

**Parliament of Australia
Joint Standing Committee on the National Capital and External Territories**

***INQUIRY INTO NORFOLK ISLAND ELECTORAL
MATTERS***

TERMS OF REFERENCE:

The Joint Standing Committee on the National Capital and External Territories has been asked to inquire into and report on:

The consistency of the laws relating to eligibility to vote and Candidature for the Legislative Assembly of the Territory of Norfolk Island with other Australian jurisdictions, in particular:

- (a) whether Australian citizenship should be a requirement for eligibility to vote for, or be elected to, the Legislative Assembly:**
- (b) the time period before which an Australian citizen resident in the Territory can enroll to vote for the local legislature**

SUBMISSION:

Whether or not the laws in Norfolk Island relating to eligibility to vote and candidature for the Legislative Assembly of Norfolk Island are consistent or otherwise with all or any Australian jurisdiction should be purely a matter of academic interest only. Whatever happens in other jurisdictions in relation to electoral arrangements has no relevance in or for Norfolk Island.

When the electoral laws for Norfolk Island were re-made in 1979 there was no intention whatsoever to align the ‘package’ with the laws applying in any other jurisdiction, Australia or otherwise.

When self-government (as the objective) was successfully negotiated in 1979 following the earlier Royal Commission into Norfolk Island, it was agreed (and frequently acknowledged publicly) that it was not necessary for the laws and policies applying to and in Norfolk Island to be the same as anywhere else. This was often expressed thus – “*Norfolk Island is a unique place, requiring unique solutions to*

unique problems". (Attributed initially to former Minister, Hon Gordon Scholes MP)

The people of Norfolk Island were given the right to decide such issues. The people of Norfolk Island have so decided, in a democratic manner. The laws of Norfolk Island relating to electoral matters have the overwhelming support of the majority of the electors. Such support has been expressed at numerous referenda in recent years.

That the Australian Government disregards such referendum results is anathema to most people on Norfolk Island. Attempts to foist upon the Island a set of different laws against the expressed wishes of the people, is colonialist and shameful.

Equally 'colonialist' and shameful is the blatant abuse of the plenary powers of Section 122 of the Australian Constitution by the Australian Government in its persistent and continuous interference and 'meddling' in what are, essentially, matters for the people of Norfolk Island to decide. For in excess of twelve years, one of the more glaring examples of this has seen various Federal Ministers and Parliamentary Committees relentlessly pursuing methods of changing the eligibility criteria for voting or candidature in Norfolk Island. For all of this period the people of Norfolk Island have resisted any attempts at change.

That the Government of Australia can unilaterally contemplate the 'shifting of the goalposts' to force changes in respect of the agreed nature of the self-government process for Norfolk Island is intolerable. The 'will of the people' of Norfolk Island cannot simply be swept aside to satisfy political (or bureaucratic) expediency from Canberra.

The constant number of formal 'inquiries' by Australian Parliamentary Committees of one sort or another is a demonstration of this abuse. All of the matters hitherto 'inquired into' could have been dealt with more appropriately and more effectively through inter-governmental meetings and discussions.

It is submitted that, since the occasion of the first non-consulted departmental (Federal) policy 'shift' for Norfolk Island (which occurred in the late 1980's), all of the Parliamentary inquiries except the Grants Commission of 1997 have had 'contrived' outcomes designed to advance the new policy agenda. The outcomes (recommendations and legislative changes etc.) of all of these inquiries have always been predictable – the 'public hearing' phases of all of these inquiries have been but a 'show' simply to satisfy a part of the consultative provision/requirement.

The more recent (and non-consulted) policy shift by the departmental 'mandarins', designed to eliminate existing differences between Australia and Norfolk Island, has caused a further spate of inquiries (and reporting) as a means to the end of forcing the changes dictated by the relevant departments, through the relevant Federal

Minister. In all of this, the will of the majority of all in Norfolk Island is blatantly ignored.

This submission implores the Joint Standing Committee to heed the wishes of the people of Norfolk Island (in relation to the electoral arrangements in place in Norfolk Island) as expressed on more than one occasion at referendum.

This submission implores the Committee to formally recommend the acceptance of the status quo.

The writer would be happy to elaborate on any or all of the component parts of this brief submission.

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Norfolk Island
02 March, 2001**