

# What future for Norfolk Island?

Hon. Geoffrey R. Gardner, MLA, and Hon. David E. Buffett, AM, MLA, in Kingston.

*The leaders of Norfolk Island's government acknowledge that their tiny South Pacific island can benefit from Australian help, but they argue that "help" should not mean "take-over".*

When this article was written, Mr Gardner, a businessman and horticulturalist first elected to the Legislative Assembly in 1997, was the Chief Minister of Norfolk Island. Mr Buffett, a banker and public servant first elected in 1979, was Minister for Community Services. Mr Gardner is now Speaker and Mr Buffett Chief Minister.

Norfolk Island is a self-governing Australian territory situated in the South Pacific Ocean approximately 1,600km north-east of Sydney, 900 km north-east of Lord Howe Island and 1,100km north-west of Auckland. It is about 8 km long and 5 km wide with an area of 3,455 hectares.

On 8 June 2006, Norfolk Island celebrated the 150th anniversary of the arrival in of the whole of the former Picram Island community.

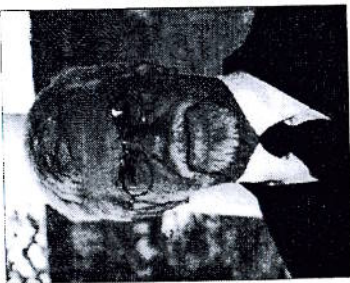
The intention in 1856 was to preserve the attributes of the Picram community in a new setting and to achieve that aim by discouraging



Hon. Geoffrey R. Gardner, MLA.

settlement in Norfolk Island by those of other backgrounds. We no longer discourage diversity, but we continue to honour the Picram core of our community as providing the central focus of our individuality.

Our individuality therefore has a long history, which has endured for a century and a half. There have been many challenges to that individuality. The years 1897 and 1914 saw major



Hon. David E. Buffett, AM, MLA.

turning points in the island's relationship with New South Wales and subsequently the Commonwealth of Australia. The 1930s and 1960s saw a degree of tension with the Commonwealth of Australia. In 1976, an Australian Royal Commission effectively recommended full integration of the island with Australia.

Societies that have pride in their origins and a lively sense of community

can sometimes forget that other societies equally prize their own individuality. This is the underlying reason why Norfolk's relationship with Australia has been described as sometimes "uneasy".

It is true that it is not easy to adjust relationships where there are competing models of individuality. But that is no reason not to try. A common starting point would be to temper celebration of one's own individuality with respect for that of others. After the tensions of the 1976 Royal Commission, that was precisely what was done in 1979.

In that year, a new Norfolk Island Act came into operation. It conferred a substantial degree of self government on Norfolk Island, including the establishment of a Legislative Assembly. The Act reflected a political accommodation between the Australian government and islanders.

It was mutually acknowledged that the island was not required to be governed by the same laws as govern Australia. The Legislative Assembly was established to pass the island's laws while executive authority over many matters became the province of a government chosen by and accountable to, that Legislature.

There was an expectation that the island would raise public revenue from its own sources under its own system of law, and that it would tackle many unresolved issues left over after 65 years of direct governance by Australia.

This it did. For a community of less than 2,000 people, with a Legislative Assembly of nine Members, the island's achievements over 27 years of self-government have been impressive: a statutory social security scheme was established, a health care scheme to cover residents' medical costs was devised and implemented, meaningful land planning laws were brought into force, a modern land titles system was implemented, worker's compensation was introduced, a reticulated sewerage scheme was constructed and the historic area of the island (Kingston-Arthur's Vale) was extensively restored under the joint auspices of the Norfolk Island government and the Commonwealth of Australia.

These examples are by no means exhaustive, but they illustrate two truths. The first is, that local people are more likely than those from far away to be

able to make decisions with real meaning, based on actualities, and implement those decisions in a practical way.

The second truth, though, is that in doing so this island needs constructive, supportive input from the Commonwealth of Australia to deal with specific, concrete issues on a case-by-case basis and in a co-operative way.

A partnership approach of this kind would achieve practical results, whilst at the same time respecting the island's individuality.

Regrettably, recent developments have worked against achieving that aim. On 28 February 2006, Australia's Minister for Local Government, Territories and Roads, Hon. Jon Lloyd,

MP, announced that the present form of self-government for Norfolk Island would be abolished. Important functions at present undertaken by the Norfolk Island government would become federal government responsibilities. All Commonwealth laws would extend to the island unless specific reasons existed to justify their non-extension. The island would be incorporated in an Australian electorate. The residual powers left to the elected representatives of the island's people would equate to those of a local government council, or alternatively a territorial assembly with greatly reduced responsibilities.

The island's reaction to these proposals calls to mind the previous turning points in Norfolk's history referred to earlier. The proposals are the antithesis of respect for the individuality of others. Rather, they seek to treat a policy with a century and a half's history of distinctiveness as just another remote community in Australia.

The expressed basis of Mr Lloyd's announcement was that a financial advisory report recently commissioned by the Australian government had concluded that Norfolk Island's present form of governance was financially unsustainable.

This is not the place for detailed technical arguments over the adequacy of that report. Shortly put, the Norfolk Island government and Assembly reject the report because it assumes (contrary to the fact) that the island will not take steps to widen its public revenue base. As well, the report for unexplained reasons contradicts an earlier, and fuller,

report by a Commonwealth of Australia statutory body. Further, no economic impact study has been conducted about the consequences for the island's economy of Mr Lloyd's proposals.

So we say that the Australian government's reliance on that recent report, in making grave and far-reaching decisions about the island, is not an example of good governance. A consultative process would have led to better decision-making.

Mr Lloyd's announcements will not dissuade the Norfolk Island government and Legislative Assembly from continuing to carry out their responsibilities. We intend to commission a manifestly independent and expert financial advisory organization to undertake a thorough review of the island's revenue-raising capacity, and to produce an economic impact statement on a wide range of options for the future governance of the island.

We also intend to continue with legislative and administrative steps to broaden the island's public revenue base, to invigorate its economy and to re-structure the ways in which we deliver programmes and services.

We hope to be able to do these things in co-operation with the Australian government. Norfolk Island does need positive, supportive input from the Commonwealth of Australia. Australia is entitled to expect realistic, responsible governance by islanders' elected representatives. A co-operative partnership is undeniably the best way forward.

But we must acknowledge that our readiness to co-operate may not be reciprocated. In that event, we will not abandon our responsibilities to make sound decisions based on our specific knowledge of this island's circumstances and also based on comprehensive, expert economic and financial advice.

In discharging that responsibility we will be mindful of the fact that those in the public office today in Norfolk Island are the custodians of a tradition in which, for 150 years, Norfolk Island has maintained its distinctiveness, individuality and separate status.

For further information on Norfolk Island go to [www.norfolk.gov.au](http://www.norfolk.gov.au)





# GOVERNANCE AND DEMOCRACY "NORFOLK ISLAND STYLE": AT RISK AGAIN?

Australia's South Pacific island territory faces challenges to its internal self-government which the Speaker of its Legislative Assembly argues poses a threat not just to its consensus form of government but to the character of the community itself.

**Hon. Robin Eleanor Adams, JP, MLA, in Kingston.**

Ms Adams is the Speaker of the Legislative Assembly of Norfolk Island. She was the Clerk of Norfolk Island's Legislative Assembly from 1984 until 2010 when she was elected to the Assembly.

## Introduction

The Norfolk Island Parliament – a nine-Member Legislature known as the Legislative Assembly of Norfolk Island – welcomed the opportunity offered by the Commonwealth Parliamentary Association in late 2008 for Commonwealth Parliaments to assess how they measure up against the CPA "Benchmarks for Democratic Legislatures". The opportunity has allowed for reflection on how our Legislature conducts its parliamentary business and whether or not all of the Benchmarks are appropriate for us.

We came to the conclusion that in the few cases where it could be said we do not "measure up" that it in no way means that we are "doing it incorrectly" or that it is not best practice for our community. It just means that we are different in how we go about doing our parliamentary business! The yardstick is whether or not the basic tenets of democracy are



**Hon. Robin Eleanor Adams**

working for the overall advantage of the community they are designed to serve.

Prior to my election on 17 March 2010 to the Thirteenth Legislative Assembly of Norfolk Island, and to the Office of Speaker on 24 March 2010, I served as the Clerk to the Legislative Assembly of Norfolk Island for 26 years, and before that as the Deputy Clerk. It is my personal view that democracy on our Island is alive and well and is the envy of many other Parliaments of similar size.

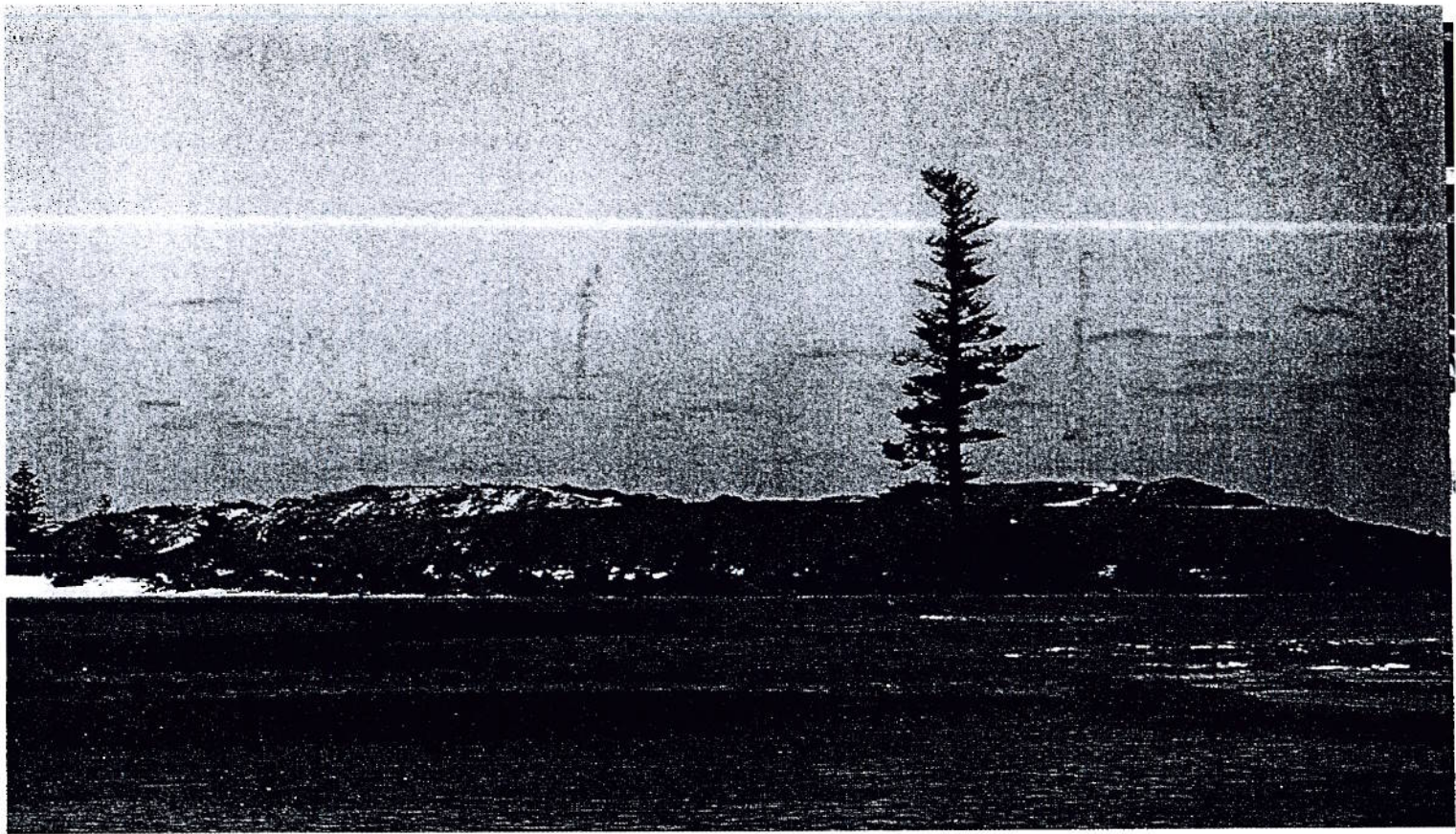
You are excused if you wonder "who and what" this Norfolk Island is. Flying over the South Pacific from Brisbane Australia to Auckland New Zealand, you could blink and miss us - we are so tiny geographically; just 8 kilometres by 5 kilometres "as the crow flies" with a total area of 3,455 hectares. But our lack of size and population – which fluctuates today between 1,700 and 2,000 people plus some 500 to 800 visitors weekly – in no way diminishes the independence, resourcefulness and vibrancy of the people who make up the multicultural tapestry of the Norfolk Island community today. Norfolk Island is an external territory under the Commonwealth of Australia.

## Our history

To understand who we are today you need to understand our history.

You might have heard of us because of the mutiny on *HMS Bounty* in 1789 and the fact that the descendants of the mutineers migrated en masse from Pitcairn



WELCOME  
BACK TO  
EARTH

THE WORLD OF NORFOLK



Island to Norfolk Island in 1856 to make it their new homeland. (We argue to this day that Queen Victoria ceded Norfolk Island to the Pitcairners!) And we continue to this day to pride ourselves on two very significant firsts in British legislative history on Pitcairn Island: equal voting rights for women in 1830, years ahead of any other British Empire or Commonwealth constitution, and compulsory education for all children. The Islanders were a self-governing people when they arrived but that right was to be taken away in later years by outside authorities. For a broader overview of our political history we invite you to read articles about our governance arrangements since 1856, and the uncertainties that continue to undermine the evolution of

democracy on Norfolk Island. (Issue 2 of 2006; Issue 4 of 2008 and Issue 3 of 2009 of The Parliamentarian) These articles were written of necessity to draw Commonwealth attention to the fact that democracy could be said to be at risk in Norfolk Island for reasons not supported by the Island's Parliament.

Norfolk Island has a hybrid system of representative government: it is a mix of Westminster, consensus and direct democracy. People exposed to an adversarial system of government, such as used in Australia and New Zealand, can find ours hard to fully understand. Space does not permit a full overview of how our Parliament works but some examples of our parliamentary "differences" may be helpful.

### Our parliamentary "differences"

Direct democracy is alive and well in Norfolk Island and is exercised through a referendum or an initiative under the Referendum Act 1964. In a community with 1,100 voters the referendum process can work with relative ease. Norfolk Island has since 1979 used citizen-initiated referenda on six occasions and government-initiated referenda on 10 occasions.

Members of the Legislative Assembly can vote according to their conscience on every issue, unlike Parliaments with adversarial government. All Members have a deliberative vote only, including the Speaker who, along with the Deputy Speaker, is chosen by vote of the House.

The House also determines the number of Ministers of the government to be appointed by the Administrator (Governor) and, of equal importance, the House may determine whether the Administrator should remove a

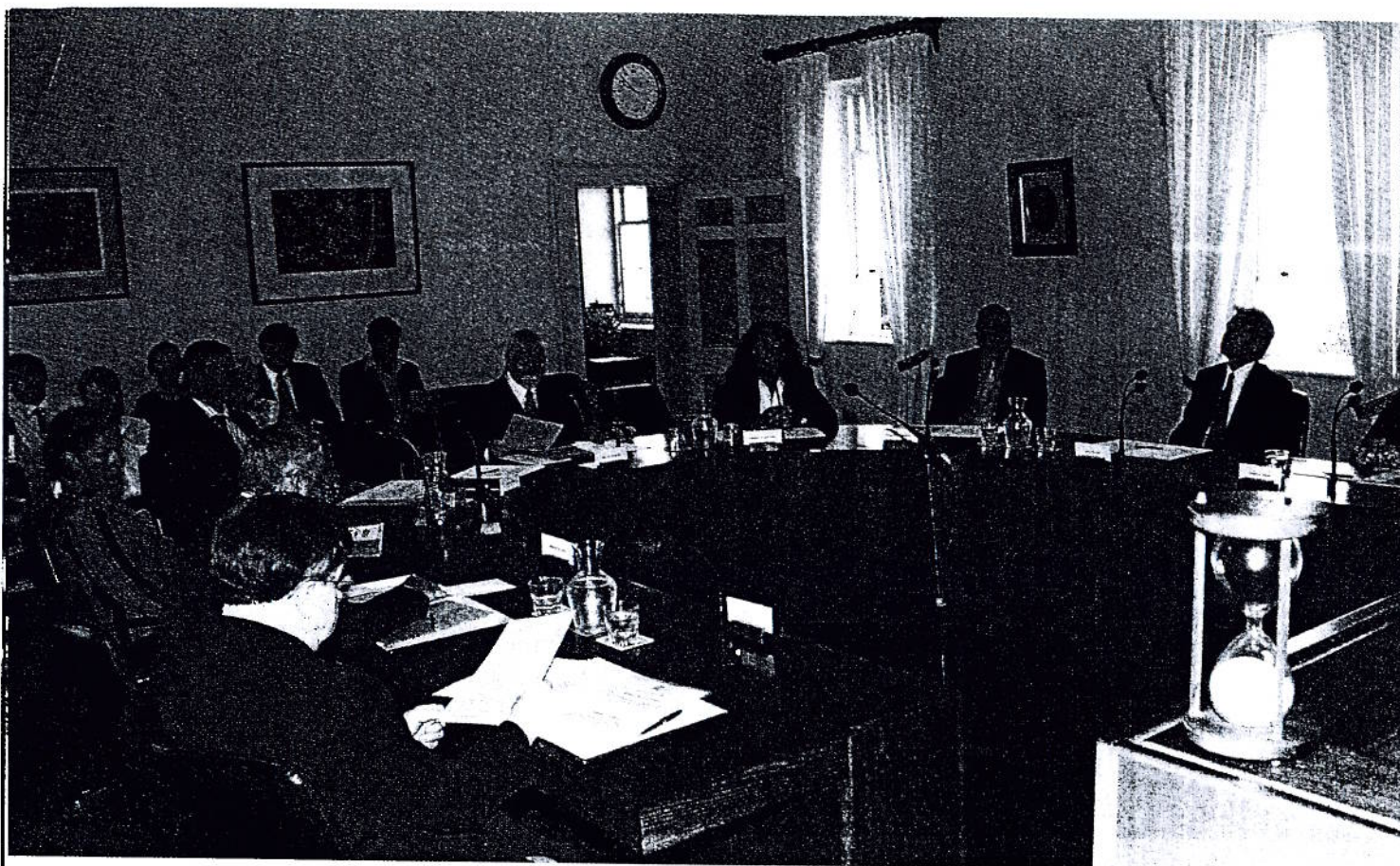
Above: A coastal view of Norfolk Island;  
Left: The island's tourism logo.

Minister from office if the Members are unhappy with the performance of the Minister.

The number of Ministers has varied from one Assembly to the next, ranging from two through to six in one Assembly. Some would view a ministry of six out of nine Members as being inappropriate. That is not necessarily the case on Norfolk because of the fact that we have collegiate government, not cabinet solidarity, as Members of the Assembly stand in the main as independents. In fact it is not uncommon during question time for a Minister to ask a question of another Minister or to vote against another Minister. This practice is consistent with consensus government.

From time to time, Ministers, including the Chief Minister, have also been the Speaker.





**Above: The first sitting of the Legislative Assembly after the 2010 election.**

Question time can be robust and penetrating, and sittings are broadcast live island-wide, and replayed the following evening. The community is very quick to ask its own questions of the Legislature and of the ministry in the local press if unsatisfied with responses given or issues raised which cause community concern.

Ministers go on radio on the morning after a sitting and the public is invited to send in questions for them to answer.

### **The challenge**

However, our different way of doing business in our Parliament continues to create problems for us with the Commonwealth of Australia and so, in 2010, Norfolk Island is again having to defend its style of governance as a consequence of Commonwealth legislation – the Territories Law Reform Bill 2010 – having been introduced into the Federal Parliament on 17 March – the date the Island went

to the polls to elect its new Parliament.

The Bill makes some serious incursions into the evolution of internal self-government for the Island and is being vigorously opposed by the Norfolk Island government. Australia's ongoing desire to "normalize" Norfolk Island according to the Australian "norm" continues to be a matter of concern. The Norfolk Island government is committed to persuading the Commonwealth not to proceed with the Bill and took the opportunity on 8 April to present its case against the Bill to the Federal Joint Standing Committee on the National Capital and External Territories to whom the Commonwealth Bill has been referred for inquiry.

The government has the following concern about changes proposed by the Bill:

- The expansion of the veto power of the federal Minister and the reduction of the

authority of the Norfolk Island Executive Council regarding advice to the Administrator as to the exercise of powers conferred on the Administrator.

- The creation of new Commonwealth public service positions notionally attributable to Norfolk Island (which effectively return to the colonial rule in place before 1979).
- The imposition of a fixed form of government on the Norfolk Island community by:
  1. Removing the ability of the Legislative Assembly to select, structure and allocate portfolios to the executive Members of the Legislative Assembly who form the Norfolk Island government;
  2. Imposing a form of Norfolk Island government focusing on a Chief Minister with power to appoint and remove Ministers;
  3. Limiting the number of Ministers that might be appointed;
- 4. Enabling the Chief Minister to be removed by the Administrator if "in the Administrator's opinion, there are exceptional circumstances that justify the Administrator so doing", and
- 5. Limiting the power to allocate or reallocate Ministerial Portfolios to the Chief Minister
  - Reducing the Legislative Assembly's power, as the elected representatives of the Norfolk Island community, to enact legislation by:
    1. Empowering the Administrator to reserve all proposed laws, regardless of character, for Governor-General's assent;
    2. Empowering the federal Minister to veto all advice from the Norfolk Island Executive Council to the Administrator



regarding proposed laws that previously were under the sole authority of the Executive Council, and

3. Empowering the federal Minister (in addition to the existing power conferred on the Governor-General) to introduce a proposed law into the Legislative Assembly.
- Facilitating the non-democratic and non-judicial removal of the Legislative Assembly by enabling:
  - a. The dismissal of individual Members of the Legislative Assembly by the Administrator for "seriously unlawful conduct" or "grossly improper conduct", and
  - b. The dissolution of the Legislative Assembly by the Governor-General if, in the opinion of the Governor-General the Legislative Assembly is "incapable of effectively performing its functions" or "is conducting its affairs in a grossly improper manner".
- Reducing the legislative capacity of the Legislative Assembly through the use of Commonwealth regulations to:
  - a. Override Norfolk Island laws regarding standards of conduct applying to Norfolk Island public servants;
  - b. Repeal or alter items in Schedule 2 or 3 of the Norfolk Island Act 1979 without the current requirement for a Legislative Assembly resolution approving such regulation;
  - c. Override existing Norfolk Island electoral laws;
  - d. Override existing Norfolk Island laws regarding public moneys and public stores, and
  - e. Overriding existing Norfolk Island laws regarding financial management by entities falling within the control of the Norfolk Island government.
- Unilaterally imposing a new financial framework as to the

Public Account of Administration and related public sector entities.

The Norfolk Island government has proposed that the passage of the Bill be deferred so that alternative provisions can be formulated that are more appropriate to Norfolk Island's unique circumstances. These alternate provisions need to be enshrined in Norfolk Island legislation rather than in that of the Commonwealth of Australia.

## The future?

The question is how do we, once and for all, arrive at a place where the Commonwealth of Australia and the Territory of Norfolk Island are on the same platform about the Island's future. What is the vehicle that will achieve this outcome?

Emeritus Professor Maeve O'Collins, posed the following answer in her 2004 paper titled "Norfolk Island and the Commonwealth of Australia: Continuing the Uneasy Relationship?" presented in the Australian National University Emeritus Faculty Lecture Series:

"A continuing challenge is to devise and maintain open processes of dialogue and consultation between the Parliament of Australia and the Norfolk Island Legislative Assembly. Ensuring that the Norfolk Island community is directly engaged in the process may also serve to establish a sense of ownership and responsibility. If the process of implementation included a two-way mechanism for ongoing consultation, aimed at achieving acceptance and endorsement, as well as any mutually acceptable modifications, both Norfolk Island and Australia would be the winners."

The answer proposed by Professor O'Collins supports the view expressed by me in the lead-up to the elections on 17 March:

"It is time to build bridges and mend fences. It is time for the



**Front from left: Chief Minister Hon. David Buffett, AM, and Administrator Mr Owen Walsh; back row from left: Tourism, Industry and Development Minister Hon. Andre Nobbs, Community Services Minister Hon. Tim Sheridan and Finance Minister and Attorney-General Hon. Craig Anderson.**

Commonwealth government of Australia and the Legislative Assembly of Norfolk Island, on behalf of the Norfolk Island community, to return to the negotiation table with mutual respect for one another, and in their deliberations on our Island's future, to be always mindful of the uniqueness of Norfolk Island and its historical origins. Constructive

respectful dialogue must form the basis of any discussion on Island issues, including governance, finance and environmental sustainability."

I equally support the view of Hon. Paul Neville, MP, in his debate on the Norfolk Island (Amendment) Bill 2003 in the Australian House of Representatives on 4 March 2004:

"We have to be careful that we do not put layers of bureaucracy in place for an island of 3,000 people such that we destroy the very character of the place and the people. That would be a cultural tragedy of monumental proportions."

We encourage you to visit our World of Norfolk and recommend you learn more about us by visiting [www.theworldofnorfolk.com.au](http://www.theworldofnorfolk.com.au).



## A Commonwealth Principle

# Democracy at risk?

Ms Robin-Eleanor Adams, JP, in Kingston.

*Just over a quarter of a century of self-government have taken Norfolk Island from a hopeful new democracy to one facing its demise.*

Ms Adams is the Clerk to the Legislative Assembly of Norfolk Island.

In Singapore in 1971 Commonwealth Heads of government, agreed to a Declaration of Commonwealth Principles. In acknowledgement that those principles have stood the test of time, Commonwealth Heads of Government meeting in Zimbabwe in 1991 reaffirmed them in the Harare Commonwealth Declaration.

On 30 May 1979 the Governor-General of the Commonwealth of Australia assented to the Norfolk Island Act 1979. The preamble to that Act states:

AND WHEREAS the residents of Norfolk Island include descendants of the settlers from Pitcairn Island;  
AND WHEREAS the Parliament recognizes the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture;

AND WHEREAS the Parliament considers it to be desirable and to be

the wish of the people of Norfolk Island that Norfolk Island achieve, over a period of time, internal self-government as a territory under the authority of the Commonwealth and, to that end, to provide, among other things, for the establishment of a representative Legislative Assembly and of other separate political and administrative institutions on Norfolk Island.

In enacting this legislation, the Commonwealth of Australia honoured its commitment to one of the basic Commonwealth Principles, namely that which states:

We believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.

On 10 August 1979, the Norfolk Island people paused in what they were doing

and tuned into their local radios as history was being made in the Old Military Barracks at Kingston where the first Norfolk Island Legislative Assembly was inaugurated under the provisions of the Norfolk Island Act 1979 of the Commonwealth of Australia. A number of Australian dignitaries came as the



The Great Seal of Norfolk Island.

island's guests to witness this historic event. The Governor-General of Australia, Sir Zelman Cowan, opened the Assembly and Hon. R.J. Ellicott, QC, the federal Minister for Home Affairs,

and Right Hon. Sir Billy Snedden, the Speaker of the House of Representatives, made stirring speeches. The President of the Senate, Sir Condor Laucke, joined Mr Snedden in presenting a clock and hourglass to commemorate the occasion. Nine Members were sworn in and a President and Deputy President of the Assembly were elected; they went on to become the Chief Minister and Deputy Chief Minister, thereby forming the first Norfolk Island government.

The *Hansard* of that inaugural meeting records the views of the Commonwealth of Australia in respect of Norfolk Island at that time. Some are worthy of recalling. Sir Zelman Cowan quoted Mr Ellicott when the Minister had visited the island the previous year:

The government recognizes the special situation of Norfolk Island, including the special relationship of the Pitcairn descendants with the island, its traditions and culture. It is prepared, over a period, to move towards a substantial measure of self-government for the island. It is also of the view that although Norfolk Island is part of Australia – and will remain so – this does not require Norfolk Island to be regulated by the same laws as regulate other parts of Australia.

government Territories and Roads, were invited to address the Assembly.

Mr Ellicott reflected on the processes leading up to the introduction of self-government for Norfolk Island and offered congratulations on what has been achieved by the island in the past 25 years. He went on to record for posterity the basic principles of self-government, which are essential to its advancement in Norfolk Island.

Mr Lloyd acknowledged the 25 years of self-government, recording the uniqueness of the level of self-government provided to Norfolk Island and the range of powers and functions entrusted to the Legislative Assembly – local, state and federal powers – and complimented the successive Legislative Assemblies in developing a significant body of law along with the ability to deal with the breadth of issues over which they had carriage.

government model” where the Australian government might assume responsibility for state-type functions. These models are likely to involve all Commonwealth laws being extended to Norfolk Island unless there is a specific reason for not doing so in particular cases...the Australian government’s preferred governance model includes Norfolk Island being part of an appropriate mainland electorate for federal elections and referendum...The Australian government has decided to take responsibility for immigration, customs and quarantine.

It can be argued that where there is significant and overwhelming change proposed to a system of governance, it is appropriate that a binding plebiscite or referendum should be held. The Commonwealth Principle that it is the



*Legislating for Norfolk Island by Islanders.*

He went on to record that when the Norfolk Island Bill was introduced into the Australia Parliament in 1979 Mr Ellicott stressed the special concern for the structure of the island’s economy, its historical background and its way of life, which have in a number of important respects, preserved the tradition of the Pitcairn Islanders.

Twenty-five years later, when the Legislative Assembly of Norfolk Island conducted a ceremonial sitting to mark the 25th Anniversary of the Legislative Assembly, Mr Ellicott and Hon Jim Lloyd, the Australian Minister for Local

Less than two years later, in February 2006, the Norfolk Island community was therefore stunned when Mr Lloyd again visited the island and announced, without prior warning that:

The [Australian] government’s intention is to develop and consult on two broad options for the future governance of the island.

The first of these options is a “modified self-government model” with greater powers for the Australian government to be involved, than currently exist.

The second option is a “local

individual’s inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives supports this argument.

The view has been expressed that the unilateral decision by the Commonwealth of Australia to change Norfolk Island’s form of governance without prior referral to plebiscite or referendum is in direct contradiction to this principle, one that Norfolk Island has consistently demonstrated it supports through active use of the referendum process. For example, under the Referendum Act 1964 (Norfolk Island)



between 1979 and 2002 there have been five citizen-initiated referenda and nine government-initiated referenda conducted in this small community of 2,000 people.

The future of parliamentary democracy has for many years been prominent on the agenda of the Commonwealth Parliamentary Association (CPA), of which Norfolk Island has been an active member since 1981. In 2001 the CPA in conjunction with Athabasca University, published the CPA Learning System for Professional Development – Module on Parliamentary Democracy. This publication gives an in depth overview of the future of parliamentary democracy and the increasing push by citizens for a local voice, a trend that is manifesting in demands for direct democracy initiatives such as referenda, plebiscites and recall.

Historically, from 1856 to the present day the Norfolk Island community (the third settlement) has been a mix of Pitcairn descendants, Australians, New Zealanders and British with a sprinkling of Americans and Europeans.

When Norfolk Island began its journey to full internal self-government, it is interesting to note the changes since 1856 that have taken place on the island's electoral front with regard to eligibility to vote. Prior to 1897, there was no citizenship requirement for voting. From 1897 to 1925, only those natural born or naturalized subjects of the Queen or King were eligible. Between 1935 and 1964, this was amended to read "natural born or naturalized British subject" and between 1964 to 1979 to read "British subject".

From 1979 to 1985 to be eligible to vote and/or stand for the Legislative Assembly one was required to be an Australian citizen or otherwise have the status of a British subject – Australians, New Zealanders and British were treated alike. Persons who were not British subjects were not eligible for election. At the request of Norfolk Island in 1985 discrimination on the grounds of nationality or citizenship was removed and the eligibility criteria was changed to remove the citizenship requirement; eligibility then became dependent on the length of time a person had resided in Norfolk Island.

In 2004 the Australian Parliament, without referral to plebiscite or

referendum for the Norfolk Island people, and against the wishes of the Norfolk Island government, amended the Norfolk Island Act 1979 to remove the ability of persons other than those with Australian citizenship from being included on the electoral roll or standing for elections to the Legislative Assembly, meaning that today again there is discrimination on the grounds of citizenship.

Is democracy at risk? This is the question that will lead history to record why, on 12 April 2006, the government of Norfolk Island, with the unanimous agreement of all Members of the Legislative Assembly, resolved to join in a High Court constitutional challenge against the Commonwealth of Australia in the original jurisdiction of the High Court. To quote Chief Minister Hon. Geoffrey R. Gardner:

The objective of the proceeding is to uphold the democratic rights of Norfolk Islanders and to protect the progress made toward internal self-government. The litigation aims to ascertain the limits of the Commonwealth's legislative power over Norfolk Island. The proceedings seek a declaration by the High Court that provisions of the Commonwealth's Norfolk Island Amendment Act 2004 are invalid. The provisions which will be argued to be invalid are those which (1) require Australian citizenship as a qualification for new enrolments, and re-enrolments, on the Norfolk Island electoral roll; and (2) require Australian citizenship as a qualification for election to the Norfolk Island Legislative Assembly.

The case will be argued by former Federal Attorney-General, Hon R.J. Ellicott, the architect for self-government for Norfolk Island in 1979.

Notwithstanding Australia's expressed intentions, the Legislative Assembly of Norfolk Island and the Norfolk Island government remain committed to

maintaining the vision for the advancement of internal self-government on Norfolk Island as envisaged in 1979. On 19 April 2006 the Assembly unanimously passed the following resolution:

Whereas ~

The Seventh Legislative Assembly of Norfolk Island on 18 October 1995 adopted a Vision Statement for the Advancement of Internal Self-government on Norfolk Island; and The Impact of Bills and Subordinate Legislation Committee of the Eleventh Legislative Assembly on 15 November 2004 included in its Procedural Guidelines that Norfolk Island legislation should meet the goals of that Vision Statement; and Given ~

That it has been 27 years since Norfolk Island commenced its passage to internal self-government; That this process is yet incomplete; and

That many diverse views and attitudes have been pursued in the island since this process commenced;

It is timely ~

For this, the 11th Legislative Assembly, to hereby reaffirm that vision, and give impetus to the following goals in directing the island's future:

Achieve full internal self-government for the people of Norfolk Island; Protect and preserve the island's unique heritage, traditions and culture; Sustain the ecology and natural environment of Norfolk Island; Maintain and improve where possible an adequate standard of living for all residents of Norfolk Island; Promote and maintain industry and employment at a level appropriate to achieve economic self-sufficiency in Norfolk Island recognizing within this process the island's small size and its cultural and ecological sensitivities; and Assume primary management responsibility for all public land in Norfolk Island, including the Norfolk Island National Park.

#### Information

For the full text of the Norfolk Island Act 1979 go to:  
[http://www.info.gov.au/legislation/NorfolkIslandAct1979\(Clth\)/Norfolk%20Island%20Act%2016%20March%202004.pdf](http://www.info.gov.au/legislation/NorfolkIslandAct1979(Clth)/Norfolk%20Island%20Act%2016%20March%202004.pdf)



# Norfolk Island's self-government under threat again

Mrs Robin Eleanor Adams, in Kingston.

*The people of Norfolk Island, a tiny Australian external territory in the South Pacific, have a long history of surviving changes in their governance which have been imposed on them without consultation, and sometimes without warning. And it seems to be happening again, writes the Clerk of the island's Legislative Assembly.*

**Mrs Adams has been the Clerk to the Legislative Assembly of Norfolk Island since 1984.**

In August 2009, the people of Norfolk Island are proudly making plans to celebrate 30 years of self-government. This is in spite of renewed moves by Australia to remove or limit some of the democratic freedoms that are cherished by this small island state.

2009 will be a time to pause and reflect on past achievements, and to plan for the future to ensure the very best outcome for future generations of Norfolk Islanders. With this in mind, the 12th Legislative Assembly at its June 2008 sitting moved the following as its Vision for the Legislative Assembly:

"Delivering quality services through sustainable governance so that the people of Norfolk Island might preserve their unique language, traditions and culture and continue to determine their own future."

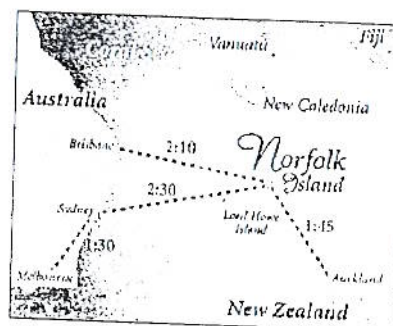
At the time, the government and the people of the island were looking to the future with confidence and optimism, after the Australian federal

government had abandoned its plans to impose governance changes in 2006. (See *The Parliamentarian* Issue Two/2006).

After an announcement in the Australian Parliament in October 2008, the Parliament of this island is once again forced to direct resources to defend its position and the right to govern its own people.

Throughout the history of the people of Norfolk Island, there has always been a tension arising from the equivocal nature of the island's status. In the past, the attitude of first the British, and then the Australian government has ranged from paternalistic to "laissez-faire". In more recent times, the fact that the island and its system of governance is something of an anomaly has led to Australian authorities espousing integration of the island into mainland political units, including taxation and welfare, immigration and customs. The Norfolk Islanders have consistently resisted this approach.

The following snapshot of our political history, although not comprehensive, illustrates that for the past 152 years, the question of the island's



status vis-à-vis Australia – and British colonial authorities in previous times – continues to be a live political issue up to the present day.

**1789**

After an initial period of violence, the Pitcairn Island descendants of the H.M.S. *Bounty* mutineers and their Tahitian wives live a peaceful and orderly self-governing existence on remote Pitcairn Island.

**1883**

Captain Elliott of H.M.S. *Fly* helps the community to draw up a simple code of laws, and a Chief Magistrate is elected each year from the local inhabitants. The Pitcairners lead the world in legislating for free and compulsory education and female suf-





The first sitting of the 11th Assembly in the Norfolk Island chamber.

frage. At this time, the people come under the British Crown.

1856

The community moves en masse to Norfolk Island. Under Royal Instructions issued June 24, 1856: *"And whereas the inhabitants of the said Island are chiefly emigrants from Pitcairn's Island in the Pacific Ocean, who have been established in Norfolk Island under our authority, and who have been accustomed in the territory from which they have removed to govern themselves by laws and usages adapted to their own state of society; you are, as far as practicable, ... To preserve such laws and usages, and to adapt the authority vested in you by the said recited Order-in-Council to their preservation and maintenance"*

1857

Captain Dennison assists the Norfolk Island settlers to draw up 39 Laws and Regulations. The island remains substantially self-governing under its own locally elected Magistrates.

1896

Norfolk Island is brought under the government of New South Wales. All local laws are repealed and the local Magistrates are abolished and replaced by an outside appointee.

Most Islanders first read about this change in the Sydney Morning Herald. Their protests are rejected, with one member of an investigating committee referring to "the pernicious doctrine of democracy!" Around this time, New Zealand expresses some interest in governing Norfolk Island.

1908

In the lead-up to the transfer of control of the Island from Britain to Australia, the occupants of the old penal settlement buildings, whose families have lived in them since their arrival in 1856, are asked to sign a paper to the effect that they only occupy these buildings under a special licence, and can claim no right of ownership. Most accept eviction rather than sign, because they are convinced of their rights.

1913-14

Britain transfers control of the island to the Commonwealth of Australia. As an external territory, it comes under an administrator whose role is combined with that of Chief Magistrate. At this time, the Minister who moved the Norfolk Island Bill in the Australian federal Parliament is asked if there has been

consultation with the Norfolk Island people on the matter of the change in their constitutional status. His reply is: "They know what is going on; but no, they have not been consulted...."

At first there is an Executive Council, but with most Members being appointed by the administrator and only having power over minor municipal matters.

1926

A royal commission receives representation from 12 of the then 19 surviving original settlers from Pitcairn Island that the original promises made to the Pitcairners have not been honoured.

1935

An elected eight-Member Advisory Council is established. The roles of administrator and judiciary are made separate.

1948

The Australian Citizenship Act of 1948 includes the people of Norfolk Island. This is passed without their knowledge or consent, but has implications in their efforts to assert their distinct and separate rights in later years.



1955

A Petition signed by 375 of Norfolk Island's 583 adults is addressed to Her Majesty, asking for the restoration of "the democratic right of control over our domestic affairs".

1957-60

Under the Norfolk Island Act of 1957, more executive powers are to be given to a Norfolk Island Council. However, this never comes into effect because the first council elected under these terms rejects it. The council says it only has control over minor municipal matters, too little access to revenues and funding and the administrator retains a power of veto.

1965

H.S. Newbery legally challenges Australia's right to legislate for Norfolk Island, arguing that the repeal of Norfolk Island laws in 1896 was invalid. The case is lost.

1975-6

The Nimmo Royal Commission makes a recommendation that the Commonwealth of Australia either abandons Norfolk Island, or that it be brought under Australia for electoral, social security or taxation purposes, and that all Commonwealth law should apply.

1977

The Norfolk Island Advisory Council and community groups vigorously oppose the Nimmo Report. An appeal to the United Nations is promulgated but not processed.

1979

The Australian government announces it is prepared to move over a period of time towards a sub-

stantial measure of self-government for the Island. It is also of the view that, although Norfolk Island is part of Australia, and would remain so, this does not require Norfolk Island to be regulated by the same laws as other parts of Australia.

In May 1979, the Commonwealth Norfolk Island Act of 1978 receives Vice-Regal Assent.

A nine-Member Legislative Assembly is established, with the role of administrator remaining mainly to deal with Australia's interests and areas in which it currently retains interest and control.

The transfer of powers does not, however, proceed according to the timetable initially proposed.

1999

In the 1999 response of the Norfolk Island government to the Australian House of Representatives Standing Committee on Legal and Constitutional Affairs, it is said:

"The Government is of the view that any significant change to the nature of the island's relationship with Australia should be preceded by:

- Proper community consultation;
- A Constitutional Convention;
- and a series of referenda.

The government of the day states in confidence that the result of this process would be a near-universal adoption of the position that the island should stand in the same relationship to Australia as do the Channel Islands with respect to the United Kingdom.

2004

In March, against the wishes of the Norfolk Island Legislative Assembly, Australia passes a law to provide that

only Australian citizens can vote in or stand for elections for the Legislative Assembly. This disenfranchises many long-term permanent residents, including a number who are of Bounty and Pitcairn descent.

In August, there is a ceremonial siring of the Legislative Assembly to mark 25 years of self-government.

2006

In February, the federal Minister with responsibility for Norfolk Island announces the Australian government's intention to develop and consult on two broad options for the future governance of the island. The options are:

- A modified self-government model with greater powers for the Australian government to be involved, than currently exists; or
- A local government model where the Australian government might assume responsibility for state-type functions.

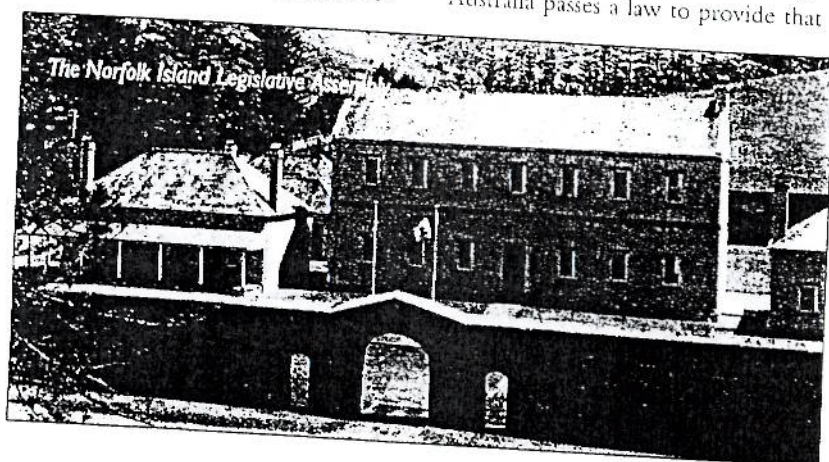
The Minister suggests that these models are likely to involve all Commonwealth laws being extended to Norfolk Island. The Australian government's preferred governance model includes Norfolk Island being part of an appropriate mainland electorate for federal elections and referenda. The Australian government advises its intention to take responsibility for immigration, customs and quarantine.

In December, the Minister visits the island and announces that plans for governance changes have been abandoned. No reason is given. Requests for the results of an economic impact survey on the proposed governance changes have been refused to this day.

2008 - The latest developments  
23 October

The current federal Minister with responsibility for Norfolk Island, Hon. Bob Debus, makes an announcement about governance on Norfolk Island in the Australian Parliament. This announcement is made without any prior notice to the Norfolk Island government.

His stated intention was "securing the future of Norfolk Island as a sustainable, just and equal part of





Australia into the 21st century". He said that Australia was obliged to uphold the principles of political stability and economic prosperity that Australia was working to establish in many countries in the Pacific.

The Minister also alleges that "Australian citizens on Norfolk Island do not receive all the benefits and protections enjoyed by other Australians, nor do they have the same obligations".

*decided that no governance changes should be made. This was based on a full economic analysis by Treasury and the Department of Finance, an independent econometric study by respected consultants Econtech (now a division of KPMG) and several reports commissioned by the Commonwealth of Australia government itself. Mr Nobbs said, "We intend to take every opportunity during the brief visit by Minister Debus in the next few days to engage in detailed discussions with him on the best ways for the Australian and*

*tions. The first occurred when the whole population agreed to the transfer from Pitcairn to Norfolk Island, only to find that the commitment that had been made to them that the island would be given to them for their exclusive occupation was not to be honoured. The second occasion was in 1979, when the Norfolk Island Act granted self-government, and appeared finally to promise certainty and the opportunity to govern according to the spe-*



*The Members and clerks of the 12th Assembly.*

#### 24 October

In a government press release, Norfolk Island's Chief Minister Hon. Andre Nobbs responds to the federal Minister's announcement as follows:

*"On the eve of his first visit to Norfolk Island as Minister, Mr Debus has made a series of flawed judgments about Norfolk Island's financial status and the quality of our government services and programmes, without prior consultation with its elected government". Mr Nobbs said, "Norfolk Island has unique economic, social and political structures which have worked well for almost 30 years, making us a success story among Australia's external territories and our South Pacific island neighbours". The Chief Minister pointed out that it was less than two years since the Commonwealth completed a year-long examination of Norfolk Island governance, following which federal cabinet*

*Norfolk Island governments to work together in the interests of the welfare of all the people of Norfolk Island."*

#### 25 October 2008

Mr Debus meets with Members of the Legislative Assembly of Norfolk Island. So commences yet another round of discussions with the Commonwealth of Australia on the future destiny of Norfolk.

#### It is worth noting

The people of Norfolk Island have, over their 220-year history, undergone changes not only to their geographical home, but many changes to their legal and constitutional status. Most of these changes have been imposed on them by outsiders, without consultation or consent, and often without their knowledge.

There are two notable excep-

tions. The first occurred when the whole population agreed to the transfer from Pitcairn to Norfolk Island, only to find that the commitment that had been made to them that the island would be given to them for their exclusive occupation was not to be honoured. The second occasion was in 1979, when the Norfolk Island Act granted self-government, and appeared finally to promise certainty and the opportunity to govern according to the spe-

cial needs and aspirations of the Norfolk Island people. Now it appears that the federal government of Australia wishes to renege on this process also.

Norfolk Islanders recognize that being a territory under the Commonwealth of Australia, and the fact that we were given Australian citizenship (both actions taken without consultation) gives us a close relationship with Australia, and the opportunity to work co-operatively.

Nevertheless, the people of Norfolk Island to this day remain firmly convinced of our democratic right to govern themselves according to our own laws and customs. We trust that, in our discussions with Australia over this issue, justice and fairness will prevail, with a positive outcome for the rights and well being of the Norfolk Island people.



# THE COMMONWEALTH OF AUSTRALIA AND NORFOLK ISLAND: BRIDGING THE DIVIDE

The issue of bridging the divide between the Commonwealth of Australia and the Territory of Norfolk Island is one that has yet to be resolved, leaving unanswered questions regarding the territory's future status, writes the island's Minister for Cultural Heritage and Community Services.

## Ms Robin Adams, MLA

Ms Adams is currently the Minister for Cultural Heritage and Community Services in the Norfolk Island Government, having been appointed on 13 March 2013. She is a Norfolk Islander of Pitcairn Descent and an Australian citizen.

Prior to her current role, Ms Adams was Speaker of the 13th Norfolk Island Legislative Assembly from March 2010 to December 2012.



Ms Robin Adams, MLA

Emeritus Professor Maeve O'Collins<sup>1</sup> presented a paper in 2004 at the Australian National University Emeritus Faculty Lecture Series, titled 'Norfolk Island and the Commonwealth of Australia: Continuing the Uneasy Relationship?'<sup>2</sup> In presenting her paper she stated:

"The background to this talk is my research into the socio-political context of the final transfer in 1914

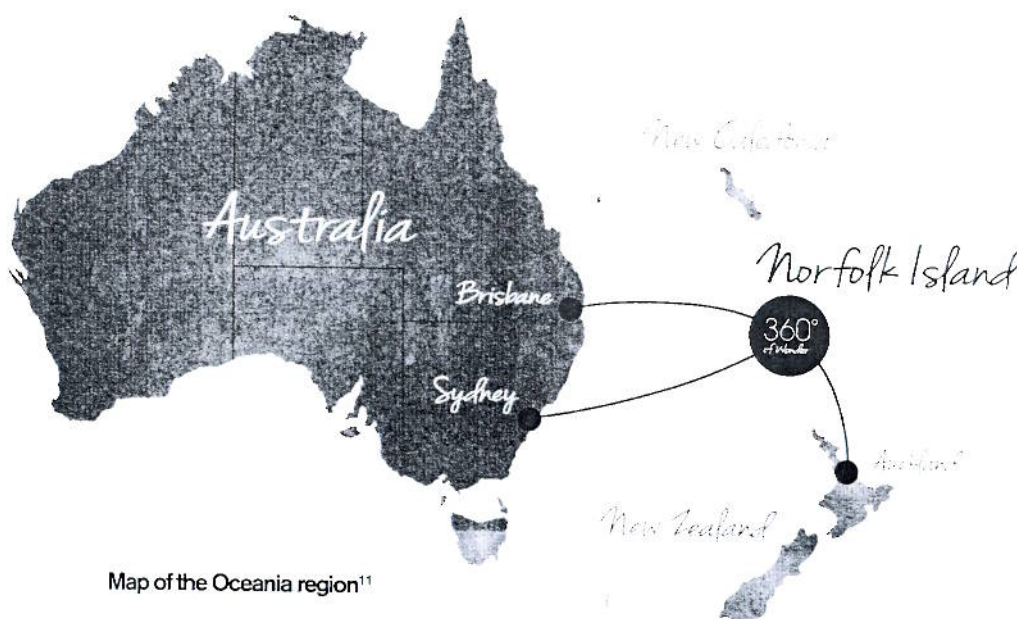
of the authority for Norfolk Island from Britain to the Commonwealth of Australia. Since then Norfolk Island's special status and unique form of governance have often been seen as 'unfinished business.' This has been reflected in a number of reports and commissions of inquiry, and in the intermittent attempts made by successive Australian governments to enact legislation to bring Norfolk Island in line with other Australian territories. Currently the debate is continuing, as Norfolk Islanders try to maintain their cultural and historical identity. The ambiguous relationship between Norfolk Island and Australia may also be seen as a microcosm of Australia's current relations with other small independent nations in the South Pacific.

"As a mainland Australian, who has visited Norfolk Island on several occasions, and conducted archival research into the history of the political and administrative relationship

between Australia and Norfolk Island, it is sobering to note that the lessons of history are so difficult to learn. While many of the recommendations<sup>3</sup> are eminently reasonable, there is a need to establish a less adversarial mechanism for ongoing consultation between the Commonwealth and Norfolk Island governments.

"The continuing challenge is to devise and maintain open processes of dialogue and consultation between the Parliament of Australia and the Norfolk Island Legislative Assembly. Ensuring that the Norfolk Island community is directly engaged in the process may also serve to establish a sense of ownership and responsibility. If the process of implementation included a two-way mechanism for ongoing consultation, aimed at achieving acceptance and endorsement, as well as any mutually acceptable modifications, both Norfolk Island and Australia would be the winners."





Map of the Oceania region<sup>11</sup>

Professor O'Collins' lecture raised the ongoing question of, 'how do we, once and for all, bridge the divide and arrive at a place where the Commonwealth of Australia and the Territory of Norfolk Island are on the same platform about the Island's future status?'

## The divide

The belief that has been handed down through generations of the Pitcairn descendants was that Queen Victoria "gifted" Norfolk Island to the Pitcairners, and that Norfolk Island was theirs to occupy on the same basis as they had done with Pitcairn Island. However there were no apparent records that supported this belief. British Consul of the Society Islands, B. Toup Nicolas, wrote to the Pitcairn Islanders on 5 July 1854 on behalf of his 'Lordship's Despatch, No. 4' dated December 16, 1853 where he wrote:

"Norfolk Island cannot be 'ceded' to the Pitcairn Islanders, but that grants will be made of allotments of land to the different families, and I am desired further to make known to you that is not at present intended to allow any other class of settlers to reside or occupy land on the island."

His view was reinforced in the despatch from Governor General Sir William Denison to the Right Hon. Lord John Russell on 29 December 1855, in which Denison stated:

"It would in my opinion be advisable, at all events for the present, to prohibit all grants or sales of land to others than the race now about to inhabit this small island, and to hold out as little encouragement as possible to the domestication of other races, be they white or coloured, among them, until the effect of the removal of and the altered circumstances in which they are about to be placed can be clearly seen."

It could be argued that these early views of the British Crown's representatives demonstrated a clear intention prior to the removal of The Pitcairners to Norfolk Island, in that they were to have "sovereignty" over their own affairs to the exclusion of all others.

However, history showed that this intent was not to become a reality and the Pitcairners who arrived on Norfolk Island in 1856 as a fully self-governing ethnic community, lost their self-governing status, along with the laws they brought with them, including the right of women to vote, just 58

years after their arrival on the island, when Norfolk Island was declared to be accepted as a Territory under the authority of the Commonwealth of Australia from 1 July 1914.

History also shows that a measure of self-government was restored to the Island with the passage of the Norfolk Island Act 1979. However, with the enactment of the Territories Law Reform Act 30 years later in 2010, the Island's return down the road to internal self-government in 1979 could be viewed somewhat as a "pyrrhic victory".

There have been many events in the last 100 years that have widened the divide. These include:

- Norfolk Island not being inscribed with the United Nations as a non-self-governing territory when Nauru and Papua and New Guinea were inscribed prior to the 1970s;<sup>4</sup>
- Disenfranchisement in 2004 of Norfolk Islanders and other long-term residents from voting or standing for the Legislative Assembly unless they are Australian citizens;<sup>5</sup> and
- The diminution of the Island's self-governing status with the passage of the Territories Law Reform Act 2010.<sup>6</sup>

- Articles about Norfolk Island and its governance have appeared regularly in *The Parliamentarian* since 2000 giving a more in-depth overview of "the Divide".<sup>7,8,9</sup>

"Norfolk Island walks between the worlds" were the opening remarks I made as Speaker of the Legislative Assembly of Norfolk Island when asked to chair a joint meeting of the Pacific Region and the Australia Region Management Committees of the CPA, held during the 43rd Australasian and Pacific Presiding Officers and Clerks Conference in the Solomon Islands in July 2012.<sup>10</sup>

## "We walk in Polynesia and the Pacific with our culture, heritage and traditions"

Norfolk's role as Chairperson aligns with the view of Professor Richard Herr and Dr Andrew Bergin in their report "Our Near and Abroad – Australia and Pacific Islands' regionalism" that "Norfolk Islanders of Polynesian ancestry can serve as a bridge from Australia into the region." This view was also supported by the former Australian CPA Regional Secretary who visited in 2012, who recognized the opportunity to use Norfolk Island as a bridge between the Australian and Pacific Regions of the CPA; and Australia and the Pacific more broadly.

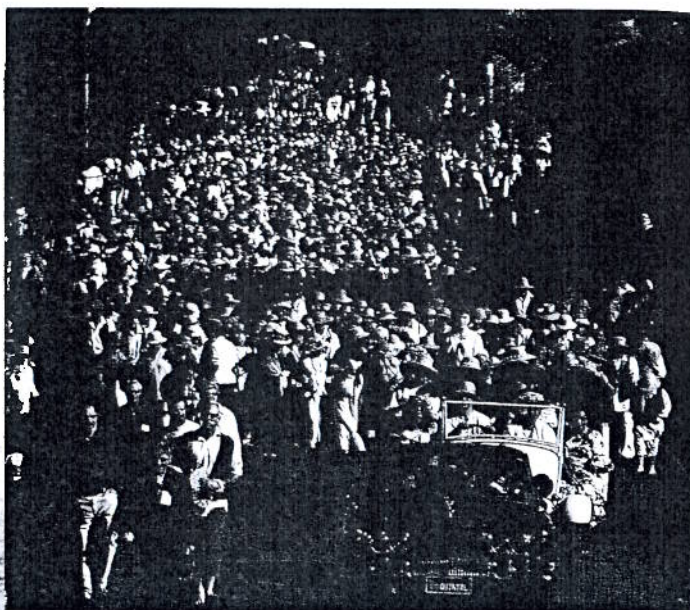
Walking in Polynesia and the Pacific began with the Mutiny on the *Bounty* in 1789 – a tale of conspiracy, adventure and romance. It is a tale that, following the mutiny, sees William Bligh set adrift with 18 men in a longboat to find his way back to England, while Fletcher Christian and the remaining crew of mutineers, with women and men from Tahiti, found their way in January 1790 to Pitcairn Island. Here they were hidden away from the world until the community consisting of John Adams and 34 women and children of Tahitian and mixed blood were discovered on 8 February 1808 by Captain Folger of the "Topaz". The community has been described by one author as the "world's most perfect and pious race". They were the first to give



## RELATIONSHIP MATTERS: NORFOLK ISLAND AND AUSTRALIA

Left: William Bligh is set adrift. Mutiny scene from "Fletcher's Mutiny Cyclorama"; a 360 degree panoramic painting on Norfolk Island.

Right: The annual parade on Anniversary Day/Bounty Day on 8 June<sup>13</sup>



women the vote in 1838 and the first to make education compulsory. The surviving community, who henceforth became known to the world as the Pitcairners, eventually outgrew Pitcairn and in 1855 Queen Victoria offered them Norfolk Island as their new homeland. The Pitcairners – an ethnic community totalling 194 men, women and children – arrived in their new homeland on 8 June 1856.<sup>12</sup> Every year on 8 June, the Islanders celebrate the arrival of The Pitcairners on Norfolk – called Anniversary Day or Bounty Day. It includes a re-enacting of the landing at Kingston jetty, followed by the community en masse in Bounty Day costume walking from the jetty to the cemetery, acknowledging the ancestors before gathering as a community for a picnic lunch.

The Islanders on Pitcairn continue to be acknowledged in Norfolk's immigration legislation and over the years there have been many pilgrimages between Norfolk Island and Pitcairn to cement our historical connections; the most recent being

February 2014 with nine "Norfolkers" travelling to Pitcairn for a 10 day visit.

Norfolk Island also has a very strong history with New Zealand. History shows that New Zealand sought to "have ownership" of Norfolk Island as the island was seen as a possible station in a proposed Pacific cable network. In a letter to Chamberlain dated 26 May, the New Zealand Governor pointed out that:

"I am advised that, as far as my Ministers can ascertain, if any change is to take place in the government of Norfolk Island, the Islanders, while protesting against any change, would prefer to come under the control of New Zealand rather than that of New South Wales".<sup>14</sup>

On 19 March 2014, almost 158 years after the arrival of the Pitcairners on Norfolk Island, the Norfolk Island Cultural Strategic Plan 2014-2018 prepared for the Island's Council of Elders was tabled in the Norfolk Island Parliament. Norfolk Island has evolved into a wonderful tapestry of people. Though it is a global community of local residents and people from all

over the world, it is fair to say that our Island Elders still hold the view that Norfolk Island is first and foremost the homeland of the descendants of the settlers from Pitcairn Island who in 1856 were moved as a community by the authority of Queen Victoria from Pitcairn Island to Norfolk Island. They were a people that came as a fully self-governing, religious ethnic community with its own laws, language, culture and traditions. Tabled in the Norfolk Island Cultural Strategic Plan 2014-2018 in the Norfolk Island Parliament was a historic occasion and a valuable step in achieving the recognition of the special relationship of the said descendants with Norfolk, and their desire to preserve their traditions and culture.

Norfolk's place in the Pacific includes membership of the South Pacific Games Council and the Pacific Arts Council. Norfolk Island was admitted as a member of the South Pacific Games Council in 1979. The idea of holding the South Pacific Games originated with Dr A.H. Sahu Khan who was one of Fiji's representatives at a meeting of the South Pacific Commission held at Rabaul in 1959. The idea was adopted and led to a meeting of nine Territories, held in Noumea in March 1961. Fiji was awarded the honour of hosting the very first Games, and in 1962, the South Pacific Commission

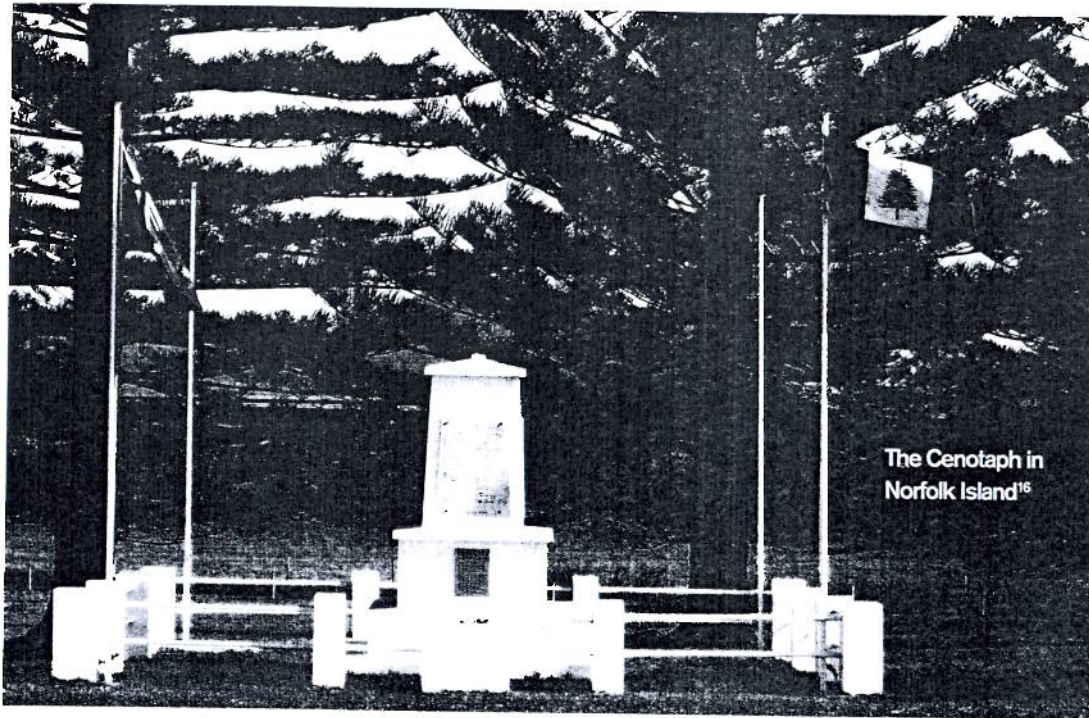
founded the South Pacific Games Council. In the 40 years since its inception, the Games have been held in 12 countries and territories within the Pacific region. The South Pacific Games, today known as the "Pacific Games" were established to create "bonds of kindred friendship and brotherhood amongst people of the countries of the Pacific region through sporting exchange without any distinctions as to race, religion or politics".

Since 1981 the region has also run the South Pacific Mini Games (today called the Pacific Mini Games) and in December 2001 Norfolk Island successfully hosted the VI South Pacific Mini Games with 18 countries/territories participating in the 10 sport programme, with over 800 athletes and officials attending.

### The Festival of Pacific Arts (or Pacific Arts Festival)

The Festival of Pacific Arts (or Pacific Arts Festival) is a travelling festival hosted every four years by a different country in Oceania. It was conceived by the Secretariat of the Pacific Community (formerly the South Pacific Commission) as a means to stem erosion of traditional cultural practices by sharing and exchanging culture at each festival. Norfolk Island was first represented at the Pacific Arts Festival at its third Festival held in Papua New Guinea in 1968.





The Cenotaph in Norfolk Island<sup>16</sup>

also has a seat on the Pacific Arts Council.

### The Pacific community

While Norfolk Island sits on the Council of Pacific Arts and participates in the Festival of Pacific Arts it is not permitted to participate as a member of the Secretariat of the Pacific Community (SPC).

The South Pacific Commission, as it was formerly known, was founded in Australia in 1947 by the six nations that then administered territories in the Pacific.<sup>15</sup> They established the SPC to restore stability to a region after the turbulence of the Second World War, and to assist in administering their territories and benefitting the people of the region.

There are many benefits open to Norfolk Island from a non-political organization such as the SPC which develops and implements a range of programmes to assist Pacific Island countries and territories in their development. The programmes range across public health, fisheries, education, training and human development, economic development, statistics for development, applied geosciences and technology and climate change.

It is to the mutual benefit both of Norfolk Island and the

Commonwealth of Australia were Norfolk Island permitted to participate as a member of the SPC in its own right.

### "And we walk with Australia to whom we owe our loyalty"

There is little doubt that the people of Norfolk Island have always valued their close association with Australia. This is clearly demonstrated when the Norfolk Island community comes together at The Cenotaph on ANZAC Day each year to honour the Norfolk Islanders who fought for Australia in the First and Second World Wars, and in Vietnam and in Korea. The sacrifice made for Australia by so many from this small isolated community in these wars should never be understated.

### Building bridges to close the divide

It is time to build bridges and mend fences. It is time for the Government of Australia and the Legislative Assembly of Norfolk Island to return to the negotiation table with mutual respect for one another, and in their deliberations on our Island's future. Constructive respectful dialogue must be the basis of any discussion on island issues, including governance, finance and environmental sustainability.<sup>17</sup>

It is also important that dialogue commence between the Commonwealth of Australia and Norfolk Island on a referendum or plebiscite being conducted to ascertain the wishes of the Norfolk Island community. It should in particular address the wishes of the descendants of the original settlers from Pitcairn Island who settled on the island in 1856, on how they wish to walk into the future with the Commonwealth of Australia. Conduct of the referendum/plebiscite will require independent oversight to ensure there is an appropriate process to gain an unbiased outcome. Whether the United Nations would provide that independent oversight and the desired outcome is another discussion.

To conclude, the words of Professor O'Collins add a fitting end to the discussion:

"The continuing challenge is to devise and maintain open processes of dialogue and consultation between the Parliament of Australia and the Norfolk Island Legislative Assembly. Ensuring that the Norfolk Island community is directly engaged in the process may also serve to establish a sense of ownership and responsibility. If the process included a two-way mechanism for ongoing consultation,

aimed at achieving acceptance and endorsement, as well as any mutually acceptable modifications, both Norfolk Island and Australia would be the winners."

If Professor O'Collins' statement became a reality, it would consequently help bridge the gap once and for all between the Commonwealth of Australia and Norfolk Island.

### Endnotes

1. [http://www.anue.edu.au/emeritus/members/Maev\\_O\\_Collins.html](http://www.anue.edu.au/emeritus/members/Maev_O_Collins.html)
2. <http://www.anue.edu.au/emeritus/minutes/>
3. 2003 Report on governance and financial sustainability on Norfolk Island (Quis custodiet ipsos custodiet?) of the Parliament of the Commonwealth of Australia's Joint Standing Committee on the National Capital and External Territories.
4. United Nations Association of Australia – publication titled Norfolk Island, Australia and the UN. Report to the UNAA Federal Executive by John Bulbeck.
5. Norfolk Island Amendment Act, No. 6 of 2004
6. Territories Law Reform Act 2010, No. 139 of 2010.
7. *The Parliamentarian* 2008/Issue Four. "Norfolk Island's self-government under threat again"
8. *The Parliamentarian* 2006/Issue Two. "Democracy at risk?"
9. *The Parliamentarian* 2012 Issue Three. "Governance and Democracy: Norfolk Island style? At risk again?"
10. All Australian Parliaments were represented; as were the Pacific parliaments of the Autonomous Region of Bougainville, Cook Islands, Kiribati, Nauru, New Zealand, Samoa, Tuvalu and the Republic of Vanuatu.
11. Bella Online: Oceania – What is Oceania? – Australia?
12. *The Parliamentarian* 2012 Issue Three. "Norfolk Island and the Isle of Man strengthen historical ties: From Mubny to Unity."
13. (Photo: The annual parade on Anniversary Day/Bounty Day on 8 June)
14. "A Federation in these Seas" Alan Kerr
15. Australia, France, New Zealand, Netherlands, United Kingdom, and the United States of America
16. Photo of the Cenotaph
17. *The Parliamentarian* 2010 Issue Two: "Governance and Democracy."