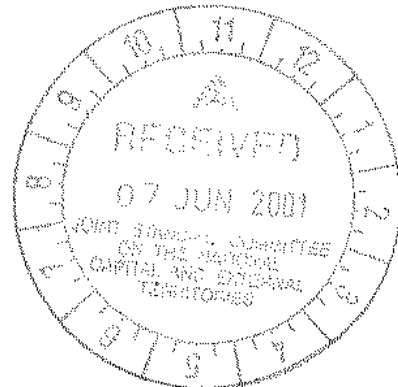




Our Reference: X2001/0155

Mr Richard Selth
Secretary
Joint Standing Committee on the National Capital
and External Territories
Parliament House
CANBERRA ACT 2600



Dear Mr Selth

Thank you for your letter of 6 April 2001 to Ms Dianne Gayler concerning the attendance by Departmental officers at the Committee's public hearing held on 2 April 2001.

I enclose the Department's answers to the questions which we were asked to take on notice. This information has been cleared by the Office of the Minister for Regional Services, Territories and Local Government and the Office of the Administrator, Norfolk Island.

As requested, the Proof Committee Hansard has been checked for errors of transcription. A few minor amendments are noted on the enclosed extracts.

Please let me know if you or any of the Committee members would like further information or need to clarify any aspects of our answers to the questions on notice. I can be contacted on 6274 8020 (e-mail: Maureen.Ellis@dotrs.gov.au, fax: 6274 8099).

Yours sincerely

Maureen Ellis
Acting Assistant Secretary
Regional Support and
Self-Governing Territories Branch

6 June 2001

**JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL
AND EXTERNAL TERRITORIES INQUIRY INTO NORFOLK ISLAND
ELECTORAL MATTERS**

Public Hearings, Canberra 2 April 2001

*Responses to Questions taken on Notice by the Department of Transport
and Regional Services*

QUESTION 1

Page NCET 109 - Senator Ross Lightfoot, Committee Chair asked: "When you say the bulk of them [ie, Temporary Entry Permit holders], can you give the committee any idea of numbers?"

Page NCET 125 - The Hon Warren Snowdon MP asked: "You were going to tell us in the beginning the average length of stay of a TEP. ... If there are stats on that, could you give them to us, because that is fairly germane to the issue."

Response

These questions arose out of a statement in the Department's submission and in Ms Gayler's evidence at the public hearing about Norfolk Island's concern that giving holders of Temporary Entry Permits ('TEP holders') the right to vote would have the potential to stack and thereby distort electoral outcomes in the Territory.

Ms Gayler noted (NCET 109), as did the Department's submission (at page 14), that a majority of TEP holders were transient workers employed by the Island's service and hospitality industries and only stay on the Island for around six months or less. This was based on repeated advice from the Norfolk Island Administration to the Office of the Administrator. A six-month residence requirement would therefore avoid any significant increase in the numbers on the electoral roll.

The Department does not have access to the records that would enable it to provide the actual numbers of TEP holders that remain on the Island for six months or less. To answer the Committee's question would require a physical examination of immigration records held by the Norfolk Island Administration. The Committee may wish to request these figures from the Norfolk Island Immigration Officer, Mr M C E (Mitchell) Evans. However, the Committee should be aware of the relatively limited resources available to carry out such a task (eg, a small staff with competing responsibilities, limited computerisation and a manual card and filing system).

The Committee's attention is drawn to the points on page 14 of the Department's submission which also answer suggestions that voting rights for TEP holders might distort electoral outcomes in Norfolk Island.

QUESTION 2

Page NCET 110 – Senator Lightfoot asked: “If, then, the Norfolk Island Government was not cooperative in changing its laws – and there has been an element of that but I stress an element only – and did not want to change its select rules, what is the process that the Commonwealth can use and from whom is that strength drawn? Is it drawn from the Minister’s advice to the Administrator, who then advises the Government of Norfolk Island that they must, under law, change?”

Response

There would appear to be four options open to the Federal Government in such a scenario.

(a) *Reservation and recommended amendment of laws passed by the Norfolk Island Legislative Assembly*

At the hearing, Ms Gayler described an option available if the Norfolk Island Legislative Assembly had itself passed an Act that dealt with electoral matters (NCET 110).

To date, proposed Territory laws concerning election to the Norfolk Island Legislative Assembly have been characterised as laws affecting a non-schedule matter (ie, a matter not listed in schedule 2 or 3 of the *Norfolk Island Act 1979*).

In these cases, section 21 of the Norfolk Island Act requires the Administrator of Norfolk Island to reserve such a proposed law for the Governor-General, who would act on the advice of the Minister for Regional Services, Territories and Local Government. Section 22 of the Norfolk Island Act provides that the Governor-General may assent to the proposed law, withhold assent to whole or part of the proposed law or “return the proposed law to the Administrator with amendments that he recommends”. In the last-mentioned case, the proposed law and recommended amendments would be referred by the Administrator back to the Norfolk Island Legislative Assembly for its consideration (see section 21(4) of the Norfolk Island Act).

(b) *Disallowance of a Territory law by the Governor-General*

This option would also be available if the Norfolk Island Legislative Assembly had itself passed an Act that the Federal Government considered required amendment (for example, in relation to a Schedule 2 matter such as “maintenance of rolls of residents of the Territory”).

Section 23 of the Norfolk Island Act provides that, within 6 months of the Administrator assenting to a proposed law of the Territory, the Governor-General may:

- (a) recommend to the Administrator any amendments to that law that the Governor-General considers desirable; or
- (b) disallow all or part of that law.

The Governor-General would act on the advice of the Minister for Regional Services, Territories and Local Government when exercising this power. If this section is ever invoked, it is envisaged that the Governor-General would first recommend that a law be amended. In the event that the Assembly failed to enact such an amendment within six-months of that recommendation, the Governor-General could then exercise the power of disallowance.

(c) *Amendment to the Norfolk Island Act 1979*

The process for amending the Norfolk Island Act is the same as for any other Federal legislation: that is, Cabinet approval; consideration by both Houses of Parliament (including scrutiny by the relevant Parliamentary Committee); and, if passed, assent by the Governor-General in Executive Council.

As the Committee would be aware, this option has already been attempted unsuccessfully in the case of the Norfolk Island Amendment Bill 1999.

(d) *Enactment of an Ordinance via the Governor-General*

Section 26 of the Norfolk Island Act provides that the Governor-General "may, by message of the Administrator, introduce into the Legislative Assembly a proposed law for the peace, order and good government of the Territory". If, within 60 days, the Assembly has not passed that proposed law or has passed it with unacceptable amendments, section 27 allows the Governor-General to make an Ordinance - provided it does not deal with a matter specified in Schedule 2 or 3 of the Act. (As noted above, proposed Territory laws concerning the elections to the Norfolk Island Legislative Assembly have been characterised as laws affecting a non-schedule matter.)

Subsection 27 (2) of the Norfolk Island Act provides that, "on account of urgency or for any other special reason", the Governor-General may make an Ordinance without first introducing it into the Legislative Assembly if that Ordinance does not deal with a matter specified in Schedule 2 or 3 of the Act.

The Governor-General may subsequently amend or repeal an Ordinance made under section 26 or 27 of the Act.

Division 3 of Part IV of the Act sets out the procedures for the making of the above-mentioned Ordinances, including their tabling before both Houses of Federal Parliament and for their possible disallowance. The Act also provides that, in the event of any inconsistency between an Ordinance made by the Governor-General and a law enacted by the Norfolk Island Legislative Assembly, the former shall prevail (see section 29).

These legislative powers have never been exercised.

QUESTION 3

Page NCET 113 - Ms Ellis said: "My understanding is that if they [Australian residents resident on Norfolk Island] are on the Australian electoral roll and they do not nominate, they are notionally connected to the electoral division of Canberra, for want of them ticking a box to say which one [electorate] they would like. Is that right?"

Response

Norfolk Island residents, who meet the qualifications set out in the *Commonwealth Electoral Act 1918*, have the option of enrolling to vote in Federal elections:

- in the electoral subdivision in an Australian State for which they were last enrolled; or

- if there has never been such an entitlement, in the subdivision in a State in which one of their next of kin is currently enrolled; or
- in the subdivision in a State in which they were born; or
- if none of these apply, in the subdivision in a State with which they have a close connection.

Alternatively, a Norfolk Island resident wishing to vote in Federal elections may apply for enrolment in the division of Canberra.

Applicants for Norfolk Island enrolment must nominate on the enrolment form the category for which they are claiming enrolment. The Australian Electoral Commission has advised that its procedures, set out in the General Enrolment Manual, state that:

If the applicant has failed to choose their entitlement to a mainland division or the Division of Canberra...then [the AEC will] make enquiries by telephone if number given or in writing'. The procedures further require that, where a reply is not received within 28 days then the elector is taken to have no entitlement and the claim for enrolment is rejected.

QUESTION 4

Page NCET 118 – Senator Crossin, Acting Chair, said: “I am looking at your figures on page 9 of your submission, which tell me that there were 1,110 on the roll [at the time of the May 1999 referendum]”. **Mr Snowden then pointed out:** “You have three figures for the roll. There are 1,113, 1,100 and now it appears 1,110.”

Response

At the hearing Ms Gayler noted the discrepancy in the figures included in the Department’s submission and undertook to provide the correct numbers. The Office of the Administrator has since advised that its records show that there were 1,110 people on the electoral roll at the time of the May 1999 referendum.

QUESTION 5

Page NCET 119 - Senator West asked: “Was the material for the yes and no [referenda] campaign distributed to every eligible voter on the island, or was it something they had to voluntarily acquire from a particular point?”

Response

Section 11 of the Norfolk Island Referendum Act 1964 provides that, *inter alia*, the Returning Officer shall, not less than three weeks before the polling day, forward to each elector:

- (c) Any statement that has been prepared on behalf of a group of electors who are in favour of the question being adopted and has been approved, in the case of a referendum held in pursuance of a direction under section 4, by the Minister, by the Speaker in the case of a referendum directed under section 5 or, in any other case, by the Administrator for distribution to the electors; and

(d) Any statement that has been prepared on behalf of a group of electors who oppose the adoption of the question and has been approved, in the case of a referendum held in pursuance of a direction under section 4, by the Minister, by the Speaker in the case of a referendum directed under section 5 or, in any other case, by the Administrator for distribution to the electors.

It is understood that material is normally distributed to electors via their post boxes on Norfolk Island as this is considered the only feasible means of comprehensive distribution available on the Island.

There have been referenda when material has not been prepared for distribution (see below).

Page NCET 120 Ms Ellis said: "Senator West mentioned the information you have taken on notice in relation to the referendum. Can we also, if possible, get a copy of the yes and no cases? Can we also find out who was responsible for framing and writing each of those cases on the island?"

Response

Neither the Department nor the Office of the Administrator has complete records in relation to the referenda. The information we have been able to access in relation to the 'Yes' and 'No' cases is listed below, with copies of all of these documents at Attachment A. The Committee should be able to obtain a full set of 'Yes' and 'No' statements from the Norfolk Island Administration's Electoral or Returning Officer, Mr M C E (Mitchell) Evans.

February 1991 Referendum

- Copies of the 'Yes' and 'No' case distributed prior to the Referendum.
- Extracts from *The Norfolk Islander* from December 1990 to February 1991 including letters arguing for and against the Referendum, an article on the debate in the 19 December meeting of the Norfolk Island Legislative Assembly (22 December 1990), and a front page editorial and a copy of a statement by 8 members of the Assembly, both calling for a 'No' vote (9 February 1991).

August 1998 Referendum

- Extract from *The Norfolk Islander* of 28 March 1998. This edition published a copy of a letter from the then Minister for Regional Development, Territories and Local Government, the Hon Alex Somlyay MP, which outlined the proposed electoral changes and the Federal Government's reasons for them. This was followed by an Editor's Note rejecting the proposals and justifications set out in the Minister's letter and a note on an interview with the then Chief Minister, Mr George Smith, noting that a referendum would be held on the matter.
- Extract from the official Hansard of the Legislative Assembly meeting of 15 July 1998 (and Norfolk Island Government Gazette of 15 July 1998).
- Extract from the official Hansard of the Legislative Assembly meeting of 19 August 1998 containing:

- (a) advice that no 'Yes' or 'No' case had been received; and
- (b) statements by Legislative Assembly members in favour of the 'No' vote.

(Note: Legislative Assembly meetings are broadcast on the local radio.)

May 1999 Referendum

- Extract from *The Norfolk Islander* of 10 April 1999 providing the transcript of the radio address of the then Chief Minister, Mr George Smith, concerning the electoral changes proposed in the Norfolk Island Amendment Bill 1999.
- Statement of 16 April 1999 by the then Speaker, Mr George Smith, noting that a statement for the 'No' vote had been received, but none for the 'Yes' vote. (Also included is)
- Copy of the statement for the 'No' vote (which we understand was prepared by Mr David Buffet).
- Questions and Answers on the Referendum, indicating why voters should vote 'No', signed by six members of the Legislative Assembly.
- Extracts from *The Norfolk Islander* of 17 April 1999 and 24 April 1999 providing a two part report on the history of the electoral changes proposed by the Norfolk Island Amendment Bill 1999.
- Extract from *The Norfolk Islander* of 8 May 1999 stating the questions to be asked in the referendum, paraphrasing them and advising readers to vote 'No'. (Also included is a article containing Questions and Answers explaining the Electoral Changes. The Questions and Answers were prepared and published by the Commonwealth.)

Page NCET 121 Senator WATSON said: "I would like added to your questions on notice the reasons behind [in]formal voting. You were asked a number of questions that were going to be put on notice. We would like your response to that."

Response

We are advised that the reasons behind the informal voting in the 1999 referendum can only be guessed at.

However, the Department is aware of anecdotal information that it was due in part to some electors having different views on the two questions posed in the referendum. As they could only choose one answer to cover the two questions, instead of having the option of voting separately for each question, some may have chosen to vote informally.

QUESTION 6

Page NCET 124 – Mr Snowdon asked: "Could you please provide us with a piece of paper which gives us a demonstration of these conflicts or contradictions [between the electoral requirements and the immigration regime]?"

Response

The emphasis in the discussion leading up to this question was on the apparent contradictions between the grant of a General Entry Permit (GEP) and the requirement to live on the Island for 900 days in the preceding 4 years before being entitled to vote in Legislative Assembly elections.

To obtain a GEP, which is the prerequisite to a grant of residency, an applicant must provide evidence that satisfies the relevant Norfolk Island authorities that he or she has made a long term commitment to the Island or has a 'special relationship' to the Island. GEPs are often granted under the 'special relationship' category to persons of Pitcairn or Norfolk Island descent wishing to return to, or move to reside on, the Island.

Yet GEP holders are still subject to the 900 days in 4 years rule before they can vote in Legislative Assembly elections. This is despite having:

- (a) made a long term commitment to the Island; or
- (b) an historical association with the Island (including possible continued family and other associations or links with Island residents) and a likelihood that they would have an understanding of and appreciation for the Island's culture and traditions.

A further inconsistency is evident in the more reasonable enrolment requirements for a person whose name has been removed from the roll (eg, because of an extended absence from the Island, "permanent" departure etc) and who seeks to re-establish voting rights. Such a person can enrol if he or she has been present in Norfolk Island for a total of 150 days during the period of 240 days immediately preceding the application for enrolment.

A summary of the formal and informal links between the electoral and immigration regimes since self-government, and further information about the contradictions in the case of GEP applicants in particular, is at Attachment B.

QUESTION 7

Committee members raised a number of other, interrelated, immigration issues and sought statistical and related information.

Page NCET 124 – Ms Ellis said: "This is a side issue that, in my view, is directly connected. I understand that there are cases where people progress from TEP to GEP. Correct me if I am wrong, but my memory is that you can then have an issue where a person is knocked back on the Island in progressing from a GEP to residency. That person then appeals to the Minister and has a decision handed down contrary to the on Island decision. I would really like to find out, if we can, how many appeals on GEP residency issues are received by the minister and what the outcomes are."

Page NCET 124 – Mr Snowdon added: "And also the reasons why GEP holders are refused residency."

Page NCET 124 – Ms Ellis said: "I do not know if you would have it but it would be lovely to know how many [residency] applications occur. That may be just on island information." ... "We would like all of that background information on that [statistics on all immigration appeals] to give us a picture of what the position is."

Response

Review process under the Norfolk Island Immigration Act 1980

Under section 84 of the Immigration Act 1980, the Federal Minister responsible for administering the *Norfolk Island Act 1979* is the review authority for applicants aggrieved by a decision of the Executive Member or Authorised Person. The Minister is responsible for review of decisions involving Temporary Entry Permits, General Entry Permits and applications for residency. (The Administrator has the authority for review of decisions involving visitor permits.)

When considering a request for review, there is a legal requirement that the Minister consider all relevant factors. The Minister adheres to established administrative review practice and natural justice principles and allows for a review of the merits of each case with the opportunity for comments by both the appellant and the original decision-maker. This allows the appellant and the Norfolk Island Government to engage in a "comments on comments" process to address any adverse matters which are raised and ensure that all relevant information is obtained and put before the Minister. Subsection 84(8) of the Immigration Act requires the Minister to "furnish to the executive member and to the aggrieved person a statement of the reasons for his decision".

Residency-related appeals

It is noted, by way of background, that the Immigration Act provides that the Norfolk Island Executive Member will consider whether an application for residency complies with section 29 of that Act. This section provides that the applicant must:

- be a GEP holder;
- have been "ordinarily resident" on Norfolk Island for 5 of the preceding 7 years and not "ordinarily resident elsewhere"; and
- intend "to continue to reside ordinarily" on Norfolk Island.

If the Executive Member is satisfied that these requirements have been met, the Immigration Committee is asked to consider and report on the application. Section 32 of the Act directs the Committee to take into account "such matters it considers to be relevant", including the extent to which the applicant has assimilated into the Norfolk Island community and whether the applicant "is of good character" and "is in good health".

There have been 9 residency-related appeals under the Immigration Act (since 1987). In most cases, residency was refused on the grounds of non-compliance with statutory requirements. The requests for review encompassed matters such as:

- whether a child was "deemed to have been born on Norfolk Island" (s.28);
- the position of adopted children (the then Minister drew attention to a deficiency in the Act and recommended amendment, but the then Executive Member later identified some practical difficulties, and the likely consequences, given the way various related provisions have been framed); and

- the "ordinarily resident" requirements (s 29) - this mostly affected GEP holders absent from the Island for extended periods for education-related purposes (the pursuit of education is a "settled purpose" under the interpretation of the term "ordinarily resident"). (In response to concerns expressed by successive Federal Ministers, the Act was recently amended to deem persons to be ordinarily resident on Norfolk Island while absent "for the sole or principal purpose of undergoing full-time vocational training or education".)

Only one residency appeal was linked to consideration of the circumstances of the applicants. In that case, residency was refused on the basis of the applicants' financial position and, in particular, the inflexible application of a policy which had not been adopted by the Legislative Assembly or included in the Policy Guide "which supplements and explains the provisions of the Act". The Minister annulled the original decision and made a new decision to "grant the declaration sought" (under s33).

In summary, the original decision was confirmed in 5 cases (generally because of deficiencies in the Immigration Act as noted above) and annulled in 2 cases. The remaining 2 requests were determined to be invalid.

Statistics on those who do not exercise their appeal rights under the Immigration Act 1980

As the Norfolk Island Government has executive responsibility for the immigration regime, only the Immigration Section of the Norfolk Island Administration would be able to give the Committee authoritative information on those persons who have had permit or residency applications refused, but who have not exercised their appeal rights. However, the Administration's Immigration Officer provided the Office of the Administrator with the following relevant (unofficial) immigration statistics for the period April 2000 to March 2001, which provide a guide:

TEPs (incl renewals)	granted:	548	refused:	14
GEPs:	granted:	88	refused:	11
GEP extensions	granted:	7		
GEP variations	granted:	27		
Residency	granted:	34	refused:	1

From these unofficial statistics, and given that there were only 2 appeals lodged in that period (against s40 notices to leave the Island), it can be deduced that the following refusals did not lead to appeals.

TEPs	14
GEPs	11
Residency	1

Statistics on number and outcome of all requests for review under the Immigration Act 1980

A schedule listing the appeals lodged (in date order) under the review provisions of the Immigration Act since it came into effect on 26 March 1984 is at Attachment C.

The schedule also includes those appeals submitted under the Immigration Ordinance 1968, but dealt with under the Immigration Act's transitional provisions.

A summary of the outcomes in relation to the 129 appeals received to date is as follows:

Requests for Review under Immigration Act 1980	Number	% of Total (rounded)
Original (Norfolk Island) decision confirmed (in one case, the Minister confirmed the original residency decision but made a new decision to reinstate the applicant's status as a GEP holder)	38	30%
Original decision annulled or varied	49	38%
Withdrawn (for a variety of reasons including departure of the applicant from the Island, decisions by the Norfolk Island immigration authorities to grant the immigration status sought or an acceptable alternative, etc)	32	25%
Invalid (generally decided on the basis of legal advice)	10	8%
Total	129	

SCHEDULE OF DOCUMENTS

1. Material relevant to the 13 February 1991 Referendum

- 'Yes' and 'No' case statements - distributed before the referendum.
- Extracts from *The Norfolk Islander* of 22 December 1990.
- Extracts from *The Norfolk Islander* of 5 January 1991.
- Extracts from *The Norfolk Islander* of 26 January 1991.
- Extract from the Administrator's Monthly Report of January 1991.
- Extracts from *The Norfolk Islander* of 2 February 1991.
- Extracts from *The Norfolk Islander* of 9 February 1991.

2. Material relevant to the 26 August 1998 Referendum

- Extracts from *The Norfolk Islander* of 28 March 1998.
- Extract from the official Hansard for the Legislative Assembly Meeting on 15 July 1998.
- Norfolk Island Government Gazette of 15 July 1998.
- Statement of 31 July 1998 by the then Speaker of the Legislative Assembly, Mr George Smith, advising that on 15 July 1998 he had called for 'Yes' and 'No' statements and that no statements had been received.
- Extract from the official Hansard from the Legislative Assembly Meeting on 19 August 1998.

3. Material relevant to the 12 May 1999 Referendum

- Extract from *The Norfolk Islander* of 10 April 1999.
- Statement of 16 April 1999 by the then Speaker, Mr George Smith.
- Statement for the 'No' case (prepared by Mr David Buffett).
- Questions and Answers favouring the 'No' vote and signed by six members of the Legislative Assembly.
- Extracts from *The Norfolk Islander* of 17 April 1999 and 24 April 1999 (2 part report).
- Extract from *The Norfolk Islander* of 8 May 1999 including Questions and Answers explaining the electoral changes (prepared and published by the Commonwealth). (The Questions and Answers signed by the Legislative Assembly members appeared in the same edition.)



OFFICE OF THE ADMINISTRATOR


in reply please quote:

NORFOLK ISLAND 2899

90/23
90/151
PJ:DR

FAX SERIAL NO: 91/035
FAX NO: D
DATE: 21 January 1991
FOR: Jack Nicholson
FROM: Peter Jeffery
PAGES FOLLOWING: two (2)
SUBJECT: Legal Regimes Referendum

Attached for your information are copies of the statements prepared for the "YES" and "NO" votes for the forthcoming referendum.


P. Jeffery
OFFICIAL SECRETARY

THE CASE FOR A YES VOTE

The referendum on matters discussed recently on Norfolk Island by the House of Representatives Standing Committee on Legal and Constitutional Affairs has been called by the Norfolk Island Legislative Assembly before the Committee has presented its report to the Australian Parliament. The Assembly has panicked and rushed electors into a referendum on subjects presented by the Committee for discussion only - this was emphasised during the hearings at Kingston.

The Assembly's action in thus calling a referendum shows a lack of confidence in its ability to govern Norfolk in a responsible manner, and this lack of confidence is reflected in the current unrest in the community. The Assembly's attitude might be the result of its awareness that Norfolk residents do not possess certain basic rights and protection enjoyed by mainland citizens under Australian laws, because those laws have no counterpart in island legislation. For example: workers compensation, trade practices Act and child endowment.

A No vote will give support to the Norfolk Island Government to continue its pressure for more power, the logical outcome being a weakening of the island's traditional links with Australia, and further moves towards political and economic isolation. Can Norfolk survive, on its own, any future disastrous blow to tourism, like the recession resulting from the airpilots' dispute?

A Yes vote will support closer relations with the Commonwealth, which, since 1914, has provided funds (including millions of dollars for the airport, Kingston and Arthur's Vale Historic Area and the Australian National Parks and Wildlife Service,) expertise and advice to the island.

Australian citizens on Norfolk Island are now second-class citizens, unable to elect a representative to a Parliament which has plenary powers over the island, unable to vote on vital issues that could affect their future. For full democratic rights and protection - vote YES.

THE CASE FOR VOTING "NO"

The Legal Regimes Inquiry has discussed a number of changes that the Australian Parliament could make to Norfolk Island's constitutional position. The most important changes would be -

- Stopping Norfolk residents from voting or standing for the Assembly unless they are Australian citizens or take out Australian citizenship.
- Putting Norfolk Island into a federal electorate in Australia.
- Making Norfolk Island residents and businesses pay Australian Income Tax, and letting people on Norfolk Island who are in hardship apply to get Australian social service benefits.

If the Parliament makes these changes, Norfolk Island would no longer have a separate identity as a place with its own system of laws, taxes and social services, suited to Norfolk Island conditions and decided on by our Legislative Assembly of local residents. Norfolk Island would be standardised into the Australian system, similar to a remote town of 2,000 people in the outback.

Australian income tax would be deducted from everyone's wages. Australian taxes are far higher than the Norfolk Island taxes you pay now, and include sales taxes, excise duties and Customs duties as well as income tax. Official statistics show that Commonwealth taxes, fees and fines last year averaged \$4,951 for each person. It is estimated that the average wage-earner on Norfolk would have more than \$100 per fortnight held back out of his or her pay, just for income tax.

Not many families could absorb such a cut in their take-home pay. They would have to demand pay rises, in order to take home the same amount of money as they get now. To meet these rises, shops would have to raise their prices, and local taxes would have to be increased.

As a result of these increases, the cost of living on Norfolk would go up sharply, for individuals, families, pensioners and visitors. Many tourists already find the Island is expensive. With costs suddenly jumping up further, many of the tourists would just decide to go somewhere else that was less expensive. The result would be hard times for the Island's economy, with the loss of income and probably the loss of jobs.

To sum up, the proposed changes to Norfolk Island's constitutional position would -

- stop anyone but Australians from voting
- take away Norfolk's separate identity as a place with its own system of laws, taxes and social services
- increase the cost of living for everyone
- do permanent damage to our only industry, tourism

To prevent those changes, vote NO.

Court orders funding for poll

By JAMIE WALKER

THE Queensland Opposition received a \$1.5 million windfall yesterday after the Supreme Court overturned a decision by the State's Chief Returning Officer to deny it public funding to campaign against the Government's proposal to introduce four-year terms of Parliament.

Justice Byrne granted an application by the Leader of the Opposition, Mr Cooper, for a writ of mandamus compelling Returning Officer Mr. Barry Smith to publish the National Party's argument for a no vote in the March 23 referendum. The decision is a blow for the Goss Government, which had hoped to push the reform through in a no-frills referendum campaign.

But the Attorney-General, Mr Wells, promised yesterday to accept the umpire's decision — despite the estimated cost to the State's taxpayers of at least \$1.5 million.

Mr Wells also acknowledged he had given incorrect advice to Mr Smith that the Opposition was ineligible for public funding to mount a no case after it failed to call a division on the referendum's enabling Bill in Parliament last December.

Mr Smith had contended that the Nationals' tactical blunder left him unable to determine whether a majority of the MPs who had voted against the enabling Bill had authorised the Opposition's no case, as required by the State's Constitution Act.

But in a 15-page judgment, Justice Byrne rejected the argument that there was no formal record of voting on the Bill in the absence of a division.

"Yes, I expressed an opinion (to Mr Smith) and I was incorrect in that opinion," Mr Wells said.

"It's unfortunate I was incorrect because Russell Cooper having his way in court has cost the taxpayers of Queensland \$1.5 million.

The Government, however, has lodged a provisional application to Mr Smith for funding for its yes campaign and pamphlets outlining both cases will now be distributed in the lead-up to the referendum.

Mr Wells said he believed that the electorate should have access to information on for and against arguments for four-year parliamentary terms in Queensland — but the cost of this should not be met by taxpayers.

"That \$1.5 million could have been spent on reconstruction of flood damaged areas or for improvements in police services or in health or in education," he said.

"Unfortunately, the Government will now have to spend the money on the yes and no cases for the referendum.

"But as long as there is a level playing field, as long as both sides are funded or neither side is funded, then free speech is catered for."

Mr Cooper sought last night to exploit his victory in court by accusing Mr Wells of incompetence and demanding his resignation.

He said Mr Wells had attempted to politicise the issue of campaign funding without regard for the democratic rights of those who will vote in the referendum.

"For the Government to try to suggest that such an important constitutional change could be treated in a low key manner is a sell-out of democracy," he said.

"Any referendum which seeks to change the Constitution is important enough to require that voters be fully informed of both sides of the issue before they are asked to vote."

To compound the Government's embarrassment, Justice Byrne also ordered that it pay the costs of the lengthy court action.

O of Sec

D/A → on referendum letter

VIEWS BY REFERENDUM

"With respect to matters discussed by the Legal Regimes Inquiry, including the question of Federal representation, should the constitutional position of Norfolk Island be changed?"

The above is the text of a Referendum that will be put to the Norfolk Island community following a lengthy discussion at last Wednesday's Assembly meeting.

In opening the discussion on the question of a Referendum, Mr. David Buffett, President of the Assembly said - "Members, you have informally asked me if I would bring on this morning a motion to address the Legal Regimes Inquiry about Norfolk Island in the form of a Referendum to seek the community's views."

In response to your request, I bring this matter forward now, encompassed in the following motion:-

"That for the purposes of Section 5 of the Referendum Ordinance, 1964, this House resolves to ascertain the opinion of the electors on the question specified in the Schedule and request the President to direct a Referendum on the question to be held at the earliest practicable opportunity, and the Schedule which is basically the question to be asked at Referendum, says this: "With respect to matters discussed by the Legal Regimes Inquiry should the Constitutional position of Norfolk Island be changed".

So much of Standing Orders, as is required were suspended so that the matter could be dealt with.

This motion was then formally put before the House and David spoke on it saying that "there is much talk within the community about the context of the Legal Regimes Inquiry, speculation on its commendations, questions about the intent on part of the Federal Government."

The sub-committee of the Standing Committee on Legal and Constitutional Affairs, have made two visits to the island in March 1989 - that was in the life of the Fourth Assembly - and in October of this year, in the life of this, the Fifth Assembly.

The government put views on both occasions and it is relevant to say that those views were, in substance, the same, and in brief, they were - we commenced a path to Internal Self Government in 1979 and we don't wish to be disturbed from such a path. Specifically, we don't wish to be integrated with the Australian scene on the one hand and on the other hand we don't have a wish to seek total independence. The broad middle path of internal self-government is that which we tread.

Prior to the October visit of this year, an Option Paper was prepared and circulated by the sub-committee. You will recall that we expressed a view that there was not a great deal of time, sufficient time, to give mature and proper consideration in a wide sense, to those options.

(continued overleaf).

To one and all
we thank-you for
your custom
throughout the
year and wish you
a Merry
Christmas.
From Jim,
Jasmin, Louise
and Brigitte.



THE
Underworld
Complimentary
Punch and
Christmas Cake
on Monday 24th
December.

Please join us

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Some of those options were alarming for Norfolk Island; they were repetitive in many instances of events leading to 1979 and we, as a government, and individual members of the community, and organisations, argued against some of those alarming options.

For example, being put into an Australian electorate; an Australian citizenship criteria for electoral roll; extension of the Australian taxing sphere and I'm not trying to claim to be all-embracing except to give a couple of examples so that members will know what I am speaking about.

We did seek, when they visited, further consultation with that sub-committee as to the vexing questions that we were concerned about, and we gained some indications that there would be consultation along the track and it might be well for me to mention to you the track that is seen by the sub-committee for its report. It needs of course, to be put into a form to be the sub-committee's report in the first instance and advice that we have had on Monday of this week from the Secretariat of the sub-committee is that the sub-committee will look to that towards the end of this week - that is Thursday or Friday.

When they have formulated a final view it then needs to be put, and accepted or otherwise, to the main Standing Committee of the Parliament. Then of course, it needs to be presented to Parliament in whatever its final form is to be.

The Secretariat indicates to us that it is planned that such a tabling in Parliament might be in the Autumn Sitting which would run from, say, February to May, 1991. The indicator there is that it may be earlier more so than later during that Autumn Sitting.

Depending upon the government's view, that is the government in Australia, it may well then run the course through Caucus and Cabinet but that depends upon how the government views whatever is presented.

As I have mentioned to you, that is the latest information that we are able to receive from the Secretariat. So, at this moment, we really don't know in detail their recommendations but I think it is fair to say that grave fears are held amongst members and within the community that the recommendations will not be favourable to a majority of Norfolk Island people and it is also generally felt that a Referendum should be held to put conclusive views from the Norfolk Island community.

Having said that, we now come to another difficult part because while fears are held that there may be difficulties, they are not, at this stage, quantified, we don't yet know exactly, what the report will bring but of course, if we wait to know conclusively what is in the report, it may be too late to conduct a Referendum and that's the sort of dilemma that we find ourselves in.

(continued overleaf).

Kayelle

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Christmas Eve*

*Enjoy a traditional
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Antipasto Entree on your your
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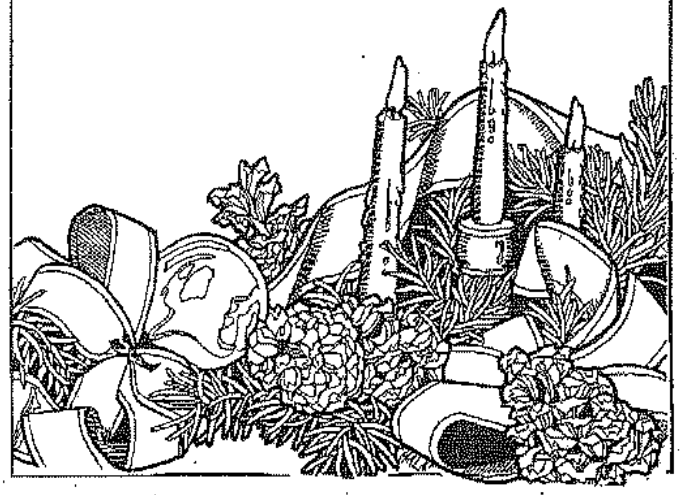
*Receive a free bottle of
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*Enjoy your choice of main
course and dessert from a superb
Christmas Eve Menu.*

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fresh coffee, mints and a FREE
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Phone 3039*



REFERENDUM TO BE CALLED - continued.

There e, this motion and the Referendum question is therefore framed in that environment and I think it important that I stress this to you that. You need to take into account the bit of preamble that I have put forward to you. It's deliberately framed widely and in non-legal terms it is designed to maintain the status quo if that is what the community of Norfolk Island desires; it doesn't address specifics because we don't know at this stage exactly what specifics are ahead.

It's a really hard job to solve a problem when the problem isn't adequately defined and that is one of the problems we have at this moment but I think we want to demonstrate to the community that we want to do our best and that we don't want to be caught on the back foot in the timing situation".

Mr. Brown then spoke, saying that although he thought the motion a good one, did not think it went far enough. "It will be far too late for us to just sit back and wait for the report to be tabled in Canberra and to then start to fight. It is fairly obvious that a number of members of that committee and a significant number of the members of the Australian Parliament don't like to see a place that is different; they don't like to see a place that can survive on its own; they can't understand that any place can survive on its own; they want Norfolk Island to be integrated into mainland Australia. There can be no doubt about that.

And one of the sneaky little ways to start about that is to say 'this is terrible that you haven't got representation - you really should be part of the Commonwealth electorate - we won't change anything else, we'll just give you a vote. With all respect, that is a load of poppycock. The minute Norfolk Island is given a vote in Australia, Norfolk Island can expect that it will only be a matter of a short time before the full range of

Australian taxes are extended to Norfolk Island and before Norfolk Island as a result, must seriously question its continuing viability.

Those taxes will be extended in a very polite way. We will be told that really it should be the job of the Australian Government to provide pensions and to provide health care and that you really can't expect to get these things without paying a little something yourself. But inch by inch, as these things are put upon us the realistic likelihood of Norfolk Island going any further down the path towards full internal self-government evaporates.

We need to make it very clear, right now, that the Norfolk Island community either does, or does not, want to be represented in Canberra. There is only one way the community can speak and that is by Referendum. I have no doubt at all that the overwhelming majority of voters at a Referendum will say that they do not want the Constitutional position of Norfolk Island to change. I am sure that the overwhelming majority are a little bit fed up with the lack of speedy progress towards full internal self-government and would like that to be hurried up, but I am certain that the overwhelming majority of them do want that path to full internal self-government to be followed.

Although I have no difficulty insofar as calling a Referendum on the question of whether the Constitutional position of Norfolk Island should be changed, I do believe that we should go further and make specific reference, right now to the question of representation in Canberra".

Bill Blucher was the next to speak and in agreeing to what both Mr. Buffett and Mr. Brown said it seemed very clear to him that this was another Nimmo Report with another name to it. "It is exactly the same situation we found ourselves in

(continued overleaf).

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All sunglasses sold comply with safety standards

REFERENDUM TO BE CALLED - continued.

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All sunglasses sold comply with safety standards

fax from

in the early 70's leading to the introduction of the Norfolk Island Act and it is was then just too late to try and rectify a situation. We were not able to hold a Referendum but we were able to get the opinion of the community and we also had a unanimous opinion and support of every member of the Council at that time.

To me, this rings so very much like the Nimmo Report coming out again and it appears that as time goes on, we get new faces, new people in government - they lose sight of what the intentions of the Norfolk Island Act were all about in 1978/79 and the fear that I have is that if we don't do something very positive and do it before something concrete gets into the hands of the politicians in Canberra, then we will have quite a large eight-ball to stand behind and we have some problems and I agree entirely that a Referendum to ascertain the opinion of the people on any Constitutional change to Norfolk Island should be had and held as soon as possible.

As to the question, well I think the question is quite clear - do we need the Constitutional position of Norfolk Island to be changed. My opinion is that we do not want the Constitutional position to change the island still wants the government to go down the path which was established in 1979 and that is toward the goal of full internal self-government. I fear we are going to come across a lot of obstacles placed in our way but now

Government that this is what the community wants - not what you intend to make a recommendation on. I recall that the recommendations that went before the Royal Commission under Judge Nimmo, did not in my view, relate to the submissions that were given. My view is that it was a Commission of convenience and I think this is an Inquiry of convenience in the same way and the quicker we move on this issue, the better I will feel about it. I support the motion".

Neville Christian fully supported the idea of the Referendum. "I am happy for the question to go forward as it is written".

Mr. Ernie Christian said he would like to reiterate basically what the other speakers have said. "My worry is that if we don't go ahead with the Referendum now, we will be too late when a decision is made by the Commonwealth people, to do anything about it." he said. "I feel quite certain that the majority of people on Norfolk Island wish us to continue in the way that we are going and will be quite plain in stating that they do not wish to have a change. I am going to go with the motion but possibly with a small change that I think Mr. Robinson is intending to put".

George Smith said he thought that this is a most necessary time to have a Referendum.

"This government put in a submission to the Legal Regimes Comdmitee - a very strong

(continued overleaf).



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REFERENDUM TO BE CALLED - continued.

submit - and even though we are the elected representatives of the electors, I really feel that we need the backing of the community in this most important issue and the Referendum is the way to do it" he said.

Alice Buffett said that she believed the Assembly does not have a question, a specific question, to ask the community at this time and "I believe that unless we have a specific question to ask the community at this time, it would be misleading to ask a question that is not directly related to what the committee might come up with.

After the Assembly knows the recommendation of the committee, then a relevant question can be asked. I believe an untimely question is less than useless and I believe it will be misguided. I see no reason why this Assembly cannot wait until the end of the week when it is anticipated that something will come forward.

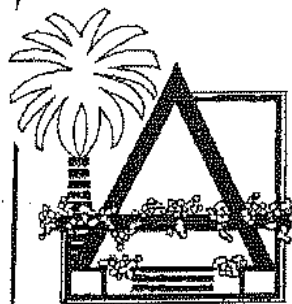
After the Assembly knows the recommendation of the committee, then a relevant question can be asked. I believe an untimely question is less than useless and I believe it will be misguided. I see no reason why this Assembly cannot wait until the end of the week when it is anticipated that something will come forward. Had it been a Court case probably debate would not be allowed because it would be sub judice.

The fact of the matter is I can only remain firm in my view that an untimely Referendum asking a question 'out of the dark' not knowing what the specific problem may be because the committee has not yet deliberated it is indeed unwise. I cannot support the motion."

Mr. Ric Robinson was the next speaker. "While the Legal Regimes Committee was here" he said, "one of its very strong recommendations was that we should become a part of an Australian electorate for the purposes of representation in the Australian Federal Parliament. As this government's additional submission to the Legal Regimes Committee clearly states on the subject - and I quote paragraph No. 52 of this submission: 'It is noted that the Options paper raises this issue at a time when according to the Australian Electoral Commission and the Australian Bureau of Statistics the population of the A.C.T. as at the March 1990 quarter is 283,300 thus putting it on the verge of qualifying for 3 seats in the House of Representatives. The addition of Norfolk Island's total population may well fit the balance in favour of 3 seats.'

Now everyone knows that the A.C.T. is a Labor area in fact, the majority of the Legal Regimes Committee men are Labor politicians. Obviously, the legally expedient thing for Labor politicians is to move to include Norfolk Island in the A.C.T. in order to have an extra Labor seat in Parliament. And whilst the Legal Regimes Committee was here, busy telling us that it was

(continued overleaf).



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Come and relax in
pleasant
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EVERY SUNDAY
from 12.30 p.m.

A la carte Dining as usual
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P.S. Bookings now being taken for
Christmas Parties

For bookings 'phone 2073

REFERENDUM TO BE CALLED - continued.

on. ere to help us, the Minister for Territories had just sent us a letter saying that he intends to disenfranchise many of our Norfolk Island electors. It is about time that this government put the question as to whether the people of Norfolk Island want to drop a large percentage of voters off the electoral roll and the Assembly.

In view of these facts, I would like to put forward the following amendment to the motion: that after the word "inquiry" we insert "including the question of Federal Representation" so that the motion will then read:

"With respect to matters discussed by the Legal Regimes Inquiry including the question of Federal Representation should the Constitutional position of Norfolk Island be changed".

What Mrs. Gaye Evans said, we think, puts the matter in a nutshell:

"I am speaking before the amendment came up" and asked if she could do that. Permission was given. "If you are living on Norfolk Island" she said, "you realise that you have some problems and some difficulties. Our roads are not public highways and in Summer the dust is oppressive and in November you get heavy fogs and there are many other small problems that we think we are laden with, living on Norfolk Island.

But I would like to remind the people that in this summertime the doors and windows of our homes are left wide open, our cars are left unlocked and the windows down while we do our Christmas shopping and our children are playing in the streets, down at the beach and on the Common and we really have no great concerns at all.

I think if we stopped for a minute and think about this, we would all agree that Norfolk Island is very different, that we know it is and that the Norfolk Island Act confirms it.

When the Referendum goes out to the people they will understand that this is the way Norfolk Island is and that this is the way we want it to remain and it seems that yet again we must tell the other people - those in Canberra - that that is the way it is.

I support the motion for the Referendum"

In the voting Ric Robinson's amendment to the wording of the Referendum question was carried by 5 votes to 4.

SO WHAT'S NEW?

Here is what "The Norfolk Island Pioneer" of Monday, October 4th, 1886 had to say on a similar set of circumstances:-

"The question that is of most importance, and one that will be brought before the Assembly at its next session is that of annexation.

Although it has not been notified to the island authorities in so many words, it is highly probable that the future supervision of Norfolk Island will shortly be handed over to one of the adjacent

colonies. It may be that the opinion of the inhabitants will be consulted before any decisive step is taken, but it is equally possible, that the Imperial Government has already decided upon the line of action it intends to adopt.

If this be so; then the question of annexation seems to afford two main points for reflection...."

".....There is no doubt great room for improvement in the administration of our internal affairs. Can it be obtained under the present system of self-government, that is the question? If it can be, then it is for us to resist such change which appears needless, but if it cannot, and there are doubtless some who think it cannot, it behoves us to consider the matter with care and attention...."

Kayelle

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FINE A LA CARTE

ITALIAN CUISINE

Every Wednesday

PASTA NIGHT

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Main Pasta Dish

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Also a FREE glass of Vino!

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New Cascade Road

(Approx 50 m Down From O.T.C)

Bookings Welcome

Looking down from the peaks of conspicuous fluence, Ric Robinson can well afford to sneer at what he terms "a mess of pensions". He'll probably never need to apply for one. Yours, etc. Erval Hoare.

In last week's paper I said I was very worried over a few things and that I would explain in this week's edition.

The first thing - the cattle grids. If it is necessary to keep up the upgrading (so soon after installation too!) they will cost more than they are worth.

Why not give the relieving jobs in the administration - not to women with husbands in odd jobs - but to some of the younger people leaving school - they would do the jobs well and the money would be very welcome.

This week I consider Norfolk Island is very fortunate to have Mr. John Brown with his expertise, to ask and answer questions and to give advice to the other 8 members of the Assembly - especially on Wednesday 19th December.

Luckily, in discussion on the Referendum only the Norfolk Islander was against it - and that one person reckons we are a Territory of Australia. When reprimanded by Mr. Brown she admitted she knew the correct title.

The "daddy of them all" was when Mr. Tourist Minister again wanted to give tourist beds to "come stay" accommodation and then divide the rest of beds to the existing accommodation houses. If he is allowed to do this he is defeating the whole purpose of the tourists coming to this "Garden of Eden" - to get away from the crowds, so shop, walk and go places where they can have peace and quiet and not be "pushed around" as in other places.

As Mr. Brown explained, it is alright for people in the big cities spending a few nights here and there. And people don't stop to think - quite often water is a problem - another week or so of a sort of weather we are having at this moment and there will be many short of water.

We just can't afford to have more people coming here to ruin this island.

I think also, that the Finance Minister should look elsewhere for raising money - not by putting tax on land. Many young people of the island and if the island are trying to earn money to come back home and are paying Absentee Land Tax already. I am not trying to run this island but I am trying to keep something for our young people.

Keep up the good work, please Mr. John Brown and Mr. Ric Robinson.

Wishing everyone a very Happy Christmas and a good, Prosperous New Year. Yours, etc. Elva Lager.

Daa Nursery

is open
for Christmas
Shopping

Saturday 22nd December
and
Monday 24th December

We will be CLOSED
Tuesday 25th,
Wednesday 26th,
Thursday 27th and the
following Wednesday, the
2nd January 1991.

There will be
HALF DAY SHOPPING
8.30a.m. - 12.30p.m.
on Friday 28th,
Saturday 26th and
Monday 31st December

HOURS WILL BE BACK TO
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Christmas Gift Ideas at DAA NURSERY

Flowering and long
lasting plants

Everything you need for
the garden

Goldfish and tanks for
the kids

Sit-on mowers for Dad

An assortment of
baskets, pot pourri,
bronze ornaments and
pots for Mum



REFERENDUM ON WHAT?

On 19th December 1990, the Legislative Assembly resolved to hold a referendum to ascertain the opinion electors on the question -

"With respect to matter discussed by the Legal Regimes Inquiry, including the question of Federal representation, should the constitutional position of Norfolk Island be changed?"

This week electors have received through the post statements for and against the question.

Following last week's statement by Minister Dawkins that the Commonwealth Government would not take any notice of the Legal Regimes Inquiry report has raised the question "why bother to have a referendum."

One thing that is certain will come from the referendum and that is a clear yardstick of the people's thoughts on this age-old question - "to be or not to be."

Letters to the Editor

Sir,

AN OPEN LETTER TO ALICE BUFFETT

Re your advice to the young members of the community PLEASE let them decide themselves that there is no other place in the world like our beloved Norfolk.

Because we join together to meet our own problems - if we take a wrong step we can correct it ourselves.

If we put our fate in the hands of others we must accept their decisions.

So now let us help each other to overcome bad times.

No one will ever be as interested in us and our problems as we are.

Yours etc, Jean Mitchell-Bishop

NORFOLK ISLANDER
26.1.91

Sir,

As a concerned young Islander and I am writing because I cannot vote in the Referendum - if could my vote would be "NO!"

I have recently come back to Norfolk with my family, having purchased a business on the island and have gone through the rough patches just like everyone else - but I made a good choice.

Having lived in Australia for a good many years I watched a good part of my wage go to the government; I saw "new Australians" get jobs over and above Australians and I know how hard it is to make ends meet - even with a good wages they were always outlays.

Are the people who will vote "YES" at the referendum aware of things like Land Rates and Death Duties (I would probably have to take out a loan to pay for mine)?

Do they realise that revenue made by the Customs Department will not be used on Norfolk but will be handed over to the Federal Government and Norfolk Island will lose again.

Do they realise that local postage won't be reduced but will be equal to that of Australia postage; that car registration will not be just \$67.00 but will rise to \$518.00 plus for bigger vehicles; grocery prices on Norfolk Island will not come down because we are taxed, but will in fact go up; Fuel will go up in price and a higher wage will not necessarily cover all of these costs.

Maybe they can see things like the dole or the pension when we are old as sufficient reasons to

vote "YES." I hope that I am wrong, because these benefits won't help you to get or to keep a job. These will be taken over by people with better qualifications or by "outsiders" who have the money to buy the land that "locals" will have to sell because they cannot afford to pay the Land Rates. If this happens there will go our heritage and the place that Islanders have fought so hard to keep "f' dems little sullun."

Just a word of advice to people who would like to tax and take away our heritage - go to Australia or New Zealand. Live there for a while and then come back and appreciate what we have - to be able to feel safe; to work hard and earn little but to be able to survive.

I love it here - it is my home and I would like to leave a little of me for my children in the form of house and land and culture - not have them swamped with Death Duty worries.

To all those people who know what the system involves, please vote "NO" at the referendum.

Yours etc, Debra Gilmore (nee Nobbs)

P.S. I hope nobody enjoys smoking - I know it will be a habit that I will have to give up - who can afford to pay \$3.50 a packet?

ir,

As a relatively young born and bred Norfolk slander I am quite concerned with Miss Darlene Buffett's letter print in last week's paper (Norfolk slander 19th, January 1991).

What do you expect Miss Buffett?

You apply for a job and without the right qualifications for the job of course you will be an unsuccessful applicant.

As you stated you worked 13 months with Marie's Tours before being replaced by an outsider. Have you ever considered that she may have better qualifications than you? Have you also considered that the new proprietor of Marie's Tours may have decided to upgrade his staff to suit the needs of today's Tourist Industry just the same as accommodation apartments have to do to suit the tourist of today or restaurants to meet the ever-changing health regulations.

Do you think that the three jobs that you applied for may have been out of your scope.

I am self-employed and am making relatively good wages and as a young resident you want me to vote YES in the Referendum. So you can get unemployment benefits (\$134.00 per week) and pay taxes on my wages; let Australians vote for our way of life and come to our island at will; pay land taxes on my land and increase my cost o

My suggestion, Miss Buffett is to either take what job is suited to you or move over to Australia and try and apply for all the benefits that you think that you deserve.

I, as a young resident, say vote NO.

You say the Aussies don't complain about the taxes they pay? They have no option just the same as we will. Been there, done that!

Yours etc. "Concerned Young Resident."

26.1.91

Sir,

Here I am again, asking young and old alike to vote NO when the Referendum is held on Wednesday, 13th February.

As I am one of the "oldies" I am not trying to benefit myself and I would like to think that young and old alike realise just how lucky they are to be living on this "Garden of Eden."

You could never better yourself by voting Yes and so become an Australian.

Unfortunately I have just listened to a member of the Legislative Assembly trying to sell Norfolk and saying that we should all become Australians. One of the reasons she gave for this was that so many families have to leave Norfolk and take their children to school in Australia. It is a pity they had not asked her how many people of Pitcairn lineage have had to leave the island.

The only decent thing she has ever done is to write a book on the Norfolk language, because outsiders can never understand the locals when they speak amongst themselves.

If anyone is doubting my sincerity, read Ed. Howard's "Norfolk Island News" - price 20-cents as he explains it far better than me. This the gentleman who, years ago, saved us from becoming a High Security Quarantine station.

Believe me, many visitors would love to be living on this "Garden of Eden" - no murders, no rapes, no thieving and no one starving. Those who are finding things tough are those who have borrowed too much from the Banks.

Please don't blame the island.

Yours etc. Elva Yager

Sir,

I would like to give this opportunity to one of the Norfolk Legacy Radiothon announcers, to explain, through the columns of your paper, her statement regarding "that rivalry between Pitcairn and Norfolk continues today."

Yours etc. Thomas E. Adams, an interested listener.

ADMINISTRATOR'S REPORT - JANUARY 1991

2.

6. I conclude this section by quoting a transcript comment of 4 October 90 by Chief Justice Morling in the "constitutional crisis" case:

"HIS HONOUR: As a matter of curiosity, what follows from all this litigation? Supposing I declare that these offices - these ministers vacated their office is there a fresh election, is there? Or what happens?

Mr Garling: As I understand it there would need to be a bi-election at least for the members whose offices are vacated, your Honour.

HIS HONOUR: Must play politics hard in the Island, Mr Garling."

Legal Regimes Inquiry, Referendum, and Minister Dawkins' Visit (90/23, 90/55 and 90/62)

7. Further developments since my December 90 Report are:

- . Strong editorialising in Mr Ed Howard's "Norfolk Island News".
- . Discounting of the Inquiry's significance for governmental policy by Minister Dawkins during his visit
 - see "Norfolk Islander Report" at Attachment 1
 - and letter from Executive Members to Minister Dawkins at Attachment 2 - see following paragraph.
- Issue of the "Yes" and "No" cases for the Referendum - see Attachments 3 and 4 respectively.
- . Airing here of interviews with Mr Howard, Mr David Buffett and Miss Alice Buffett by a NZ radio station.
- . Minister Simmons' letter of 23 January 1991 (see below).

The general consensus here at this stage seems to be that the "No" vote will be 80+%.

8. The letter at Attachment 2 arose from an afternoon tea Mr and Mrs Dawkins attended at Mr Ric Robinson's home, with the Executive Members except Mr Blucher (who apparently was not invited). Mr Dawkins had earlier called on the President, and I believe was briefly introduced to some MLA's concurrently meeting in the precincts. The Dawkins had also attended social engagements, including at Government House, where the "NI media" were present.

3.

9. One particular feature of the letter to Mr Dawkins is the forthright statement by the four Executive Members (emphasis added) that:

"We wish to make it quite clear that we value the Island's close historic, cultural, and economic links with mainland Australia. However, we are vigorously opposed to moves which might result in political or juridicial integration. We are firmly of the view that the Legal Regimes Inquiry has been an unhelpful experience for the Island, in that it has led to a renewal of calls from some sectors of the community for full independence. We do not believe that independence is feasible, or that the majority of the community want it, but, equally, we do not believe that integration is desired by the community. In essence we believe that the framework established when the Norfolk Island Act was passed in 1979 should provide the basis for the Island's government for the foreseeable future."

10. Subsequently I received, and conveyed to the President, Minister Simmons' letter of 23 January 91 in which, inter alia, he indicated that he would:

"...also like to take this opportunity to reaffirm the assurances given by my predecessor that the Norfolk Island Government will be consulted before any decisions are taken to implement the recommendations of the Committee."

Citizenship (90/23, 90/38 and 91/3)

11. On 23 January 91 Minister Simmons responded to the NI attitude on the possible requirement of Australian citizenship to stand for/vote in elections for the Legislative Assembly, by saying:

"I have noted the resolution in relation to this proposal passed at the Legislative Assembly meeting on 19 December...

I understand that one of the options contained in the discussion paper released by the Legal Regimes Committee was an Australian citizenship requirement for membership of the Legislative Assembly.

As the Committee's Report is expected to be tabled shortly, and in the light of the views recently expressed by the Legislative Assembly, I have decided to defer any further action on the citizenship proposal until I have had an opportunity to consider the Committee's recommendations."

I have every reason to be grateful to this community for the way in which it has accepted and my wife, and demonstrated to us the wisdom of our choice in coming to live here twenty years ago. We then decided that Norfolk Island was the place in which to spend the remaining years of our lives and, at the least, to leave our bones in the peace of the Island's cemetery beside the sea with the sound of wind in the pines.

I know the Julie, despite all her disabilities, is happy to complete this cycle of life and death on Norfolk Island; and so will I be.

In looking for ways to repay this debt of human kindness and understanding, I feel I must do what little talent I possess to urge Norfolk Islanders to keep faith with their ancestors by never willingly giving up those privileges they do enjoy that help to make up that special quality which every enlightened visitor recognises in the place, its uniqueness.

This uniqueness is not so much in the more tangible things, like the absence of income tax and employment benefits (which tend to cancel each other out, anyway) but in those intangibles, such as those things that Jean Mitchell-Bishop referred to in her letter (N.I. 26/1/91).

A majority in favour of "yes" in the forthcoming referendum would indicate to those

Australian politicians who were cynically prepared to use our votes in support of purely party politics to augment their numbers in the electorate of the ACT, that we were willing to be sacrificed for a mess of pottage, illusory benefits that would mean the end of what makes this island the real haven that it is. Is this the kind of message we wish to convey? I can't believe it is.

Yours etc., Peter Middleton.

LETTERS TO THE EDITOR

Sir,

The "NO" case overlooks the fact that many residents and businesses already pay Australian income tax.

But Norfolk Island is in Special Area Zone A, (isolated or remote areas), and this Zone carries a significant rebate on taxation.

The 1990 Tax Pack booklet put out by the Australian Taxation Office lists 24 incomes which are not taxable, including

- Invalid pensions
- All repatriation disability (war) pensions and allowances and war widows' pensions
- Special temporary allowance paid to a pensioner following the death of their spouse
- Carers' pensions
- Family allowance
- Family allowance supplement
- Remote area allowance
- Fares and child care subsidies payable under

AUSTUDY

- Child disability allowance
- Additional benefits for children, and supplementary allowances paid to pensioners and special beneficiaries.

In addition, tax rebates are allowed for many expenses, including business, travel and care expenses, and sole parents' expenses.

Also on the plus side there are family allowances, students' benefits (including AUSTUDY) and the child support scheme (for parents who separated on or after October 1989 - other arrangements apply for those separated before).

The Australian tax system, based on a graduated scale, is equitable. The Norfolk system, based on a flat tax, is not.

A short end-piece: Minister Simmons, in his letter to the Hon. W. Blucher (24 October 1990) stated "I suggest that, as with the approach adopted by the Commonwealth in relation to the eligibility of British subjects to vote in Federal elections, persons already enrolled be permitted to remain on the roll regardless of citizenship".

Yours etc., Merval Hoare.

We built for you an airport
And ran it at great cost
Never asked you pay your way
Our friendship might be lost.

And when it needed upgrading
Again we foot the bill
To make it even better
Your tourist beds to fill.

We've now been asked again to help
With tar and terminal
So you can land a bigger plane
And process it as well.

We really don't mind paying your bills
Your all such lovely folk
We'll add more to our taxes
It's becoming quite a joke.

It's not only just your airport
But your sewerage scheme also
About two million dollars
That's where our taxes go.

We also pay the wages
Of your restoration team
So all can see your history
Restored so crisp and clean.

Your island also benefits
From our commitment to maintain
Your national parks and wildlife
And you reap all the gain.
Your endemic island species
Would be forever lost
If us lovely Aussie taxpayers
Did not pick up the cost.

I've only mentioned just a few
Of all those things we do for you
The more you search the more you view
All paid for from our revenue.

Your not a third world country
That needs a helping hand
In fact its just the opposite
A very wealthy band.

So now's your chance to cast your vote
And let the whole world see
That you can make it on your own
Without our subsidy.

So please when you are asked to say
Which taxpayer should pay your way
Vote NO for closer ties with us
I promise I won't make a fuss

It's always peeved me 'cause I know
We pay our way and yours also
And unless your willing to be taxed
All our assistance should be axed.

From The Aussie Taxpayer.

Sir,

As I have promised many of my friends to -
"Keep on keeping on"- here I am and as we are
getting very close to Referendum Day, please
don't let anyone fool you into thinking that you
would be better off voting "YES" because if you
did you will never forgive yourself.

I would like to congratulate Debra Gilmore for
her letter in last week's Norfolk Islander! I am
sure that anyone who votes "YES" are people
who have not lived in "The Big Cities" during the
last four years. Because you can't even speak to
your neighbours because everyone has dogs to
frighten visitors away. One can't leave doors or
windows open and children can't even play
outside unless an adult is with them.

Perhaps you will notice that people applying
for jobs always have children. This is the reason!
They know that Norfolk is safe.

But I am disappointed because some of our
Assembly Members are trying to make us too
much like the out side world.

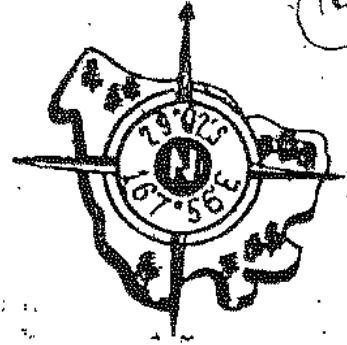
"Our Garden of Eden" is too small to become
similar to the big countries. Please vote NO and
have no REGRETS. One would be surprised how
much of your wages have to be paid to get the
pension (if you get it) so please be grateful for
what we have and vote NO

Yours etc., Elva Yager

N. Islander 2/2/01



The Norfolk ISLANDER



FOUNDED 1965

SUCCESSORS TO :

The Norfolk Island Weekly News c. 1932... *The Norfolk Island Monthly News* c. 1933
The N.I. Times c. 1935 : *Norfolk Island Weekly* c. 1943 : *N.I.N.E.* c. 1949 : *W.I.N.* c. 1951
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THE REFERENDUM

On page 3 of this issue is a Statement issued by eight of the nine Members of the Legislative Assembly

There has been some uncertainty in the community about the Referendum to be held next Wednesday, what with the somewhat confusing wording of the question and also the remarks made by the Hon. John Dawkins while he was visiting the island.

The Statement by the eight MLAs clears away any uncertainty. They make it clear in a very few words exactly what the Referendum is about. They also point out the tremendous importance of this particular Referendum, which will be the first time in Norfolk's history that the people have been permitted to vote on how they want to be governed.

The eight MLAs who signed the Statement say that they are absolutely opposed to integration. At the same time, they are equally opposed to independence, believing that Norfolk Island should continue steadily on the path to internal self-government.

Over the last few weeks there have been many letters to the Editor, expressing views, both for and against the question.

It is our opinion that if we are to be able to retain our identity as a self-governing community, we must accept the responsibility that this entails, and vote "No" in next Wednesday's Referendum.

(160)



We the undersigned Members of your Legislative Assembly voted on December 19th that the President should hold a Referendum. We called for a Referendum only after careful discussion amongst ourselves and a thorough debate during that Assembly meeting.

The question to be voted upon at the Referendum goes far beyond the matter of Norfolk Island's "Legal Regime". It is about how you wish to be governed.

The voting on Wednesday will result in the most important expression of views the Norfolk Island community has ever given. Never before have the people of Norfolk Island been permitted to vote on what form of government they choose to have.

The Referendum result will provide a clear and long-standing direction. It will guide our future actions as your elected representatives, and future actions of the Australian Parliament.

If your answer to the Referendum question should be YES, it will mean that you wish Norfolk Island to cease governing itself as a distinct and separate place, and would rather see Norfolk Island integrated into Australia's system of government.

If your answer to the Referendum question should be NO, it will mean that you do not want Norfolk Island to be integrated.

We are absolutely opposed to integration into Australia. Equally, we are opposed to independence. We believe that Norfolk Island should continue on the path it is on now as a separate and distinct place; governing itself; with our own laws, taxes and social services decided here, by representatives you elect, who live here.

We will most certainly vote "NO". We hope you will vote "NO".

*The future of our Island, for generations to come,
will depend upon your answer.*

[Handwritten signatures]

[Handwritten signatures]

LETTERS TO THE EDITOR

Sir,

I know that you receive many letters from holiday-makers to your island, and this is just another one.

However, I would like to make the following points:-

We had a marvellous holiday thanks to the people of the island and where we stayed (The Polynesian), especially "Legs", the scenery, the history, the food, and a mob of people called the Ansett Offloaders.

I believe you are having a referendum regarding your Independence. Please retain this. Do not become part of the Australian way of life, but keep control of your own destiny.

I realise that Norfolk Island is not the land of milk and honey, but it has the ability to retain a way of life which suits your people and many others. It would not suit me, personally, as a permanent way of life, but it creates a great holiday environment.

The island has insufficient water or power to maintain a large population. It has a garbage disposal system which probably would not be effective if the population increased. Its road system, which is adequate for your way of life would require upgrading, as, with an increased population, it would be a complete disaster from a safety point of view.

With regard to your garbage disposal system: consideration should be given to eliminating the process of burning plastics. Could the insides of

refrigerators, etc. be returned to the mainland with the tins etc. for re-cycling?

Consideration should be given to improving the airline services, either by opposition to the present Australia-Norfolk service?? airline, or by requesting the airline to smarten up its act.

My wife and I believe that our holiday on Norfolk Island was by far the best we have ever had, and say, once more, keep your independence.

Yours etc. D.I. Grieve, M.I.S. Aust. Licensed Surveyor, Mt. Ommaney, Queensland 4074.

Sir,

My writing this letter is to my appreciation for the beauty of Norfolk Island and the wonderful people who live here.

Since my family and I left our home some 20 years ago to work in Australia, we still have Norfolk in our hearts. We have come every year to enjoy family reunions and to have a break.

While living in Australia we have paid our way in respect of Taxes, Water Rates, Land Rates etc. we accepted this as normal - the accepted way of life in Australia.

Income Tax was deducted from our wages each pay-day, then at the end of the financial year we occasionally had to pay more after the Government's assessment resulting from our submission of our Tax Returns.

This may be all right for Australia, but will not suit Norfolk Island at all.

In the past, anyone living on Norfolk who needed help - whether in distress or otherwise - the people rallied to help. That's what our way of life was, and still is. The spirit of helping out in a crisis still exists today.

People on Norfolk know how to help one another if anyone gets into difficulties and distress. These are the kind of benefits which far outweigh the Australian-type tax-related benefits.

Beside this, it is my belief that the Dole and some Pensions will soon be abolished.

So why change now and suffer later?

God Bless you all.

Yours etc. Les (Shortie Dick) Nobbs.

9.2.91

Why I leave your island after a stay of two weeks. I consider myself lucky that I was able to stay with a friend who is a native-born islander. Through his I was able to meet many people living here on the island.

I must admit to a certain amazement about your up-coming referendum as to whether you should integrate with the mainland or not. I can't understand why anyone would jeopardise what they now have for the so-called "benefits" available on the mainland.

I suppose when you get the dole you will be able to choose what you do with your days. Instead of working maybe go to the beach, and when you get bored with that, do something else until motivation has left you entirely.

Business people will be hardest hit. As an employer myself it is no joke trying to get staff when doing nothing, and being paid for it, is more attractive. However, this is only a small part of the story. The points you could raise are too numerous here.

But a word of warning. I live in Canberra. A few years ago the Federal Government wanted to give Canberra self-government. They misrepresented the facts to the people, telling them how we would benefit from self-government. Well, the people of Canberra, or at least enough of them to vote in a government, fell for the lies, and now they are kicking themselves. The cost of living has risen beyond belief and the Federal Government is laughing all the way to the bank. Guess who makes up the shortfall in the budgets?

The same happened with Education. To begin with it was to be a nominal \$250.00 fee you paid at University. The Federal Government bulldozed that through with the promise that it wouldn't go up. The expression "the thin edge of the wedge"

was most appropriate in this case. The fees are now \$1200 a term. Funny that, isn't it?

The point I am making is this. The Federal Government has a long history of breaking promises or distorting the truth when it suits them. If you vote "YES" because you think it will benefit you, then you are sadly mistaken.

Things will not stay the same and once you have taken that step to integrate there is no turning back. It will be no good in five years time wishing you were back to how it used to be.

By the way, I like your island. I would like to sell my assets on the mainland and come here and open up a business. A talk with Immigration showed me how difficult that would be. So if you vote 'YES' I'll see you soon. However, if you vote "NO" you will have done the best thing possible for your unique community. Good luck and choose wisely. Yours etc. Roger Cuff.

Sir,

"VOTE NO"

I am a young and very proud Norfolk Islander, writing to express my concern over the forthcoming Referendum on 13th February, 1991.

As I am currently living in Australia, I am cannot vote "YES" or "NO". If I could vote, it would be a definite "NO". "This is for real." Once you have voted "YES" there will never be any turning back.

To an Australian, Australia is his home. He would not want to be totally controlled by any "big brother." The same goes for any country.

To me and many others who were born and bred on Norfolk Island, "Norfolk es ou-wus hoo-

um." It is the place where we can feel safe, where there's little crime, no rape and no homeless. No one will ever genuinely care more about Norfolk than we do.

We have already seen what people with money can do on Norfolk. Young Islanders can now barely afford to buy land and set up a home. Some have been fortunate enough to inherit family land. If a "YES" vote is passed, it would not be long before there would be no family land as it would be sold to the people with money to pay the land tax.

We on Norfolk are fortunate not to have to pay taxes. These would be endless if we vote "YES." Can you afford them?

Having lived in Australia for some time. I have seen how easy it is to get the dole or pension. For the people who want to vote "YES," please think hard about it. Do you want to work so you can support others while they go surfing or fishing?

I love my home, the uniqueness, the lifestyle and the people. For those of you who do not appreciate Norfolk the way it is, please leave our home and go and live where they offer these taxes and so called benefits.

Norfolk is a unique place. It is our "Garden of Eden." Nowhere in the world will you find anything like it. We even have our own language. Our ancestors worked extremely hard for what we've got. Don't throw it away. VOTE "NO".

Yours etc. Gaelene Nobbs.

9-2-91

Oh gee, we do feel terrible
just taking from your hand.

Yes, you built for us an airport
and spare so many services
so we can reap the benefits
of your great kindness.

However there is a hidden cost
for this immense goodwill,
if we don't call ourselves Australians
you'll no longer pay our bills.

But what about our Pacific friends
and the millions to them you've paid?
Friendship is all you ask of them
for your financial aid.

It was not really fair to stay
that the convict ruins we own
because, so says National Heritage,
we cannot touch one stone.

And Norfolk's National Parks
you seem to have claimed as well.
But it's not as if we really mind
seeing you pick up the bill.

So there seems to be debate
as to whether Norfolk stands alone
although, with a little bit of charity
you like to call us your own.

Perhaps we should then take your hint
and give self-government a go
But would we really be so lucky
should everyone VOTE NO.
Yours etc. C. Christian-Bailey.

.....

Sir,

Merval Hoare, in her very partisan letter in
support of the "YES" case, while citing only the
alleged benefits of abandoning the present status
Norfolk Island enjoys under the Australian
Government's promise of Self-Government, at
least does not stoop to lies and half-truths. Unlike
the illiterate author of the disgusting piece of truth-
twisting doggerel, unsigned and unsourced, which
you, Mr. Editor, should be ashamed to have
published; but which can do only harm to the case
for our becoming slaves of the debt-ridden
Australian Government.

Yours etc. Peter Middleton.

.....

Feb 1991

As the saying goes "keep on keeping on" -
well, I am keeping on and commence with a reply
to the "Aussie Tax-payer's Lament".

It is a pity that they can't give their name, but
whoever it is, he or she wants to get their facts
straight in the first place.

It was General MacArthur who promised that
the American Army and Air Force would come
back to the Solomon Islands to stop the Japs - and
Norfolk would have been the next place to be
taken because our Cable Station was the main
link-up with the rest of the world. It was the
Yanks who started the airstrip (where would we
be without that now?) and don't forget that it was
the Yanks who stopped the Japs from invading
Australia.

We don't want to live off the Australian
taxpayers nor do we wish to - it was three
Norfolk Island private policemen who were told
to throw the Pitcairners out of the houses at
Kingston and Quality Row because Australia
realised they were the best convict buildings in the
South Pacific and they wanted them - and now
claim them!!

These are some of the reasons why I am
trying to get our Norfolk Islanders to vote NO on
Wednesday. If the Assembly members live within
our means, we can still get back onto the top rung
of the ladder.

It was an interesting Assembly meeting last
Wednesday and I want to thank sincerely, Mr.
John Brown and Mr. Ric Robinson for trying to
get the other members to "wakey wakey". It is a
shame how many of the other members want to
"follow the leader".

One member admitted that two very popular
men had spent 2 years on the Public Service
Ordinance but decided that he wanted new faces
so nominated two other members. I feel that this
is an insult to the members who I am sure have
done a very good job over those two years.

One really wonders what is happening to us -
and so many people just sit and take it!

Another matter - concerning home-stay
accommodation. Make up your minds because the
Tourist Minister is very keen on introducing it;
another member reckons any kitchen on the
island, so long as it is clean, shouldn't have to be
upgraded!

Tourists of yesterday and today are as
different as chalk and cheese. They may think it
will be cheaper but the majority of tourists today
want the "moon and the stars" - don't be fooled!
You have until the March meeting to let the Tourist
Minister know your feelings on this matter.

So - for your future, dear people, vote NO
and try and keep this "Garden of Eden" as it is.

With a bit of Luck we can get rid of the
serpents..... Yours, etc. Elva Yager.

.....

answered to what we want to be, for once and all time. Yours, etc. K.J.Black.

Thank you, Norfolk Islanders, for a very enjoyable 10-day holiday, even if we did over-eat and over-spend!

More importantly, we enjoyed sharing your lifestyle. Please don't change it and become an offshoot of Canberra.

Remember, you may get some extra advantages, but you will also get all the restrictions and taxes that go with them.

Once you lose your right to vet all and sundry who enter your island and to limit their staying period, it will be "open sesame" to all the developers and also many "dole bludgers" who will treat Norfolk as they treat our home town in Northern New South Wales where the climate is also mild.

You will have rubbish and syringes left littering your beautiful Emily Bay as the heavy drug scene arrives with them - and also the ever-present fear of AIDS.

Keep your Peace, Independence and Tranquility and Vote NO at the Referendum. Yours, etc. Beverley Shearing, John Shearing, Valerie Gordon.

Sir:

I wish to voice my criticism regarding the question by Referendum that is to be put to the voters of Norfolk Island.

I believe it is too little too late and we should be asked to choose one of the following three questions:

- 1....Do we (the voters of Norfolk Island) wish to be part of Australia - warts and all.
- 2.. Do we wish to be a self-governing Territory (under, over, by, or whatever) of Australia or
- 3... Do we wish to be a totally independent identity.

Sir:

May I, through your courtesy, say a grateful 'thank you' to all those kind and friendly folk who wished us well this Christmas of 1990.

Their thoughts are deeply appreciated at a time of general rejoicing which for us, was marred by Julie's illness and which did not permit of individual notes of thanks.

And may we wish all Norfolk Islanders a New Year of peace and increasing prosperity, and freedom from intrusions upon the liberty we now enjoy by those whose self-centred intent would deprive us of that hard-won privilege in order to satisfy their own cynical political purposes. Yours, etc. Peter Middleton.

(continued overleaf).

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Fax from :
LETTERS TO THE EDITOR - continued.

Sir:
There is a practise creeping into some businesses of adding the FIL to their accounts, to cover their costs in depositing their money.

Thus, the customer has to pay FIL on his own account and then part of the business with whom he trades.

This is, to say the least, highly irregular. FIL should be regarded as an overhead in the same way as electricity, 'phone bills, postage, insurance, etc. Yours, etc. Peter Irwin.

Sir,
"LET THE PUNISHMENT FIT THE CRIME"

With the referendum regarding Norfolk Island's relationship with the Commonwealth due to take place on Wednesday, 13th February, may I make the following suggestions as to why the Electors of Norfolk Island should vote "YES".

Since the arrival of the Pitcairners in 1856, the island authorities have drafted laws to suit conditions on Norfolk. Like all laws, there have been complaints about them - some say that they are too harsh while others bemoan the fact that some are, to their way of thinking, too lenient.

In this modern day and age, it is a well-known fact of life on Norfolk Island that it costs the

community a lot of money to send offenders off the island to serve jail sentences on the mainland. Many are kept in custody here on Norfolk and this also costs the community a considerable amount of money by way of meals and extra wages that have to be paid to special constables etc.

With the above scenario, the question must be asked that if the whole community is not prepared to respect the existing laws of the island (and let's face it, some flout them quite openly) and more importantly the responsibilities and commitments that we all have, one to the other, then by all means let us become integrated wholly into Australia.

After all they have laws to cover all forms of civil disobedience and, if found guilty, we could send our offenders off to the mainland for jail sentences secure in the knowledge that our lack of communal responsibility will be subsidised by the Australian tax-payer. Yours etc. "Pro Bono Publico"

GREETINGS have been received - too late for our Christmas edition - from Arthur Munro Christian and family of California - for all on Norfolk - with the wish that "May all good things be yours in the New Year".

From Alan, Marie and Brenda Sheridan (nee Westwood) who will be arriving this afternoon for a holiday - "wishing my family and all our friends the Season's Greetings".

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NORFOLK ISLANDER
5-1-91



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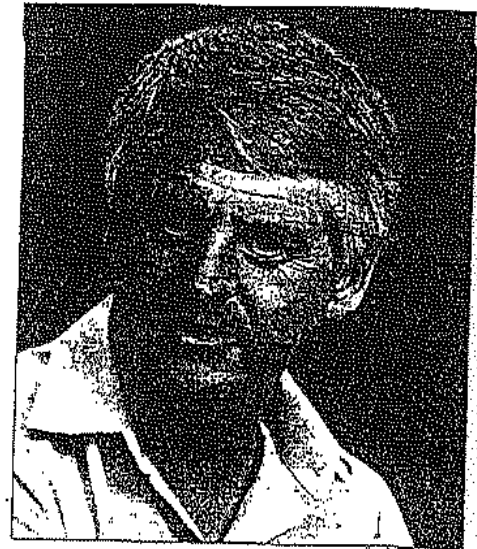
MANAGEMENT RESERVES THE RIGHT TO REFUSE ENTRY

Public Opinion

Are citizen-initiated referenda objective?

Mr David J. Rodgers, JP, in Norfolk Island

A procedure which gave Norfolk Island a loud voice in its campaign for greater autonomy from Australia now has a less certain place in the Island's government.



Mr David Rodgers.

The facility for ascertaining the opinion of the electors of Norfolk Island by referendum was introduced in 1964 at a time when the Island was administered by the Australian government through its appointed Administrator. The people's elected representatives had no executive authority and were only advisory. This form of administration had been the cause of dissatisfaction within the Island over many years.

The desire to have referendum facilities came from the Islanders who had a long-standing tradition of settling matters of public concern through public meetings. The Islanders were seeking greater autonomy in the administration of their own affairs, particularly concerning the raising and spending of local revenue. Perhaps it was thought that the opinion of the people expressed through a referendum would have more influence with the Minister where there was a divergence of opinion between the Advisory Council and the Administrator.

Additionally the Australian authorities were inclined to the view that the facility to call a referendum might be useful in ascertaining the Islanders' views on changes to the governmental arrangements for the future. Although there have been calls at various times from within the Island for the right of self-determination, a referendum has never been directed by the Australian government on any question relating to the govern-

mental arrangements for the Island. The Referendum Ordinance 1964 provides for referenda to be conducted:

- at the direction of the Minister (Australian);
- at the direction of the President in accordance with a resolution of the Legislative Assembly, or
- at the request of one-third of the electors.

Direct democracy

Since 1964 there have been 10 referenda, five directed by the President upon resolution of the Assembly and five at the request of electors. Since self-government in 1979, three have been elector-initiated.

Before self-government, a referendum was considered by some as the most effective way of conveying to the administering authority the views of the electorate. Self-government has given the electors of Norfolk Island the additional opportunity of expressing their views through the ballot box.

For electors to express their opinion in favour of any question at a referendum, a 55 per cent YES vote is required. Consequently, promoters of any petition calling for a referendum usually frame the question in the negative.

Generally there is only one question and therefore wider or alternate issues are not canvassed. For example, a referendum held in 1979 sought the electors' views on whether they preferred proportional representation or the first-past-the-post system of voting to elect Members to the Legislative Assembly. The question was answered in the

negative. However it was subsequently established by referendum that neither of those systems were considered satisfactory and that a cumulative voting system was preferred.

Interpreting the vote

A citizen-initiated referendum was called in 1986 on the question: "Would television as proposed by the Norfolk Island government be good for Norfolk Island?" The result of voting was 489 YES and 476 NO. As the YES vote did not receive the required majority, the electors were deemed not to have expressed their opinion in favour of the question.

The question did not fully address all the issues and options that were around at that time. If it had, then it is arguable that there would have been less opposition to the introduction of television. Subsequently television was introduced but along different lines from those originally proposed by the government.

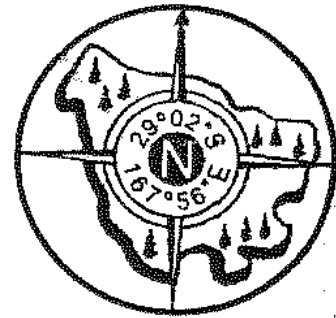
In 1988 another question which has been referred to as a "loaded question" was put to referendum. The question was: "Is it appropriate that the government risk industrial dispute by altering the conditions of service of public servants?" Voting was 462 YES and 391 NO. Again the YES vote did not receive the required majority. The result, however, was open to varying interpretations.

It is difficult to establish from the foregoing that a citizen-initiated referendum is always an effective means of canvassing electors' objective opinions on a matter relating to the good government of the Island.

Mr Rodgers, a former Member of the Legislature, is Norfolk Island's Returning Officer.



The Norfolk ISLANDER



"Honour Norfolk Island"

Founded 1965

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Norfolk News c. 1965

VOLUME 34, No. 22

SATURDAY, 28th MARCH, 1998.

Price One Dollar

Minister explains rationale behind Electoral Changes

The following is a copy of a letter which was sent to our Chief Minister George Smith by Mr. Alex Somlyay, Minister for Regional Development, Territories and Local Government. This letter, dated 21st March, 1998 copy of which has been given to all Members of the Legislative Assembly.

"I was pleased to meet with you and your Ministerial colleagues on 12th March to discuss the government's decision to remove anomalies in the Norfolk Island Act 1979 so that all Australian citizens ordinarily resident on the island will be able to enrol to vote for the Legislative Assembly. In addition, after the commencement of the amendments, only Australia citizens will be eligible to newly enrol and stand for election. At our meeting, I undertook to write to you elaborating on the background to the Federal Government's amendments.

In taking its decision the Federal Government took the firm view that these issues were matters of fundamental national policy on which it had an obligation to act. The right of Australian citizens to vote, and to vote in the jurisdiction in which they are ordinarily resident, is a central tenet of parliamentary democracy throughout Australia. So too is the concept that Australian citizenship should be a prerequisite for voting and election to Australian Parliaments.

The amendments to the Act will do no more than bring arrangements in Norfolk Island into line with those obtaining in every other Australian Parliament - Federal, State and Territory. In particular they will ensure application of these fundamental principles in the three Territory Legislative Assemblies (Northern Territory, Australian Capital Territory and Norfolk Island) all of which are established by Commonwealth statute, drawing on powers under section 122 of the Australian Constitution. In essence they restore limitations which applied when the Fraser Government established internal self-government on Norfolk Island in 1979. (Emphasis is ours).

(continued overleaf).



NORFOLK ISLAND'S YOUNG AMBASSADORS

There was great excitement on the island this week as pupils of Year 6 prepared for their long-awaited tour to Australia.

Our picture of the happy group, and their teacher Ros Tierney, was taken on the steps of Government House after they had been taken on a tour of the building by Acting Administrator, Ralph Condon and Restoration Manager, George "Puss" Anderson.

Minister's Explanation - continued.

You will be aware that in its 1991 Report *The Legal Regimes of Australia's External Territories and the Jervis Bay Territory* the House of Representatives Standing Committee on Constitutional Affairs found (at Recommendation 41) that "Australian citizenship be a requirement for eligibility to stand for election or to vote in Norfolk Island Legislative Assembly elections, for all new enrollees registered on the Norfolk Island Electoral Roll....."

The then government did not adopt this recommendation, but since that time there have been a number of developments. These broad issues were examined by the House of Representatives Standing Committee on Legal and Constitutional Affairs last year in their inquiry entitled *Aspects of Section 44 of the Australian Constitution*. This all-Party inquiry reported: "...there is a consensus that the principles upon which sub-section 44 (i) is based - the need to ensure that the primary loyalty of a Member of the Australian Parliament and to prevent subversion by foreign governments - are very important and should be preserved".

An addition, two High Court cases (*Sykes v. Clear and Ours.*) 1992 176 CLR 77 and *Free v. Kelly* (1996) 185 CLR 296) have examined the question of section 44 of the Constitution and, while these cases have hinged on the question of "office of profit under the Crown", additional argument and later debate, both in public and the parliament have looked at the question of Australian citizenship being mandatory for membership of the Federal Parliament.

The Federal Government's decision in relation to Australian citizenship and voting rights for the Norfolk Island Legislative Assembly will remove any possible doubt which may arise as a result of these more recent developments.

As I said at our meeting, the Commonwealth feels it would be unfair to disadvantage any persons already on the roll. However, from the commencement of the amendments to *The Norfolk Island Act 1979*, only Australian citizens will be able to enrol and only Australian citizens will be able to stand. This is consistent with amendments to Federal Electoral System in 1984 which preserves the right of British subjects then on the roll to vote but not to stand for election.

During our discussions I provided you with a Table illustrating that in all other Australian jurisdictions, except Tasmania, the qualifying residential period is for one month. For Tasmanian State elections, this qualifying period is six months. I indicated that our initial thinking was for the qualifying period of residence on Norfolk Island to be at the lower end of the scale (1 month) however, I would be prepared to entertain arguments for a period of up to six months.

During our meeting you raised with me the circumstance of persons who are permanent Norfolk Island residents but whose mothers travelled to New Zealand for the birth. Such people would either be eligible for registration as Australian citizens by descent because of the citizenship of one or both of their parents or would be eligible for a grant of citizenships as they have lived

for 2 years on Norfolk Island. As you may know *The Australian Citizenship Act* has applied to island since its enactment in 1948.

In addition, since Australian law does not require a person to renounce any other citizenship on assuming Australian citizenship, a non-citizen who acquires Australian citizenship is a dual citizen if the citizenship laws of the other country allow the person to retain that prior citizenship. The New Zealand High Commission has confirmed that a New Zealand-born person, who acquires Australian citizenship can retain his or her New Zealand citizenship. Nevertheless, people in this category who wish to stand for election may seek their own legal advice, given the High Court's decision in *Clear*.

In our discussions I also mentioned to you the great advantage of having our electoral officials working closely together in the matter of Electoral Rolls to minimise the prospect of persons enrolling in Norfolk Island retaining enrolment elsewhere in Australia. This will also streamline the procedure if a Norfolk Island resident wishes also to enrol for Commonwealth elections. If you agree I will ask my Department to discuss this further with officers of the Administration.

I want to be emphatic that, while decisions were made at the time the Federal Government agreed to extend the Gun Buy-back Scheme to Norfolk Island and granted your government's request for a \$3 million interest-free loan to stabilise Cascade Cliff, those matters are not dependent on other reforms, as I understand the Administrator has made clear in earlier discussions with you and other Norfolk Island Ministers.

Thank you again for coming to Canberra to discuss this matter. I appreciate that it is something which you take very seriously, and I emphasise that, once the amendments are drafted, they will be provided to you for comment and input. I also reiterate that I would be happy to receive advice of any other matters you or your Ministerial colleagues wish considered to improve on, or make more efficient, *The Norfolk Island Act 1979*".

.....
Editor's Note - Those of us who have been on Norfolk Island long enough will remember the years of discussion and negotiation that preceded the introduction of *The Norfolk Island Act* in 1979.

In its simplest form, the Act came about because there was growing concern of how the island's affairs were being dictated to by the Minister and his Department in Canberra.

The Attorney-General of the day, Bob Elliott, QC and other Ministers of the then Fraser Government realised that in granting this first step to eventual self-government the island authorities needed, and were given, some control over who could vote in the Assembly elections and for that matter, who was eligible to stand for elections.

These safeguards were written into *The Norfolk Island Act 1979* and for almost 20 years we have been working under these same safeguards and despite any criticisms, the whole system of internal self-government has worked very well indeed. In the Editor's opinion it is a role-model that the Federal
(continued overleaf).

Minister's Explanation - continued.

Government could hold up to the many disparate groups in Australia who are clamouring for more say in their own affairs. The big difference of course is that these same groups expect "Big Brother" to hand out, in ever-increasing amounts, the financial backing to achieve more control over their own affairs.

The island has shown that it is capable of meeting the responsibilities and challenges that were handed to us in 1979 and in our opinion any effort to change this system is very detrimental and does nothing to enhance the "fair dinkumness" of the Federal Government.

As Abraham Lincoln said in 1854 - "No man is good enough to govern another man without that other's consent".

In an interview with the Chief Minister George Smith on Friday afternoon he commented on the Minister's letter and said that "every couple of years there is an Inquiry - The Grants Commission Report; Islands in the Sun Report; The Legal Regimes Report; Transport and Something Else Report and now we've got the Communications Inquiry.

With Australia doing this sort of thing all the time it inhibits us from being able to put our full effort into self-government. Ideally with self-government we have our own laws. Australia doesn't extend all its laws here but even though that's the case, The Firearms Bill (a Schedule 2 matter) has been taken from us; the Electoral Amendments which have been mooted are another Schedule 2 matter which

look as though they will be taken out of our control."

The island's views on the proposed amendment to the electoral requirements of *The Norfolk Island Act* will be ascertained in a Referendum, the date of which is to be determined at the next Sitting of the Norfolk Island Legislative Assembly.

FORMER OFFICIAL SECRETARY NEW LEADER OF ACT LABOR PARTY

Three weeks after its disastrous showing in the ACT election, the Labor Party has elected lawyer and civil libertarian John Stanhope as its leader with Ted Qinlan, atop accountant and former deputy head of Actew, as his deputy.

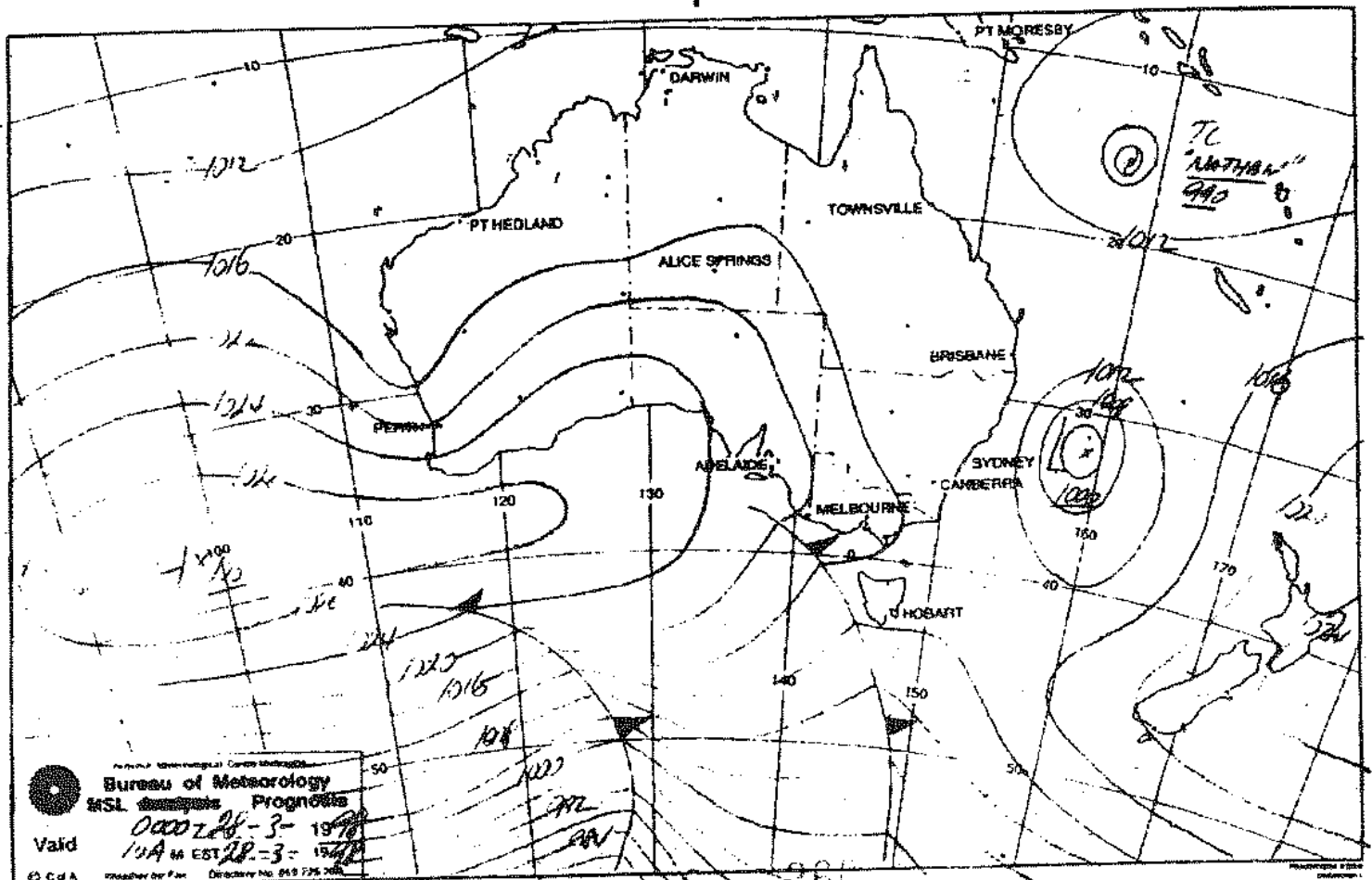
Both Mr. Stanhope, factionally non-aligned, and Mr. Quinlan, a member of the Labor Right, are newcomers to the Legislative Assembly.

Within minutes of being elected, Jon Stanhope said the ACT Labor Party's days of bitter factional divisions were over and that he had no qualms about taking on Chief Minister Kate Carnell.

Until the election campaign, Mr. Stanhope, 46, worked for federal Opposition Leader Kim Beazley as a senior adviser on native title matters and before that he was chief of staff to then Labor Attorney-General, Michael Lavarch.

John was Official Secretary on Norfolk in the early 1990's and he and his wife, Robyn, a palliative care nurse, have three adult sons and a teenage daughter.

Congratulations Jon.



Extract from Official Hansard ⁶²⁰

15 July 1998

MR SMITH Mr Acting Deputy Speaker. Thank you Mr Adams for doing that and I appreciate what your saying. If that is what your Motion is going to be about I'll totally support you and the same with the revenue fund budget if your going to refer to that as well, I'll gladly go along with those moves because that certainly is something I thought we had done in these previous months. Obviously it hasn't been complete enough and I look forward to the debate on that Motion. Thank you Mr Acting Deputy Speaker.

MR ADAMS Just a clarification Mr Acting Deputy Speaker. For the Ministers information my Motion at this stage is addressing only the GBE budget submission as it stands before us today. In relation to the revenue fund budgeting and budgeting process I see the strategic planning process as very important as it relates to the revenue fund budget and I've got a substantial submission prepared for the group who I understand is more or less steering the strategic planning process and I will give it to the Minister at that time. Thank you.

ACTING DEPUTY SPEAKER The question is that the paper be noted. Further debate. Then I put the question

QUESTION PUT

QUESTION AGREED

The ayes have it. Are there any further Papers for presentation. There being no further Papers we move to Statements.

STATEMENTS

MR SMITH Mr Acting Deputy Speaker I wish to make a statement relative to the changes to electoral matters proposed by the Commonwealth and in particular to the question of a Referendum on the proposed changes. To briefly reply re-cap the position members and the community will recall that; On 5th March 1998 the Federal Government announced proposed amendments to voting and election rights of Australian citizens for the Norfolk Island Legislative Assembly. The Federal Governments proposed amendments to the *Norfolk Island Act 1979* would:

1. make Australian citizenship a prerequisite for election to Norfolk Island Legislative Assembly.
2. require that a person, not already on the Island Assembly's Electoral roll, be an Australian Citizen to be eligible to enrol (persons already on the roll will retain their existing right to vote.)
3. extend the vote in elections for the Norfolk Island Legislative Assembly to any Australian Citizen who is at the time of the election, ordinarily resident on the Island. Three Executives travelled to Canberra to have discussions with the Federal Minister on 12th March 1998 on the basis that the Norfolk Island Government were not consulted prior to the Federal Government announcing the proposed changes and stating the Norfolk Island Governments position at that time that they did not wish such changes to be made. The Norfolk Island Government having introduced a motion in the House on 18th March to have a referendum to ascertain the views of the Community on the Commonwealth's proposals subsequently adjourned the motion to the April sitting of the House. At the 15th April sitting of the House and on resumption of debate on the matter of the motion of 18th March by leave of the House the following motion was passed. That the following question be asked at referendum in accordance with the preceding motion of the House. That the Australian Government has recently indicated its intention to bring about changes to Norfolk Islands electoral process. Given the situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island YES/NO. At the May sitting of the House on resumption debate on the matter the following was put and agreed; that under the Referendum Act 1964 - referendum on the Commonwealths proposal to introduce

legislation in relation to the Norfolk Island Legislative Assembly. Mr Smith (Chief Minister), pursuant to notice, moved -

THAT the motion passed by this House on 15 April 1998 directing the Speaker to conduct a referendum on the Australian Governments intentions to change Norfolk Islands electoral process be rescinded pending the outcome of discussions taking place between the Norfolk Island and Commonwealth Governments and that the Chief Minister report back to this House at its next sitting of progress with those discussions. Debate had ensued and then Mr Buffett moved that all words

THAT all words after "THAT" (first occurring) be deleted and the following substituted: "No formal action be taken between 15 April 1998 and the July 1998 sitting of the Legislative Assembly to implement the resolution passed by this House on 15th April 1998, directing the Speaker to conduct a Referendum on the Australian Governments intention to change Norfolk Islands electoral process. This pause upon the April 1998 motion is to provide opportunity and encouragement for the difference of views on such voting and electoral processes to be settled within this time frame to the satisfaction of the Legislative assembly by discussion (already foreshadowed) between the Norfolk Island and Commonwealth governments" Mr Deputy Speaker as foreshadowed by the pause on proceeding with the referendum until the July 1998 sittings of this House, was to allow discussion to take place between the Australian and Norfolk Island Government. Those discussions were to take place at the proposed inter-governmental meeting to be held on 1 July 1998 and then deferred to 10 July 1998. That inter-governmental meeting did not take place and will not now take place until the end of July possibly early August. Mr Deputy Speaker given that the July Sitting of this House is now here and there is still not any agreement on this subject, and that the members have clearly indicated at the M.L.A.'s meeting on the 27 May that their position is that they do not accept the Commonwealths position but intends to examine electoral matters within 12 months. I intend and now direct in accordance with the motion so to do, a referendum to be held on Wednesday 26 August 1998. Mr Deputy Speaker there is no need for any additional motion by this House and accordingly the Returning Officer will commence to day, to organise the Referendum. Mr Deputy Speaker the holding of such a referendum will not jeopardise any discussions yet to be held with the Federal Minister at the Inter-governmental meeting. The only clear effect will be that should a majority vote YES then the Norfolk Island Government would need to re examine their stated position. Mr Deputy Speaker for the information of the Community I will direct a special gazette be published today that will allow the following to happen. Put the question in accordance with the resolution of the House. Indicate that Wednesday 29 July 1998 is the date for submission of statements for the speakers approval for distribution. The day for the closing of the Roll will be 29 July 1998. Polling day will be 26 August 1998.

MR ION-ROBINSON
Statement be noted.

Thank you Mr Acting Deputy Speaker. I move that the

ACTING DEPUTY SPEAKER

The question is that the Statement be noted.

MR ION-ROBINSON

Thank you Mr Acting Deputy Speaker. Our people gave women the right to vote over 70 years before the Commonwealth of Australia came into being. This recognition of women's equality offended Governor Denison when the Pitcairn people arrived in Norfolk Island as their new homeland. He called it "Petticoat Government", but he didn't dare abolish it. The Commonwealth did not enfranchise women until 1902. The Commonwealth did not enfranchise its indigenous people, the aborigines until 1962. That's a poor sort of a record for Canberra to presume to tell us who should vote. Australia claims to be multicultural society but what Canberra is trying to foist on us, (and I understand that the legislation is already drafted)

smacks of Hansonesque One Nation policy. It's xenophobic and aimed at destroying the customs and traditions of Norfolk Island. In Norfolk Island anyone who has been a part of the community for long enough to understand how Norfolk Islands particular intricacies work and intends to remain in Norfolk Island for more than a few years has the right to vote. That is the right to have a say in how Norfolk should be run. Our policy has always been that the nationality is not an issue. Length of residence qualifies people to vote as it should and does so in Australia where no immigrant can vote until that immigrant has been in the country for at least 2 years. This is the third time in 15 years that Canberra has tried to pull this stunt and it's not about some poor hard done by Australian citizen who wants to vote 5 minutes after arriving here. It's not about Australian citizens having un-Australian competition if they wish to stand for our parliament, nor is it about letting a foreign agent sabotage our parliament. It's simply a part of strengthening the Australian identity of the external territory. To quote DASETT's 1989 admitted aim "If you don't think Canberra said that, then try this, the December 1997 Commonwealth Directory states that the Territories Office says its function is and I quote "to protect and enhance the Commonwealths interests in Norfolk Island", a direct quote. In other words Canberra keeps a Territories Office for the sole purpose of shafting us if what we want for the peace, order and good government of Norfolk Island is not wholly in Canberra's interest. There is not one instance since the introduction of so called self government in Norfolk Island in 1979 that gives Canberra any evidence to suggest that our present electoral system does not work very well for the peace, order and good government of Norfolk Island. Thank you.

MR NOBBS

Thank you Mr Acting Deputy Speaker. I think it's a, I support the proposal as we did, I think we all did last Wednesday and all I can say it's about time we got on with it and ask the people definitely to support or not our proposal and go from there. Thank you.

ACTING DEPUTY SPEAKER

Thank you Mr Nobbs. Further debate on the question that the House take note of the Statement. Then I put the question.

QUESTION PUT

QUESTION AGREED

MR NOBBS

Thank you Mr Acting Deputy Speaker. It relates to energy saving and I spoke at the last meeting I advised the Members that Australian Company EnergyFirst had visited the Island and was preparing a proposal as to the potential savings and the costs of achieving such savings in the electricity activities. Mr Acting Deputy Speaker the EnergyFirst has provided its report. It believes on the activities it has monitored to date that there is a potential saving per annum of between \$200 and \$250,000. In actual generation of electricity this equates to a drop in the load requirements and a significant green house reduction. There will be, as stated last meeting a cost in providing such savings. The costs are required for the provision of a power factor correction system, the provision of an in-line fuel conditioner for diesels, the upgrade of lighting in the government buildings, the upgrade of the airport terminal lighting and to provide and monitor control the surge pump stations will in fact cost between \$420 and \$470,000. It's a tidy sum Mr Acting Deputy Speaker however this will be at no up front cost to the Island. It will be paid for out of savings and we are looking at this being done over a 2 year period maximum. The Government has agreed to the proposal and officers from EnergyFirst will be arriving next Tuesday to commence design of specific components leading to a quick follow-up and installation of the components. Thank you.

ACTING DEPUTY SPEAKER

Further Statements.

NORFOLK



ISLAND

Norfolk Island Government Gazette

(PRINTED ON THE AUTHORITY OF THE ADMINISTRATION)

86

NORFOLK ISLAND GOVERNMENT GAZETTE NO. 31

Wednesday 15 July 1998

NORFOLK ISLAND
REFERENDUM ACT 1964
INSTRUMENT DIRECTING A REFERENDUM

I, George Charles Smith, Speaker of the Legislative Assembly, under section 5 of the Referendum Act 1964 and in accordance with a resolution of the Legislative Assembly, direct a referendum to ascertain the opinion of the electors on the question -

The Australian Government has recently indicated its intention to bring about changes to Norfolk Island's electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island?

Dated this 15th day of July 1998.

GEORGE SMITH
SPEAKER

REFERENDUM ACT 1964
REFERENDUM ON THE QUESTION:

The Australian Government has recently indicated its intention to bring about changes to Norfolk Island's electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island?

Under section 11 of the Referendum Act 1964, a group of electors who are in favour of the above question being adopted may submit a statement for the Speaker's approval for distribution to the electors. Similarly, a group of electors who oppose the adoption of the above question may also submit a statement for the Speaker's approval for distribution to the electors. The purpose of such statements is -

- (a) to allow the presentation of arguments for and against the question to be put to each elector; and
- (b) to allow each elector to make an independent and informed judgement on the question.

Statements for and statements against are now invited to be lodged. Those groups with common viewpoints should combine their statements so that there is only one statement for, and one statement against, to be circulated. Such statements must be submitted to the Speaker no later than Wednesday 29 July 1998.

Dated this 15th day of July 1998.

GEORGE SMITH
SPEAKER

REFERENDUM ACT 1964

I, Michael Charles Elmore Evans, Returning Officer, hereby notify pursuant to section 9 of the Referendum Act 1964 that -

- (a) the question on which the opinion of the electors is to be ascertained is -
The Australian Government has recently indicated its intention to bring about changes to Norfolk Island's electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island?";
- (b) the method of voting on the question shall be by marking the ballot paper "YES" or "NO";
- (c) the day for closing the electoral roll is 27 July 1998;
- (d) the day for polling is 26 August 1998; and
- (e) the method by which votes shall be counted shall be in accordance with sections 21, 22 and 23 of the Referendum Act 1964.

Dated 15 July 1998.

M.C.E. (MITCHELL) EVANS
RETURNING OFFICER

ELECTORAL ROLL

ARE YOU ENROLLED ON THE ELECTORAL ROLL? If you are not enrolled, you will not be eligible to vote at the Referendum to be held on Wednesday 26 August 1998. If you are not sure whether you are on the roll, please phone Kelly Quintal on 22001.

The roll will close at 5.00 pm on Monday 27 July 1998. Enrolment is compulsory.

Qualifications for enrolment, in summary, are as follows -

- (a) you must have attained the age of 18 years; and
- (b) you must have been present in Norfolk Island for a total of 900 days during the period of 4 years immediately preceding the date of application.

If you are a student under the age of 25 years, and you have been absent from Norfolk Island for the sole or principal purpose of undergoing full-time vocational training or full-time education, you may qualify for enrolment.

Application forms for enrolment may be obtained at the Post Office and the Immigration Office at Kingston.

Dated 15 July 1998.

M.C.E. (MITCHELL) EVANS
RETURNING OFFICER

**STATEMENT BY
THE SPEAKER OF THE LEGISLATIVE ASSEMBLY
OF NORFOLK ISLAND**

The Legislative Assembly on 15 April 1998 resolved to hold a referendum to ascertain the opinion of the electors on the following question:

The Australian Government has recently indicated its intention to bring about changes to Norfolk Island's electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island?

A referendum was accordingly directed, with a Poll to be conducted on Wednesday 26 August 1998.

On 15 July 1998 I called for statements prepared by groups of electors who favour a "Yes" vote and groups who favour a "No" vote. The purpose of such statements is:

- a) to assist the presentation of arguments for and against the question to be put to each elector; and
- b) to assist each elector to make an independent and informed judgement on the question.

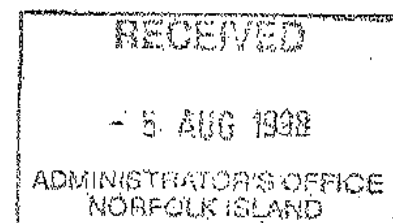
There were no statements received.

Polling Day is Wednesday 26 August 1998

Voting is compulsory

George Smith
Speaker

31 July 1998



Welfare budget bearing the costs of persons divesting themselves of assets or income for the specific purpose of receiving the Social Services benefit. The proposal will not prevent people from entering into a genuine arms length transaction nor will it prevent them going about their normal day to day activities for example purchasing a car or making alterations to a house. It will be proposed that gifts to the extent of \$10,000 per year not be affected by the proposed amendments. The purpose of making the Statement today is to inform people of the proposal because it is intended that the House will be asked to make the proposal retrospective to today Mr Deputy Speaker. Thank you.

DEPUTY SPEAKER

Thank you. Further Statements.

MR SMITH

Thank you Mr Deputy Speaker. Firstly some question that have been asked of me in the House and otherwise that I will give replies to. It was a Question Without Notice that was asked by Mr Adams and the question was Minister could you provide an explanation to the House as to results of the recent off-peak telephone rates initiative run by Telecom. Mr Deputy speaker the last off-peak special was run in January 1997 that's last year. The special reduced rates of phone calls to Australia and New Zealand during the off-peak hours resulted in an increase in vestige traffic with no noticeable increase in business hours traffic. The exercise was cost neutral, the larger traffic figures being offset by lower margins. I'm pleased to say that Norfolk Telecom will be, should be conducting further off-peak specials in the very near future. We're just negotiating with Telstra to match our proportionally reductions during any such special. Such an arrangement may of course result in increased revenue. A further question has been asked in relation to the Post Box outside of Foodlands. I've been advised that, I think there was some question about whether anything was written on it. The advice is that the Mail Box outside the front doors of Foodland Mall carried the Norfolk Post logo. The words Post Box on the mail slot and the words Cleared Daily on the body. There was some time delay on the sign writing due to the contract being off the Island. It was decided by the Postal Services Manager and the Postmistress not to detail clearance times as there had been considerable variations in mail closure times and airline schedules and the Post Office believes that the public would be reassured with the wording of Cleared Daily written on the front. A further Statement on the Referendum Mr Deputy Speaker. The Legislative Assembly on the 15th of April 1998 resolved to hold a Referendum to ascertain the opinion of the electors on the following question. The question is the Australian Government has recently indicated its intention to bring about changes to Norfolk Islands electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process of Norfolk Island. A Referendum was accordingly directed with a pole to be conducted on Wednesday the 26th of August, 1998 which is next week. On the 15th of July 1998 I called for Statements prepared by groups of electors who favour a YES vote and groups who favour a NO vote. The purpose of such Statements with Referendums is to assist the presentation of arguments for and against the question to be put to each elector and to assist each elector to make an independent and informed judgement on the question and there were no YES or NO Statements received and I the Statement can be noted so others can have their say.

DEPUTY SPEAKER

Question is that Statement be noted.

MR ION-ROBINSON

Thank you Mr Deputy Speaker. I wasn't here when YES and NO votes were called for. The most important part of this Referendum as I see it would be to make sure that everybody reads the instructions and mark their papers with a tick. Apparently

there was some confusion by some people marking it with a cross. That is the most important part I have to say on it. This is a fairly long and complicated talk I'm going to proceed with now but if you'll bear with me you may see the importance of this whole question. Australia has ratified the International Covenant on Civil and Political Rights and as a signatory to the Optional Protocol. Part 1 Article 1 of that International Covenant provides: 1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Some time ago I wrote to the Administrator and asked why they did not apply the International Covenant on Civil and Political Rights to Norfolk Island. The Administrator wrote back with the Commonwealth's reason for not applying the International Covenant on Civil and Political Rights in Norfolk Island was and I quote, "You should be aware that the consensus declaration of the World Conference on Human Rights held in Vienna in 1993, which Australia supported states in Part 1, paragraph 2 that Article 1 of the International Covenant shall not be construed as authorising or encouraging any action which would dismember-member or impair totally or in part the territorial integrity or political unity of Sovereign and independent states, Australia conducting themselves in compliance with the principal of equal rights and these are the important parts, self determination of peoples and thus possess of a Government, and this part is underline representing the whole people belonging to the territory without distinction of any kind." My argument of course is that Norfolk Island is not a part of Australia but rather an external territory under the authority of Australia or to use the international terminology which has been adopted by resolution of the Norfolk Island Legislative Assembly a dependant territory of Australia. Section 122 of the Australian Constitution did not cause Norfolk Island to become a part of Australia, it merely gave Australia authority to make laws for the government of Territories, whether it's internal, like the Northern Territory and the ACT or external like Papua early this century and Norfolk Island today. Norfolk Island was not a part of a State at the time of federation and did not subsequently become so. There has been no act of self-determination and Norfolk Island has not been conquered in war. That may make little difference to the Commonwealth's power to legislate for the "government" of Norfolk Island but it is clearly not appropriate to use Australia's "National Interest" as a basis for decision making. Australia's powers are more of a "trusteeship" rather than "ownership". Second point, the people of Norfolk Island have never had a referendum or plebiscite on self-determination. With Australia's intention to legislate that only Australian Citizens can vote and stand for election to the Government of Norfolk Island they will be contradicting the parts that say and I quote again "Possessed of a Government representing the whole people belonging to the territory without distinction of any kind." Thereby further reducing the credibility of the Commonwealth's reasons for not applying the Covenant". I realise that they will probably retain their misologist stance on the part of, however the points I make with keep the whole people belonging to the territory without distinction of any kind cannot be argued. I remind you once again please read the instructions on the voting paper carefully as there was I believe some confusion at the last Referendum. Thank you.

MR NOBBS

I only just have a very quick say on this particular thing. I think the question is fairly simple and the question is whether it's up to Canberra to tell us how we should run our voting system or how the people on the Island should do it and for me there's no question whatsoever, it should be done locally and if we have problems we fix them ourselves. Thank you.

MR ION-ROBINSON

Just an additional point on what Ron just raised Mr Deputy Speaker. The Schedule 2 of the Norfolk Island Act, item 39 says "The maintenance of roles of residents of the territory". Enough said really.

MR BROWN

Mr Deputy Speaker as Ron has just said no matter what the words might be of the Referendum question, this is about whether it should be Norfolk Island that runs Norfolk Island or somewhere else running Norfolk Island. My view is that Norfolk Island should run Norfolk Island. The electoral question is very much a question that should be run by Norfolk Island. The Federal Minister has made some concessions in this regard. He has acknowledged that it really should be a question solely for Norfolk Island as to how long a person should live here before he enrolls to vote. This Referendum question has come about because the Federal Minister is keen to cause a change in the people who are eligible after serving whatever that qualification period might be. The Federal Minister wants only Australian Citizens to be able to come onto the electoral role and to be able to stand for election to the Assembly. Sure, there's a honeymoon period being spoken of where the Federal Minister says he doesn't really want anyone who's already on the role to be kicked off the role but anyone later won't be able to get on unless he's an Australian Citizen, and I mightn't have listened as carefully as I should but I'm a bit confused about the situation of standing for election. At one stage I thought I was being told that if someone was already a Member of the Legislative Assembly he wouldn't be booted off during his current term, if he happened to be a New Zealand Citizen. At another stage I thought I was being told that if someone was already a Member of the Legislative Assembly not only would he be not booted off as a result of the changes but he would be able to stand time and time again for re-election. At another time I thought that I was being told that anyone presently on the role as long as they had been here for the prescribed period would be able to stand for the Assembly, whether they were an Australian Citizen or not but I think that the proposal as it stands now is that if there is a current Member of the Assembly who is not an Australian citizen he would be able to continue his present term and then not be able to stand for re-election. We've been given a number of reasons for the Federal Minister's desire to make this change. Early in the peace a number of our Ministers went to Canberra to meet with the Minister and there is absolutely no doubt in my mind as to what was said to me then as the reason for the proposed change. There is absolutely no doubt in my mind that I was told that the proposed change was due to 2 cases which had been dealt with by the High Court of Australia, Kelly and Free and Sykes and Cleary. Those were cases about membership of the Commonwealth Parliament. They were not cases about the Norfolk Island Parliament. One of them was a case where a person was a School teacher on leave without pay and it was held that notwithstanding that he was on leave without pay he held an office of profit under the Crown and he was deemed to have vacated his office as a member or perhaps to have not been able to stand because of that. The case also dealt with the question of nationality because, if my recollection is correct the people who received the second highest and the third highest votes had citizenship of other countries as well as Australian Citizenship, and in that case, in respect of membership of the Commonwealth Parliament the High Court said those people had not done enough to divest themselves of their other citizenship. Interestingly the other case, the Kelly and Free case was about a lady who was a member of the Airforce, or the Airforce Reserve and I think that she recognised that she had to take certain action or she too would come to grief by holding an office of profit under the Crown at the same time as being a member of the Commonwealth Parliament. She took certain action, I think that she resigned and made an arrangement to participate in a slightly changed fashion which did come within the legislation, but from recollection it was held that she had not taken her action quickly enough and perhaps in that case there was some talk of

citizenship. I think that whether Mr Cleary or she might have been a New Zealand citizen at the same time. They were really interesting cases Mr Deputy Speaker, fascinating to read through but a bit annoying because at the meeting with the Minister in Canberra I acknowledged that if there was some legal reason that really made the change unavoidable we would have to have a look at that and I asked if the Minister might be able to provide us with a copy of the legal advice that he'd received about those cases. One of the Minister's Departmental Officers, I think it was quickly said that it wasn't appropriate for the advice to be provided but, either that Officer or the Minister suggested that some sort of a praise of it could be provided. We waited in vain for that to arrive and when I had the opportunity to follow it up with one of the Departmental Officers I shan't repeat the precise words that he used to me but he told me that I hadn't properly listened to what the Minister had told me, and that although he realised not only had I spent many hours reading both of those cases word for word but also the Crown Counsel had done similarly, he said no the Minister didn't say that that's actually what the finding of the case was he said it was somewhere in what he call the orbiter dicta, the orbiter dicta perhaps defined for this purpose is the throw away comments that might be made by one or more Judges, not the findings of the case, not binding in law in any way and yet we were being told that because of some throw away comment that had been made by a Judge in one or both of these cases about membership of the Federal Parliament it was essential that these changes take place in Norfolk Island. At a later stage the Minister clarified the situation and advised that it wasn't really as a result of wither of those cases that the change was necessary but it was due to what was perceived to be Australia's national interest. That was not explained to us either Mr Deputy Speaker. In fact it seems that each time the questions get a bit difficult we're told that the reason is the Australian national interest and that must be something like the Mason's used to be, something quite secretive, something that mere mortals like the rest of us aren't allowed to peep into. So it seems that the Minister has accepted that the earlier basis for the decision, and that is that it was forced upon the Minister because of the Sykes and Cleary case and because of the Kelly and Free case in the High Court has gone and the only remaining problem is this business of Australia's national interest and perhaps that has enabled the Minister to recognise that at the very least Norfolk Island should make its own mind up about the time period which must be served before a person can seek enrolment on our role. Mr Deputy Speaker I said all of that because I still don't really understand why the Federal Minister wants to make this change. I don't understand what's wrong with the New Zealand citizens who live in Norfolk Island being able to vote and being able to stand for election. I don't see what's wrong with the few citizens of other places who live in Norfolk Island being able to do likewise. I don't think it's going to make any difference to whether the All Blacks win the football, now that may be seen to be in Australia's national interest but our voting can't affect that, can't affect the cricket, don't think it will make any difference at the Commonwealth Games, although I realise that Norfolk Island is getting stronger and stronger in that regard but I don't think that it will make any difference to whether a New Zealand citizen is able to compete in the Norfolk Island contingent at the Commonwealth Games. Mr Deputy Speaker I really don't understand it, but what I do understand is that these things should be decided in Norfolk Island, and to such extent as this is an endeavour to Australianise Norfolk Island I don't think that it's appropriate. Norfolk Island is what it is. Brian and I were both born in Australia, we're both proud to be Australian citizens. We both think it's pretty good when Australia wins some form of sporting event. We think it's pretty good when an Australian person excels in any area but I don't think that what's happening about this voting issue is all that good and I propose to vote NO at the Referendum. Thank you.

DEPUTY SPEAKER Thank you. Further debate. If there is not further debate Honourable Members I'll put the question to you which is that the Statement be noted, the Statement of the Referendum.

QUESTION PUT
QUESTION AGREED

DEPUTY SPEAKER Are there any further Statements this morning Honourable Members. Statements are concluded. Honourable Members the Speaker has received the following Message from the Office of the Administrator.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - MESSAGE NO 134

DEPUTY SPEAKER On the 30th of July, 1998 pursuant to Subsection 22 (1) of the Norfolk Island Act 1979 His Excellency the Governor General declared his assent to the Roads Amendment Act 1998 which is Act No. 15 of 1998. The message is dated the 10th of August 1998 signed by ADJ. Messner Administrator.

DEPUTY SPEAKER Are there any Standing Committee Reports to be presented. We are at Notices Honourable Members. I've had a request that Notices No 1-4 all Customs Act Exemption of Duty Items be handled together. Are you comfortable with that approach. Agreed Fine, we'll do it in that manner then. Chief Minister you have the call to present those matters.

NOTICES

CUSTOMS ACT 1913 - EXEMPTION FROM DUTY ON GOODS IMPORTED INTO NORFOLK ISLAND FOR OR IN CONNECTION WITH THE CASCADE CLIFF PROJECT

MR SMITH Thank you Mr Deputy Speaker and thank you to Members for allowing us to put the whole four together. I'll just go through what the motions are for each one and we can vote accordingly at the end if that is how Members feel it should be. Mr Deputy Speaker I move that this House recommends to His Honour the Administrator that acting in accordance with section 2B of the Customs Act 1913, he exempts from duty imposed under section 2 of that Act goods imported into Norfolk Island for or in connection with the Cascade Cliff Project on condition -

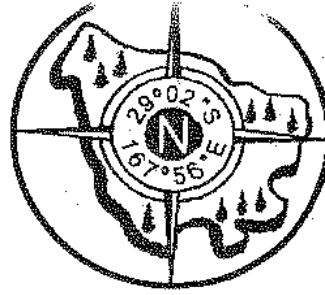
- 1) That written details of all such goods and their date of arrival on Norfolk Island be provided to the Collector of Customs in accordance with directions given by the Collector; and
- 2) That such goods shall not except with the executive member's approval be used otherwise than for or in connection with the Cascade Cliff Project; and
- 3) That on completion of the Cascade Cliff Project the goods shall, if so required by the executive member, be exported from Norfolk Island, unless the goods form part of the project works or were otherwise consumed for the purposes of that work

CUSTOMS ACT 1913 - EXEMPTION FROM DUTY - ST JOHN AMBULANCE - NORFOLK ISLAND DIVISION

Notice No 2 Mr Deputy Speaker. I move that under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the



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Chief Minister's Radio Address

On Monday, 5th April, The Chief Minister, Mr. George Smith spoke to the people of the island over Radio VL2NI. This talk was to bring residents up to date on all that had happened in the vexed question of electoral amendments proposed by the Commonwealth Government. He said:-

"I would like to talk today on one of the most important issues facing Norfolk Island this year. I will recap on what has happened over the last twelve months. But firstly, before I even get into that I would just like to say that in a recent edition of *The Norfolk Islander* on the front page it said that the "Chief Minister warns of revolt on Norfolk Island." I need to say that I've never used those words. I wouldn't have the cheek to do that. Where it came from I'm not sure so I put that in context.

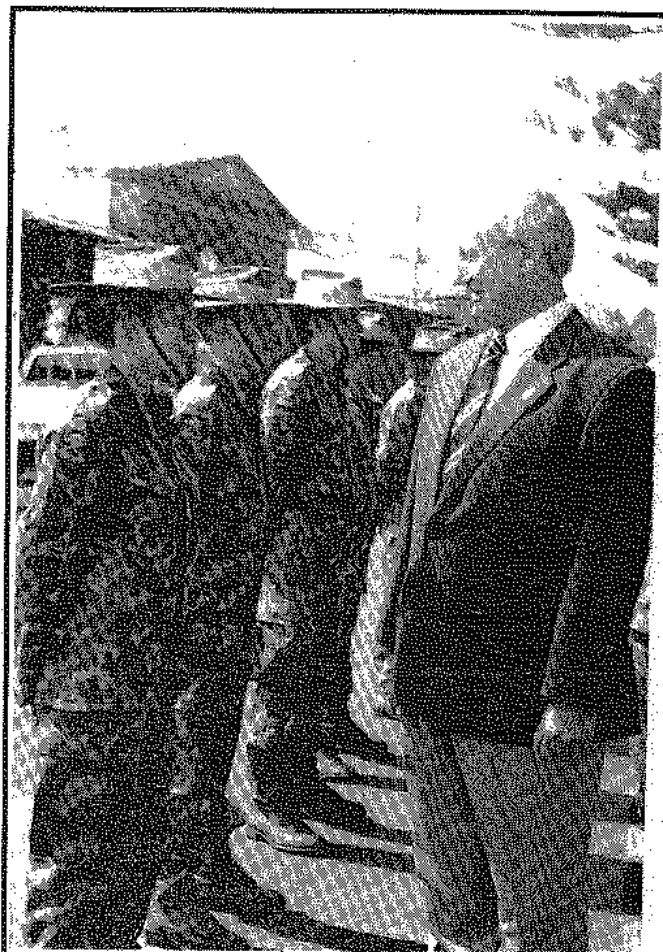
Last year around March I was given a letter by the Administrator that was, at the same time, being released to the press. The letter announced among other things, that the Commonwealth Government was going to amend the Norfolk Island Act 1979 to change the electoral system of Norfolk Island. The Norfolk Island Government had not been consulted on the issue and this was the first that we knew that the Commonwealth was contemplating such a major change. It was announced by the Minister for Territories at the time, Minister Alex Somlyay.

This followed closely the agreement by the Commonwealth to lend Norfolk Island the funds to make Cascade Cliff safe. Although the Norfolk Island Act provides for the island to borrow from the Commonwealth, it was assumed by some that the loan and this new issue were connected.

Commonwealth representatives have denied there is a connection.

The Norfolk Island Government immediately took action to advise the Commonwealth that this was not a welcome intrusion on Norfolk Island's affairs. In fact, when I made a phone call to Minister Somlyay at his home two days after the Press Release, he was surprised because he thought that it was something that Norfolk Island wanted.

(continued overleaf).



MINISTER MEETS THE CADETS

During a wreath-laying ceremony at the Cenotaph on Friday, 9th April, the Minister for Veterans Affairs and Minister assisting the Minister for Defence Personnel, The Hon. Bruce Scott, MP, inspected the Norfolk Island Cadet Unit which had formed the Guard of Honour.

The Minister is pictured speaking to Sergeant Bekki Meers. He complimented the Cadets on their enthusiasm and achievements, including their award last year for being the most improved cadet unit.

Chief Minister's Radio Address - continued.

I assured him that at the time I was sure that it wasn't. Shortly after, the Norfolk Island Government went to Canberra to protest to the Minister about the proposed amendments to the Norfolk Island Act.

At that meeting Minister Somlyay had quoted some court cases that he referred to as being part of the reason for the change. Those cases were in reference to the Federal Parliament and at that meeting the then Minister John Brown asked for a copy of the Minister's legal advice and its relevance to Norfolk Island's electoral matters. John is still waiting for that.

The next step was that the Assembly voted to have a referendum on the issue to ensure that people in the Norfolk Island community agreed with the view of the Assembly that change is unwarranted and unwelcome in the way we carry out our electoral affairs. At the same time we did research on the issue, because this is not the first attempt to change our electoral status.

The same issue confronted the island in 1991. At that time, in the end, the Commonwealth Government agreed with our position that too many in the community would be disenfranchised and it was discriminatory. The history of that episode and other related matters were passed to the Commonwealth Minister in a letter from the Assembly and from the Norfolk Island Government.

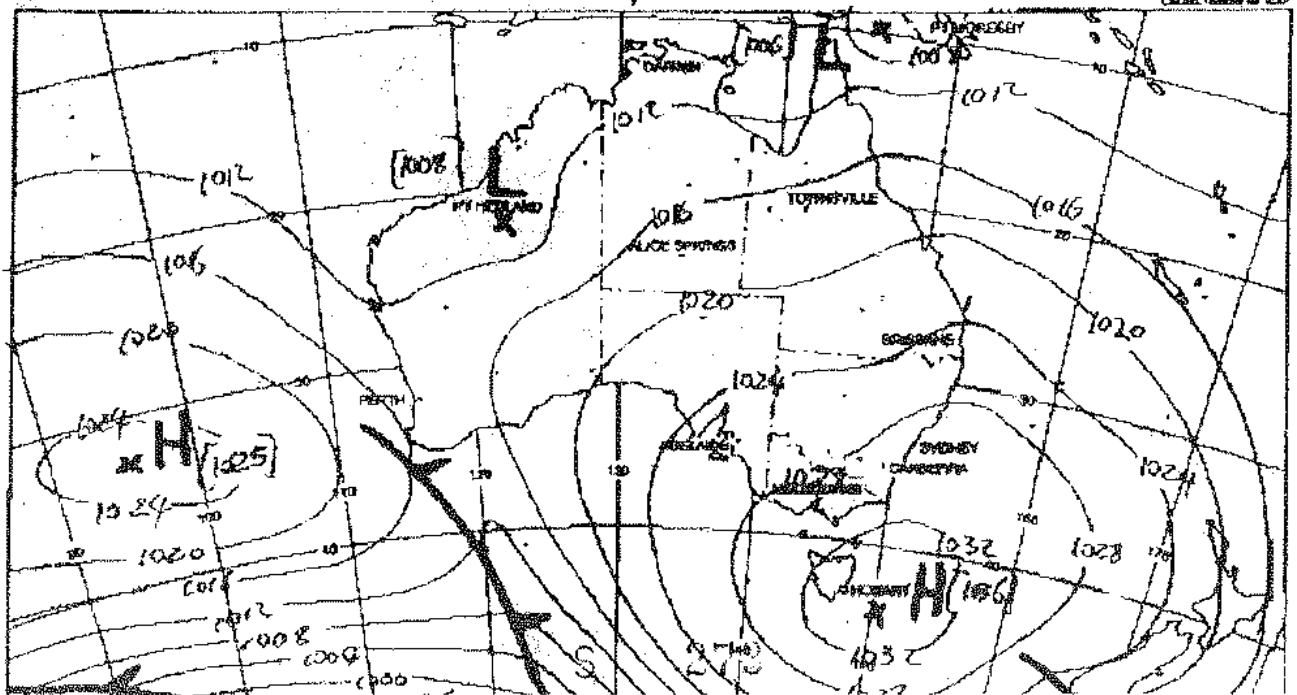
It should be pointed out again that the Commonwealth themselves amended the Norfolk Island Act of any requirement in the mid-eighties. Prior to that period, a British Subject or an Australian Citizen could vote and stand for the Legislative Assembly. And the reason I state that is because there are people on the electoral roll who are not Australian citizens because it has always

been that a British Subject or an Australian Citizen could vote and stand for the Legislative Assembly elections. That requirement was removed altogether at that time, and has stayed that way ever since.

The logic was that citizenship was not considered an issue. It was whether a person was part of the community that mattered and would be consistent with the practice for local government in Australia and also better suited to island circumstances. Anyway, the referendum was held as people will remember and resulted in almost 80% of the electorate confirming what the Assembly had been saying to the Commonwealth Government, that Norfolk Island did not want Canberra dictating to us what we have in our electoral laws.

During that period, the Minister visited Norfolk Island and was involved with the government in meetings. At those meetings, the Minister confirmed that the Commonwealth Government wanted to continue the path of full internal self-government for Norfolk Island. He also stated that he would 'grandfather' people's existing right to vote in Norfolk Island elections for a period but citizenship would still be an issue. That was in the interim period of the referendum which had not been held at that point. The Federal Election was held soon after and Somlyay was not returned to the Ministry.

Following the referendum, we heard no more from the Commonwealth in 1998 on this issue. It was only when the Prime Minister visited that the issue was raised again. The Prime Minister said in a meeting with the full Assembly that the question was so loaded that even he probably would have voted no. At the same meeting he was asked if there could be a line of communication with his office in circumstances where there were matters of major significance such as the electoral issue at which time
(continued overleaf).



Chief Minister's Radio Address - continued.

the Prime Minister indicated that the correct line of communication was via the Departmental Minister responsible for Norfolk Island.

That point was made with the Prime Minister because if there was an issue such as the electoral issue where the Assembly felt that it needed somebody to talk to about it, in the Parliament, that we would have that avenue.

The Prime Minister's visit was followed by a letter from Minister Macdonald, the new Minister for Territories, raising the electoral issue once again, saying that it was a cabinet decision and that it was immutable. That followed the same week with a visit from Minister Macdonald where once again we put Norfolk Island's case, that it was not acceptable that the Commonwealth make changes to our system the way they had proposed.

In informal discussions with the Minister, Members put the reasons to the Minister that change was not acceptable to people in Norfolk Island and the reasons why it is as it is. Nevertheless, the Minister advised us at that time that draft legislation was being prepared and he would make sure we got a copy before it was introduced into parliament.

On the 31st March I received a letter and a copy of the draft Norfolk Island Amendment Bill 1999 from the Administrator's Office advising that we had five working days to comment on the bill. The draft bill included firearms amendments, a different method of appointing the Deputy Administrator and also the proposed Electoral changes.

A letter was sent to the Administrator advising that we objected to the Bill and that the qualifying period was part of the Norfolk Island Legislation and that if anyone should change that, it should be the Norfolk Island Legislative Assembly.

In March, the Minister for Tourism and I were to go to Sydney to discuss other matters and as I was going, I was able to secure a face to face meeting with Minister in Canberra, Macdonald, the following week to once again put our case for no change. The Minister gave me a good amount of time in the meeting and we discussed many aspects of the Commonwealth's proposals.

In attendance at the meeting was Don Morris who was a former Secretary to the Norfolk Island Government. Don Morris is now the Minister's personal assistant or adviser. At the meeting, I was advised that the Bill was to be introduced the following week. The Minister was concerned that we only had five days to comment and he also said that he would consider technical amendments after the Bill was introduced, but was adamant that the citizenship requirement would not change.

When questioned about the Norfolk Island referendum, the Minister stated that on such issues as electoral matters, it wouldn't matter what the referendum result was. It should be stated that the issue that surrounds us is how the Commonwealth has dealt with us on this matter. We were not consulted in the first place.

The Commonwealth removed the Australian citizenship requirement when it removed British subject requirement around 1985. It has so far ignored the first referendum and has indicated its intention to do so again.

David Buffett and I revisited the people in Canberra and in Sydney last week and spoke to various people who could not understand the logic or reason for making these changes to the Norfolk Island Act. One of the interesting things was that we only had five working days to comment on the Bill which is a major change to the way Norfolk Island's legislative processes work. The Bill had other issues clouding the clarity of the Bill, the Firearms and the Deputy Administrator parts to it but I understand that the Firearms piece will be removed from the Bill at this point.

Now I need to say that our attitude on the Assembly and in the Government is not anti Australia or anti Australian. With the system that we have everybody has to go through that same system as newly arrived people on the Island. The reason for the time period to be qualified to be on the roll is roughly two and a half years out of four years is to allow people to get to understand the Norfolk Island political system, to understand who the people are who stand for the Legislative Assembly. It does catch out some of our own people who have been away for a time and have been on the roll before and come back and find that they can't immediately vote but that is something that we need to discuss amongst ourselves.

It is very important that we must not confuse issues in this case and be aware of the big picture. We should not get to picking the differences between the questions in the referendum. The referendum questions in the up and coming referendum are the two points the Commonwealth has proposed. Some have said "well, I might agree with one part but I don't agree with the other." Both options are what have been put to us and that's why the questions been framed the way they have.

Finally I would like to quote from the Governor General's speech, (Sir Zelman Cowan in 1979) at the inaugural meeting of the Legislative Assembly and then to quote from the Minister for Home Affairs at the time. The Governor General said at the time, "...the preamble to the Norfolk Island Act is long and it recites a good deal of history.

It specifically recognises that the Parliament considers it to be desirable, to be the wish of the people of Norfolk Island, that the Island could achieve over a period of time internal self government as a territory under the authority of the Commonwealth so it is that the Act provides for the establishment of a representative Legislative Assembly and of other separate political administrative institutions of Norfolk Island.

I have played my constitutional role in this. I assented to the Act and in the Federal Executive Council I have been concerned with measures to implement provisions of that.

Today I'm pleased to be present when the first Legislative Assembly elected under the provisions of the Act meets to discharge its new responsibilities". That was the Governor General.

I now quote from Minister Ellicott's words. I think they are very relevant to what we are talking about here.

(continued overleaf).

Chief Minister's Radio Address - continued.

The Minister had said "... this Assembly and what it promises to be are the result of it all. I want to congratulate you Mr President, Mr Deputy President and all of you who have been elected to it.

You are the representatives of all the people and may you serve them zealously and competently and in doing so you will have the full support of the government and the other people of Australia. This Assembly is both the symbol and the principle instrument of self government. Its task will be a heavy one. You will find many hard decisions have to be made and volumes of details will have to be dealt with.

There will be times of particular pressure and strain. Mr President and Speaker will tell you that this happens in all Parliaments.

In every sense of the word the Norfolk Island Legislative Assembly is a Parliament, like the Federal and State Parliaments. It has its origins in the Westminster system of Parliamentary Democracy. It shares a long and noble tradition and relies on one simple fundamental principal.

A Parliament is the elected voice and instrument of the people. If you remember this. If you work to retain the trust and confidence of the people, you will succeed. If you do not, you will fail.

On examination you will find your powers are extensive. With certain limitations you can make laws on any matter affecting the peace, order and good government of Norfolk Island.

I confidently expect that the power of the Assembly will be added to as envisaged by the Norfolk Island Act, leading to full internal self government over a comparatively short period of years. Inevitably you will develop procedures appropriate to Norfolk Island and it is vital that you do".

I needed to quote those words from Minister Ellicott in 1979 in this particular case because the larger issue is the issue of self government in Norfolk Island which we believe we are on the path for and have been, since the year of 1979. With issues such as the one confronting us today from the Commonwealth it stands as a threat to the good government of Norfolk Island.

That's all I have to say today. There will be more on this issue in the near future".

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PISTOL CLUB SEEKS VARIATIONS OF LICENCE CONDITIONS

The Norfolk Island Pistol Club has applied for variation of the licence conditions that currently govern the use of the Club's range at Anson Point.

The Club has sought permission to allow the use of any legally registered rifle on the Club's range. At present, the Club's licence only allows the use of .22 calibre pistols, centre fire pistols, air pistols and 'black powder' pistols.

No other change to the current licence is proposed. Noise controls and the restrictions on use of the premises imposed under the licence will remain the same. Shooting will still be restricted to the usual hours of between 12.00 pm and 5.00 pm on Wednesday and Saturday afternoons.

The Club has also undertaken to plant a double row of trees around the perimeter of the range to reduce any associated noise.

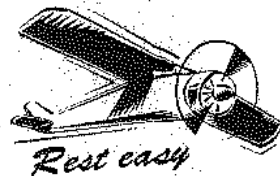
Members of the public are invited to lodge written submissions on any aspect of the Club's proposal. Submissions should be received before 30th April 1999. The Club's current licence can be inspected at the Office of the Administrator during business hours.

Please note that permission has been given to allow test firing of rifles on the range between the hours of 2 pm and 3 pm on Wednesday 14th April 1999 to enable noise levels to be measured.

Written submissions should be sent to: Owen Walsh, Official Secretary, Office of the Administrator, Norfolk Island.

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Rest
21 April 1999

**STATEMENT BY THE SPEAKER OF THE
LEGISLATIVE ASSEMBLY**

The Legislative Assembly on 22 March 1999 resolved to hold a referendum to ascertain the opinion of the electors on the following question:

Do you agree with the Australian Federal Government's proposal to alter the Norfolk Island Act so that -

- 1) people who have been ordinarily resident in the Island for 6 (six) months will in future be entitled to enrol on the electoral roll for Legislative Assembly elections; and**
- 2) Australian citizenship will in future be required as a qualification to be elected to the Assembly, and as a qualification for people who in future apply for enrolment on the electoral roll for Assembly elections**

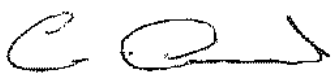
A referendum has been directed and a poll will be conducted on Wednesday 12th May 1999.

On 24 March 1999 I called for statements prepared by groups of electors who favour a "Yes" vote and groups who favour a "No" vote. The purpose of such statements is:

- a) to assist the presentation of arguments for and against the question to be put to each elector; and
- b) to assist each elector to make an independent and informed judgement on the question.

A statement in respect of a "No" case has been submitted and, pursuant to the provisions of the Referendum Act 1964, is attached for your information. There was no statement received in favour of a "Yes" case.

Voting is compulsory



George Smith
Speaker

16 April 1999

200

THE CASE FOR VOTING "NO" *Sent*

21 Apr 1999

The Referendum asks one question — covering two key issues.

Issue 1: The inadequate six-month qualifying period for electoral enrolment; compounded by imposition of Australian citizenship as a requirement for both future enrolment and election to the Legislative Assembly.

Issue 2: Wider concern of our dedicated progress towards self-government being threatened by the "colonial overlord" attitude of the Commonwealth Government on issues more properly decided by us.

Both issues deserve a resounding "No" vote.

Background to Issue 1. Six months is plainly an inadequate period to expect a newcomer to the Island to absorb and understand the community, culture and complexities of Norfolk Island life. We are unaware of any other community which expects such a narrow window of time to be satisfactory. Ironically, Australia itself denies voting rights to any newcomers, demanding a minimum of two years residency before granting citizenship, and the right to vote.

Insisting on Australian citizenship — in itself a worthy and respected status — does not compensate for, nor balance, the inadequate qualifying period being proposed. About one fifth of our permanent population hold non-Australian citizenship and would be disadvantaged. They hold something we regard as more important and pertinent to this community — Norfolk Island immigration status.

A further irony is that both in 1984 and 1990 the Australian Government raised the issue of Australian citizenship, only to twice realise that it should not be an electoral qualification for voting or standing in the Legislative Assembly.

Background to Issue 2: The attempt by the present Commonwealth Government is not only inconsistent with earlier decisions, but also threatens to destroy our mutual advancement of self-government.

It also flies in the face of the wishes of the overwhelming majority of Island residents. Only eight months ago 78.4% of the voting population said "NO" in a referendum tackling these issues. Despite this evidence, the Commonwealth Government refuses to listen and continues to act as if it is somehow responding to the wish of the people. It clearly is not.

Self-government means devolution of authority FROM Australia to Norfolk Island; not extending Australian sovereignty OVER Norfolk Island's people. This display of colonial overlord behaviour is disappointing and also puzzling. The same Australian government has no hesitation in denouncing colonial interference by other governments elsewhere in the world.

Our right to look after our own affairs is at stake. Our message is clear.

On May 12th let us deliver a resounding "No, Minister" verdict to the Commonwealth Government.

*The same as was issued
14 01 99 10:00*

205

sent
14 Apr. 99



NORFOLK ISLAND

Referendum Act 1964

Ballot Paper

SPECIMEN

Submission to the electors of Norfolk Island to gain their opinion on the question asked below

THE QUESTION:

Do you agree with the Australian Federal Government's proposal to alter the Norfolk Island Act so that -

- 1) people who have been ordinarily resident in the Island for 6 (six) months will in future be entitled to enrol on the electoral roll for Legislative Assembly elections; and
- 2) Australian citizenship will in future be required as a qualification to be elected to the Assembly, and as a qualification for people who in future apply for enrolment on the electoral roll for Assembly elections.

YES

NO

DIRECTIONS TO VOTER

Mark your vote on this ballot paper as follows:

- If your answer to the above question is YES, place a tick in the box next to YES.
- If your answer to the above question is NO, place a tick in the box next to NO.



sent
14 Ap 1999.

TELEPHONE 6723 22003
FACSIMILE 6723 22624
TELEX NV30003

OLD MILITARY BARRACKS
NORFOLK ISLAND 2899
SOUTH PACIFIC
9 April 1999

Mr Mitchell Evans
Returning Officer
Kingston
Norfolk Island

Dear Mr Evans,

Referendum 5 May 1999 on the Question

Do you agree with the Australian Federal Government's proposal to alter the Norfolk Island Act so that -

- 1) people who have been ordinarily resident in the Island for 6 (six) months will in future be entitled to enrol on the electoral roll for Legislative Assembly elections; and
- 2) Australian citizenship will in future be required as a qualification to be elected to the Assembly, and as a qualification for people who in future apply for enrolment on the electoral roll for Assembly elections

Attached is a Statement by a group of electors who oppose the adoption of the question. The Statement is approved in terms of section 11(d) of the Referendum Act 1964. I have not received a statement in favour of the question being adopted.

The promoters of the "No" case have explained that the set out of their document represents an integral aspect of their case and have asked that the document be reproduced exactly when circulated to electors. I would be grateful if you could respond to this request.

The "No." case was lodged by Mr David Buffett AM to whom the proof from the Printer should be referred prior to printing.

Additionally, I attach a statement by the Speaker for dispatch in terms of section 11 of the Referendum Act 1964.

Yours faithfully,

George Smith
Speaker

THE CASE FOR VOTING "NO"

sent
14 April 1999

The Referendum asks one question -- covering two key issues.

Issue 1: The inadequate six-month qualifying period for electoral enrolment; compounded by imposition of Australian citizenship as a requirement for both future enrolment and election to the Legislative Assembly.

Issue 2: Wider concern of our dedicated progress towards self-government being threatened by the "colonial overlord" attitude of the Commonwealth Government on issues more properly decided by us.

Both issues deserve a resounding "No" vote.

Background to Issue 1. Six months is plainly an inadequate period to expect a newcomer to the Island to absorb and understand the community, culture and complexities of Norfolk Island life. We are unaware of any other community which expects such a narrow window of time to be satisfactory. Ironically, Australia itself denies voting rights to any newcomers, demanding a minimum of two years residency before granting citizenship, and the right to vote.

Insisting on Australian citizenship -- in itself a worthy and respected status -- does not compensate for, nor balance, the inadequate qualifying period being proposed. About one fifth of our permanent population hold non-Australian citizenship and would be disadvantaged. They hold something we regard as more important and pertinent to this community -- Norfolk Island immigration status.

A further irony is that both in 1984 and 1990 the Australian Government raised the issue of Australian citizenship, only to twice realise that it should not be an electoral qualification for voting or standing in the Legislative Assembly.

Background to Issue 2: The attempt by the present Commonwealth Government is not only inconsistent with earlier decisions, but also threatens to destroy our mutual advancement of self-government.

It also flies in the face of the wishes of the overwhelming majority of Island residents. Only eight months ago 78.4% of the voting population said "NO" in a referendum tackling these issues. Despite this evidence, the Commonwealth Government refuses to listen and continues to act as if it is somehow responding to the wish of the people. It clearly is not.

Self-government means devolution of authority FROM Australia to Norfolk Island; not extending Australian sovereignty OVER Norfolk Island's people. This display of colonial overlord behaviour is disappointing and also puzzling. The same Australian government has no hesitation in denouncing colonial interference by other governments elsewhere in the world.

Our right to look after our own affairs is at stake. Our message is clear.

On May 5th let us deliver a resounding "No, Minister" verdict to the Commonwealth Government.

*Same as was issued
on 21 April 1999.*



NORFOLK ISLAND

Referendum Act 1964

Ballot Paper

Submission to the electors of Norfolk Island to gain their opinion on the question asked below

THE QUESTION:

Do you agree with the Australian Federal Government's proposal to alter the Norfolk Island Act so that -

- 1) people who have been ordinarily resident in the Island for 6 (six) months will in future be entitled to enrol on the electoral roll for Legislative Assembly elections;
and
- 2) Australian citizenship will in future be required as a qualification to be elected to the Assembly, and as a qualification for people who in future apply for enrolment on the electoral roll for Assembly elections.

YES

OR

NO

DIRECTIONS TO VOTER - THERE IS ONLY ONE QUESTION

Mark your vote on this ballot paper as follows:

- If your answer to the above question is YES,
place a tick (✓) in the box next to YES.

- If your answer to the above question is NO,
place a tick (✓) in the box next to NO.

*Sent
21 April 1999*

SPECIMEN

"NO MINISTER"...BUT THANK YOU ALL THE SAME

The Australian Government's proposed amendment to the Norfolk Island Act 1979 resurrects a contentious issue that appeared firmly laid to rest in 1991. The Norfolk Island community once again finds itself voting for, or against, electoral reform measures that threaten to interrupt an orderly progression towards self-government. Over the next two weeks readers of The Norfolk Islander will have the opportunity to assess the merits, or otherwise, of a Commonwealth persistence that refuses to go away. The first part of our report looks at how it has reared its head again and how the outside world has initially reacted.

The Commonwealth Government's last-gasp tabling of the Norfolk Island Amendment Bill (only hours before close of business on the last afternoon before Canberra broke up for Easter recess) may have caught the Australian community unawares, but for Norfolk Island community leaders the action had a weary inevitability.

Australians and New Zealanders are generally surprised and amused when told that five years ago Canberra proposed that Norfolk Island should become part of the electorate of the A.C.T. News that this suggestion was rejected and abandoned is met with a shrug and a dismissive "Of course".

But on Friday, March 6th, 1988, it became clear Canberra was again determined to turn the clock back and "tidy up some anomalies in relation to voting and elections rights of Australian citizens for the Norfolk Island Legislative Assembly". So

announced the Australian Territories Minister of the day, Alex Somlyay.

To rid the community of these anomalies the Minister said in his media release: "that only Australian citizens should be eligible for new enrolment for voting for and to be a member of the Island Assembly."

He explained: "In dealing with these anomalies, it is only fair that no one should lose an existing right to vote". The first obvious question had been, but what about non-Australian citizens presently able to vote for, or stand in, Assembly elections?

Canberra's solution: the rights of those presently on the electoral roll should be preserved irrespective of their citizenship. Any non-Australian currently an Assembly Member would be able to serve out their elected period. Minister Somlyay continued "for the future, they may also apply for Australian citizenship".

Thus began 12 months of intense discussion between Norfolk Island community leaders and the Canberra bureaucrats. Opinion on Norfolk Island was overwhelmingly against what was seen as the latest Commonwealth interruption of an agreed progress towards self-government.

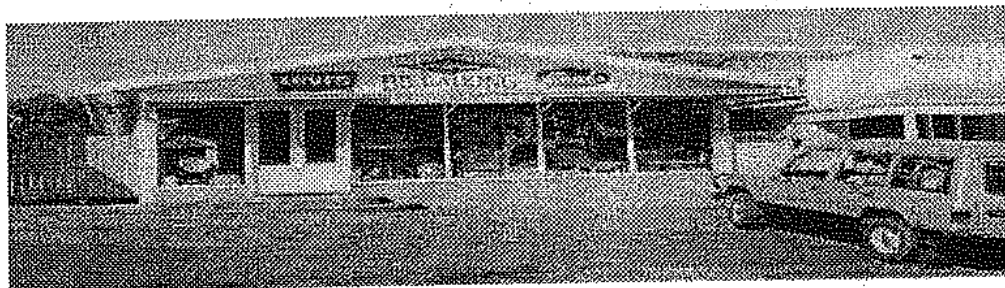
In August 1998 a referendum was held on the merits of the Commonwealth's idea of "tidying up the anomalies". A remarkable 78.4 per cent of the voting population rejected the idea. In spite of this reaction, Canberra's dogged attitude would not fade away.

(continued overleaf).

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No Minister - continued.

A new Minister, Ian Macdonald, replaced Alex Somlyay (who incidentally had expressed surprise when Chief Minister George Smith in early March 1998, explained the proposed interference from Canberra was an unwelcome intrusion).

The language of the Canberra campaign also subtly changed. Gone was talk of "anomalies" which always smacked of over-zealous bureaucrats stamping out that which irritated them.

The Amendment Bill 1999 seeks "to bring the Norfolk Island Legislative Assembly's electoral provisions more into line with those of other Australian legislatures". The Bill states in its opening paragraph that "by way of comparison, the Norfolk Island model of self-government is broadly similar to that of the Northern Territory.

It also states that it seeks to "simplify the process of appointing the Norfolk Island Deputy Administrator".

The fact is for almost a year, objection to this latest unwelcome action by Canberra threatens to stop progress to self-government has fallen on mainly deaf ears. It might be partly explained by the lack of appreciation of the status of Norfolk Island by the Australian and New Zealand communities.

But the issue has begun to attract a wider and deepening understanding. Initial media coverage has seen intrigued and sympathetic commentary in both countries. Colleen McCullough wrote a wide ranging and combative letter deploring that "here we go round the Canberra mulberry bush again!" She castigated Minister Macdonald for what she described were his inaccurate statements during a Radio New Zealand interview.

The *Sydney Morning Herald* ran an article under the headline: 'Thorny bird takes on polliés'. The story said she had pilloried bureaucrats "snugly ensconced in an ivory tower called Canberra" and 'reckons they are trying to diddle the good folk of Norfolk Island - a peaceful, mind-its-own-business jewel in the South Pacific.

The *Canberra Times* ran a headline: 'Norfolk Islanders pine for some freedom from 'colonial overlord'. The story told how Chief Minister George Smith had met with Territories Minister Ian Macdonald 'to protest against the move, saying it signalled a return to a colonial-style era.'

David Buffett was quoted as saying: 'Norfolk Island is not part of Australia and its body of laws are different than those in Australia. The fact is that it has never been so - suddenly its thrust upon us by the Commonwealth authorities.'

An electronic newsletter, called *Capital Monitor*, emanating from Canberra with a wide readership of bureaucrats and top Australian companies, devoted the major part of its weekly issue to the Norfolk Island cause. It started with a tongue in cheek reference to covering the Canberra scene ('We were lifted from our moral-despond, however, when the Norfolk Islanders came to town this week.), Having explained the essence of the Amendment Bill, *Capital Monitor* continued: 'There is one slight problem: it seems that Norfolk Island is not part of Australia.. A little history, as advised to *Capital*

Monitor and augmented by dredging our own peculiar memories might help readers.'

It then went into great detail on the history of this issue. Its judgment on the status of Norfolk Island was put this way: 'to many reader's minds, the clinching proof that Norfolk Island is not part of Australia would have to be that Norfolk Islanders do not pay Australian income tax. If any reader thinks that our Commissioner for Taxation would ignore potential Norfolk Island revenues if he did not have to, let him or her declare it, so that the rest of us may fall about laughing.'

Final report in this report should go to Chief Minister George Smith. Speaking on radio he said: "The issue that surrounds us is *how* the Commonwealth has dealt with us on this matter. We were not consulted in the first place. The Commonwealth removed the Australian citizenship requirement when it removed British subject requirement around 1984.

It has so far ignored the first referendum and has indicated its intention to do so again. I need to say that our attitude on the Assembly and in the Government is not anti-Australia nor anti-Australian".

The Chief Minister ended the radio interview with the words of Minister for Home Affairs Elliott used in 1979 at the inaugural meeting of the Legislative Assembly addressed by Governor General Sir Zelman Cowan.

'It shares a long and noble tradition and relies on one simple fundamental principle. A Parliament is the elected voice and instrument of the people. If you remember that, if you work to retain the trust and confidence of the people, you will succeed. If you do not, you will fail.

I confidently expect that the power of the Assembly will be added to as envisaged by the Norfolk Island Act, leading to full internal self-government over a comparatively short period of years. Inevitably it will develop procedures appropriate to Norfolk Island and it is vital that you do'.

That ringing vision of the future proclaimed in 1979 is sounding a little muffled to so many ears in the wake of the tabling in Canberra of the Amendment Bill late in the afternoon on Wednesday, 18th March 1999.



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FOLLOWING THAT FINE THREAD OF HISTORY

The importance of history's impact on a community's values, customs and sense of being is recognised by statesmen and stateswomen the world over.

It is hard to conceive of a politician arguing against such a universal truth.

Bureaucrats, on the other hand, are bound by no such convention. They are not expected to publicly defend their jettisoning of history or heritage when it suits. So it sometimes comes to pass that the elected men and women they serve, are left uncomfortably trying to justify a policy that even their parliamentary colleagues wonder about.

This second part of our report examines why the "unique and intriguing history of Norfolk Island is central to the current debate about the Commonwealth's latest attempt to interfere with orderly progress towards self government for Norfolk Island.

The determination by the overwhelming majority of Norfolk Island residents that faraway Canberra should not govern their affairs has its roots in a fine thread of history. That thread weaves its way through the emotions and disputes that seem to have accompanied the island since it was "discovered" uninhabited and named by Captain James Cook 225 years ago.

The Norfolk Island community "has a rich history of civilised disputation with faraway rulers" - so said a United Nations document more than 20 years ago - "Britain exercised colonial sovereignty over Norfolk Island from 1774 to 1914 when it transferred its sovereignty to Australia. This disputation has generated innumerable official enquiries and investigations."

To live as a member of the Norfolk Island community is sometimes to walk a fine line of occasional uncertainty, where out of the corner of the eye, can be glimpsed a constant, shadowy, and unwelcome companion -- the Canberra bureaucracy that cannot abide the "loose end" of Norfolk Island's status.

Such status is not easily classified, pigeon-holed nor can it be conveniently filed away. The expression "anomaly" was briefly canvassed by Canberra to describe this status, but was dropped in the face of some ridicule.

Occasional travelers, some welcomed and others not, have crossed the path of Norfolk Island's still incomplete journey to self-government. They have brought ideas and judgements more often than not conceived in debates held far away and far removed from the reality of life on the island.

One of the more bizarre suggestions serves to illustrate the level of disconnection possible under

such a process. It would appear safely buried now, but the idea that Norfolk Island should be integrated into Australia and given a vote as a subdivision of the A.C.T. was genuinely tabled in 1991 and, thankfully discarded.

The majority of the Norfolk Island community put a greater store on Norfolk Island immigration status than they do on citizenship. To the community, Norfolk Island residency has the same power and value as citizenship. Such an attitude perplexes those in Canberra responsible for dealing with the island.

Which is why there is understandable opposition to the recently tabled Norfolk Island Amendment Bill whereby only Australian citizens should be eligible for new enrolment to vote for, and to be a member of, the Island Assembly.

While patches of Norfolk Island's story may strike a chord in Australia, there is still an overwhelming ignorance about the island, beyond a memory of convict settlements, beautiful Kingston houses, and vague recollection of a Bounty connection.

Even in Canberra it has been noted that many wrongfully assume the Commonwealth financially supports and administers Norfolk Island and its people. Statements by politicians and bureaucrats can often only add uncertain layers to the legend of Norfolk Island's status.

When it suits Canberra, it appears they want to own and control Norfolk Island. When it does not feel comfortable, they are quick to make a distinction. It is not necessary to go back more than two months to find politicians espousing a hands-off policy:

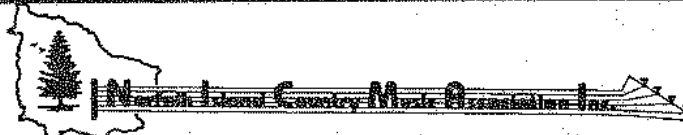
Excerpt from the Estimates Committee (11th February): "All legislation of Norfolk Island only affects Norfolk Island."

Territories Minister Ian Macdonald: "The Norfolk Island Government is a self-governing government of the self-governing territory of Norfolk." (Hansard 8th March).

Senator Julian McGauran: "Norfolk Island has a very unique role. Though it is a territory of Australia, it plays a very unique role within our parliamentary system Did you know that it has an independent - and a fiercely independent - administration?" (Hansard 9th March).

Such spirit of independence has been fuelled and kept nourished by the past 20 years of steady progress towards self-government, which was enshrined in the 1979 Norfolk Island Act. While the Commonwealth Government has been generally supportive of this most cherished journey, some three or four major interruptions seem to have sprung from barely visible bureaucratic urgings.

(continued overleaf).



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Following the Fine Thread - continued.

Much of the present expectations of the community were given considerable heart 21 years ago, when it was powerfully argued that Norfolk Island was a territory under the authority of Australia, but certainly not a territory of Australia.

The definitions of Norfolk Island's difference were concisely documented in a report to the United Nations Association of Australia Federal Executive. It was written in 1978, a year before the Norfolk Island Act restored a large measure of self-government to the island..

In one memorable sentence, the report stated: "The official Australian stance on Norfolk Island is, in short, patently ludicrous."

The author, John Bulbeck, wrote that it was "quite clear" Norfolk Island is still what it started out as - a distinct and different settlement -

- has its own courts quite distinct from Australia's;
- has a social support infrastructure bearing no resemblance to Australia's
- has a manner of raising and managing its fiscal affairs that developed quite independently of Australia's
- has an indigenous political system which has expanded or contracted quite separately from Australia's

The report added that Norfolk Island has always been strictly "constrained by politicians and/or bureaucrats from another country far away. This has severely limited the community's capability to participate in what Australians, for instance, would regard as democratic self-government."

The twists and turns of the thread of Norfolk Island history are unknown to most Australians. So the fact that they are unmoved by any sense of unfairness is hardly their fault. Norfolk Islanders understand this, and so there is no lessening of the respect and regard that its residents feel for Australia and things Australian.

It is in this context that the anticipated resounding "No Minister" to the Australian Federal Government's proposal to alter the Norfolk Island Act should be viewed. If the results of the May 12th referendum echo the sentiments of the August 1998 vote, Norfolk Island's friendship with the Australian community will not be diminished.

Instead it will be time to more actively seek their understanding and support for why the Norfolk Island community must maintain the measured tread towards self-government; why the time is right to invite the

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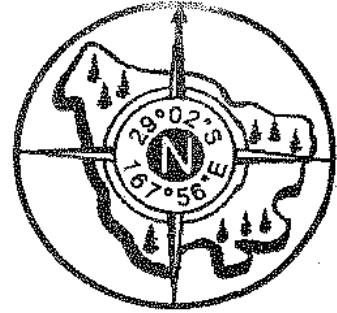
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Norfolk News c. 1965

VOLUME 34, No. 28

SATURDAY, 8th MAY 1999.

Price \$1.50

REFERENDUM NEXT WEDNESDAY

Next Wednesday, 12th May the residents of the Island will be given the opportunity to express their view on the following question -

Do you agree with the Australian Federal Government's proposal to alter the *Norfolk Island Act* so that -

- (1) people who have been ordinarily resident in the island for 6 (six) months will in future be entitled to enrol on the electoral roll for the Legislative Assembly elections; and
- (2) Australian citizenship will in future be required as a qualification to be elected to the Assembly, and as a qualification for people who in future apply for enrolment on the electoral roll for Assembly elections.

The fact that these far-reaching changes to the electoral system which has served us well for the last 20 years has been referred to the Legal and

Constitutional Senate Committee for further investigation, lends weight to the fact that the Assembly was correct in pressing ahead with the Referendum.

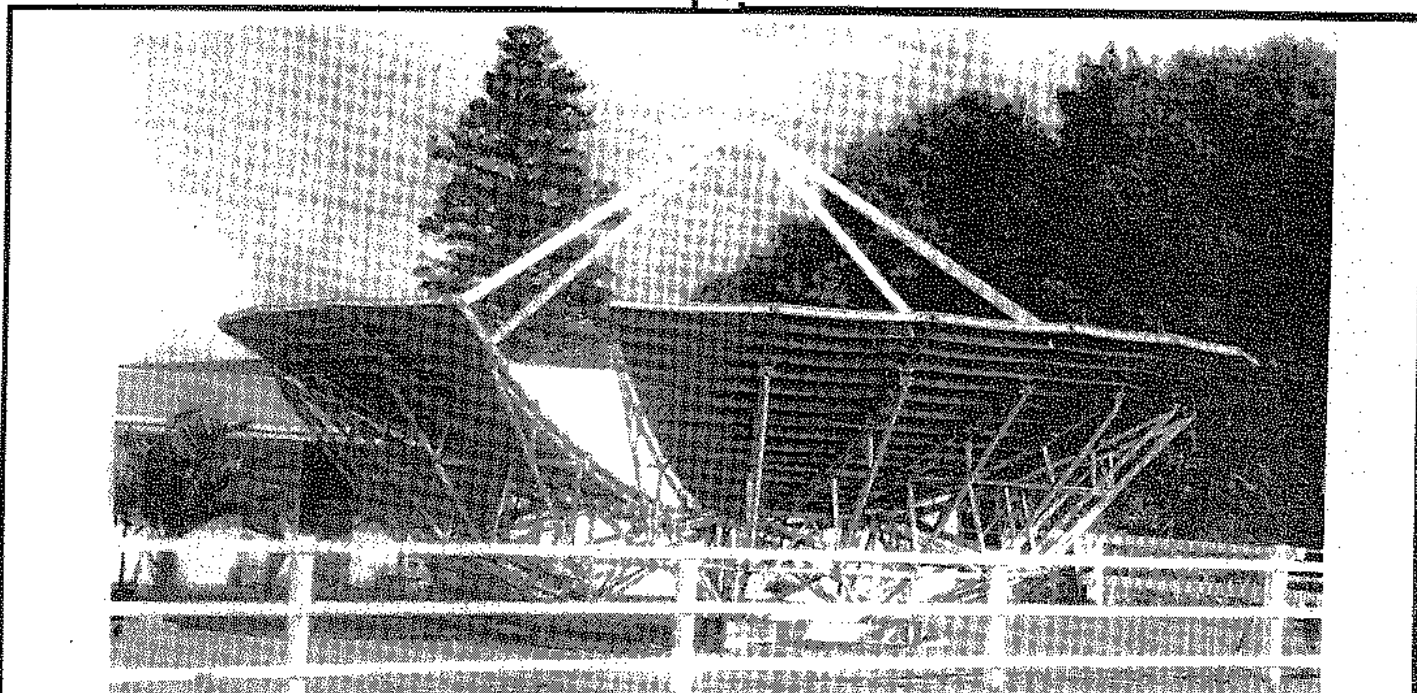
The question really is - "do you think that alterations to our laws should be dictated by people who know very little (or for that matter care very little) about the island". Really all they are worried about is getting rid of the anomaly and fitting the island neatly into another Canberra pigeon-hole.

TICK NO NEXT WEDNESDAY!

SATELLITE DISH TAKES SHAPE

Our photo shows progress on the work that is taking place near the Radio Station as the island's new satellite dish takes shape.

We hope to bring you more technical details about this new structure next week.



REFERENDUM ON WEDNESDAY 12 MAY 1999

Question

What is the real issue when voting at the Referendum next Wednesday 12 May?

Answer

There is one issue.

The Australian Government has moved to change our electoral system. We are saying NO, don't change what we already have.

This is an Australian Government move to change our qualifying period for enrolment, and additionally require all future enrollees and candidates for election to have Australian citizenship. We want the present rules to stay as they are. The only law we do want to change, is to enable Norfolk Island residents to qualify for enrolment in a shorter period of time than at present and we have already introduced a motion to give effect to this.

To firmly advise the Australian Government that we in Norfolk Island are determined to run our own electoral and other affairs, we must vote a resounding NO at the Referendum next Wednesday.

Question

If we vote NO, will the Australian Government take umbrage and action on the Australian citizenship issue? Could we lose our Australian pensions (eg War Widows, War Veterans pensions and the like)? What about the RAAF mercy flights?

Answer

The Referendum question is not about renouncing Australian citizenship. None of the Referendum elements are about changing the status of people with existing Australian citizenship or any of their entitlements or benefits.

To the extent that Australian citizenship is relevant it is about Australian citizenship being forced upon Norfolk Island residents who may not presently have Australian citizenship in the normal course of things, may not want it; but do want to participate in the full spectrum of Norfolk Island electoral affairs (ie to vote and to be a candidate for the Legislative Assembly). There are a number of valued members of our present community who are able to make this contribution.

If you have existing benefits based upon your present Australian citizenship, these are not the subject of the Referendum, and therefore will not be affected - no matter which way you vote!

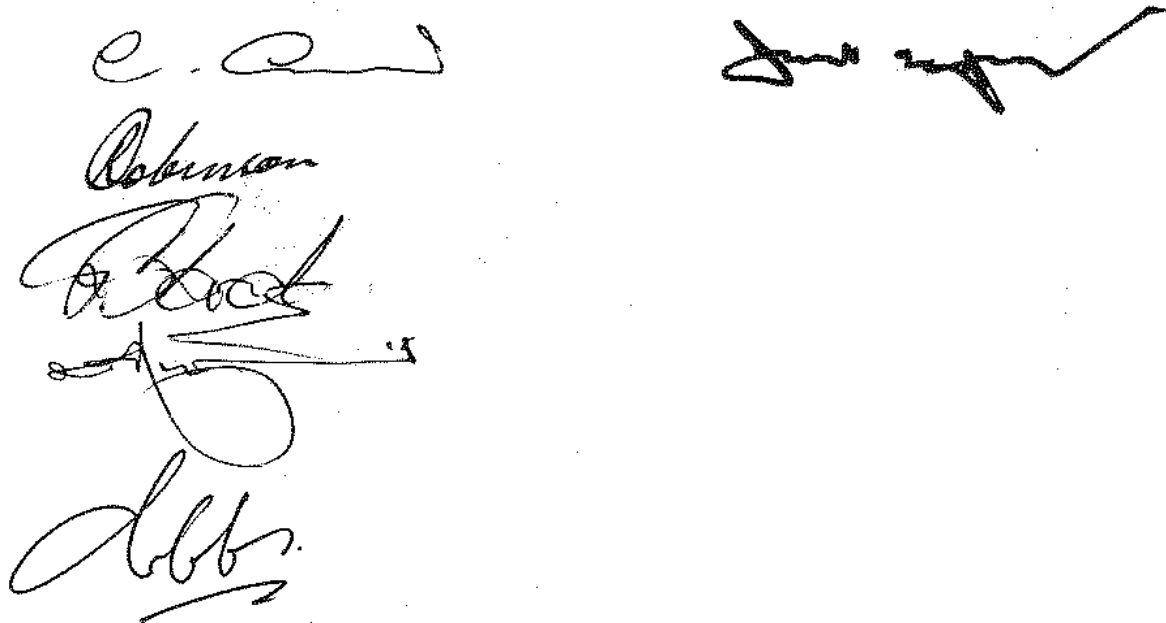
The RAAF medical evacuations from Norfolk Island and other places have been based on urgent medical needs, not political priorities. The RAAF has not signalled any change in these arrangements.

Summary

We, your elected representatives have evaluated this electoral issue very carefully and thoroughly. We have followed the resounding Referendum instructions of last August, when some 78% of the voters said **NO** to Australian interference in our electoral affairs. Faithfully we have pursued Norfolk Island's interests with Australian Ministers, Members of the Australian Parliament, in the media, and in various other avenues available to us.

Our advice to electors is to give further substance to Norfolk Island's cause by confirming a vigorous **NO** at the Referendum on 12 May - next Wednesday.

Place an in the box marked **NO** on the ballot paper.



Handwritten signatures of several individuals. One signature is clearly labeled "Robinson". There are approximately six distinct signatures in total, some appearing to be initials or first names.

MEMBERS WILL BE AVAILABLE IN THE FOODLANDS MALL ON SATURDAY MORNING 8 MAY TO TALK WITH RESIDENTS ABOUT THIS ISSUE



Commonwealth of Australia

Electoral Changes

A number of Norfolk Island residents recently sought information and clarification about various aspects of the proposed amendments to the *Norfolk Island Act 1979* dealing with electoral issues. A summary of the information provided to residents is set out below:

1. What electoral changes are proposed?

The changes will:

1. Give Australian citizens on Norfolk Island the right to enrol to vote at Assembly Elections (after 6 months residence on the Island);
2. Make Australian citizenship a prerequisite for new enrolments to vote;
3. Preserve the enrolment and voting rights of persons already on the electoral roll, irrespective of citizenship; and
4. Make Australian citizenship a prerequisite for standing for election to the Legislative Assembly.

2. Will residents currently on the Norfolk Island electoral roll lose the right to vote?

No. Non-Australian citizens currently on the roll will remain on the roll with full voting rights, irrespective of citizenship.

3. Will these changes reduce the number of voters?

No. Persons currently on the roll will remain on the roll.

4. Will people who take out Australian citizenship have to give up their citizenship of another country?

This will depend on the laws of the other country. However, many countries (such as New Zealand, United Kingdom) allow people who take out Australian citizenship to retain their other citizenship.

5. How long will Australian citizens have to live on Norfolk Island before being eligible for election to the Assembly?

This period will remain at 5 years residence, as presently provided by Norfolk Island legislation.

6. How long have persons born on Norfolk Island been entitled to Australian citizenship?

Since the inception of the Australia wide *Australian Citizenship Act 1948*, persons born on Norfolk Island have had the same Australian citizenship status rights as those born on mainland Australia. At present, those born on Norfolk Island with at least one parent who is an Australian citizen or permanent resident are an Australian citizen by birth.

7. What are the electoral requirements in other Australian Parliaments?

In all States and other self-governing Territories (ACT, NT), Australian citizenship is a requirement for

enrolment and election. It is a generally accepted tenet of representational government world wide, that the voters and elected representatives in a nation are citizens of the nation.

Australians who live on Norfolk Island who move to, say, New South Wales, or Queensland need only be ordinarily resident for one month before being eligible to enrol to vote and, in fact, to stand for election to the Parliaments in those jurisdictions.

8. Why is the Federal Government involved in these matters?

The rights of Australian citizens, such as the right to vote and to stand for election to Australian Parliaments, are national issues of importance to all Australians.

Comparable standards apply in all other Australian Parliaments - including the other Territory Parliaments (ACT and Northern Territory Legislative Assemblies) to which the Federal Parliament has delegated a range of internally self-governing powers - as it has with Norfolk Island.



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NORFOLK ISLAND'S ELECTORAL AND IMMIGRATION REQUIREMENTS - LINKS AND CONTRADICTIONS

This Department's submission and that of the Norfolk Island Government have already detailed the formal link between immigration status and electoral entitlement that existed from 1967 until February 1985 when the Legislative Assembly (Amendment) Act 1984 came into operation. The Norfolk Island Government's submission explained (at paragraph 21):

That Act provided for a residency requirement of "a continuous period of 3 years" or alternatively "periods totalling 2 years and 6 months during the period of 3 years" prior to the application for enrolment. However, this was coupled with a requirement that the applicant satisfy the Administrator "... that he proposes to live in Norfolk Island indefinitely". As this latter requirement was in practice usually met by demonstrating to the Administrator that the applicant held permanent immigration status, the general effect of the legislation was similar to that previously in force.

As noted in the Department's submission (Attachment H, page 37), the 1985 changes meant there was no longer a formal link between residency status and entitlement to vote. However, the criteria for the test of intention "to live in Norfolk Island indefinitely" included:

- whether the applicant was employed (permanent or temporary/full-time or part-time);
- the extent and nature of assets held on Island (car/land/house);
- information on any long term rental arrangements for accommodation;
- whether bank account and investments maintained on Island; and
- the extent of any family connections on Island and/or participation in the community (clubs, associations etc).

An applicant's immigration status was a relevant factor (particularly given that the grant of a GEP involved assessment against criteria similar to the test of intention to reside).

The Legislative Assembly Amendment Act 1991, which commenced on 7 August 1991, removed the residual link with immigration status by removing references to 'residence', 'ordinarily resident' and the test of intention to live on Norfolk Island indefinitely. (It also conferred responsibility for maintenance of the roll on a permanently appointed Returning Officer in place of the Administrator.) Instead of an assessment against subjective criteria, a person was now entitled to enrolment if the person had attained the age of 18 years and had been present in Norfolk Island for a total of 900 days during the period of four years immediately preceding an application for enrolment. At the same time, the Act provided that a person whose name had been removed from the roll was entitled to re-enrol if he or she had been present in Norfolk Island for a total of 150 days during the period of 240 days immediately preceding the application for enrolment.

As mentioned in the Department's submission (Attachment H, page 37), although there is no longer any formal link between voting rights and immigration status, a permit holder is still subject to the immigration laws and policies which determine who can remain on-Island and therefore who may participate in elections. TEPs and GEPs are usually issued subject to continued compliance with conditions (such as employment in a specified class of employment or with a specified employer, participation in a particular business or profession etc). Breaches of permit conditions can lead to cancellation of the permit, deemed acquisition of "prohibited immigrant" status, notice to leave the Island and, ultimately, deportation.

TEP holders are, of course, most vulnerable to loss of their entitlement to remain on Norfolk Island given the nature of the permit and the controls imposed under the immigration regime. Their situation, in the context of their lack of voting rights, has already been addressed at some length in the course of the current inquiry.

However, there has been less emphasis on the position of GEP holders and, as noted at the public hearing on 2 April, it is their situation which constitutes the principal contradiction between voting rights and immigration requirements. To gain GEP status in the first place, a person must undergo a far more stringent assessment than an applicant for a TEP. This recognises that a GEP is the prerequisite to an application for a declaration of residency. GEP applicants must demonstrate an intention to take up ordinary residence in Norfolk Island and this involves an in-depth scrutiny of their financial, business and personal affairs. In essence, the grant of a GEP acknowledges that a person has made a "permanent" commitment to Norfolk Island. (It is the Norfolk Island Government's policy not to issue TEPs to those who have demonstrated an intention to reside indefinitely on the Island.)

Given the arguments put forward by the Norfolk Island Government to date, the contradiction is even more apparent in the case of GEPs granted under the "special relationship" (section 18) provisions of the Immigration Act. These provisions were developed to give the Norfolk Island Executive Member the discretion to grant GEPs, without regard to the annual quota, on the evidence of a close association with the Island. The reference to "special relationship" in the preamble to the Norfolk Island Act (where Parliament "recognises the special relationship" of the Pitcairn descendants with Norfolk Island and their "desire to preserve their traditions and culture") does not govern the meaning of the term in the Immigration Act (the Bill was specifically amended to delete any reference to Pitcairn descent).

The application of the special relationship provisions is dependent on an assessment of individual circumstances against the policy criteria set out in the Immigration Policy Guide (which "supplements and explains the provisions of the Act"). These criteria include:

- * *the closeness of the applicant's relationship to a resident family;*
- * *the extent of the resident family's sponsorship of, and representations on behalf of, the applicant;*
- * *the extent of that resident family's ties with, and involvement in, the Norfolk Island community;*
- * *the length of the applicant's period of residence in Norfolk Island, where applicable;*
- * *the extent of the applicant's integration into the Norfolk Island community during any period of residence, where applicable; and*
- * *the extent of the applicant's knowledge of Norfolk Island's culture and traditions.*

Applicants will normally be expected to provide enough information to enable this consideration adequately to be assessed. Statements by persons other than the applicant who are of recognised standing in the Norfolk Island community will assist in consideration of the question.

Applicants under the special relationship provisions must also satisfy the normal GEP criteria, which require consideration of an applicant's character, health, financial position, reasons for wishing to live on Norfolk Island, and intentions with respect to livelihood and whether those intentions are likely to be realised.

In summary, it seems anomalous that all GEP holders (including those granted permits on the basis of a demonstrated "special relationship") should be no better off in terms of their entitlement to vote than TEP holders.

As noted in the Department's submission, there is some incongruity in denying the vote to TEP and GEP holders who work, manage and/or own property and businesses on the Island, who contribute to the Territory's economy, who rely on and contribute to the Territory's health system and other government community services, and who also pay Norfolk Island taxes and levies.

IMMIGRATION ACT 1980 – REVIEW PROCESSES AND OUTCOMES

Under section 84 of the Norfolk Island Immigration Act 1980, the Federal Minister responsible for Norfolk Island matters is the review authority for applicants aggrieved by a decision of the Executive Member or Authorised Person under the Act. The Minister is responsible for review of decisions involving Temporary Entry Permits, General Entry Permits and applications for residency. (The Administrator has the authority for review of decisions involving visitor permits.) 129 requests for review have been lodged to date – a schedule (in date order) is attached.

When considering a request for review there is a legal requirement that the Minister consider all relevant factors. The Minister adheres to established administrative review practice and natural justice principles and allows for a review of the merits of each case with the opportunity for comments by both the appellant and the original decision-maker. This allows the appellant and the Norfolk Island Government to engage in a "comments on comments" process to address any adverse matters which are raised and ensure that all relevant information is obtained. Significant delays often occur in the course of what can become a lengthy information gathering process.

Subsection 84(8) of the Immigration Act requires the Minister to "furnish to the executive member and to the aggrieved person a statement of the reasons for his decision".

The Attorney-General's Department has confirmed that a review by the Minister is a review "de novo", not a review "sensu stricto". That is, the review is a review "at large" and is not limited to a review of the "reasonableness" of the original decision based on the material before the original decision maker at the time. The Attorney-General's Department pointed out that:

There may well be cases where for justifiable reasons the decision maker has not had access to additional relevant material which would have affected his or her decision. Such an omission should not work against the applicant. The purpose of subjecting a decision to merits review is to ensure that the correct or preferable decision is taken..... It is also clear that cases may arise where the primary decision relied upon inaccurate or deficient information. Such inaccuracies or deficiencies should be remedied at the review stage.

On 30 March 2000 the then Norfolk Island Minister for Immigration and Community Services sought Commonwealth input on the means of remedying various deficiencies in the existing review processes under the Immigration Act. In response, Senator the Hon Ian Macdonald suggested that the Norfolk Island Government might be interested in reviving an earlier proposal that appeals be dealt with by the Norfolk Island Administrative Review Tribunal. However, subsequent discussions between the Norfolk Island Minister and the President of the Tribunal (the Chief Magistrate, Mr Ron Cahill) eliminated the Tribunal as a workable option (little capacity to deal with additional workload, infrequent hearings etc).

Senator Macdonald has recently given his in-principle support for the establishment of a separate, appropriately qualified, independent statutory tribunal to handle appeals on Island. He is currently waiting for advice from the Norfolk Island Government on what it considers to be the next steps to give effect to this proposal.

NORFOLK ISLAND - REQUESTS FOR REVIEW UNDER IMMIGRATION ACT 1980
(since commencement date of 26 March 1984 – includes those lodged under Immigration
Ordinance 1968 and dealt with under transitional provisions)

SUMMARY

Total to 30 April 2001	129
Original decision annulled or varied	49
Original decision confirmed	38
Withdrawn	32
Invalid	10
By type:	
Residency	9
GEPs	61
GEP/TEP	3
TEPs	40
TEPs/Notice to Leave	8
Notice to Leave	5
Deportation	3

NORFOLK ISLAND - REQUESTS FOR REVIEW UNDER IMMIGRATION ACT 1980
 (since commencement date of 26 March 1984 – includes those lodged under Immigration Ordinance 1968 and dealt with under transitional provisions)

Type Issues Raised	Date of Request	Result/date
Temporary Entry Permit (TEP) (no evidence full time work, past non-compliance with NI immigration laws&policies, financial position)	28/10/83 (Immig Ordinance 1968)	Confirm NI decision 20 June 1984
TEP (intention to marry NI resident)	2/3/84	Annul NI decision Substitute with decision to grant TEP 21 May 1984
TEP (restrict entry number people with school age children)	18/5/84	Annul NI decision Substitute with decision to grant TEP 19 July 1984
TEP (restrict entry number people with school age children)	5/6/84	Annul NI decision Substitute with decision to grant TEP 19 July 1984
"enter and remain"/GENERAL ENTRY PERMIT (GEP) equivalent (MOU on entry of C/wealth officers & dependants)	31/7/84	Confirm NI decision 18 January 1985
GEP (financial position)	12/9/84	Request withdrawn (GEP granted 24 April 1985)
NOTICE TO LEAVE (deemed cancellation of TEP, criminal convictions, provision of false information)	12/10/84	Annul NI decision 13 November 1985 (decision had no effect as appellant had already complied with NIG's direction to depart – Minister given no time to direct stay of proceedings)
GEP (vary permit conditions)	12/2/85	Request withdrawn Executive Member varied permit conditions
TEP (criminal convictions, provision of false information)	3/4/85	Confirm NI decision 20 August 1985

Type Issues Raised	Date of Request	Result/date
TEP ("5 year rule", purchase of business less than 5 yrs old)	23/4/85	Invalid appellant not "person aggrieved" - request made on behalf of third party (advised 9 August 1985)
GEP (purchase of existing business, viability)	26/4/85	Confirm NI decision 15 November 1985
TEP (livelihood intentions, employment prospects)	29/4/85	Request withdrawn 9 July 1985
TEP (character, criminal convictions)	3/5/85	Confirm NI decision 10 October 1985
GEP (GEP - livelihood intentions)	7/5/85	Confirm NI decision 9 September 1985
GEP ("special relationship" / section 18 of Immig Act, lack of firm employment proposal)	10/5/85	Annul NI decision Substitute with decision to grant GEP 28 November 1985
GEP	15/5/85	Annul NI decision 22 August 1985
TEP/NOTICE TO LEAVE (criminal convictions, provision of false information)	17/5/85	Annul NI decision 16 July 1986 (decision had no effect as appellant had already left the Island)
GEP (purchase business less than 5 yrs old)	21/5/85	Annul NI decision GEP granted 2 September 1985
GEP (livelihood intentions, employment stability, availability of local personnel , financial position)	12/8/85	Annul NI decision GEP granted 20 June 1986
GEP (financial position)	13/8/85	Confirm NI decision 4 June 1987
GEP (special relationship, financial position, livelihood)	2/9/85	Annul NI decision GEP granted 14 April 1986
GEP/TEP (quota validity/ policy against grant of TEPs for long term entry)	3/9/85	Annul NI decision quota invalid - GEP granted 27 November 1985

Type Issues Raised	Date of Request	Result/date
GEP/TEP (quota validity/ temporary entry policy)	10/9/85	Annul NI decision quota invalid – GEP granted 27 November 1985
TEP/NOTICE TO LEAVE (criminal conviction, provision of false information, employer's interests)	11/11/85	Annul NI decision 9 April 1986
TEP (refusal to amend permit conditions, participation/ financial interest in running of business)	13/11/85	Annul NI decision 26 September 1986 (decision had no effect as appellant had already left the Island)
GEP (quota validity)	19/11/85	Annul NI decision quota invalid – GEP granted 4 February 1986
TEP	24/11/85	Invalid (not lodged within 14 days) Minister's response 10 February 1986
GEP (quota validity)	27/11/85	Annul NI decision quota invalid - GEP granted 4 February 1986
NOTICE TO LEAVE	6/12/85	Request withdrawn (permit granted by authorised person)
TEP/NOTICE TO LEAVE (character, criminal conviction)	30/1/86	Confirm NI decision 4 April 1986
TEP/NOTICE TO LEAVE (character, criminal convictions)	7/3/86	Confirm NI decision and direction to depart confirmed 25 March 1986
TEP/NOTICE TO LEAVE (regular permit breaches, unstable employment history)	18/4/86	Confirm NI decision and confirmed direction to depart 26 September 1986
GEP (work skills, relevance of MOU on entry of non-Aust/NZ citizens)	23/5/86	Confirm NI decision 9 December 1986 (GEP eventually granted)
GEP (financial position, relationship with resident)	27/5/86	Request withdrawn (TEP not affected - applicant agreed that new GEP application would be lodged later)

Type Issues Raised	Date of Request	Result/date
TEP/NOTICE TO LEAVE (criminal convictions)	17/6/86	Confirm NI decision 4 June 1987
GEP (livelihood intentions, part time business, solvent & profitable business)	17/7/86	Request withdrawn
GEP (refusal to amend permit conditions - "5 yr rule" on new businesses, health)	3/11/86	Invalid - request lodged by legal rep but not signed by appellant. (Minister wrote to NIG on 9 June 1987 pointing to "compassionate grounds" for resolution and advising the decision he would have made had request been valid.)
TEP (business sufficiently provided for/"5 year rule" on new businesses/availability of local personnel/burden on educational facilities)	3/12/86	Annul NI decision TEP granted (conditions imposed on TEP by Minister) 16 January 1987
GEP (financial position, "special relationship" under section 18 of Immigration Act)	9/12/86	Confirm NI decision 1 July 1987
TEP	22/12/86 ("interim appeal" - grounds received 9/1/87)	Invalid (not accompanied by grounds of review/request not signed personally) Minister's response 4 June 1987
GEP (GEP - skills/qualifications, no assurance of long term employment, financial position)	19/1/87	Vary NI decision To decision to refuse to grant GEP solely on ground GEP quota full 26 May 1987
GEP ("special relationship", new business, livelihood intentions)	19/2/87	Confirm NI decision 1 July 1987
GEP (part time business, "semi-retirement")	24/2/87	Confirm NI decision 1 July 1987

Type Issues Raised	Date of Request	Result/date
TEP/NOTICE TO LEAVE	7/4/87 ("interim appeal")	Invalid (not accompanied by grounds of review/request not signed personally) Minister's response 4 June 1987
GEP (financial position)	4/5/87	Vary NI decision To decision to refuse GEP solely on ground GEP quota full 22 October 1987
TEP (refusal to amend permit conditions, availability of local personnel and whether business provided for on NI)	19/5/87	Annul NI decision TEP conditions varied 1 July 1987
TEP (pending grant of GEP)	25/6/87	Annul NI decision TEP granted 13 August 1987
TEP (special circumstances pending grant of GEP - essential service for Island community)	30/6/87	Annul NI decision TEP granted 10 July 1987
GEP (financial position, livelihood prospects)	1/7/87	Vary NI decision To a decision to refuse GEP solely on ground GEP quota full 22 October 1987
GEP	9/7/87	Invalid (lodged outside 14 day limit) Minister's response 6 October 1987
TEP (grant pending GEP, "favourable position" on quota queue)	11/7/87	Annul NI decision Substitute with decision to grant TEP 22 October 1987
TEP ("5 year rule", employment in business less than 5 yrs old)	13/8/87	Annul NI decision Substitute with decision to grant TEPs 4 July 1988
GEP (financial position and "special relationship")	20/8/87	Vary NI decision To decision to refuse to grant GEP solely on ground GEP quota full 11 May 1988

Type Issues Raised	Date of Request	Result/date
GEP ("special relationship")	21/8/87	Confirm NI decision 11 May 1988
RESIDENCY (ss28(2) of Immigration Act – whether "deemed to have been born in Norfolk Island".	7/9/87 (by father on behalf of infant son)	Invalid (based on legal advice that NIG's decision was invalid). Minister's response 30 May 1988 (no decision to review – under Act deemed to be born on NI – therefore considered a resident)
GEP (financial position, livelihood prospects)	16/9/87	Vary NI decision To decision to refuse to grant GEP solely on ground GEP quota full 10 June 1988
GEP (livelihood (new business) character (criminal convictions) & financial position)	24/9/87	Confirm NI decision 24 January 1989
GEP (financial position)	7/10/87	Vary NI decision To decision to refuse to grant GEP solely on ground GEP quota full 14 July 1988
GEP	11/2/88	Request withdrawn
TEP ("3 year policy" that TEP not be held for more than 3 years in any 4 year period)	22/4/88	Confirm NI decision 1 March 1989
TEP (special circumstances, on GEP quota queue)	26/4/88	Annul NI decision Substitute with decision to grant TEP 10 June 1988
GEP (refusal to vary permit conditions, health ("supervening event"), livelihood prospects)	2/5/88	Annul NI decision Substitute with decision to vary GEP conditions 17 August 1989
RESIDENCY (ss28(2) of Immigration Act - deemed birth on NI)	9/5/88	Annul NI decision Substitute with decision to grant certificate of residency 27 January 1989
GEP (financial position and livelihood intentions, no special skills or qualifications)	17/5/88	Vary NI decision To decision to refuse to grant GEP solely on ground GEP quota full 21 December 1989

Type Issues Raised	Date of Request	Result/date
GEP (retirement, no remunerative employment)	19/5/88	Confirm NI decision 9 May 1989
TEP (on GEP quota queue, refusal to grant further TEP)	27/6/88	Confirm NI decision 2 August 1989
TEP (on GEP quota queue, whether special circumstances to justify departure from TEP policy)	30/6/88	Confirm NI decision 1 June 1989
GEP (financial position, livelihood prospects)	30/6/88	Vary NI decision To decision to refuse to grant GEP solely on ground GEP quota full 8 August 1989
TEP "3 year policy")	5/7/88	Confirm NI decision 9 May 1989
RESIDENCY (operation of s28 & ss29(1) of Immigration Act, adoption)	20/7/88	Confirm NI decision 26 July 1989 Minister drew attention to deficiency in the Act but bound to confirm decision (in the interim suggested application for "special relationship" GEP)
GEP ("special relationship")	4/8/88	Annul NI decision Substitute with decision to grant GEPs 3 November 1989
TEP ("3 year policy", on quota queue)	10/10/88	Annul NI decision Substitutue with decision to grant TEPs 12 September 1990
TEP/GEP ("3 year policy", short term business proposal)	16/12/88	Confirm NI decision 15 February 1990
TEP (employment in "new business", whether business sufficiently provided for, demonstrable need etc)	9/3/89	Request withdrawn
TEP (awaiting grant of GEP)	15/3/89	Request withdrawn (GEP granted)

Type Issues Raised	Date of Request	Result/date
RESIDENCY (residency – operation of para 29(1)(d) of Immigration Act – requirement to be “ordinarily resident” on NI and not “ordinarily resident elsewhere”)	23/3/89	Confirm NI decision 25 June 1990
TEP (TEP - pending outcome of GEP application)	11/4/89	Confirm NI decision 21 December 1989
GEP (financial position, whether work skills readily available on the Island and such as to justify grant of GEP)	26/4/89	Confirm NI decision 26 July 1989
TEP (pending grant of GEP, subsisting on quota queue, importance to employer)	16/8/89	TEP appeal lapsed - GEP granted under compensating departure scheme on 11 July 1991. Minister wrote to appellant and NIG on 12 August 1991
GEP ("special relationship")	28/6/90	Confirm NI decision 7 November 1990
GEP ("special relationship")	13/11/91	Confirm NI decision 27 April 1993
TEP ("3 year policy")	5/12/91	Invalid (lodged outside 14 day limit) Minister's response 2 July 1992
RESIDENCY (operation of 29(1)(c) and 29(1)(d) of Immigration Act - requirement to be “ordinarily resident” on NI and not “ordinarily resident elsewhere”)	9/12/91, 8/12/91 & 6/12/91 (resp.)	Confirm NI decision Minister wrote to NIG drawing attention to “major deficiency” in Act – recommended that Act be amended to allow persons absent for educational reasons to be deemed to be ordinarily res on NI (Act amended in 2000) 9 March 1993
TEP (cancellation of permit)	23/7/92	Invalid ("deemed" permit cancellation not reviewable) Minister's response 22 September 1992
TEP ("3 year policy", works skills, employer's interests)	18/8/92	Request withdrawn 6 October 1992

Type Issues Raised	Date of Request	Result/date
GEP (financial position, work skills, employment prospects, MOU on entry of non-Aust/NZ citizens)	9/3/93	Confirm NI decision 6 August 1993
GEP (requirement to obtain market valuation under "compensating departure" provisions then in place)	2/4/93	Invalid (no right to review). response 16 November 1993
TEP (pending grant of GEP, on quota queue, importance to employer)	21/9/93	Annul NI decision new decision made to grant TEP for 6 months 10 June 1994
GEP (refused application for approval to make a compensating departure declaration)	22/10/93	Request withdrawn 3 May 1994 (property in question was sold to a NI resident and so did not require consideration under Compensating Departure/ "1-in-1-out" Scheme)
GEP work skills, availability of local personnel, importance to employer)	26/10/93	Annul NI decision Substitute with decision to grant GEPs 31 August 1994
GEP (availability of local personnel, whether special skills required)	26/10/93	Request withdrawn 23 August 1994 (appellant no longer wished to reside permanently on NI)
GEP (livelihood intentions, "no retirement" policy)	10/4/94	Confirm NI decision 24 March 1995
GEP (livelihood intentions, availability of local personnel)	23/5/94	Confirm NI decision 30 November 1995
NOTICE TO LEAVE (medical/mental condition, whether any danger to the community)	4/7/94	Request withdrawn
TEP/NOTICE TO LEAVE (criminal record)	9/9/94	Request withdrawn 9 March 1995 (person invited to submit new TEP application)

Type Issues Raised	Date of Request	Result/date
GEP (availability of local personnel, work skills required)	3/11/94	Annul NI decision Substitute with decision to grant GEP 9 July 1996
DEPORTATION ORDER (non-Aust/NZ citizen)	19/1/95	Confirm NI decision 3 February 1995
GEP (financial position, community's need for services)	14/6/95	Confirm NI decision 27 August 1996
GEP (financial position, livelihood prospects)	27/6/95	Request withdrawn
RESIDENCY (operation of s.29 of Immigration Act, whether "ordinarily resident" for 5 of the preceding 7 years)	16/8/95	Confirm NI decision (residency denied but for different reasons to NIG) 6 June 1996
GEP (livelihood intentions, "no retirement" policy)	6/11/95	Annul NI decision Substitute with decision to grant GEP 29 May 1996
TEP	15/5/96	Request withdrawn 1 July 1996 (TEP granted for a further 12 months)
GEP (character, criminal convictions)	24/12/96	Annul NI decision Substitute with decision to grant GEP 7 April 1997
GEP (new business)	19/6/97	Request withdrawn
TEP ("3 year policy", employment issues)	3/7/97	Request withdrawn (TEP Granted)
TEP	3/9/97	Request withdrawn 10 November 1997 (applicant left Island).
TEP (employment issues)	8/9/97	Request withdrawn (TEP application submitted)
TEP (refusal to alter permit conditions, breach of conditions)	15/10/97	Request withdrawn in 1998 (applied for GEP)

Type Issues Raised	Date of Request	Result/date
TEP (breach of conditions)	10/11/97	Request withdrawn (TEP granted)
DEPORTATION (criminal convictions, further TEP refused, prohibited immigrant)	9/12/97	Request withdrawn (left Island voluntarily)
DEPORTATION (deemed cancellation of TEP through breach of conditions, further TEP refused)	15/12/97	Request withdrawn (left Island voluntarily)
GEP (relationship with resident)	8/1/98	Withdrawn (letter dated 7 May 1998) (applicant left Island)
GEP (financial position, livelihood intentions, health, character)	21/0/98	Confirm NI decision 3 June 1999
GEP (financial position/income, whether work skills readily available on Island)	9/3/99	Annul NI decision Substitute with decision to grant GEP 21 July 1999
GEP (financial position, whether sufficient level of income, livelihood intentions)	12/3/99	Annul NI decision Substitute with decision to grant GEP 16 June 1999
TEP (3 year policy – whether special circumstances to justify exemption)	27/7/99	Request withdrawn (letter dated 20 April 2000)
GEP (whether work skills “readily available” on Island, whether sufficient ongoing income)	27/7/99	Vary NI decision To decision to refuse GEP solely on the ground that GEP quota full 28 January 2000
GEP (financial position/income)	11/8/99	Request withdrawn 6 January 2000
GEP (character, financial position, income)	11/8/99	Request withdrawn 6 January 2000
GEP (employment, whether “skills readily available”, intentions with respect to livelihood etc)	27/8/99	Vary NI decision To decision to refuse GEP solely on the ground that GEP quota full 28 January 2000

Type Issues Raised	Date of Request	Result/date
GEP (employment, whether "skills readily available", intentions with respect to livelihood, availability of local personnel)	31/8/99	Vary NI decision To decision to refuse GEP solely on ground that GEP quota full 14 August 2000
TEP ("3 year policy" –policy applied inflexibly)	31/8/99	Annul NI decision and make new decision to grant a TEP for a further 12 months 1 September 2000
GEP (cancellation on grounds of antisocial behaviour and lack of acceptance by NI community)	13/9/99	Annul NI decision to cancel GEP 2 November 1999
RESIDENCY (operation of 29(1)(c) and 29(1)(d) of Immigration Act - requirement to be "ordinarily resident" on NI and not "ordinarily resident elsewhere")	16/9/99	Confirm NI decision on residency but make a new decision to grant GEP (Minister bound by Act, but noted proposed amendments and suggested they be retrospective) GEP issued under section 18 (special relationship provisions) 28 January 2000
TEP ("3 year policy" – application of policy as though it had the force of law)	22/10/99	Annul NI decision and make new decision to grant a TEP for a further 12 months 18 August 2000
RESIDENCY (financial position, inflexible application of policy)	4/11/99	Annul NI decision and make new decision to grant the declaration sought 18 August 2000
RESIDENCY (ss28(3) of Immigration Act/deemed residency, validity of Immigration Minister's decision under s29 – request for review invalid – did not comply with 14 day time limit)	18/11/99	Invalid However, Minister advised applicant and NIG that error of law had occurred and person should have been automatically deemed to be a resident. 22 December 1999
NOTICE TO LEAVE (s40) (breach of TEP conditions)	16/02/01	Request withdrawn 1 March 2001 (applicant left Island voluntarily)
NOTICE TO LEAVE (s40) (breach of TEP conditions, refusal to grant further TEP – "3 year policy")	20/02/01	Request withdrawn 19 March 2001 (applicant left voluntarily)