGA:

"The National General Assembly recognises the special situation of the Indian Ocean Territories local governments in operating in a two – rather than three – tiered system of government. Without state/territory type government, the Indian Ocean Territories are denied political and electoral right enjoyed by all other Australians. The local governments of these external territories are the only level

of democratic decision making available in their territories. They don't have direct links with any state or territory and hence don't enjoy the political advocacy or transparency available to local government in the three – tier system. The denial of political and electoral rights is undemocratic and unacceptable ⁷”.

ALGA fully supports this resolution and will pursue the intent of the resolution in the context of ALGA's strategic direction of constitutional recognition of local government ⁸.

3.4 Aspirations of residents of Cocos (Keeling) Islands for more representative governance arrangements

3.4.1 The following are comments from residents of the Cocos (Keeling) Islands that relate to a more representative form of government:

From a transcript of March 13, 2003:

Ron Grant stated: “They do have a say at local government level through local government councils and also at the federal level through elected members of parliament, but specifically in relation to territorial affairs the communities have no say at all. Mr Grant proposed that the territories of Christmas and Cocos (Keeling) Islands be merged into a new territory with limited self-government called the Indian Ocean Territory. This territory should have an elected assembly, which would complement the current arrangements of the shire councils and the Federal parliamentary representation. Mr Grant described how such a system would work. Just the one assembly for two

⁷ National General Assembly of Local Government – Resolutions 2003:2

⁸ National General Assembly of Local Government – Resolutions 2003:2

islands, with representation from both islands being elected to that assembly. That assembly would have its own bureaucracy based within the islands and that assembly should assume responsibility for state type functions like health, education, law enforcement, justice, economic development. I believe the residents of the territory have that right. We are the only community, to the best of my knowledge, in Australia, that does not have the right of elected representatives at territorial level. I believe also that it is absolutely essential that the residents of the territory have the right to be heard on how funding is allocated to state territorial service such as education and health⁹ “.

From a transcript of March 13, 2003:

Mr John Clunies-Ross concurred with Mr Grant on the issue of the lack of territorial or state level representation in the Indian Ocean Territories:

“The administration of legislation by a non-representative body is still a colonial administration and you will continue to have problems with both territories until such times as there is a representative legislation. My feeling is that it should happen sooner than latter which we try and duplicate the state level facilities, there is no proactive component in either council, admin or the department of territories. If you have a state government, it is proactive in the economics of the state and on the social side, sports side and everything else. Here, we are sadly lacking that level of pro-activeness”

⁹ Governance in the Indian Ocean Territories::6

4 The link between more effective governance and improved economic sustainability for the Indian Ocean Territories

4.1 The CKISC has developed a strategic planning document Vision 2010. The major components of Vision 2010 are;

- The Precinct Project
- The Demographic Project
- The Island Forum
- The Indian Ocean Malay Festival
- The Cocos (Keeling) Islands Development Corporation

4.2 The Precincts Project seeks to establish three groups of precincts i.e.

- Governance Precincts Group
- Community Services Precincts Group
- Sustainable Economics Precincts Group

Each of these groups will contribute to the deliverance of more efficient and effective community services and sustainable economic development for the Cocos (Keeling) Islands.

4.3 The Sustainable Economic Development Precincts Group incorporates the following precincts:

- The Sustainable Economic Development Precinct – West Island
- The Technology Development Precinct – West Island

4.4 By establishing a more effective and efficient local government authority not only will sustainable economic development be encouraged but it will contribute to more effective governance not only at local government level, but also at Territorial level.

4.5 The Cocos (Keeling) Islands Economic Development Association Inc will be providing a separate submission on economic development and the CKISC will not duplicate in this submission issues raised by the CKIEDA.

5 The operation of Western Australian applied laws.

- 5.1 In 1992, a contemporary body of Commonwealth and Western Australian law was applied to the Territory with a view to extending to residents the same rights, responsibilities and obligations enjoyed by Australians in the mainland ¹⁰.
- 5.2 This was implemented by way of the Territories Law Reform Act 1992 (Commonwealth) which amended the Cocos (Keeling) Islands Act 1955 (Commonwealth) ¹¹. The Territories Law Reform Act 1992 which applies to the Cocos (Keeling) Islands applies in a similar way to Christmas Island. Thus, on 1 July 1992, almost all the statutes of, and all the common law of Western Australia were applied as the law of Christmas Island.
- 5.3 Prior to this the Cocos (Keeling) Islands had a mix of Singapore Ordinances, which had been applied as Cocos (Keeling) Islands ordinances, and ordinances that had been specifically developed for the Cocos (Keeling) Islands. It did not have a comprehensive modern body of state type laws.
- 5.4 Currently the Cocos (Keeling) Islands have a modern body of state type laws.
- 5.5 In relation to the laws which are applicable to the Cocos (Keeling) Islands the following internet sites provide detailed information, including full details of all acts and ordinances:

¹⁰ Governance in the Indian Ocean Territories::1

¹¹ Governance in the Indian Ocean Territories::1-2

- Commonwealth Law:
http://www.aust.lii.edu/legis/consol_act/toc.htm/
- Western Australian Law:
<http://www.slp.wa.gov.au/statutes/swans.nsf>
- Cocos (Keeling) Islands Ordinances:
<http://www.scaleplus.law.gov.au/html/cocosord/browse/toc.htm>

5.6 The following are extracts from the Territories Law reform Act 1992:

Section 7

The laws of the Territory On and after 1 July 1992, the laws in force in the Territory from time to time are:

- (a) Acts as in force from time to time in or in relation to the Territory on and after that day; and
- (b) Ordinances made on or after that day as in force from time to time; and
- (c) laws as in force in the Territory in accordance with [section 8](#); and
- (d) Western Australian laws as in force in the Territory in accordance with [section 8A](#).

Section 8A

Application of Western Australian laws

- (1) Subject to this section, section 8G and Part IVA, the provisions of the law of Western Australia (whether made before or after this section's commencement) as in force in Western Australia from time to time are in force in the Territory.
- (2) To the extent that a law is in force in the Territory under subsection (1), it may be incorporated, amended or repealed by an Ordinance or a law made under an Ordinance.
- (3) An Ordinance may suspend the operation in the Territory of a law in force in the Territory under subsection (1) for such period as is specified in the Ordinance.
- (4) To the extent that a law is in force in the Territory under subsection (1), it has no effect so far as it is inconsistent with the Constitution or an Act or Ordinance.
- (5) For the purpose of subsection (4), a law is consistent with the Constitution or an Act or Ordinance if the law is capable of operating concurrently with it.
- (6) In this section:

"provision of the law of Western Australia":

- (a) includes a principle or rule of common law or equity that is part of the law of Western Australia; and
- (b) does not include an Act or a provision of an Act.

Section 8B

Minister must table lists of applied Western Australian Acts

- (1) The Minister must cause a list of Acts of the Western Australian Parliament (*WA Acts*) to be prepared and tabled in each House of the Parliament for the following periods:
 - (a) the period of 3 months beginning on 1 July 1992; and
 - (b) each subsequent period of 6 months.
- (2) The list must specify the names of all WA Acts that are wholly or partly in force in the Territory under section 8A on the day specified in the list, and have not been specified in a previous list under this section. The specified day must be not more than 14 days before the day on which the list is to be tabled.
- (3) The list must include WA Acts whose operation has been suspended in accordance with subsection 8A(3).
- (4) The list must be tabled in each House of the Parliament before the end of the period to which the list relates. However, if the House concerned does not sit during any day in the last month of the period, the list may be tabled in that House within the next 15 sitting days of that House.

6 Community service delivery including the effectiveness of service delivery agreements with the Western Australian Government;

6.1 DOTARS is responsible for the provision of all State type services to the non-self governing Indian Ocean Territories (IOTs). These are increasingly being provided through Service Delivery Agreements (SDAs) between the Commonwealth and WA State Government Agencies. The WA State Government is better equipped to manage state-type services than the Commonwealth and increased service provision directly by WA Agencies is resulting in improved, more efficient service delivery in the IOTs. The cost of providing these services is totally funded by DOTARS and is cost neutral to the state of WA ¹².

6.2 Service Delivery Arrangements (SDA) Performance Reports 2002/2003, was the fourth year that formal reporting arrangements had been in place ¹³. DOTARS' Regional Office Perth (ROP) has the responsibility for the negotiation and management of all SDAs with WA State Government Agencies for the provision of state-level services.

6.3 Service Delivery Arrangements (SDA) Performance Reports 2002/2003 reviewed 29 SDAs, provided by 26 WA State Agencies. In addition Service Delivery Arrangements (SDA) Performance Reports 2002/2003 identified another 6 SDAs that are required to be negotiated ¹⁴. Priority has also been focused on formalising arrangements with Department of Education and Training for the management

¹² Service Delivery Arrangements (SDA) Performance Reports 2002/2003: 4

¹³ Service Delivery Arrangements (SDA) Performance Reports 2002/2003::5

¹⁴ Service Delivery Arrangements (SDA) Performance Reports 2002/2003: 7

and operation of primary and secondary schools, WA Department of Health to reflect the level of service required once a comprehensive mainland standard health services model of healthcare for the IOTs has been determined ¹⁵.

6.4 The SDA review for the Department of Local Government and Regional Development is included in the attachments section of this submission.

6.5 The effectiveness of the SDAs is directly related to the resources, both human and financial, that DOTARS can contribute to the SDA program.

¹⁵ Service Delivery Arrangements (SDA) Performance Reports 2002/2003 :6

7 Proposals for reform of governance arrangements

7.1 Introduction

7.1.1. The communities of the Indian Ocean Territories, Christmas Island and the Cocos (Keeling) Islands must be provided with an opportunity to indicate the future direction for the governance of the two territories.

7.1.2 This indication of the communities as to the preferred form of future governance must be decided by referendum.

7.1.3 Prior to any referendum being undertaken, there must be an education program delivered by a neutral party (e.g. Commonwealth Grants Commission, Commonwealth Electoral Office) which can provide the residents of both territories sufficient information to make an informed decision on this complex issue.

7.1.4 Whatever decision is reached it has to be applied to both territories. It is not logical to have separate solutions for each of the territories.

7.1.5 A realistic time frame has to be established for each step in the review process for future governance.

7.2 No change to non-self governing territorial status

If there is no change, based upon the referendum, the two territories would remain non-self governing territories of the Commonwealth. The two shire councils would continue to provide local government services, and the Commonwealth would maintain a state type legislative base, based upon Western Australian laws, and the delivery of those laws through SDAs.

7.3 Incorporation into Western Australia

7.3.1 If the referendum's preferred choice was for incorporation into Western Australia the impacts would be as follows. The two territories would be incorporated into existing legislative assembly and legislative council electorates of the Western Australian Parliament.

7.3.2 Ministerial representation at the state level could be provided at two levels:

- Functional e.g. Fisheries, local government, education, health.
- Geographical

The Western Australian government does provide for its ministers to have such responsibilities e.g.

THE HON JOHN BOWLER MLA

Local Government and Regional Development; Land Information; Goldfields-Esperance, Great Southern

As the Department of Local Government and Regional Development has had a strong relationship with the IOT over many years, it could be arranged that the above minister could also assume responsibility for the IOT.

7.3.3 The current legislative base of Western Australian laws being applied as Commonwealth laws, and SDAs, would cease. As the two territories would be part of Western Australia, laws of this state would automatically apply, as

agencies of that state would assume responsibilities for the two territories.

7.3.4 The two shire councils would continue their roles as local government authorities. To achieve this, the Western Australian government would have to conduct a referendum on this issue. If this referendum was not supported, any integration with Western Australia would fail.

7.3.5 It should be noted that there are significant expatriate Christmas Islander and Cocos Islander communities already in Western Australia.

7.3.6 Integration into Western Australia could be perceived by the IOTs' communities as being disadvantageous due to state government decisions being made from what may be perceived as distant state governance, with its goals and requirements being absorbed by a much larger distant state,

7.4 Self governance

7.4.1 It is unlikely that two self-governing territories would be established. The most likely solution, if self-governance occurred, would be the creation of a new Indian Ocean Territory which would incorporate Christmas Island and the Cocos (Keeling) Islands.

7.4.2 Not only would there have to be strong support from the communities for such a self-governing territory, the communities would have to demonstrate to the Commonwealth, that self governance is a realistic alternative for the two territories which have a combined population of less than 3,000..

- 7.4.3 The communities of the two territories can advance the self governance strategy through the following:
- Ensuring that the current CISC and CKISC provide community leadership and direction through the provision of efficient, effective and responsible local governance. These two organisations are the only elected levels of governance in the territories.
 - That the two territories develop efficient, effective and responsible regional organisations to address issues which are common to both territories. The proposed Indian Ocean Territories Regional Council, which is planned by the CISC and the CKISC, would be one such strategy. However, other regional organisations for territorial cooperation have to be developed e.g. the proposed Indian Ocean Territories Economic Development Corporation.
- 7.4.4 An Indian Ocean Territory would require its own elected assembly, supported by its own professional bureaucracy . The assembly would concentrate upon state type services. The Commonwealth would have to ensure that adequate infra-structure and finances would be provided if self governance was the preferred option of the communities.
- 7.4.5 The two local governments would continue in their local government role, maintaining their membership of WALGA, and through WALGA, ALGA, and as such be eligible for all local government grants, and continue to provide both territories with an elected local government. This would be important to provide both communities with an elected

body, as it could be perceived that one territory could dominate a territorial assembly.

7.4.6 The Norfolk Island model would not be used as a model for a self governing Indian Ocean Territory. An Indian Ocean Territory would be based on current mainland self governing territories models. However, it should be noted that Australia has accommodated an assembly for Norfolk Island which has a population of approximately 1,800.

7.4.7 The population size of the IOT should not be used as an issue in denying the alternate of self governing territory. The following table is a comparison of the relevant populations of the current Australian states and territories:

Table 5 – Population by State/Territory

State/Territory	Population	%
New South Wales	6,716,277	33
Victoria	4,947,985	24
Queensland	3,840,111	19
South Australia	1,531,375	8
Western Australia	1,969,046	10
Tasmania	479,958	3
Northern Territory	198,700	1
Australian Capital Territory	322,579	2
Other territories	2,646	
Total	20,008,677	100

It can be seen from the above table that percentage of population is not the only factor when determining self governance.

7.4.8 With Southeast Asia, one of the most dynamic regions in the world to the immediate north of the IOTs, a self governing IOT, could be in an extremely advantageous position in relation to economic development.

8 Appendix

**8.1 List of Service Delivery Agreements between
The Commonwealth Government and WA State
Government**

**8.2 Department of Local Government and Regional
Development – SDA report 2003/2004**

**8.3 Cocos (Keeling) Islands Shire Council - Audited
Financial Statements as at June 30, 2004**

**8.4 Cocos (Keeling) Islands Shire Council – Budget
2004/2005**

**8.5 Minister for Local Government, Territories
And Roads – April 2005 Newsletter**

**8.6 Indian Ocean Territories Policy Forum -
Minutes of the April 2005 meeting**

**8.7 Premier Geoff Gallop's letter of
August 25, 2004**

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Joint Standing Committee on the National Capital and External Territories

Resolution of Appointment

The Resolution of Appointment is the source of authority for the establishment and operations of the Committee. The Resolution of Appointment for the 41st Parliament, which was passed by the House of Representatives and the Senate on 18 November 2004, is as follows:

(1) That a Joint Standing Committee on the National Capital and External Territories be appointed to inquire into and report on:

(a) matters coming within the terms of section 5 of the Parliament Act 1974 as may be referred to it by:

(i) either House of the Parliament; or

(ii) the Minister responsible for administering the Parliament Act 1974; or

(iii) the President of the Senate and the Speaker of the House of Representatives;

(b) such other matters relating to the parliamentary zone as may be referred to it by the President of the Senate and the Speaker of the House of Representatives;

(c) such amendments to the National Capital Plan as are referred to it by a Minister responsible for administering the Australian Capital Territory (Planning and Land Management) Act 1988;

(d) such other matters relating to the National Capital as may be referred to it by:

(i) either House of the Parliament; or

(ii) the Minister responsible for administering the Australian Capital Territory (Self-Government) Act 1988; and

(e) such matters relating to Australia's territories as may be referred to it by:

(i) either House of the Parliament; or

(ii) the Minister responsible for the administration of the Territory of Cocos (Keeling) Islands; the Territory of Christmas Island; the Coral Sea Islands Territory; the Territory of Ashmore and Cartier Islands; the Australian Antarctic Territory, and the Territory of Heard Island and McDonald Islands, and of Commonwealth responsibilities on Norfolk Island.

(2) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:

(a) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and

(b) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.

(3) That the committee consist of 12 members, the Deputy Speaker, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, the Deputy President and Chairman of Committees, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.

(4) That every nomination of a member of the committee be forthwith notified in writing to the Speaker of the House of Representatives and the President of the Senate.

(5) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.

(6) That the committee elect a Government member as its chair.

(7) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(8) That, in the event of an equality of voting, the chair or the deputy chair when acting as chair, have a casting vote.

(9) That 3 members of the committee (of whom one is the Deputy President or the Deputy Speaker when matters affecting the parliamentary zone are under consideration) constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(11) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

(12) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 Government member of either House and 1 non-Government member of either House.

(13) That members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(14) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(15) That the committee or any subcommittee may conduct proceedings at any place it sees fit.

(16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(17) That the committee may report from time to time.

(18) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Standing Committees on the National Capital and External Territories, the Joint Committees on the Australian Capital Territory, the Joint Standing Committees on the New Parliament House, the Joint Standing Committee on the Parliamentary Zone and the Joint Committee on the National Capital appointed during previous Parliaments and of the House of Representatives and Senate Standing Committees on Transport, Communications and Infrastructure when sitting as a joint committee on matters relating to the Australian Capital Territory.

(19) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Joint Standing Committee on the National Capital and External Territories



Senator P R Lightfoot
Chair
(8yrs)



Senator T Crossin
Deputy Chair
(7 yrs)



Senator N G Scullion
(4 yrs)



P Neville MHR
(13 yrs)



Senator JJ Hogg
(9 yrs)



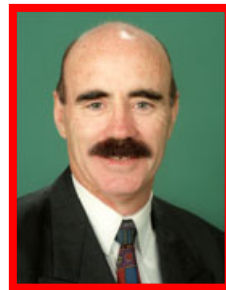
Senator K W O'Brien
(9 yrs)



Ian Causley MHR
(9 yrs)



S Panopoulos MHR
(4 yrs)



W Snowdon MHR
(11 yrs)



A Ellis MHR
(9 yrs)



P Secker MHR
(7 yrs)



Senator N J Stott Despoja
(10 yrs)

PROFILES

Senator P R Lightfoot



Electorate:	WA Senator (1997, 2001)
Party:	Liberal
Date of birth:	11.8.1936
Committees:	Environment, Recreation, Communications and Arts Foreign Affairs, Defence and Trade Community Affairs JSCNCET
State government:	WA Legislative Assembly (1986 – 1989) WA Legislative Council (1993 – 1997)
Local government:	Nil
Interests:	Mining, pastoralist, JP

Senator N G Scullion



Electorate:	NT Senator (2001, 2004)
Party:	Country Liberal Party
Date of birth:	4.5.1956
Committees:	JSCNCET
State government:	Nil
Local government:	Nil
Interests:	Seafood Council Fisheries

Paul Neville MHR



Electorate: Hinkler, Queensland (1993,1996,1998, 2001 and 2004)
Commercial fisheries, toursim

Party: National

Date of birth: 28.3.1940

Committees: Transport, Communications and Infrastructure
Transport and Regional Services
JSCNCET

State government: Nil

Local government: Nil

Interests: Tourism and development

Ian Causley MHR



Electorate: Page, NSW (1996, 1998, 2001 and 2004)

Party: National

Date of birth: 19.10.1940

Committees: Primary Industry, Resources and Rural and Regional Affairs.
Environment, Recreational and the Arts
Environment and Heritage
JSCNCET

State government:
: NSW Legislative Assembly (1984 - 19960
Minister for Natural Resources
Minister for Water Resources
Chief Secretary
Minister for Agriculture and Fisheries
Minister for Mines

Local government Nil:

Interests: Farmer and director

Sophie Panopoulos MHR



Electorate:	Indi ,Victoria. (2001 and 2004) Tourism
Party:	Liberal
Date of birth:	27.10.1968
Committees:	Legal and Constitutional Affairs JSCNCET
State government:	Nil
Local government:	Nil
Interests:	BComm, LLB, LLM

Patrick Secker MHR



Electorate: Barker, South Australia (1998, 2001 and 2004)

Party: Liberal

Date of birth: 6.6.1956

Committees: Primary Industries and Regional Services
Environment and Heritage
Legal and Constitutional Affairs
Transport and Regional Services

State government: Nil

Local government: Meadows District Council (1981-83)
Mt Barker District Council (1983-92)
Southern Hills Local Government Association
(1988 – 90)

Interests: Primary production and small business

Senator T Crossin



Electorate: NT Senator (1998, 2001 and 2004)

Party: Labor

Date of birth: 21.3.1956

Committees: Community Affairs
Rural and Regional Affairs and Transport
Environment, Communications, Information
Technology and Arts
Foreign Affairs, Defence and Trade
JSCNCET

State government: Nil

Local government: Nil

Interests: Teacher, union official

Senator JJ Hogg



Electorate: Queensland Senator (1996 and 2001)

Party: Labor

Date of birth: 19.3.1949

Committees: Foreign Affairs, Defence and Trade
Environment, Recreation, Communications and Arts
Community Affairs
Rural and Regional Affairs and Transport
JSCNCET

State government: Nil

Local government: Nil

Interests: Parliamentary delegation to Samoa, Tonga, Fiji, Solomon Islands and PNG
BSc
Trade union

Senator K W O'Brien



Electorate: Tasmania Senator (1996, 1998, 2004)

Party: Labor

Date of birth: 19.7.1951

Committees: Community Affairs
Rural and Regional Affairs and Transport
Environment, Communications, Information
Technology and the Arts
Foreign Affairs, Defence and Trade
JSCNCET

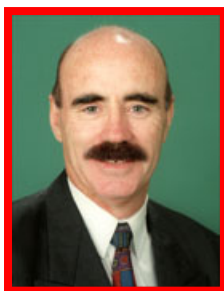
Shadow Minister: Primary Industries
Resources
Tourism, Regional Services and Territories
Regional Services, Local Government and
Territories

State government: Nil

Local government: Nil

Interests: Union

Warren Snowdon MHR



Electorate: Lingiari, NT (1987, 1990, 1993, 1998, 2001 and 2004)

Party: Labor

Date of birth: 20.3.1950

Committees Foreign Affairs, Defence and Trade
JSCNCET

Ministerial appointments: Parliamentary Secretary for:

Transport and Communications
Employment, Education and Training
Environment, Sport and Territories
Territories

Shadow Positions Parliamentary Secretary for Northern
Australia and Indigenous Affairs
Parliamentary Secretary for:
Regional and Urban Development,
Transport and Infrastructure (Northern
Australia and Territories)

State government: Nil

Local government: Nil

Interests: BA, Dip Ed
Teacher, union

Annette Ellis MHR



Electorate: Canberra ACT (1996, 1997, 1998, 2001 and 2004)
Tourism

Party: Labor

Date of birth: 13.10.1946

Committees: Family and Community Affairs
JSCNCET

State government: ACT legislative Assembly (1992)

Local government: Nil

Interests: Public servant and ministerial advisor

Senator N J Stott Despoja



Electorate: SA Senator (1995, 1996, 2001)

Party: Democrat

Date of birth: 9.9.1969

Committees: Foreign Affairs, Defence and Trade
Community Affairs
Legal and Constitutional
JSCNCET

State government: Nil

Local government: Nil

Interests: BA
Communications