

# MAYORS UPDATE

## Council elections

It is with mixed feelings that I have taken the decision to not stand for the second Norfolk Island Regional Council. It has been an honour to serve the community as a Councillor and as your Mayor for the last four years. I have very much enjoyed the challenges of my term in office which will conclude when the new Mayor is appointed. I wish to sincerely thank my colleagues in Council, the General Manager and his team of Council staff and the Norfolk Island people for their support.

## Territories Legislation Amendment Bill 2020 (the Bill)

*"In 2016, the Parliament passed the Territories Legislation Amendment Act 2016 (Territories Legislation Amendment Act) which extended all Commonwealth legislation to Norfolk Island unless expressly provided otherwise. The extension of some legislation was deferred to allow extra time for the community to prepare for the transition to the new arrangements. The Bill extends further Commonwealth legislation relating to corporations, bankruptcy, broadcasting and education services for overseas students to Norfolk Island to bring regulation in these areas into line with the rest of Australia" (Explanatory Memorandum to the Territories Legislation Amendment Bill 2020)*

A report was brought to Council at our 23 September 2020 meeting advising that the Territories Legislation Amendment Bill 2020 was shortly to be introduced into the Federal Parliament. The Bill if passed will continue the extension of Commonwealth legislation to Norfolk Island.

Amendments are also proposed in the Bill to the Norfolk Island Act 1979 (NI Act) and I provide the following extracts from the Explanatory Memorandum to the Commonwealth's Bill which I thought might be of interest to the community –

- a) **IN RESPECT OF DELEGATION INSTRUMENTS** the Bill addresses *"the risk of delegation instruments becoming outdated when applied laws in force in the territories are amended or new laws are made by the relevant state or territory government. This will address any concerns that the delegation instruments cannot encompass powers that do not exist at the time they are made"*.
- b) **IN RESPECT OF APPLIED LAWS**, amendments are proposed to the NI Act to *"provide a mechanism under which the laws of Australian states or territories may be applied as Commonwealth law in Norfolk Island. These arrangements are intended to operate in the same way as the existing arrangements that allow for the application of NSW laws and provide a broader and more flexible legal mechanism with respect to the future provision of state-type services in Norfolk Island. The amendments allow for the laws of a state, prescribed by regulations as an 'applied law jurisdiction', to be applied in Norfolk Island.*

*"The Commonwealth minister responsible for Norfolk Island will also be able to enter into arrangements with the relevant state government for assistance in the administration of these applied laws and other laws in force in Norfolk Island, including the performance of functions and provision of services by state officials or authorities (other than courts) on behalf of the Commonwealth.*

*"In the absence of any such arrangements, the application of the laws of a state in Norfolk Island does not in any way place an obligation on the relevant government's officials to deliver service or administer legislation in respect of Norfolk Island. ...."*

***"Alternatively, if a territory (other than Norfolk Island) is prescribed by regulations as an 'applied law jurisdiction', the laws of that territory will be applied in Norfolk Island. These arrangements would be similar to those operating in the Jervis Bay Territory with respect to the application of Australian Capital Territory laws under the Jervis Bay Territory Acceptance Act 1915."***

**Question: Does this intended change further widen the democratic deficit currently applying to Norfolk Island?**

I encourage readers to go to the Department's (DITRDC's) website:

[https://www.regional.gov.au/territories/norfolk\\_island/governance/index.aspx](https://www.regional.gov.au/territories/norfolk_island/governance/index.aspx) for further detail from which I quote:-

“Work by the department is continuing to extend remaining Commonwealth legislation to Norfolk Island. This work is ongoing, and will continue into the foreseeable future to ensure Norfolk Island's laws are up to date and consistent with contemporary laws.”

“Council by resolution 2019/160 on 21 August 2019 passed a resolution that ‘Council is opposed to the extension of the Broadcasting Services Act 1966 (Cth) to Norfolk Island’. It is very disappointing to learn that Council’s recommendation which was forwarded to the Department on 3 September 2019 has not been agreed by the Commonwealth” Mayor Adams said. “After the Commonwealth Act has commenced the Norfolk Island Broadcasting Act 2001 (NI) will be repealed by the Commonwealth.”

Cr Robin Adams

Mayor

15 October 2020

***We acknowledge the Elders past and present; We acknowledge the Norfolk Island People  
the traditional custodians of this Island***