



Australian Government
Department of Transport and Regional Services



File Reference: x2005/0285

Mr Bill Pender
 Committee Secretary
 Joint Standing Committee on National Capital and External Territories
 Department of the House of Representatives
 PO Box 6021
 Parliament House
 CANBERRA ACT 2600

Dear Mr Pender

Subject: Inquiry into current and future governance arrangements for the Indian Ocean Territories

I refer to my appearance at the Joint Standing Committee hearing on 27 March 2006. During the hearing I undertook to provide answers to 40 questions asked by members of the Committee.

I am pleased to provide you with answers to 33 of those questions. Officers from the Department of Transport and Regional Services are compiling answers to the remaining seven questions, which I will provide to you as soon as possible.

Yours sincerely

Susan Page

Susan Page
 Deputy Secretary

05/05/2006

Enc: 36 pages

Joint Standing Committee on the
 National Capital and External Territories

Submission No: 18

Date Received: 5 May 2006

Secretary: *[Signature]*

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Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 01

Topic: Delegated powers

Hansard Page: p3. (Monday, 27/03/06)

Output: Territories and Local Government

Mr SNOWDON asked:

JSC 01 - Would you mind providing us with a list of the powers that have been delegated to you from the Minister and, if they are to change, the future delegations as they will appear?

Answer:

JSC 01 - A list of current powers held by the General Manager, Territories Branch is attached. A review of these powers is being undertaken but is not yet complete.

Christmas Island
List of Delegations

FOLIO NO.	DATE SIGNED	LEGISLATION or AUTHORITY	PROVISIONS AND COMMENTS	INSTRUMENT DESCRIPTION	ORIGINAL POWER OR AUTHORITY	TYPE OF INSTRUMENT	DELEGATE or APPOINTEE
344(2)	1.5.2005	Administration Ordinance 1968 (CI)	Section 10(2)	Power to administer the oath or affirmation made and subscribed by the Administrator, an Acting Administrator or the Deputy Administrator before taking up the duties of his/her office	Minister, Jim Lloyd, Minister for Local Government, Territories and Roads	Authorisation to Administer Oath or Affirmation	SES 2, Territories and Local Government; SES 1 , Territories Branch; EL 2, Regional Office Perth
344(1)	1.5.2005	Administration Ordinance 1968 (CI)	Section 11(1)	Power to employ such other persons as considered necessary for the purposes of the government of the Territory and determine the terms and conditions on which those persons to hold office	Minister, Jim Lloyd, Minister for Local Government, Territories and Roads	Delegation of Powers	SES 2, Territories and Local Government Business Division; SES 1 , Territories Branch; EL2, Regional Office Perth; Administrator of IOT; EL2, Christmas Island Office; General Manager of Indian Ocean Territories Health Services.
319	15.01.2004	Environmental Protection Act 1986 (WA)(CI)	Powers of the Chief Executive Officer in the Act and Regulations made under the Act	All relevant provisions of the Act and the Regulations made under the Act.	Chief Executive Officer (Ian Gordon Campbell Minister for Local Government Territories and Roads)	Delegation of Powers	SES 2, Territories and Local Government Business Division, SES 1 Territories Branch

344(8)	1.5.2005	Environment Protection Act 1986 (WA)(CI)	Powers of the Chief Executive Officer	All relevant provisions of the Act and Regulations	Chief Executive Officer, Jim Lloyd, Minister for Regional Services, Territories and Local Government	Delegation of Powers	SES 1 , Territories Branch
344	1.5.2005	Western Australian Marine Act 1982 (WA)(CI)	Section 65 Powers of the Minister to grant Mooring Licences	Powers of the Minister to grant Mooring Licences	Minister, Jim Lloyd, Minister for Local Government, Territories and Roads	Delegation of Powers	SES 1 , Territories Branch

Cocos (Keeling) Islands
List of Delegations

FOLIO NO.	DATE SIGNED	LEGISLATION OR AUTHORITY	PROVISIONS AND COMMENTS	INSTRUMENT DESCRIPTION	ORIGINAL POWER OR AUTHORITY	TYPE OF INSTRUMENT	DELEGATE or APPOINTEE
243 (2)	1.5.2005	Administration Ordinance 1975 (CKI)	Section 9(2)	Power to Administer Oath or Affirmation made and subscribed before the Governor-General or a person authorised for the purpose of this section by the Minister	Minister, Jim Lloyd, Minister for Local Government, Territories and Roads	Delegation of Powers	SES 2 Territories and Local Government Business Division; SES1 Territories Branch; EL 2 Regional Office Perth
243 (1)	1.5.2005	Administration Ordinance 1975 (CKI)	Section 10(1)	Power to employ such other persons as considered necessary for the purposes of the government of the Territory and determine the terms and conditions on which a person to hold office	Minister, Jim Lloyd, Minister for Local Government, Territories and Roads	Delegation of Powers	SES 2, Territories and local Government Business Division; SES 1, Territories Branch; EL2 Regional Office Perth; Administrator of IOT; EL2 CI Office; General Manager of IOT Health Services
243 (8)	1.5.2005	Environmental Protection Act 1986 (WA)(CKI)	Powers of the Chief Executive Officer	All relevant provisions relating to the Act and Regulations	Chief Executive Officer, Jim Lloyd, Minister for Local Government, Territories and Roads	Delegation of Powers	SES 1, Territories Branch

243 (9)	1.5.2005	Western Australian Marine Act 1982 (WA)(CKI)	Section 65 - granting of mooring licences	Grant of Mooring licences	Minister, Jim Lloyd Minister for Local Government Territories and Roads	Delegation of Powers	SES 1, Territories Branch
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Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 02, JSC 03

Topic: Christmas Island Resort (Casino license)

Hansard Page: p3. (Monday, 27/03/06)

Output: Territories and Local Government

Mr SNOWDON asked:

JSC 02 - Were you involved in any discussions with the minister or the minister's office about that public policy position?

JSC 03 - Could you please ensure that you do, and could you provide us with a time line of any discussions that may have taken place between you, your department and the minister's office about that issue?

Answers:

JSC 02 - No.

JSC 03 - No discussions took place.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 04

Topic: Amendment of applied laws

Hansard Page: p5. (Monday, 27/03/06)

Output: Territories and Local Government

Mr CAUSLEY asked:

JSC 04 - Could you come back to us if you get some evidence about where, in some cases, the state law has been amended specifically as a result of the cultural concerns of those particular territories?

Answer:

JSC 04 – The Department has not been able to find evidence of particular changes to state law as a result of cultural concerns.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 05

Topic: Administrator of Christmas Island and the Cocos (Keeling) Islands

Hansard Page: p5. (Monday, 27/03/06)

Output: Territories and Local Government

Mr SNOWDON asked:

JSC 05 - Could you explain to us what the current functions of the Administrator are and how they may have changed over the last seven or eight years?

Answer:

JSC 05 - The Minister's Charter letter to the Administrator of Christmas Island and the Cocos (Keeling) Islands specifies three basic functions.

- The Administrator is responsible for facilitating communication between the Minister for Territories and the IOT communities.
- The Administrator also holds a range of powers and functions delegated by the Minister for Territories. The Administrator exercises these powers under direction from the Minister and with advice provided by the Department.
- As the senior government representative, the Administrator fulfils a ceremonial function.

As the representative of the Minister for Territories, the Administrator is occasionally involved in other issues as directed by the Minister.

Prior to 2002, the Administrator had an oversight role in management of the Department's operations in the IOT. This is no longer the case.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 06

Topic: Applied laws (State type)

Hansard Page: p6. (Monday, 27/03/06)

Output: Territories and Local Government

Mr SNOWDON asked:

JSC 06 - Could you come back to us with a summary of all laws which may have been amended in whole or in part, deferred or disallowed since this arrangement came into place?

Answer:

JSC 06 - The following laws have been amended, suspended or repealed from operation in Christmas Island and the Cocos (Keeling) Islands:

Administration Act 1903 (W.A.)

Associations Incorporation Act 1987 (W.A.)

Bread Act 1982 (W.A.)

Building and Construction Industry Training Fund and Levy Collection Act 1990 (W.A.)

Building and Construction Industry Training Levy Act 1990 (W.A.)

Business Franchise (Tobacco) Act 1975(W.A.)

Business Names Act 1962 (W.A.)

Children's Court of Western Australia Act 1988 (W.A.)

Companies (Acquisition of Shares) (Application of Laws) Act 1981 (W.A.)

Companies (Acquisition of Shares) (Western Australia) Code (W.A.)

Companies (Administration) Act 1982 (W.A.)

Companies (Application of Laws) Act 1981 (W.A.)

Companies (Co-operative) Act 1943-1959 (W.A.)

Companies (Western Australia) Code (W.A.)

Companies Act 1961 (W.A.)

Companies and Securities (Interpretation and Miscellaneous Provisions)(Application of Laws) Act 1981 (W.A.)

Companies and Securities (Interpretation and Miscellaneous Provisions) (Western Australia) Code (W.A.)

Company Takeovers Act 1979 (W.A.)

Coroners Act 1996 (W.A.)
Crime (Serious and Repeat Offenders) Sentencing Act 1992 (W.A.)
Criminal Code Act Compilation Act 1913 (W.A.)
Criminal Law Amendment Act 1992 (W.A.)
Daylight Saving Act 1991 (W.A.)
Death Duty Act 1973 (W.A.)
Death Duty Assessment Act 1973 (W.A.)
Debits Tax Act 1990 (W.A.)
Debits Tax Assessment Act 1990 (W.A.)
District Court of Western Australia Act 1989 (W.A.)
Domicile Act 1981 (W.A.)
Election of Senators Act 1903 (W.A.)
Electoral Act 1907 (W.A.)
Electoral Distribution Act 1947 (W.A.)
Employers' Indemnity Supplementation Fund Act 1980 (W.A.)
Explosives and Dangerous Goods Act 1961 (W.A.)
Family Court Act 1975 (W.A.)
Financial Institutions Duty Act 1983 (W.A.)
Financial Institutions Duty Regulations 1984 (W.A.)
Fisheries Act 1905 (W.A.)
Futures Industry (Application of Laws) Act 1986 (W.A.)
Gaming Commission Act 1987 (W.A.)
Heritage of Western Australia Act 1990 (W.A.)
Industrial Relations Act 1979 (W.A.)
Interpretation Act 1984 (W.A.)
Juries Act 1957 (W.A.)
Land (Titles and Traditional Usage) Act 1993 (W.A.)
Land Administration Act 1997 (WA)
Limitation Act 1935 (W.A.)
Liquor Licensing Act 1988 (W.A.)
Local Government Act 1995 (W.A.)
Local Government Grants Act 1978 (W.A.)
Local Government Superannuation Act 1980 (W.A.)
Lotteries Commission Act 1990 (W.A.)
Marketable Securities Transfer Act 1970 (W.A.)
Medical Act 1894 (W.A.)
Minimum Conditions of Employment Act 1993 (W.A.)
Motor Vehicle Dealers Act 1973 (W.A.)
Motor Vehicle (Third Party Insurance) Act 1943 (W.A.)
National Companies and Securities Commission (State Provisions) Act 1980 (W.A.)
Navigable Waters Regulations (W.A.)
Nurses Act 1992 (W.A.)
Pay-roll Tax Act 1971 (W.A.)
Pay-roll Tax Assessment Act 1971 (W.A.)
Pharmacy Act 1964 (W.A.)
Physiotherapists Act 1950 (W.A.)
Podiatrists Registration Act 1984 (W.A.)
Police Act 1892 (W.A.)
Prisons Act 1981 (W.A.)
Psychologists Registration Act 1976 (W.A.)

Public and Bank Holidays Act 1972 (W.A.)
Public Trustee Act 1941 (W.A.)
Referendums Act 1983 (W.A.)
Registration of Births, Deaths and Marriages Act 1961 (W.A.)
Residential Tenancies Act 1987 (W.A.)
Registration of Deeds Act 1856 (W.A.)
Road Traffic Act 1974 (W.A.)
Road Traffic Code 1975 (W.A.)
Securities Industry (Application of Laws) Act 1981 (W.A.)
Securities Industry (Release of Sureties) Act 1977 (W.A.)
Securities Industry (Western Australia) Code (W.A.)
Securities Industry Act 1975 (W.A.)
Sentencing Act 1995 (W.A.)
Standard Survey Marks Act 1924 (W.A.)
State Government Insurance Commission Act 1986 (W.A.)
State Supply Commission Act 1991 (W.A.)
Supreme Court Act 1935 (W.A.)
Tobacco Control Act 1990 (W.A.)
Trade Unions Act 1902. (W.A.)
Transfer of Land Act 1893 (W.A.)
Transport Co-ordination Act 1966 (W.A.)
Travel Agents Act 1985 (W.A.)
Valuation of Land Act 1978 (W.A.)
Waterfront Workers' (Compensation for Asbestos Related Diseases) Act 1986 (W.A.)
Weights and Measures Act 1915 (W.A.)
Wildlife Conservation Act 1950 (W.A.)
Workers' Compensation and Rehabilitation Act 1981 (W.A.)
Workplace Agreements Act 1993 (W.A.)
Young Offenders Act 1994 (W.A.)

No laws have been disallowed under either the *Christmas Island Act 1958* or the *Cocos (Keeling) Islands Act 1955*.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 09, JSC 33

Topic: Applied laws

Hansard Pages: p6, 32. (Monday, 27/03/06)

Output: Territories and Local Government

Mr SNOWDON asked:

JSC 09 - Can you tell us what the process is for reviewing the application of any Western Australian law?

Senator CROSSIN asked:

JSC 33 - What does your department do to keep track of laws that are relevant or not relevant, or laws that ought to be reviewed or culled?

Answers:

JSC 09, JSC 33 – The Department is reviewing its handling of the application of Western Australian law to the IOT. Currently, Western Australian law is reviewed when an anomaly or conflict in the law is drawn to the Department's attention.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 10

Topic: Commonwealth and WA fisheries law

Hansard Page: p7. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 10 - To be specific, is there any conflict between the federal fisheries laws and Western Australian fisheries laws which may or do impact on fisheries management in the IOTs?

Answer:

JSC 10 - The Commonwealth has responsibility for management of fisheries in all waters in and around the Cocos (Keeling) Islands and Christmas Island. Until 25 November 2002, responsibility for fisheries management rested with the Australian Fisheries Management Authority under the *Fisheries Management Act 1991* (Cth).

Since November 2002, the territorial waters (including the Cocos lagoon and water out to 12 nautical miles from the shore of each of the territories) have been 'excepted waters' under the *Fisheries Management Act 1991* (Cth). Therefore, the Act only comes into operation outside the 12 nautical mile territorial limit, which is the same as for the mainland States and Territories.

Responsibility for the management of fisheries within the IOTs territorial waters now rests with the Department of Transport and Regional Services. The territorial waters are regulated by the applied Western Australian *Fish Resources Management Act 1994*, which is administered on the Commonwealth's behalf by the WA Department of Fisheries under a Service Delivery Arrangement.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 11, JSC 12

Topic: Consultation

Hansard Page: p7. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 11 - Can you tell us what role, if any, Western Australian agencies play in the consultative process if there is one?

JSC 12 – When you come back to us, can you also let us know the consultative process may have changed over time?

Answers:

JSC 11 – There is no uniform approach by Western Australian (WA) Government agencies on consultation about legislation. For example, the WA Department of Consumer and Employment Protection (DOCEP) takes an active role in publicising and educating the IOT communities about proposed changes to legislation and invites comments. DOCEP has advised the Department that few people in the communities take up opportunities to provide comments. Other agencies play a less active role in consultation, consistent with their normal business operation in Western Australia.

JSC 12 – As indicated in JSC 11, WA Government agencies do not have a uniform approach to consultation.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 13

Topic: Consultation on Recreation Centre

Hansard Page: p11. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 13 - Could you come back to us with a detailed outline of the process of consultation that took place with the Christmas Island community on the development of the design and construction of the (recreation centre) facility?

Answer:

JSC 13 – After the Government announced the funding for the sports and recreation facilities, including a recreation centre, an on-Island advisory council was formed to consider the community's needs.

The Christmas Island Administrator, through the Administrator's Advisory Council (AAC), conducted community consultations prior to tenders being sought. The AAC consisted of representatives from a number of on-Island organisations including:

- Shire of Christmas Island;
- Australian Federal Police;
- Union of Christmas Island;
- Christmas Island Chamber of Commerce;
- Indian Ocean Group Training Association;
- Christmas Island Tourism Association;
- Indian Ocean Territories Health Service;
- Department of Immigration and Multicultural and Indigenous Affairs;
- Christmas Island Arts and Culture;
- Parks Australia;
- Christmas Island Women's Association;
- Christmas Island AustAsia Business Council;
- Asia Pacific Space Centre/Softstar; and
- Christmas Island Phosphates.

The AAC held meetings in July, November, and December 2002 to discuss a range of issues relating to the proposed centre. A concept report reflecting the discussions was prepared by the Department and circulated in February 2003.

The concept report contained details of the existing sporting facilities, the proposed site locality plan and tenure arrangements, comparable facilities on the mainland and a concept design based on functionality and efficiency. The Christmas Island Administration also undertook a survey to determine what the community considered to be essential, desirable and low priority, given that funds were limited.

The AAC held further meetings in February and June 2003 to discuss the concept report. As a result of the consultation process, the AAC agreed to the construction site location and concept design of the proposed Recreation Centre.

Large copies of the preferred tenderer's design drawings (including plans, elevations and perspective drawings) were prominently displayed at various locations around the Island, including the school, supermarket, Chinese Literary Association and Shire offices.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 14

Topic: Recreation Centre funding

Hansard Page: p11. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 14 - How long term is that agreement (with the Shire of Christmas Island for providing funding to assist with the management and maintenance of the recreation centre)?

Answer:

JSC 14 - The current agreement expires on 30 June 2006. The Australian Government will continue to provide funding for the operational and maintenance costs of the facility from the administered funds that support the Department's Services to Indian Ocean Territories Programme, subject to normal budgetary processes and approvals.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 16, JSC 17

Topic: Local employment

Hansard Page: p12. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 16 – In the construction of the detention facility are you aware of any input your department may have given to the Department of Finance to ensure employment outcomes for the community of Christmas Island?

JSC 17 - Could you also let us know whether there were any requests to ensure any tender might include consideration of both employment and training of individuals on Christmas Island?

Answers:

JSC 16, JSC 17 - During a number of planning meetings about the Immigration Reception and Processing Centre with the Department of Finance and Administration, the Department of Transport and Regional Services emphasised the importance of the island community receiving employment and training opportunities from the construction of the Centre.

The Department of Finance and Administration has advised the Department that two key elements were included as part of the tender and assessment process. Main Works tenderers were required to specify the amount they would pay to island businesses as part of undertaking the project. This amount was one of the criteria on which the assessment of tenders was based. Penalties were included in the contract if the successful contractor did not achieve the estimate stated and incentives provided if the estimate was exceeded.

The tender assessment process included an evaluation of how the tenderer would foster employment and training opportunities as part of the project. In addition, a number of early works packages was designed to be suitable for local construction companies. These included the early civil works contract and three sewer rising-main and pump station packages. In total over \$8 million was spent on these contracts.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 18

Topic: Property value

Hansard Page: p15. (Monday, 27/03/06)

Output: Territories and Local Government

Mr CAUSLEY asked:

JSC 18 - Do you accept that it could be the case in some instances that private property values have been destroyed by the decisions taken?

Answer:

JSC 18 – The Department monitors values relating to its own properties and is not aware of the values of private properties.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 19

Topic: Alternative port facility at Nui Nui, Christmas Island

Hansard Page: p16. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 19 - Could you explain to us why a mooring buoy has not been put up at the new port facility? There is nowhere to moor.

Answer:

JSC 19 - Freight handling at the Nui Nui port can and does occur without the use of mooring buoys.

Mooring buoys/pins were not provided at the time of construction as it was considered that the port could operate without them, and at that stage the expected level of use of the port was uncertain. Also, the additional environmental approval required for mooring buoys/pins would have delayed environmental approval of the project by the Department for the Environment and Heritage.

In light of recent operational experience, the Department, in consultation with its port manager in the Indian Ocean Territories, is reviewing the requirement for mooring buoys/pins at the Nui Nui port.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 20

Topic: Silkair submission

Hansard Page: p17. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowdon asked:

JSC 20 - I also understand that they (Silkair) had a concern prior to them commencing this service about safety and other support issues, including capital items that were required at the airport. Submissions were made to the Commonwealth.

Answer:

JSC 20 - Austasia Airlines have negotiated an arrangement with SilkAir for weekly flights between Singapore and Christmas Island. An arrangement has been reached between Austasia and the local volunteer fire brigade for the fire tender to be present at the airport during the arrival and departure of these flights.

The Civil Aviation Safety Authority have advised there is no legislative obligation on the airport to provide an Air Rescue and Fire Fighting Service.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 21

Topic: Christmas Island Phosphate mine leases

Hansard Page: p18. (Monday, 27/03/06)

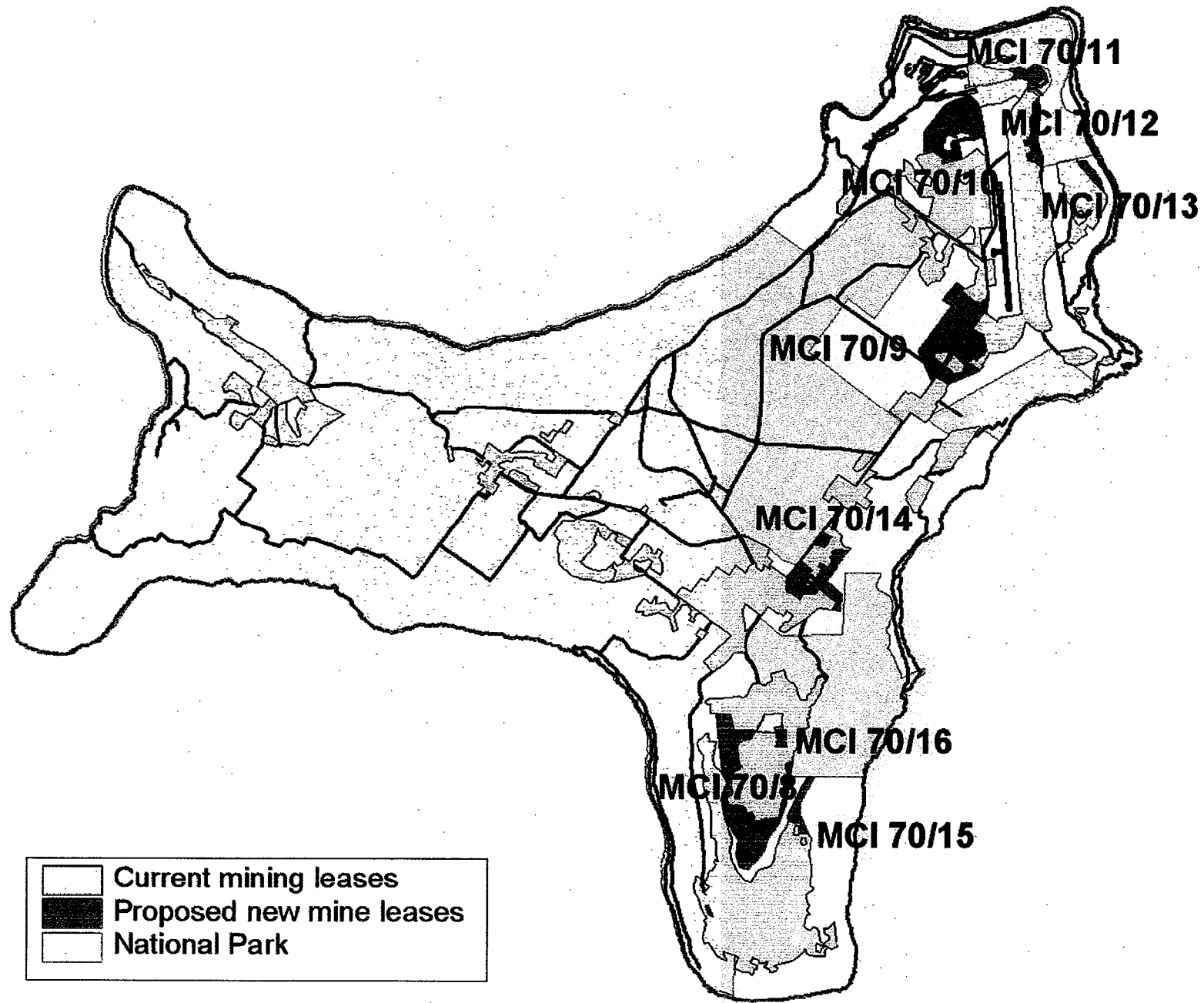
Output: Territories and Local Government

Senator Lightfoot asked:

JSC 21 – Would you be kind enough to let the committee have a map of those leases—I know some of us already have them, but you may have some updates on them—and the features on the island which they cover?

Answer:

JSC 21 – A map of the relevant leases is attached.



Source: Phosphate Resources November 2005 Draft EIS, Executive Summary p 6 *figure 3*

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 22

Topic: Christmas Island Resort (Casino license)

Hansard Page: p18. (Monday, 27/03/06)

Output: Territories and Local Government

Senator LIGHTFOOT asked:

JSC 22 - Has there been any discussion recently with respect to altering the decision by the minister at the time not to grant a licence to reopen the casino?

Answer:

JSC 22 – No.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 23, JSC 24

Topic: Communication of Government policy

Hansard Page: p19, 20. (Monday, 27/03/06)

Output: Territories and Local Government

Senator CROSSIN asked:

JSC 23 - Has any of that ever been explained to people on, say, Christmas Island, particularly in their Malay language so that they understand exactly where this government is going in relation to the governance of their island?

JSC 24 - Also, the long-term aim that there would be an integration into WA is quite recent—that is, within the last five years. Perhaps you could show us or give us some evidence as to how that has been explained to the people in the IOTs.

Answers:

JSC 23, JSC 24 – The Minister for Territories outlined Australian Government policy with respect to Christmas Island in an open letter to the Christmas Island community on 12 August 2004. The letter was published in “The Islander” in English, Malay and Simplified Chinese.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 25

Topic: Adoption law

Hansard Page: p22. (Monday, 27/03/06)

Output: Territories and Local Government

Senator CROSSIN asked:

JSC 25 - Could you take on notice why there is conflict there and how it came to be that such a conflict exists if, in fact, your consultation processes are adequate.

Answer:

JSC 25 - The *Adoption Act 1994 (WA)(CKI)* applies in the Cocos (Keeling) Islands. It is the only law governing the process of adoption in the Indian Ocean Territories. The legislation was automatically applied to both Territories in 1994 in accordance with the Australian Government policy and practice of aligning the legal framework of the Territories with that of Western Australia. It has not been possible to determine if the Department of the time or if the WA Government consulted with the Cocos community in 1994.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 27

Topic: Local employment

Hansard Page: p24. (Monday, 27/03/06)

Output: Territories and Local Government

Senator Crossin asked:

JSC 27 - Do any of the contracts on the island – say for power, water or the airport – contain any clauses that, where reasonably possible, local people should have employment or training preferences?

Answer:

JSC 27 – The Department encourages local employment and training through a variety of initiatives. The Department's tenders relating to the Indian Ocean Territories encourage contractors to use local sub-contractors where possible to maximise the benefits to the local economy. The manner through which this transfers to contracts varies from project to project.

The Department engages the WA Water Corporation to provide utilities services on the Cocos (Keeling) Islands and operate water and wastewater services on Christmas Island. Both contracts contain clauses concerning local preference for employment. The Department also has other contracts in place with local firms to provide other services which necessarily involve the employment of local people.

In addition, in entering into Service Delivery Arrangements with WA Government agencies, the Australian Government is attempting to normalise service delivery in the Territories by replicating the models of service delivery that are employed by the WA Government in remote WA communities. Accordingly, where the practice of the relevant WA agency is to provide services through arrangements with third parties on a local level, that is mirrored in the Territories where possible.

Two teacher aides at the Christmas Island District High School (CIDHS) recently received their teaching qualifications and won positions at the CIDHS under a program sponsored by the Department.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 28

Topic: Post-compulsory schooling support

Hansard Page: p25. (Monday, 27/03/06)

Output: Territories and Local Government

Senator Crossin asked:

JSC 28 - Do you know what financial assistance is available for parents to send their kids to Perth for education and training?

Answer:

JSC 28 - Post-compulsory schooling (Years 11 and 12) is now provided locally at the Christmas Island District High School, so Christmas Island students now have the option of staying on-Island instead of studying Years 11 and 12 on the mainland.

For those who choose to study Years 11 and 12 on the mainland, the Department provides fares assistance for IOTs secondary (four return airfares per school year) and tertiary (one return airfare per semester) students studying at mainland institutions.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 29

Topic: Cocos freight handling facility

Hansard Page: p25. (Monday, 27/03/06)

Output: Territories and Local Government

Senator Crossin asked:

JSC 29 - Can you give us a break down of those projects?

Answer:

JSC 29 –

West Island – Improved Freight Handling Facility: \$3,350,000.

Home Island – New Crane: \$1,100,000.

Two Motorised Barges: \$3,900,000.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 30

Topic: Access to Cocos golf course

Hansard Page: p26. (Monday, 27/03/06)

Output: Territories and Local Government

Mr Snowden asked:

JSC 30 - Could you let us know what those requirements (for people to play golf) are in detail, please?

Answer:

JSC 30 - The *Aviation Transport Security Regulations 2005* require the operator of Cocos (Keeling) Islands Airport to ensure that the airside area of the Security Controlled Airport (SCA) can only be entered by persons who are authorised to do so and who display a valid Aviation Security Identity Card (ASIC), or display a valid Visitor Identification Card (VIC) and are supervised by an ASIC holder.

The runway is part of the airside area. Therefore, people walking over the runway to access the golf course must be authorised to do so and display an ASIC or display a valid VIC and be supervised by an ASIC holder. The airport operator also requires that the ASIC holders must keep a log book of all access which may be audited by the Office of Transport Security.

The airport operator is negotiating with the Golf Club to develop workable solutions to this issue. Two options under consideration are moving the golf course to the southern end of the runway outside the airside area, and arranging for the issue of ASICs to eligible golf club members.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 31, JSC 32

Topic: Old Cocos Administration building

Hansard Pages: p27-29. (Monday, 27/03/06)

Output: Territories and Local Government

Senator Crossin asked:

JSC 31 - In relation to Cocos Islands, the government building where the Telecentre is has recently had its new rent set, and I understand it was set by consultants in Perth. Who were those consultants?

JSC 32 - Can you have a look at it – who the consultant was, how they operated and on what basis there was no consultation?

Answers:

JSC 31, JSC 32 - Market rents for all Commonwealth non-residential rental properties in the IOTs are assessed by the Valuation Services Branch of the WA Department of Land Information (DLI) under a Service Delivery Arrangement (SDA) with the Department of Transport and Regional Services (DOTARS). The SDA commenced in mid-2005. As there is no competitive commercial property market in the Cocos (Keeling) Islands, the Christmas Island rental market is used to provide a benchmark.

DLI is also the agency responsible for providing valuations for both IOT Shire Councils for rating purposes and it operates in accordance with the applied WA laws, providing an independent and impartial valuation service.

Under the Cocos Telecentre's lease, a peppercorn rent (\$1 per week) is payable, and the Department has not sought and is not seeking to alter that arrangement.

The consultant involved is Jones Lang LaSalle Pty Ltd (JLL). In accordance with the SDA, the WA Department of Housing and Works has contracted JLL to manage the Commonwealth's IOTs non-residential property portfolio. Under this arrangement, JLL is responsible for rent collection and property maintenance, but does not have a role in determining the actual rents payable.

In January 2006, DOTARS directed JLL to pass on property outgoing expenses (such as repair and maintenance costs for land and buildings and utility service charges) to non-residential tenants in both Territories in accordance with existing lease provisions and mainland practice. In buildings containing more than one tenancy, such as the old Cocos Islands Administration building (which houses the Cocos Telecentre), costs applying to the entire building were apportioned between tenants on the basis of floor-space proportion, again in line with mainland practice.

In recognition of the impact the exercise of these existing lease provisions was to have on some tenants, DOTARS has suspended their operation pending further consideration and consultation. JLL has now written to affected non-residential tenants advising that they are only required to pay rent (if applicable), electricity and water consumption charges until further notice.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Number: JSC 34

Topic: Corporations law

Hansard Page: p33. (Monday, 27/03/06)

Output: Territories and Local Government

Senator CROSSIN asked:

JSC 34 - Let me give you an example that was raised. There is no Corporations Law on Christmas Island, so a company cannot be registered on Christmas Island. Why is that the case?

Answer:

JSC 34 - The status of law governing corporations in the Indian Ocean Territories is unclear. The Department identified the issue in late 2005 and has sought legal advice from the Australian Government Solicitor's Office of General Counsel. The Department is also consulting with the Department of the Treasury. Clarification of the operation of corporations law will occur once the advising and consultation process has finished.

Joint Standing Committee on National Capital and External Territories

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

27 March 2006

Question Numbers: JSC 35, JSC 36, JSC 37

Topic: Sorensen claims

Hansard Pages: p33, 34. (Monday, 27/03/06)

Output: Territories and Local Government

Mr SNOWDON asked:

JSC 35 - He [Mr Sorensen] brought to the attention of the committee that when the Australian Government tendered for housing to support the immigration reception centre, it did so by offering free land to potential developers in competition with existing private landholders in apparent contradiction of a stated policy of competitive neutrality. Why was this done?

JSC 36 - Would you concede that the release of free land may have had a significant impact on the property market on Christmas Island?

JSC 37 - Can you let us know what the Department's view on this case is once you have had a good look at it?

Answers:

JSC 35, JSC 36, JSC 37 – In March 2002, the Department of Transport and Regional Services (DOTARS) released an invitation to tender for the construction of housing for the Christmas Island Immigration Reception and Processing Centre (IRPC). The tender documents requested a tender for the construction of 160 bedsit and 10 three bedroom dwellings on Commonwealth land. Construction of housing on a mix of Commonwealth and privately owned land was to be considered as an alternative option. The tender documents stated:

A1.29: The Tenderer may submit alternatives for the performance of works specified. All alternatives shall be considered on their merits and the Tenderer shall include a fully detailed description of the proposal. However, a fully conforming tender must be submitted in all cases.

A1.36: The objective of the tender process is to achieve the best possible mix on Commonwealth sites but also to provide the opportunity for options utilising privately owned land, and with alternative mixes. Tenderers are

encouraged to consider sites owned by the private sector and to contact local Christmas Island developers who own land and would be willing to provide alternatives to the Commonwealth sites.'

DOTARS acted as the Principal for the works. The Department of Immigration and Multicultural Affairs (DIMA) and the Department of Finance and Administration were consulted during the design stage. DOTARS decided to use Commonwealth land as it provided the best value for money of all the proposals received. Housing was formally accepted by DIMA in May 2003.