

Joint Standing Committee on the
National Capital and External Territories

Submission No: 16

Date Received: 6 February 2006

Secretary: *John Bl*

Kelvin Kok Bin Lee
PO Box 534
Christmas Island
Indian Ocean 6798

31 January 2006

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

By Fax: 6277 8478

Dear Secretary

Inquiry into current and future Governance arrangements of the Indian Ocean Territories

Although I registered to appear before the Committee last year when I lodged a brief submission to the above-mentioned Inquiry, the opportunity did not present itself when the Committee was on Island this past weekend.

I stated very clearly in my letter last year that my submission was supposed to be verbal. However, I have put together some documents about my treatment as an Australian citizen in the early 1980s which I would like the committee to accept as exhibits and want to make a few general comments to the Committee:

1. As a Shire Councillor and community member, I am glad that the Committee was able to come to hear the Shire's submission as presented by our Shire President and Chief Executive Officer. I believe the submission should be taken very seriously although some aims would seem to be presently unachievable.
2. As a Christmas Islander now, I think that we are all Australians and that we should be able to pull together as one rather than going in different directions. On Christmas Island we have fought hard for the right to become permanent residents and citizens of Australia, although I think it took some time for us to be treated as full citizens, and some say we still aren't treated the same.

3. In terms of being part of Australia, many people on the Island did not get the opportunity to apply to become a citizen until the Migration Act was extended to the Island in 1981.
4. A Bulletin from the Hon. R. J. Ellicott, Minister for Home Affairs, dated 25 June 1980 (4 pages) is attached and marked A. This Bulletin emphasises the Government's intentions at that time to show Islanders that Australia would treat the Territory of Christmas Island as part of Australia. The Minister emphasised that the Government actions listed in his Bulletin would give Islanders a greater say in Government, while strengthening our "Australian Identity".
5. This Bulletin also announces the extension of the Migration Act to the Territory enabling Islanders to acquire permanent residence and to apply for Australian citizenship "on the same basis as permanent residents of Australia". The Bulletin said we would be free to move at will to and within the mainland and that all people denied citizenship but were residents of the Island in 1958 would get unconditional citizenship.
6. A Bulletin is also attached, dated 20 January 1981 and marked B, which sets out how the Government processed permanent residence endorsements following the extension of the Migration Act on 23 January 1981.
7. I applied for Australian citizenship in 1980 as shown on the attached letter from the Official Secretary dated 7 August 1980 (marked C) and was granted Australian citizenship in 1981 as shown in the attached letter from the Official Secretary dated 6 April 1981 (marked D).
8. I was employed by the British Phosphate Commissioners between 24 October 1973 and 30 June 1981 (when the BPC ceased to be responsible for Christmas Island operations) as set out in a certificate from the BPC dated 30 June 1981 attached and marked E. My employment with the Phosphate Mining Company of Christmas Island (PMCI), a fully Government owned company, continued until April 1982. I was in Malaysia at the time I was terminated.
9. When I attempted to return to Christmas Island I was refused entry by PMCI on the basis that there was insufficient accommodation. I believed I was exercising my right to move freely around Australia and that I was denied this right by the Australian Government. I sought legal advice about the situation, but the matter was considered too difficult by the legal firm I approached, as evidenced by their letter to me dated 19 May 1983, attached and marked F.
10. I raise this particular case with the Committee to show that it has been a long and complicated path to being treated like an Australian. And now, we have been excised from the Migration Zone; excluded again.

11. I believe that multiculturalism has contributed a lot to this great country, creating diversity and pluralistic views and ideas, as our small community contributes.

Thank you for giving me this opportunity to present my views and tell some of my story.



Kelvin Kok Bin Lee

"A"



THE TERRITORY OF CHRISTMAS ISLAND

BULLETIN

No. 1980/27

FRIDAY 27 JUNE 1980

RADIO BROADCAST ON CHRISTMAS ISLAND

The Minister for Home Affairs, the Hon. R. J. Ellicott, Q.C., M.P., made the following statement on VLU-2 on Wednesday 25 June 1980 at 1.20 p.m.:

"The Australian Government has made a series of major decisions which will give everyone on Christmas Island a new and positive outlook to their future.

These decisions will give you a larger say in Government while strengthening your Australian identity.

You will remember that late last year Mr Sweetland was asked to report on the viability of the Christmas Island Phosphate Industry and that he reported on 15 February last. The decisions I am about to announce are based in part on that report.

There are several basic moves which will affect you all.

First let me give you the main elements.

The Migration Act will be extended to Christmas Island. Residents on Christmas Island when the Act is extended can accept full Australian residential status if they wish - this will enable them to travel to and around the mainland and live there if they want.

Any worker who is made redundant before the Act is extended can have the same right for himself and his family on the Island.

A renewed option to obtain Australian Citizenship by Declaration is offered to those who were on the Island at the time Australia assumed responsibility for the Territory in 1958.

From next month an Advisory Council will be elected to give people here a greater say in the day to day Government of the Island.

These are some of the key decisions. Now let me expand upon them.

The basic theme in the Commission of Inquiry's report is that the Island's social and political institutions should become closer to those of mining communities on the Australian mainland.

2.

The recent Island wage increase to the minimum mainland level was a major step in this direction.

The Government accepts this aim and the decisions I am announcing today are examples of further steps to achieve this aim.

During my last visit to the Island, I mentioned that an Advisory Council should be set up to give greater community involvement in the Administration of the Island.

I am pleased to find much progress has been made in this regard and Council Elections will be held on Saturday 12 July.

The Australian Electoral Office has sent Mr Harmer, an experienced Officer to help organise the election.

The Advisory Council will be a major step forward for the Territory.

The Council will be given legislative backing in about 12 months time when the constitution and rules have been tested.

Now, to turn to questions of Australian Residency and Citizenship: a major decision taken by the Government was to extend the Commonwealth Migration Act to Christmas Island.

This is evidence of the Government's intentions to treat the Territory as part of Australia for this important purpose.

All residents on Christmas Island when the Act is extended will acquire permanent residence status in Australia and you will all be entitled to apply for Australian Citizenship on the same basis as permanent residents of Australia.

~~You will be free to move at will to and within the mainland like other Australians. You may live there permanently if you wish.~~

The Government felt that special consideration should be given to workers who are not Australian Citizens and who are declared redundant before the extension of the Migration Act.

For these workers and their families on the Island, permanent Australian resident status will be granted on application and unconditionally.

The Commission of Inquiry (Sweetland) report recommends the Citizenship Provisions of the Christmas Island Act be repealed.

The Government does not agree with this recommendation because it would take away from people on Christmas Island a right they presently enjoy.

So the Government has decided, the Citizenship Provisions of the Christmas Island Act be retained but amended to bring them into line with the Citizenship Provisions of the Cocos Islands Act.

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3.

This means that everyone, whether now on Christmas Island, another Australian Territory, or the mainland, who were residents of Christmas Island in 1958 and are not already Australian Citizens, will be eligible for Australian Citizenship by Declaration, namely unconditionally.

Now on the question of Industrial Relations legislation. The Government has decided, and as I understand it in accordance with the wishes of the three Island Unions, that the Christmas Island Industrial Relations Ordinance be retained, but action be taken to amend it to provide for appeals to an Appeals Bench of the Conciliation and Arbitration Commission and to remove the provision requiring the Arbitrator to take account of community standards.

The Government has also decided to take over, as from the end of this month, the direct cost of maintaining the Administrator and his immediate staff on the Island at a cost of about \$200,000 per annum.

This will include the salaries of the Administrator, his Steno-Secretary, the Official Secretary and his Steno-Secretary and the staff of Government House, as well as associated administrative costs, for example, vehicles, materials, repairs and maintenance.

The Government has decided that Acts of the Commonwealth Parliament should continue to apply to Christmas Island only if they are expressed to do so. However it has directed that increased attention must be given to the examination of Commonwealth Acts with a view to their extension to the Island where appropriate and as soon as practicable. The Advisory Council will be consulted on these matters.

For example, early consideration shall be given to the extension of the Immigration (Education) Act, and Immigration (Guardianship of Children) Act.

The Government has also agreed, in principle, that the program of reafforestation be expanded making greater use of back-filling in mined areas and that the bird population be monitored as accurately as possible so that any signs of significant decline can be detected and appropriate action taken. As you are aware, a survey is currently under way in relation to the Abbots Booby, which is listed as an endangered species, to map the distribution of nesting birds and to monitor their population.

The Government will be giving early consideration to the appointment of Magistrates from the different ethnic communities on Christmas Island. I believe it is important that people from the Island participate in the Administration of justice here.

On the question of Recruitment of Labour: The Government has approved that further recruitment be on the same basis as for Industry in Australia, but notes that the Minister for Immigration and Ethnic Affairs can allow recruitment of labour from overseas countries, in cases where recruitment is not possible in Australia.

Contrary to the recommendation of the Commission of Inquiry the Government believes that the office of the Administrator should be retained.

4.

I regard this as important given the geographical isolation of the Island and the absence of local Government. You will appreciate that if the office was abolished a person performing similar functions would be needed for the time being.

I now wish to turn to those decisions taken by the Government which are not covered by the Commission of Inquiry.

I was pleased to hear of the UCIW proposal to set up a welfare fund to provide a regular benefit of up to \$50 per person per week to the thirty or so needy people on the Island. I understand that the UCIW intends that the fund will be passed over to the future Advisory Council and has suggested that the Government contribute on a dollar for dollar basis.

The Government has decided that, subject to satisfactory arrangements being made with the Union of Christmas Island Workers and the future Advisory Council, funds will be provided from the Christmas Island Administration Budget to match funds raised by the Island Community for identified welfare needs. This proposal has been endorsed by the New Zealand Government.

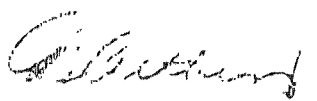
The Australian Government as well as the New Zealand Government are also giving favourable consideration to introducing a scheme to provide financial assistance to those regionally engaged employees who are not eligible for other Resettlement Benefits. Broadly speaking what is in mind is a scheme which will give assistance up to a maximum of \$5600 for workers with dependants and up to a maximum of \$2800 for workers without dependants.

This assistance could be provided when employees leave the Island to resettle elsewhere, regardless of country of destination, and could be based on length of service but subject to the funds available in the Christmas Island Special Fund.

The scheme requires further study because of its broader implications for the future of the Christmas Island Phosphate operation. As I have indicated it also requires agreement between the two Governments. When finality is reached every effort will be made to implement it quickly.

Finally, the Government has decided to undertake a study of the long term future of the Island. This study will be given high priority and I hope to make an announcement shortly of the person to conduct that Inquiry.

I would like to add that I believe that what I have announced today is of great importance to the future of Government of Christmas Island. I am sure you will all agree. It is vital that we all work together in future in a spirit of mutual co-operation and understanding. If we do we will certainly achieve an improved quality of life for everybody on Christmas Island".


G. T. AITKEN
Official Secretary



THE TERRITORY OF CHRISTMAS ISLAND

BULLETIN

1981/2

TUESDAY 20 JANUARY 1981

No.

The Deputy of the Administrator, Geoff Aitken said today that the Migration Act will be formally extended to Christmas Island on Friday 23 January and with the exception of those holding Australian or New Zealand passports, it will be necessary for all residents, including children who hold passports, to attend Government Offices over the weekend 24-26 January, and have their passport endorsed with a 'Permanent Residence' stamp.

Government Offices will be open each day between 8.00 am until 12 noon and from 1.00 pm until 5.00 pm.

It will be necessary for residents to bring with them their Passport, Document of Identity or Certificate of Identity. If passports are already held in Government Offices, residents should state this on arrival.

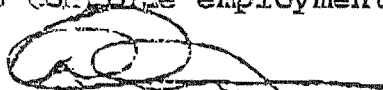
In order to avoid unnecessary delay, all residents are asked to attend with their families on the following basis:

<u>BPC Work Nos.</u>	<u>Day</u>
1 - 7763 + dependents who hold passports.)	Saturday 24 January
7764 - 9080 + dependents who hold passports.)	
All Administration employees + dependents)	Sunday 25 January
who hold passports.)	
9081 - 10080 + dependents who hold passports.)	
All other persons (e.g. widows, retired)	
employees) not covered by above.)	Monday 26 January
All visitors to the island (apart from)	
holders of Australian passports).)	

The only people who do not have to come to Government Offices are the following:-

1. Those who have an Australian or New Zealand Passport.
2. Those who already have an Australian Permanent Residence Stamp in their current Passport, Document of Identity or Certificate of Identity.

It is emphasised that all other Island residents must come to Government Offices over the weekend if they are normally resident on the Island, as those persons who do not have an Australian Permanent Residence stamp in their travel document on Tuesday 27 January 1981, will not be able to continue employment on the Island.


 M. CHRISTOPHER
 Acting Official Secretary



TERRITORY OF CHRISTMAS ISLAND

GOVERNMENT OFFICES
CHRISTMAS ISLAND
INDIAN OCEAN

QUOTE IN REPLY

7 August 1980

Mr Lee Kok Bin
c/o Drumsite Workshop
CHRISTMAS ISLAND

Dear Mr Lee

I am writing to acknowledge receipt of your application for Australian Citizenship dated 4 August 1980.

As a result of your application an interview has been arranged for you with Mr M. Christopher, Resettlement Officer at Government Offices, on 21 August at 9.00 am.

Would you please bring to the interview the following documentation if available:

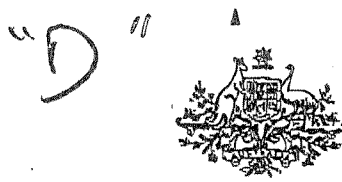
- (i) the travel document held at the time you first arrived on Christmas Island;
- (ii) any other documents which can assist in establishing your nationality and residential status on Christmas Island;
- (iii) a birth certificate to confirm your date and place of birth (and date and place of birth of any of your children who are also included in your application); and
- (iv) if married, a copy of your marriage certificate.

Please note it is not necessary to bring your children with you to the interview.

If you are unable to attend the interview at the allocated time, please contact Mrs KOH YET FAH at Government Offices telephone 233 so that an alternative time can be arranged for you. An interview of this type normally takes 30-40 minutes.

Yours faithfully

G. T. AITKEN
Official Secretary



TERRITORY OF CHRISTMAS ISLAND

GOVERNMENT OFFICES
CHRISTMAS ISLAND
INDIAN OCEAN

QUOTE IN REPLY 1097C

6 April 1981

Mr Lee Kok Bin
Hold c/o Post Office
CHRISTMAS ISLAND

Dear Mr Lee

I am pleased to advise that your application for Australian citizenship has been approved.

However, you will not acquire the legal status of an Australian citizen until you personally take an Oath of Allegiance or make an Affirmation of Allegiance to Her Majesty Elizabeth the Second, as Queen of Australia.

This final step to achieve citizenship is undertaken personally at a citizenship ceremony, which will be held at the Drumsite School Hall at 6.00pm on Tuesday 7 April 1981. If you are unable to attend, would you please inform the Resettlement Officer Mr M. Christopher. I am enclosing a copy of the words you will be asked to repeat at the ceremony.

Yours sincerely

G.T. AITKEN
Official Secretary

Encl.

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THE BRITISH PHOSPHATE COMMISSIONERS
MANAGING AGENTS FOR THE CHRISTMAS ISLAND PHOSPHATE COMMISSION

No. 5035

CHRISTMAS ISLAND, Indian Ocean

30 June 19 81

We hereby certify that Mr Lee Kok Bin
was employed in the Commissioners' service in the capacity and for the period of time specified
below:—

Place of Service—CHRISTMAS ISLAND

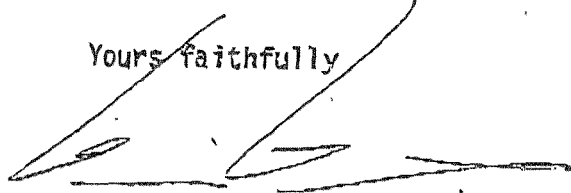
Period of Service—From 24-10-1973 to 30-6-1981.

Occupation— Diesel Engine Fitter from 24-10-73 to 30-6-81

Remarks—

The British Phosphate Commissioners ceased to be responsible
for Christmas Island operations on 30 June 1981.

Yours faithfully



for The British Phosphate Commissioners
Christmas Island

"F"

McDONALD & SUTHERLAND

BARRISTERS & SOLICITORS

7TH FLOOR, EXCHANGE HOUSE
68 ST. GEORGE'S TCE., PERTH

JAMES ALAN SUTHERLAND
GRAHAM LLOYD McDONALD

G.P.O. BOX P1164
PERTH W.A. 6001

TELEPHONE: 321 4871

OUR REFERENCE: GMCD/cc

YOUR REFERENCE:

19th May, 1983.

Mr. Lee Kok Bin,
8/124 Terrace Road,
PERTH, W.A. 6000.

Dear Sir,

ENTRY TO CHRISTMAS ISLAND

The writer has given your matter some further consideration. In it you are claiming redress because as an Australian citizen you were refused entry to Christmas Island as the result of the Phosphate Mining Company of Christmas Island Ltd. refusing entry because there was "insufficient accommodation". At the time you held a return air ticket from Singapore to Christmas Island and were seeking to exercise your right to return.

You point to that right particularly arising from a statement made by the Honourable R.J. Ellicott dated the 27th of June, 1980 which eased restrictions which had previously existed in relation to the entry to Christmas Island.

The action that you would be involved in would be either against the airline concerned or the Phosphate Company. You would be reliant on the Legal Aid Commission extending aid. In the writer's view this is not an appropriate case in which aid would be extended. The issues would be extremely complex and there would be a very real question as to what damages you have suffered.

Additionally to that, there would be difficulties as to which forum in which any action should be commenced e.g. a Court in Singapore, the Federal Court on Christmas Island or a Court in Australia.

Unfortunately in these circumstances the writer feels he is unable to assist you and your papers are returned herewith.

Yours faithfully,

McDONALD & SUTHERLAND