

Ivens. F. Buffett

**A SUBMISSION TO
THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL
And EXTERNAL TERRITORIES**

On the Extended Terms of Reference

Introduction

This submission is made to the Committee by me as an independent member of the Tenth Legislative Assembly and is made in the spirit of the policy speech that I published when asked to stand as a candidate for elections.

An excerpt of the policy statement that I published was quoted in the Joint Standing Committee's Report on the electoral issues and the committee went on to say as part of the Report at paragraph 2.29, page 14.

"Mr. Buffett outlined a number of suggestions for achieving this aim. While they are not directly related to this inquiry (Electoral Issues) and not withstanding that the Commonwealth will always retain the right to raise unilaterally a matter which is considered to be of national importance, the Committee is pleased to note Mr. Buffett's constructive suggestions"

I would submit to the Committee that unless both the Commonwealth and Norfolk Island Government consider the issues that I raise in the statement and arrive at a position then both will continue to expend considerable time and resources while the real issues that are critical to the sustainability of Norfolk Island and are embodied in the Norfolk Island Act 1979 stagnate.

It is my personal view that Norfolk Island has self-government and that the call for transfer of more powers by elements in the Island is perhaps more a call for more cooperation and respect in achieving the aims and objectives contained in the Norfolk Island Act. The Land Initiative package is a fine example of this concept at work.

It is certainly not the call for more inquiries or reports into how Norfolk functions. These are becoming burdensome, resource intensive and very rarely brought to finality either by the Commonwealth or Norfolk Island Government.

This personal submission will make some suggestions and put a number of propositions which in my view deserve consideration.

Present position

There is a view that the progression of self-government has stalled, that is not my personal view.

My personal view is that, both the Commonwealth and Norfolk Island Governments are dealing with spot-fire issues and not addressing the "big picture" issues in relation to Norfolk Island.

The Commonwealth has quite clearly indicated through the Ministers responsible for Territories that the Commonwealth Grants Commission Report (CGCR) is the most definitive inquiry in respect of the Island and I believe there are certain things that flow from that. The

Commonwealth and Norfolk Island Government both have responsibilities in addressing the main findings in a partnership style arrangement.

Norfolk Island is different from other States and Territories and that is a fact embodied in the provisions of the Norfolk Island Act 1979. The Commonwealth should not be ashamed of that and in fact should, where possible enhance the position that Norfolk Island enjoys for the benefit of both. This is supported by the proposition put in the DOTARS submission which says.

The external Territories provide a major extension of Australia's sovereign area and,they have strategic defence and regional significance. (ref DOTARS submission)

The Norfolk Island Government should also embrace that position and be in a position to work through the practical issues that are associated with this situation and agree to put to one side matters such as the *Constitutional Issue* until such time as it can say

"yes we have worked through the principal matters of finance and economic capacity as listed in the CGCR in conjunction with the Commonwealth Government of Australia".

I believe there is an opportunity to do this given the membership of the Tenth Legislative Assembly

Is there a proposed change.

I draw the Committee's attention to the submission of Mr. MikeMrdak , First Assistant Secretary Territories and Local Government Division, DoTARS dated 2 August, 2002 and received by the Committee on 7 August, 2002.

I submit that certain aspects of that submission need to be addressed. In my view certain comments that are made either need to be refuted or otherwise confirmed, if there is substance at Commonwealth Government level in respect of them. If there is support at Commonwealth Government level, that should be the principal matter for discussion at this time in the development of Norfolk Island's self-government.

The aspect that I make specific reference to is, that which is situated at page 3 of the document titled AUSTRALIA'S TERRITORIES at paragraph 5. This paragraph says and I quote,

The current governance model for Norfolk Island poses a number of impediments to a consistent Commonwealth position. While a model of normalisation is being pursued, including alignment of internal self-government arrangements to a position akin to that of the ACT and Northern Territory, local financial and administrative capacity and political instability retards progress.

It is important to examine the parts of this sweeping statement in their proper context in relationship to what has now become described as the Extended Terms of Reference of your Committee.

- The Commonwealth has not directly advised the Norfolk Island Government formally that there are impediments to the governance model currently applying in Norfolk Island.
- The Commonwealth has not directly notified the Norfolk Island Government that there is a process of normalisation being undertaken to align the Island with Territories such as the

ACT and Northern Territory both of which are internal Territories on the mainland of Australia.

- It is a moot point that there is political instability in the Island given that the terms of Federal Governments in Australia are not much longer. Perhaps it is a true democracy and I refer to the attached paper CPA Learning System for Professional Development ~ Module on Parliamentary Democracy.

I respectfully remind the members of the Committee that I raised this matter at the informal meeting between members of the Committee and the Legislative Assembly and at least two members replied that there was no knowledge of this at Commonwealth Government level.

This then raises a question which is:

If this is only a Departmental view and being pursued by the Officers of the Department responsible for the Island in the provision of advice, recommendation and administrative responsibilities generally, the Committee is urged to clarify the situation in particular as to where such directions came from and to the application of such a view under the current provisions of the Norfolk Island Act 1979?

Could this be the reason for extending the Terms of Inquiry?.

I now address the two specific matters referred to the Committee.

Direct elections for the position of Chief Minister.

It is my view that this has become an issue because of a misunderstanding of the present situation based on erroneous information submitted to the Committee under cover of the DoTARS submission (refer page 14, paragraph 5).

The submission by DoTARS submits as follows:

As with the ACT and Northern Territory, the head of the Territory Government is the Chief Minister and four of the nine members form the Norfolk Island Government.

If this means that the DoTARS interpretation is that the Chief Minister is in addition to the four Executive Members it is wrong.

It puts the Executive Members of the Norfolk Island Government in a majority situation of 5 out of 9. The true situation is that there are only four persons appointed to carry out the duties of Executive Office and the title of Chief Minister is additional to whichever one of the four is selected by the majority of the nine Members elected. I acknowledge that the comments can be construed to mean this but I submit that it should be made clear

The suggestion that separate elections be held for the post of Chief Minister is certainly an interesting one given that there are no party systems operating and that in fact the Norfolk Island Parliament is made up of nine independents.

I submit that there may be a course of action that would improve the operations and organisation of the Island's Ministry and Legislature and certainly some submissions in this regard have been made in evidence to the Select Committee of this Tenth Legislative Assembly ~ they will be examined and that Select Committee will make recommendations to the Tenth Assembly.

I suggest to the Committee that the concept of having separate elections for the Chief Minister is the personal proposal of the current Minister responsible for Territories the Hon Wilson Tuckey. He has personally expressed this informally on at least two occasions (the last time being on 1 May, 2003). The Minister has also stated that this is not the current view of the Australian Parliament.

Fixed Terms of Government

This proposition needs to be properly defined/clarified.

I submit that if it means the term is immutable then it is unacceptable, however if what it really means is that there will be a fixed term of incumbency within the proposed statutory life of the Assembly then there is some merit to the proposition.

I submit that if the meaning is that the term will be extended to say, a period of 4 years with a statutory fixed period of 3 years then I would personally agree to the proposition.

Considering the matters contained in the extended Terms of Reference in the context of the financial sustainability of self-government arrangements on Norfolk Island.

The Extended Terms of Reference require that the matters be considered in the context of the financial sustainability of self-government arrangements on Norfolk Island, with particular consideration of:

- a) the findings of the Commonwealth Grants Commission documented in its 1997 report on Norfolk Island on the Territory's capacity to administer and fund obligations associated with:
 - current and future government functions and responsibilities;
 - the island's current and foreseeable infrastructure requirements;
 - the provision of government services on Norfolk Island at an appropriate level;
- b) subsequent government and parliamentary reports relevant to the above and
- c) the role of the Commonwealth and its responsibilities for Norfolk Island as part of remote and regional Australia.

I submit that the extended terms of reference are not necessary because what they do, in effect, is to ask you as a Committee to revisit the matters that have already been covered and commented upon by the CGCR.

It asks that you do this without the provision of the resources and commitment that were available to the CGC and in my view it duplicates work already done.

The Report of the CGC was one that both Governments wanted, the current extended terms of reference came from one source and came late.

A suggested finding that JSC could make.

I submit that on the basis of the comments that I have made above on the extended Terms of Reference that the JSC make the following findings in relation to the overriding notion contained

in the Minister for Territories reference to financial sustainability of self-government arrangements:

1. *This committee is of the view that the major question of financial sustainability of self-government arrangements on Norfolk Island has been well examined at the joint request of the then Norfolk Island Government and the Commonwealth Government in 1997 by the Commonwealth Grants Commission*
2. *The committee is further of the view that given the indication by the successive Commonwealth Ministers responsible for Norfolk Island that the Commonwealth Grants Commission Report is considered to be the most definitive in respect of Norfolk Island, the Committee recommends that the Minister for Territories take urgent steps to enter into dialogue with the Norfolk Island Government that will:*
 - *Address the findings of the Commonwealth Grants Commission Report in terms of roles and responsibilities of the two Governments that are discussed in the Report*
 - *Take an inventory of what has been done to address the findings either individually or collectively by the two Governments.*
 - *Address a methodology of how the two Governments may raise matters arising out of the Report.*
 - *Set time-frames to address the matters identified and include a plan for Public consultation on matter where necessary*
 - *Include a request to the Commonwealth Grants Commission to be available to explain matters contained in the findings if requested.*

I submit that, on the basis that there has been some evidence given that Intergovernmental Meetings have almost disappeared, the recommendation that I make above may well be the basis of an on-going agenda for such meetings. These meetings should be held on a regular basis.

A matter of coincidence or should it be one of concern.

The Minister for Territories Hon Wilson Tuckey has made veiled reference to a Governance regime in Norfolk Island that should resemble a Local Government structure. Such references have been made in what might be called informal meetings between the Minister and the Norfolk Island Assembly. I once again make reference to the fact that there have been no formal Intergovernmental Meetings and also to the fact that on most occasions the Minister has qualified the references by saying it is his personal view only.

The coincidence I make reference to is the Inquiry into Local Government and Cost Shifting being carried out by the House of Representatives Standing Committee on Economics, Finance and Public Administration.

The Minister for Regional Services, Territories and Local Government (Hon. Wilson Tuckey) has referred Terms of Reference to that Standing Committee (see Attached) .

I have searched the Discussion Paper, and Submissions made by DOTARS to that committee and can find no direct references to Norfolk Island and that is a correct position for DOTARS to have adopted.

My concerns are that when one looks at:

The Submissions made by DOTARS

Aware of some of the personal views expressed by the Minister for Territories

Cognizant of the expressions made by DOTARS to the Joint Standing Committee in respect of normalisation: and

To a view that some aspire to, in which Norfolk Island is seen as included in the definition of a remote and isolated part of Australia I submit that:

- This Joint Standing Committee should clarify with the Minister that there is no hidden agenda in the matter that I raise.
- If there are any thoughts along that line at Commonwealth level it should be communicated to the Norfolk Island Government forthwith; and
- If there is no such Agenda at the whole of Commonwealth Government level this be communicated to the Minister for Territories with a view to ceasing unnecessary resources being expended.

Should the External Territories remain where they are within the Commonwealth arrangements.

I raise this matter on the genuine basis that:

As clearly enunciated in the DOTARS submission,

"The External Territories provide a major extension of Australia's sovereign area and, as highlighted by the recent events surrounding illegal arrivals, they have strategic defence and regional significance".

I submit that this is a significant and indisputable statement and on that basis make the following personal observations:

- That while I do not take personal issue with Norfolk Island being referred to as being an integral part of Australia the agreed definition of integral must be discussed. I would not disagree that Norfolk Island (and the other External Territories) is necessary to the whole of Australia when considered in the context of its strategic and defence capabilities and perhaps more importantly in enhancing the Australian Sphere of Influence and economic advantage.
- I certainly have some difficulty in Norfolk Island being described or referred to as being part of remote and regional Australia in the physical sense and equally have some major difficulty in its being dealt that way administratively. The latter difficulty arises directly through the obvious geographic position of the Island and the obvious advantage to Australia of that position.
- Therefore to lump both descriptions together and for a generic term to describe Norfolk Island's position is in my view misleading and the major problem. More

importantly it is problematic, for the changing parade of Administrative Officers in a Commonwealth Department, that one would imagine have more experience in regional and remote administration than in Economic and Strategic National issues which are more akin to the true Norfolk Island situation.

I submit the following for consideration by the Committee.

That the placing of the External Territories with the Department of Transport and Regional Services is an inappropriate position for these areas of strategic and defence importance to be located.

To have Territories like Norfolk Island included in an area that is charged mainly with the transport and regional matters (ie. regional matters within the landmass of Australia) in my view is not appropriate.

I submit that the administration of External Territories or at least Norfolk Island should be in a Department that has as an overall policy of strategic and economic focus on Australia's position such as the Department of Foreign Affairs and Trade.

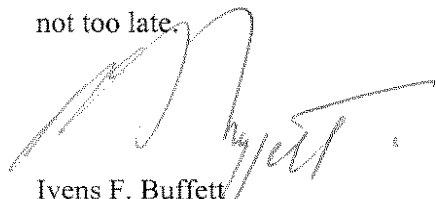
I submit that in relation to Norfolk Island it is located in an area that gives the Commonwealth of Australia a considerable extension of its economic and political influence into the Pacific and therefore deserves specific political and economic consideration.

Such political and economic consideration should also be given to Norfolk Island on the clear recognition of what the Island has achieved in its own right.

I submit that there are few if any other External Territories or in fact remote or regional areas within Australia that have achieved what Norfolk Island has and accordingly commend the above submissions to the committee and extend an invitation to the committee to also do the following:

Closely examine whether the sustainability issues that Norfolk Island faces at the present time do not have a genesis in the above and in the true condition of the Islands Infrastructure at the time of the introduction of the Norfolk Island Act 1979. In doing so I invite the Committee to consider comments contained in the attached document which I prepared when working in the Public Service of Norfolk Island.

The paper was prepared for an Intergovernmental Meeting held on 16 March 2001. It did not receive much comment at the time, however I am of the personal view it should have and it is still not too late.



Ivens F. Buffett
Member of the Tenth Legislative Assembly
19 May, 2003.



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Standing Committee on Economics, Finance and Public Administration

Inquiry into Local Government and Cost Shifting

Terms of reference

The Minister for Regional Services, Territories and Local Government has asked the Committee to inquire into:

Cost shifting onto local government by state governments and the financial position of local government. This will include an examination of:

1. Local government's current roles and responsibilities.
2. Current funding arrangements for local government, including allocation of funding from other levels of government and utilisation of alternative funding sources by local government.
3. The capacity of local government to meet existing obligations and to take on an enhanced role in developing opportunities at a regional level including opportunities for councils to work with other councils and pool funding to achieve regional outcomes.
4. Local government expenditure and the impact on local government's financial capacity as a result of changes in the powers, functions and responsibilities between state and local governments.
5. The scope for achieving a rationalisation of roles and responsibilities between the levels of government, better use of resources and better quality services to local communities.
6. The findings of the Commonwealth Grants Commission Review of the Local Government (Financial Assistance) Act 1995 of June 2001, taking into account the views of interested parties as sought by the Committee. The inquiry is to be conducted on the basis that the outcomes will be budget neutral for the Commonwealth.

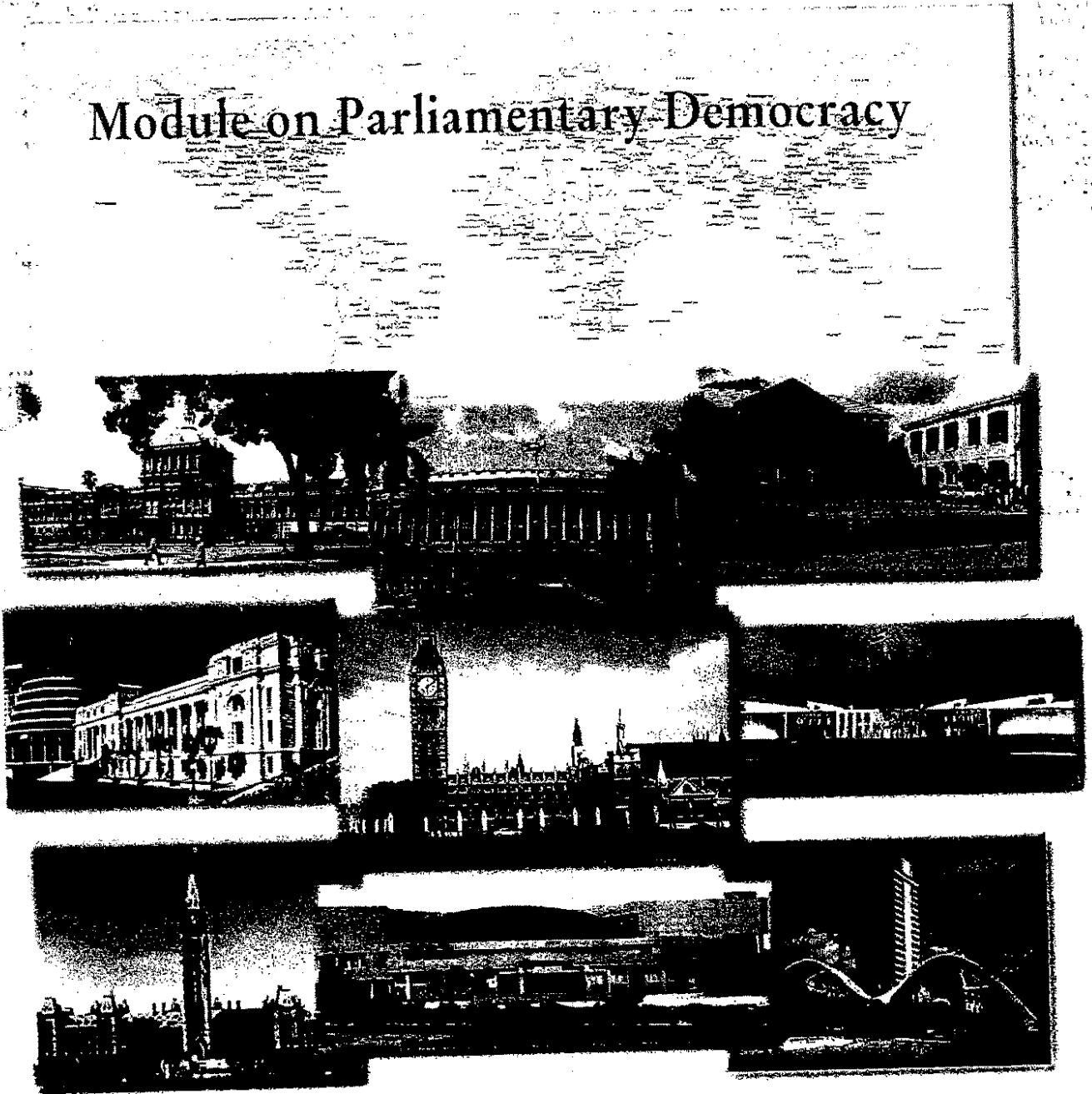
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CPA Learning System for Professional Development

Module on Parliamentary Democracy



Preface

Professional Development for Parliamentarians is a project of the Commonwealth Parliamentary Association (CPA) whose objective is to develop a set of educational materials for elected members of Commonwealth parliaments to assist them in adapting to and functioning effectively in their complex and rapidly changing roles in the new millennium. The project evolved from the recommendations of an Expert Group assembled by the Secretary-General of the CPA in late 1998.

While the Expert Group recognized that individual parliaments expend significant effort in providing training and orientation to their Members, there were areas of more general interest and application where educational materials could best be developed on a Commonwealth-wide basis. Furthermore, they suggested that a wide range of resources and methods including those of distance learning could be utilized.

As a result, the Expert Group identified a series of subject areas where they believed the development of specific educational materials would be of benefit to parliamentarians. These subjects were then assigned to specific members of the Expert Group to develop more detailed learning objectives. Upon completion of the learning objectives, the CPA Secretariat, in conjunction with Expert Group members, determined the order of priority for the development of the set of learning materials.

The module on *Parliamentary Democracy* is the first of the series of educational materials evolving from the work of the Expert Group under the title *CPA Learning System for Professional Development*. The purpose of this module is outlined in the set of learning objectives given before Unit 1. The user is encouraged to proceed through the material at his or her own pace. Each section concludes with a series of questions that will help the user assess his or her comprehension of the written material. Each section provides a series of related readings as well as Internet references, for those users who wish to explore a particular topic further.

Further development of this material will take the form of an Internet-based learning module that will be available on the CPA web site as well as, it is hoped, in CD-ROM format. Examination is also being made of the feasibility of an audiotape/CD version of the material.

Comments from users are most welcome and should be addressed to Mr Raja Gomez, Director of Development and Planning at the Headquarters Secretariat, who is coordinating the project.

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Learning Objectives

When you have concluded this module, you should have developed knowledge and understanding of the following:

1. The basic principles of the Westminster model of parliamentary democracy.
2. The evolution of the Westminster model.
3. The Westminster model in the context of other democratic models of governance.
4. The legal/constitutional basis of a parliament in a given jurisdiction; its composition, functions and relationships with other parliaments.
5. The division of powers among the executive, judicial and legislative branches of government with emphasis on the accountability of the executive to the legislative branch and the role of the opposition.
6. The rights and immunities of members of parliament, their historical basis including the Bill of Rights of 1689, and the limits of those rights and immunities.
7. The roles of members of parliament inside and outside the legislature in a parliamentary democracy with a focus on the various models of representation.
8. The role of political parties in the parliamentary democratic model.
9. The role of the electoral process in the development and maintenance of the parliamentary democratic model.
10. The alternative electoral/representative models (first past the post, proportional representation, preferential vote, etc.) and their implications for the parliamentary democratic process.
11. The key issues for the effectiveness of parliaments in the new millennium.

Unit 11

The Future of Parliamentary Democracy

Overview

This last unit in the parliamentary democracy module reflects upon the future of parliamentary democracy, specifically on some key trends that may have an impact on the effectiveness of parliaments in the new millennium. One of the most significant trends that will shape the future of parliamentary democracy throughout the Commonwealth is the increasing push by citizens for a local voice. This trend is manifested in demands for direct democracy initiatives such as referenda, plebiscites, and recall. A second important trend discussed in this unit is the impact of globalisation, particularly on state sovereignty. Citizens fear that actors beyond their local level—international organisations such as the World Trade Organisation—are making important decisions over which they have no control. In the late 20th and early 21st centuries, this has led to widespread protests against international organisations in Seattle, Vancouver, Quebec City, and elsewhere. Finally, the unit reflects upon technology and its possible effects on parliamentary democracy. Electronic democracy and e-governance may affect industrialised economies more than those of emerging democracies.

Learning Objectives

After you have completed this unit you should be able to achieve the following:

1. List the main instruments of direct democracy.
2. Outline the potential impacts of globalisation on governments and parliaments.
3. Discuss e-democracy/e-governance in terms of the possibilities and pitfalls of technology in impacting parliamentary government.

Commentary

One of the clear trends in all elective democracies has been an increase in citizen dissatisfaction. There is a growing sense among ordinary voters that the institutions of representation are not functioning as they should. Citizens are less willing to defer to their political elite than they were 20 years ago. The Canadian Royal Commission on Electoral Reform and Party Financing stressed that "Our system of government is essentially an 'indirect' democracy. Citizens do not govern themselves directly; instead, they elect representatives to govern them. In this way, the consent of

citizens is secured" (1991: 26). A large number of voters are no longer happy with this system of 'indirect' democracy.

Dissatisfaction with the political elite and representative democracy has created a fertile soil for 'anti-system' parties. Parties of this type have usually stressed, among other things, the need to bring political decisions closer to grass roots voters and lessen the influence of so-called special interest groups as well as the public sector. These 'populist' parties have enjoyed some electoral support in many different settings and often the vote shares of the two leading parties have declined. The existence of these parties helps to deepen citizen dissatisfaction as they provide a forum for ongoing criticism of the way politics is conducted. Such parties often call for a lessening of party discipline, but their own records, when they have been elected to legislatures, serve to indicate the importance of party discipline in a parliamentary system and, again, strengthen citizen unhappiness with their existing institutions.

Direct Democracy

As a result of this trend, demands for direct citizen involvement have grown. Such demands usually include a call for one or more of three different mechanisms of 'direct democracy.' In contemporary societies, direct democracy usually refers to measures which eliminate or reduce the mediating role of representatives and involve voters either more directly in decision making, or in holding representatives accountable for their actions on an ongoing basis. There are three mechanisms of direct democracy whose use has been advocated. It seems clear that each of these mechanisms would further reduce the role of elected representatives and consequently erode parliamentary sovereignty.

Referenda or Plebiscites

The first is the use of referenda or plebiscites. With these mechanisms citizens are given the opportunity to approve of certain pieces of legislation directly, or to express their views about some political issues. The fact that time and complexity mean that not all issues can be decided by the people directly does not mean that some issues cannot be decided in this manner. There are two forms of referenda.

Binding referenda, which have been used in France and Australia (constitutional issues), force the government to accept the decision of voters. With a referendum of this sort parliament does not make the final decision because their role is restricted by the constitution. In a non-binding or consultative referendum voters answer a given question to provide the government with advice. This has been used a number of times in Canada (Prohibition, Conscriptioin, Quebec sovereignty and the constitutional Charlottetown Accord) and Britain (Devolution in Scotland and Wales). At times their governments have not accepted the decision of the people. Refusing to abide by the wishes of the majority carries obvious risks for a government that must face re-election. On some occasions these forms of direct democracy offer governments a means of avoiding responsibility for controversial decisions.

The Initiative

Another mechanism of direct democracy is called the initiative. While with a referendum citizens are responding to government actions, with an initiative they are attempting to force the government to act in a particular area. Initiative requires the government to put an issue forward for citizens to decide in a referendum, following the submission of a petition by a specified number of voters. This mechanism ensures that voters are not simply reactive; that is, they can make demands to force governments to deal with their issues. Currently legislation permitting initiative has been approved by two Canadian provincial legislatures but it has not been used extensively outside the United States. The American experience indicates that money and organisation play crucial roles that render initiative's claims to advancing democracy questionable.

Recall

In all parliamentary democracies voters are entitled to elect their representatives, but they are limited to elections. With the third mechanism of direct democracy, recall, voters are not only able to elect representatives, but they are able to remove representatives between elections. Under a system of recall, if a certain percentage of the electorate requests a new election, a sitting representative can be removed from office and a new election held. Recall legislation was approved in Alberta during the 1920s when the United Farmers party held power. However in 1932 it was removed from the books, after a petition for recall began circulating in the premier's constituency. In a 1991 referendum, British Columbia voters called for the introduction of legislation allowing for recall. Such legislation was eventually approved by the legislature and a number of attempts have been made to remove members from office, thus far unsuccessfully. Under this legislation, recall can take place only after an MLA has been in office for 18 months. To initiate the process 40 per cent of voters must sign a recall petition within a 60-day period. If this level is reached and verified, the MLA loses his or her seat. If it is not, the MLA cannot be challenged again until after a general election. Recall has been criticised for failing to appreciate the role of party discipline. A member conceivably could be recalled for following the party line. On the other hand, it could make members more responsive to majority opinion and less willing to protect the rights of minorities.

Globalisation

The discomfort citizens feel with the indirect democracy that accompanies parliamentary government is enhanced by the perception that the ability of national governments and legislatures to make important decisions has been weakened by 'globalisation'. As Ronald J. Deibert explains,

Whereas once political authority was parcelled and segmented into territorially distinct and mutually exclusive sovereign states, today such authority is dispersing and decentralising to multiple, non-territorial domains—to corporations, bond-rating agencies and non-governmental organisations and activists, as well as states (1998: 24).

Among other things, globalisation involves the development of world, rather than domestic markets, reduces the ability of states to protect

industries within their borders, and restricts the power to control multinational corporations. Globalisation is also marked by an increase in the financial vulnerability of individual national states to world stock and bond markets. More than 130 states are members of the World Trade Organisation (WTO), which promotes competition and free trade and includes a dispute resolution mechanism. The globalisation of politics is also associated with a growth in regional trading arrangements. Many of these are based on treaties or contracts between two or more states. These treaties require states to observe certain obligations and responsibilities to the other signatories.

The most developed form of these regional arrangements is the European Union. It has moved beyond a simple trading arrangement to encompass a customs union and an attempt to create an economic and monetary union as well as shared governmental institutions. The European Union and its institutions have clearly reduced the power of the British parliament. For instance, the European Court of Justice insures that community laws are applied to all citizens of the union, regardless of the views of a particular member state. Thus despite the absence of a written British constitution, British subjects are protected by a European Human Rights Code and the sovereignty of the British Parliament is thus lessened.

States have not, of course, completely lost their sovereignty as they generally retain the right to terminate these international arrangements. Other international organizations, such as the World Bank and the International Monetary Fund, exert more of a direct influence. States wishing to receive funds from these organizations must agree to implement specific economic policies to qualify, which circumscribes the choices that legislatures can make.

Recently, citizen disenchantment with such international institutions has emerged. There have been calls for forgiving debts and protests have disrupted meetings of the WTO. Citizen action was most evident in the protests against the Multilateral Agreement on Investment (MAI). These protests, which made extensive use of the Internet and e-mail, and paid little attention to national legislatures, resulted in the abandonment of the MAI, at least temporarily.

Technology and the Future: E-Democracy?

The successful protest against the MAI and the power of the world trade and bond markets indicate the role modern technology plays in contemporary politics. As Ed Black notes, "Computers are changing our governments as well as our electoral politics. Not only do they change the way parties conduct elections and the way we watch election returns, they are changing the choices our elected representatives make for us and the way public servants deal with us in implementing those choices" (1998: iii).

As citizens have much greater access to information, they expect governments and parliamentarians to be increasingly responsive. Many legislatures and legislators are making information available on the Internet and corresponding with constituents via e-mail. Sir Francis Bacon's insight that knowledge is power leads some to believe that the proliferation of information technology will empower citizens. It is important to be cautious in such assumptions for a number of reasons. First, access to this technology is not universal either in all states or within any state. As Alexander and Pal

warn "the gap is widening between the 'information rich and poor'." They advance their argument by citing a 1997 study that found that 13 of the 14 countries with the highest per capita Internet hosts were in Australia, New Zealand, North America, and Europe. (Alexander and Pal, 1998: 5). Within countries access to computers and the Internet is obviously easier for the rich than it is for the poor.

Second, attempts to involve citizens more directly in political decisions through technology have not been completely successful. Attempts to broaden citizen participation in parties through telephone voting have been mixed, and citizen video and Internet forums have involved only tiny minorities of voters. Moreover, since these participants are self-selected, there is no way to determine whether these participants are representative of society in a descriptive sense, and they have no mandate to act on behalf of other citizens.

Finally, while Bacon was undoubtedly correct that knowledge is power, it is not as clear that access to information equals knowledge. Knowledge suggests reflection and discussion, while access to Internet and video information can take place in an atomised environment, leading to the acquisition of information that is devoid of context and to opinions that may not be tempered by exposure to alternative explanations.

This is not to say that the changes to modern politics engendered by changes in technology are negative. Governments, legislatures, and parties are increasingly making more information available to citizens, and more and more information is available without the media filter. The availability of more information has the potential to create a more informed citizenry and foster a sense of ownership of its political process. It can also make representatives more responsive to the public. However, it would be extremely dangerous to replace representative parliaments with electronic town halls or referenda.

Parliamentary democracy remains important in that it provides the forum for competition among parties, which remain one of the primary vehicles for citizen participation. Parliamentarians have broad access to information, the ability to analyse and reflect on it, and a forum for voicing their views and focusing public attention.

Parliamentarians in a democracy have a mandate to 'represent' more than just their own opinions. Many of the issues with which they deal are too complex for the kind of simple 'yes' or 'no' answers which a reduced reliance on representative government would produce. Even if decisions are going to be made outside of parliament, parliaments should retain a role in setting the questions. Parliamentary democracy has evolved significantly in the last millennium. It will undoubtedly continue to evolve in the current millennium and continue to make important contributions to representation and governance. It is hoped that the next series of changes will make the words *parliamentary* and *democracy* synonymous, and increase citizen support of this historic institutional arrangement.

NORFOLK ISLAND INFRASTRUCTURE AT SELF GOVERNMENT 1979

PREAMBLE

The question of the condition of Norfolk Islands' infrastructure immediately prior to 1979 and its adequacy for the foreseeable future following the Royal Commission into matters relating to Norfolk Island (October 1976) and the eventual policy announcement of the Commonwealth (1978) on the Island's future has never been properly addressed.

The condition of the Islands' infrastructure was never a separately identifiable part of either the Royal Commissions Terms of Reference or the Policy announcement on the Island's future delivered in 1978.

Whilst not being a separately identifiable aspect the Norfolk Island Legislative Assembly is of the view that until the policy announcement in 1978 and the eventual assent and commencement of the Norfolk Island Act 1979 (C'wlth) the commonwealth had the major responsibility in assuring the adequacy/condition of the island's infrastructure in conjunction with the ability of the Advisory councils in succession given their limited capacity prior to 1979.

In addressing this matter some twenty one (21) years on, the Government of Norfolk Island believes it is a matter that warrants discussion for the following reasons:

- ◆ The terms of reference of the Royal Commission at (d) "the present and probable development of the economy of Norfolk Island"
- ◆ The policy announcement on Norfolk Island's future 1978 at dot point 6 in that part which states "It is therefore proposed that there be set in train at an early date an economic feasibility study. The purpose of this study will be to assess the capacity of the Island's economy including, but not limited to the amount of income derived by residents on the Island"
- ◆ The Commonwealth at the time of the proposals in respect of Norfolk Island already had the benefit of the 1974 experience in the Northern Territory.
- ◆ Both the Commonwealth and the Norfolk Island Government omitted to take a specific condition inventory of the Island's infrastructure between 1976 and 1979 due in the main to the concentration on constitutional issues as against those physical matters that actually make the Island work.
- ◆ The fact that the first conscientious attempt by both the Commonwealth and Norfolk Island Governments to specifically address infrastructure needs did not occur until some 20 years later in the form of the Report on Norfolk Island 1997 by the Commonwealth Grants Commission at terms of reference (ii) *the capacity to fund the Island's current and foreseeable infrastructure requirements (including its ability to service loans)*
- ◆ Plans varying from 3 to 5 years have been prepared for major infrastructure areas such as electricity reticulation, roads and telecommunications, other plans are in the process of being commenced that address the infrastructure needs in the areas of jetty stabilisation and capital repairs, the hospital, pavement works at the airport, burnt pine upgrade completion, school buildings and vehicles, plant and equipment upgrade.

DISCUSSION

On the Commencement of the Norfolk Island Act 1979, two significant issues were evident:

- ◆ There was no phasing in of self government by the Norfolk Island Act 1979, save for where reservations are made in the Act itself, whereas in the Northern Territory there was a negotiation period both prior to the actual event and afterwards.
- ◆ There was no inventory taken of the physical infrastructure to ascertain the suitability, adequacy or condition thereof given the changed circumstances envisaged by the operation of the Norfolk Island Act. Consequently it can be argued that certain infrastructure were in a poor condition, that condition having been accrued prior to the change in responsibilities for them.

It is the view of the Norfolk Island Government that it was the intention of the Commonwealth Government to address the question of infrastructure in 1979, however because of other matters the specific topic of infrastructure "went off the agenda".

The basis for this proposition is founded in the following:

- ◆ In 1978 the eighth Norfolk Island Council (ie the Council immediately before the 1979 arrangements were announced and implemented) asked the Commonwealth for an Economic Feasibility Study and the response to that request was contained in the policy announcement on the Island's future made in 1978.
- ◆ Arrangements for the preparation of this report commenced in late 1978 and Professor R.C. Gates was commissioned to prepare the report. In fact Professor Gates never did complete a report and in October of 1980 (some 14 months after the Norfolk Island Act had come into being and the Island had set sail on the path to self government) the then Department advised the then Administrator "this matter is still not settled... previous suggestion that another expert be appointed".
- ◆ In October of 1980 the then Deputy Chief Minister formally requested that Professor Gates be removed and another consultant be appointed, also of significance to the matter under discussion is that , altered terms of reference were also included in the letter of 14 October 1980 which specifically touched upon the need to identify major projected capital expenditure and its subsequent maintenance.
- ◆ The matter then languished until 1982, it was resurrected, new consultants appointed and finally completed by Messrs Aislabie, Sheehan and Twohill of The Institute of Industrial Economics, University of Newcastle in March 1983. (some 4 Years after the commencement of the Norfolk Island Act)

Some matters of significance when discussing this matter are contained in a paper that was proposed to be published in 1984 by the authors of the Economic Feasibility Study, titled *Public Expenditure Problems of a Dependent Micro Economy – Norfolk Island 1976/77 – 1982/83* and in particular the comment at page 11 of that article where it states "However, it can be noted that the greatest capital need is for major water and sewerage works, a problem recognised in Canberra well before the present arrangements were made"

This is significant as the consultants who had access to information from both the Commonwealth and the Norfolk Island Governments indicate quite clearly that the Commonwealth were aware of infrastructure deficiencies (water and sewerage being the greatest capital need). This then begs the question what were the others?.

This issue then rested for another 13 years until it was again addressed in what must be considered as the most detailed and definitive report on the Island following the Royal Commission ie, the report of the Commonwealth Grants Commission 1997.

The Grants Commission at Main Findings on the question of Financial Capacity states at number;

- 23 to bring Norfolk's infrastructure up to mainland standards would require expenditures or provisions of perhaps \$5.5 million for each of the next ten years (Chapter 8, para 23 Table 8-3)
- 24 all mainland service and infrastructure standards could be met by revenue raising efforts at mainland levels (Table 8-4)
- 27 there is some justification for the Commonwealth making a contribution to overcome safety problems or to improve items of infrastructure that were known to be inadequate before self government, such as the Cascade Cliff and the harbour (Chapter 8, para 60).

The above findings of the Grants Commission quite squarely places this matter as one for discussion between the two Governments and the questions now are;

- ◆ Is there a willingness to discuss the issue in the light of the above background?
- ◆ Is there a pre-requisite to such discussions?
- ◆ Is there a willingness to enter into a joint examination of the issue?

RECOMMENDATION/CONSIDERATION

That the Ministers note the above matters

- 1 That the Ministers consider the suggestion contained in the Commonwealth Grants Commission Report at page 171, para 21 where it states "We think a useful early step in the long term planning processes for the Island would be to engage experts in the field to conduct a full review of the Island's infrastructure and its future requirements.
- 2 That the Ministers consider a joint funding approach to 1 above.
- 3 That Officers be required to progress the matter and prepare a paper for both Governments to consider within three months following the receipt of the report suggested in No. 2 above.