

Norfolk Island Regional Council

MEDIA RELEASE

KEEPING THE COMMUNITY INFORMED

APPLICATION OF NSW LEGISLATION TO NORFOLK ISLAND

The following NSW laws were applied to Norfolk Island on 1 July 2016 –

- Health Services Act 1997
- Interpretation Act 1987
- Local Government Act 1993
- Long Service Leave Act 1955

The application of other NSW laws was suspended for six months until 31 December 2016 to allow time for further negotiations and further consideration be given to transitional arrangements which will need to be in place before extensive application of NSW applied laws to Norfolk Island can occur. Mayor Adams wrote to Senator the Honourable Fiona Nash on 25 October 2016 in the following terms:

“Senator the Hon Fiona Nash MP
Minister for Regional Development
Minister for Local Government and Territories
Minister for Regional Communications
Deputy Leader of the Nationals
Parliament House
CANBERRA ACT 2601

Email to: Senator.Nash@aph.gov.au

Dear Senator,

APPLICATION OF NSW LEGISLATION TO NORFOLK ISLAND

Senator you will of course be aware that under the Norfolk Island Applied Laws Ordinance 2016 (Cth), section 4 – ‘Simplified outline of this Ordinance’ – ‘The laws of New South Wales, as in force in New South Wales from time to time, form part of the law of the Territory’ and that in this Ordinance ‘the term “applied laws” is used to refer to New South Wales laws in their character as laws of the Territory.’

Notwithstanding this, under Schedule 1 of the Ordinance –

‘the suspension of most applied NSW laws for six month is intended to allow time for further negotiations with the NSW government for its officers and employees to perform functions and provide services in relation to Norfolk Island. It would also enable further consideration to be given to transitional arrangements which will need to be in place before more extensive application of NSW applied laws to Norfolk Island can occur.’

Over the term of their appointment, the Norfolk Island Advisory Council made a number of formal recommendations to the Assistant Minister for Infrastructure and Regional Development Jamie Briggs and to the Minister for Major Projects, Territories and Local Government Paul Fletcher. In their final report in June 2016 the Advisory Council made the following recommendation in respect of a 'Modern Legal Framework for Norfolk Island' –

'The Advisory Council recommends the Australian Government establish a community consultation process to be applied for changes to laws on Norfolk Island which includes an impact assessment, a set timeframe for responding to the Minister and involves the Administrator and Regional Council'

I feel confident Senator that you will share Council's concern that with 31 December 2016 fast approaching that a community consultation process and an impact assessment is yet to be undertaken. Additionally neither Council nor the Norfolk Island community has been advised whether it is intended that further transitional arrangements are to be put in place before there is more extensive application of NSW applied laws. These concerns have been relayed to the Administrator from time to time in our fortnightly meetings and I appreciate he shares Council's concern.

Accordingly I write to propose to you Senator that a task force of Commonwealth officers and representatives from the Norfolk Island Council be established as a matter of priority to discuss what transitional arrangements are required and what impact assessment is to be undertaken to ensure the extension of NSW legislation, if it is to occur, that it is seamless and harmonises with the culture and way of life of the Norfolk Island people that has evolved over time independently of the culture and way of life of the people of New South Wales.

Yours sincerely,



Robin Adams
Mayor

Letter copied to the Administrator, Mr Gary Hardgrave; Mr Richard Hay Executive Officer; General Manager Ms Lotta Jackson, and Councillors

COUNCIL MATTERS

A reminder that the Delivery Program is out on public exhibition for 28 days and a copy is available at the Library and at Telecom as well as on Council's website www.norfolkisland.gov.nf where you click on the link public exhibition documents. The Delivery Program sets out the actions the Councillors have committed to undertake in their four year term of office. These actions are consistent with the strategic objectives detailed in the Community Strategic Plan 2016-2026.

Robin Adams
Mayor
27 October 2016