

Norfolk Island Advisory Council

Final Report

June 2016

A Note from the Advisory Council Members

Since 1 July 2015, we have provided a forum for the Norfolk Island community to express their views on a range of matters including the structure of the new Regional Council and priorities for the future including on legislation and the economy. The community provided a range of views and we worked diligently to advise on a sensible and practical way forward. As members with diverse backgrounds and range of views we have not always agreed, but we have worked cooperatively to reach a consensus position on all of the matters on which we have advised the Australian Government.

The first task we set ourselves was to release a work plan identifying the range of advice we anticipated providing to the Minister and Administrator, and the ways in which we intended to engage the community and collect feedback to present on behalf of the community. We are proud to say we have delivered the tasks set out in the work plan and have provided advice to the Minister, the Administrator, the Executive Director and Administration of Norfolk Island about what the community has told us it would like the future of Norfolk Island to look like.

We recognise it has been a personally and professionally challenging year for many on the Island, ourselves included, and we would like to thank the Norfolk Island community for their support during the transition year. We believe the community members who chose to actively engage in the consultation process should be proud of their advocacy work and successes. We also encourage the community to continue to engage with key stakeholders (both government and non-government) to continue to build a stronger and more sustainable future for Norfolk Island.

We would also like to thank Minister Fletcher and the former Assistant Minister Briggs for taking the time to visit Norfolk Island and hear the views of community directly, and His Honour the Administrator for sharing information and his insights with us. We also thank the staff of the Department of Infrastructure and Regional Development and the other involved agencies for their commitment to delivering the best possible outcomes for Norfolk Island in line with the decisions of the Australian Government.

The election of councillors to the inaugural Norfolk Island Regional Council took place on 28 May 2016, signalling the next step forward for Norfolk Island. We look forward to the councillors elect taking on the job of service to, and advocating on behalf of, all of the Norfolk Island community from 1 July 2016.

Melissa Ward – Chair

Wally Beadman

Duncan Evans

Eve Semple

PJ Wilson

Overview of the Norfolk Island Advisory Council

In March 2015, the Australian Government announced a significant reform programme for Norfolk Island. From 1 July 2016, the Australian Government will assume the responsibility for delivery of all Federal and State level services. The newly formed Norfolk Island Regional Council will be responsible for the delivery of local government services and a range of additional responsibilities brought about by the location of, and circumstances on Norfolk Island.

On 4 June 2015, the Assistant Minister for Infrastructure and Regional Development, the Hon. Jamie Briggs MP, announced the appointment of a Chair, Ms Melissa Ward MLA. Subsequently, on 12 June, the Minister and Chair announced the appointment of the other four members, Mr Wally Beadman, Mr Duncan Evans, Ms Eve Semple, and Mr PJ Wilson. The members formally commenced their roles on 1 July 2015.

The Norfolk Island Advisory Council was established with a membership drawn from within the local community to ensure there was a local representative body during the interim transition period between the dissolution of the Norfolk Island Legislative Assembly and the commencement of the Norfolk Island Regional Council.

We provided the community with a forum to raise issues and provide feedback to the Minister and the Administrator during the transition period. Specifically, the Minister asked the Advisory Council to provide advice on the following:

- A Regional Council model within the framework of the *Local Government Act 1993 (NSW)*;
- The restructure of the Administration of Norfolk Island into the Norfolk Island Regional Council and transition of staff from one organisation to the other;
- Priorities for introducing new law modelled on NSW, based on the criteria of economic development, community safety and sustainable government; and
- Any other matter referred to it by the Administrator.

The Advisory Council consulted on three additional matters important to the community:

1. The preamble to the *Norfolk Island Act 1979 (Cth)*;
2. The time zone including daylight saving; and
3. Economic development strategic priorities.

The Work of the Norfolk Island Advisory Council

Once established, the Advisory Council set about establishing procedural rules and a work plan. The procedural rules were published shortly after the formal commencement of the Advisory Council and the first work plan was published on 31 July 2015 with an update in December 2015.

To support its core task of providing advice to the Minister and Administrator, the Advisory Council released a series of discussion papers and a questionnaire, held supporting public hearings, accepted written submissions from interested parties, and attended a number of small group and individual meetings.

To ensure the community remained informed of its activities and had the greatest possible opportunity to involve itself, the Advisory Council released regular community bulletins providing updates on progress and information about its work and activities, including opportunities to contact members through formal and informal channels. The Advisory Council also released media statements as required to provide information on specific matters or on the activities of the Advisory Council.

Regular Meetings of the Advisory Council

The Advisory Council met on the first Wednesday of each month for a formal meeting of members. An agenda for the upcoming meeting was published ahead of the meeting date. The meetings generally ran from 10:00AM until midday but occasionally finished earlier or later depending on the progression of the agenda by members. Each formal meeting was open to the public to attend and was minuted. Minutes were agreed by the Chair and published online after each meeting.

The Chair, Mr Evans, and Mr Beadman attended all monthly meetings of the Advisory Council. Ms Semple attended all meetings except the August 2015 meeting, and Mr Wilson attended all monthly meetings except the September 2015 and April 2016 meetings. Apologies were recorded in advance for Ms Semple and Mr Wilson.

Discussion Papers and Questionnaire

The Advisory Council released three discussion papers. Each was drafted by the Secretariat following our instructions and specifications. The drafting of each discussion paper began with an informal discussion between members about the questions we sought to answer, what was important to the community, the sort of information we thought would assist us to understand community views, and the questions we could ask the community to obtain this information. The Secretariat then undertook preliminary research and proposed a format and structure which we amended or agreed. Based on the agreed structure, the Secretariat prepared a draft discussion paper for consideration by members. Each member had the opportunity to edit the material and to propose additions or deletions from the draft document. Based on our requests the Secretariat finalised a paper for our consideration and agreement.

Each discussion paper was released with a pro-forma feedback form including each of the discussion questions. This was intended to assist the community in making submissions and many respondents opted to use the supplied feedback forms. A number of respondents opted to provide more detailed written submissions. All respondents were provided with an assurance that submissions

would be treated confidentially on request and the identities of individual respondents would be protected.

In addition to the discussion papers, we also released a short questionnaire on priorities for economic development. The questions and options in the questionnaire were based directly on opportunities previously raised by the community in the Norfolk Island Economic Development Strategy prepared by SGS Economics and Planning.

To maximise our reach in the community, and ensure as many people as possible had an opportunity to contribute to the process, we took steps to make our discussion papers and the questionnaire as widely available as possible. We arranged delivery to each post office box on the island (there is no street delivery service on Norfolk Island), we made electronic copies available online, and hard copies available at the Advisory Council office, the Office of the Administrator, and the Australian Government Information Centre. Spare discussion papers and feedback forms, as well as spare questionnaire forms, were also left at the post office.

The response period for each of the discussion papers and for the questionnaire was at least two weeks. Responses were accepted in hard copy in a locked box at the post office, at the Australian Government Information Centre, and at the Advisory Council office. Emailed responses were also accepted.

Public Hearings

The Advisory Council conducted public hearings in support of each of the three discussion papers. The purpose of these hearings was for people to present views and ideas orally to members of the Advisory Council and to interested members of the public. Because the Advisory Council was established to pass on community views rather than to develop and set a policy agenda, members listened and deliberately limited their contribution to an opening statement and questions to clarify a number of points made by presenters.

Presentations to the public hearings were not recorded but minutes were kept and made available on the Advisory Council website. Presenters were provided an opportunity to correct factual errors in the minutes before publication.

The views put forward at the public hearings contributed to the development of advice to the Minister and Administrator on the issues covered and were given equal weight to views put forward in written submissions.

Feedback Summaries

Following the close of each consultative period, the members of the Advisory Council met to read and discuss the responses. Separately, the secretariat read each submission and prepared a draft summary of the feedback against each question. Following the circulation of the draft summary, members met informally to discuss the findings and whether the summary fairly represented the views expressed on the feedback forms, in presentations to public hearings and in private meetings held with interested parties. On reaching consensus that the feedback summaries fairly represented a balance of the range of views put forward, members endorsed and released the feedback summaries. Each of these summaries formed the basis for advice to the Minister.

Advice to the Minister and Administrator

The Advisory Council provided advice to the Minister on each of the three specific areas requested. Advice was based upon information gathered by the Advisory Council through the discussion paper and questionnaire processes, through letters to the Advisory Council, and through private meetings with interested individuals and groups. Advice was agreed between members by consensus on all occasions and no dissenting reports were made.

The Advisory Council also provided copies of its advice to the Administrator. Members provided information and advice to the Administrator on an informal basis around a range of suggested activities that could be carried out to build community capability with respect to the incoming framework in areas such as trade skills and qualifications, licensing and business skills. The Chair relayed community concerns to the Administrator on a weekly basis.

All advice to the Minister was published on the Norfolk Island Advisory Council website.

Community Bulletins

To ensure the community remained aware of our actions we released regular community bulletins. Initially, the bulletins were released monthly but this transitioned to one every two months as the reform process progressed.

The community bulletins provided information about the activities of the Advisory Council, meetings of note, discussion papers and other consultative activities, and ways to contact the Advisory Council and be involved in contributing to advice provided to the Minister and Administrator.

The community bulletins were made available online through the Advisory Council website, copies were placed at the Australian Government Information Centre and the Advisory Council office, and copies were distributed to every post-box on the island.

Media Releases

The Advisory Council prepared media releases as required to publicise specific things like the publication of documents, public meetings, and provision of advice to the Minister. These were made available online at the Advisory Council website and were published in the Norfolk Islander Newspaper and with Norfolk Online. The local radio station relayed Advisory Council notices and the Chair participated in a number of interviews with Radio Norfolk and ABC Western Plains.

Recommendations of the Norfolk Island Advisory Council

Over the term of our appointment, the Norfolk Island Advisory Council made a number of formal recommendations to the Assistant Minister for Infrastructure and Regional Development and to the Minister for Major Projects, Territories and Local Government.

Governance Functions of the Norfolk Island Regional Council

Recommendation:	Status:
1. The Advisory Council recommends the role of the Executive Director be continued and include some executive powers to advise and mentor an incoming Council and to continue the business improvement activities in cooperation with the Administrator and the Department of Infrastructure and Regional Development.	Executive Director role will not continue after 30 June 2016; however, these responsibilities will transfer to the General Manager of the Regional Council.
2. The Advisory Council recommends that the <i>Local Government Act 1993</i> (NSW) Charter be modified as follows: To promote and to provide and plan for the needs of children, <u>the elderly and the vulnerable</u> .	The Regional Council can add to the baseline charter set out in the Act.
3. The Advisory Council recommends seven members (including the Mayor) serve on the Regional Council.	A five member Regional Council established.
4. The Advisory Council recommends independent members may serve on Committees of the Regional Council to ensure that the Council is able to draw on a broader skill base.	This is a decision for the Regional Council.
5. The Advisory Council recommends Regional Council meetings have a public forum as provided for in the <i>Local Government Act 1993</i> (NSW) so members of the community, or representative bodies, can present views on topics important to them and their members.	This is a decision for the Regional Council.
6. The Advisory Council recommends Australian citizens, who are resident or non-resident landowners, and occupiers or leaseholders of business or residential property, be eligible to vote at Regional Council elections.	Actioned.

7. The Advisory Council recommends the Mayor be elected by councillors under the terms set out in the <i>Local Government Act 1993</i> (NSW).	Actioned.
8. The Advisory Council recommends electoral wards not apply to Norfolk Island due to its small population and geographic area.	Actioned.
9. The Advisory Council recommends the preferential voting electoral system set out in the <i>Local Government Act 1993</i> (NSW) be used and, given the Island's small population, recommends voting below the line only.	Voting system established as recommended but above the line voting permitted.
10. The Advisory Council recommends the Regional Council be responsible for administering elections.	Future elections will be the responsibility of the Norfolk Island Regional Council.
11. The Advisory Council considered the Island's small voting population (approximately 1000) and recommends to establish a political party would require 20 members.	Political party membership thresholds remain at 100 under the applied legislation.
12. The Advisory Council recommends the remuneration provisions in the <i>Local Government Act 1993</i> (NSW) apply to Norfolk Island.	Actioned.
13. The Advisory Council recommends the Executive Director continue to pursue governance and operational reform, improve management and customer service standards, remove barriers to competition, contract out services and divest businesses to the private sector wherever possible.	This will be the responsibility of the Regional Council; work in this area is ongoing.
14. The Advisory Council recommends the management of current Norfolk Island government business activities sit outside of the core functions of the Regional Council, and an alternative professional and independent management and oversight model be established by the Australian Government.	Management of government business activities and future operational structuring will be the responsibility of the Regional Council.

<p>15. The Advisory Council recommends an economic development function that encompasses heritage and tourism development be established in the Regional Council and destination marketing be funded by the Australian Government as a State function.</p>	<p>Economic development function announced in new Regional Council organisational structure.</p> <p>The Advisory Council notes tourism funding is included in the 2016/17 budget.</p>
<p>16. The Advisory Council recommends an interim rating model be introduced commencing 1 July 2016, and a value based system be introduced by the end of the first term of the Regional Council.</p>	<p>The <i>Local Government Act 1993 (NSW) (NI)</i> requires the establishment of a rating model. An interim rating model based on land use has been released by the Administration of Norfolk Island. The implementation of this model and the development of a value based rating model will be the responsibility of the Regional Council.</p>

A Modern Legal Framework for Norfolk Island

Recommendation:	Status:
1. 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.	Australian Government consultation processes will continue to apply to Norfolk Island including consultation and regulatory impact assessment requirements where appropriate.
2. The Office of the Administrator provides ongoing advice and support to the Australian Government and Regional Council, particularly in relation to the phasing in of laws and state-level services.	The role of the Administrator is continuing. The Advisory Council notes the role of the Administrator in advocating for a sensible and achievable application of NSW laws will be essential to the success of future reform activities.
3. The Advisory Council recommends the Australian Government implement a small business development programme with a focus on investment in local skills and capability around complying with Australian Government laws applied to Norfolk Island.	Small business and trade skills development programmes implemented by the Office of the Administrator.
4. The Advisory Council recommends a five year legislative programme, including transitional arrangements, setting out the following is published: <ol style="list-style-type: none"> Norfolk Island legislation to be immediately reviewed, amended, retained, or repealed; and NSW law to be applied to Norfolk Island based on local priorities. 	Correspondence from the Department of Infrastructure and Regional Development indicates further consideration of transitional arrangements in relation to the phased extension of modified NSW laws will occur.
5. The Advisory Council recommends a daylight saving trial be carried out and a decision about whether to apply daylight saving be made by the Regional Council.	This is a matter for further advocacy by the Regional Council.
6. The Advisory Council recommends, in light of significant community division and strong opinions both supporting and against, the matter of a Preamble should be further considered by the Regional Council.	This is a matter for the Regional Council.

Transition to a Regional Council and Economic Development

Further to the above specific recommendations, the Advisory Council wrote to the Minister for Major Projects, Territories and Local Government on the transition process and separately on economic development. These letters highlighted the support needs of the Administration of Norfolk Island as it transitions to a Regional Council structure and community priorities for government involvement in economic development activities. We are confident the information provided will inform future decision making as appropriate. We also note many of the community preferences for government involvement in economic development could be carried out by the Regional Council. For this reason, we included the Executive Director, Mr. Peter Gesling, in our correspondence on the matter.

Index of Publications:

Norfolk Island Advisory Council Work Plan

Norfolk Island Advisory Council Work Plan (July 2015)

Norfolk Island Advisory Council Work Plan (Updated December 2015)

Regular Meetings of the Advisory Council

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Agenda – January Meeting

Minutes – July Meeting

Minutes – January Meeting

Agenda – August Meeting

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Discussion Papers and Questionnaires

Discussion Paper 1: A future Norfolk Island Regional Council (July 2015)

Discussion Paper 2: A Future Norfolk Island Regional Council Service Delivery Model (September 2015)

Discussion Paper 3: A Modern Legal Framework for Norfolk Island (November 2015)

Questionnaire: Norfolk Island Economic Development Strategy (March 2016)

Summaries of Community Feedback

Discussion Paper 1: Community Feedback (September 2015)

Discussion Paper 2: Community Feedback (October 2015)

Discussion Paper 3: Community Feedback (January 2016)

Questionnaire on Economic Development: Community Feedback (March 2016)

Advice provided to the Minister and Administrator

Advice to the Minister on governance and functions of a future Regional Council (December 2015)

Advice to the Minister on a modern legal framework for Norfolk Island (March 2015)

Advice to the Minister on the transition of the Administration of Norfolk Island to a Norfolk Island Regional Council (April 2016)

Advice to the Minister on economic development priorities for Norfolk Island (April 2016)

Community Bulletins (2015/16)

July	November-December
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Media Releases (2015/16)

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