

DEPARTMENT OF INFRASTRUCTURE, REGIONAL DEVELOPMENT AND CITIES

1.16 EVENT BRIEF – Breakfast with the Council of Elders

Date and Time:	Thursday 15 November 2018, 8.30 – 9.30 am
Location:	Government House
Meeting with:	Council of Elders
Attendees:	Eric Hutchinson, Administrator Albert Buffett, President Gaye Evans, Vice President Edith Christian, Executive Anita French, Executive Secretary

Outcomes Sought:

- Listen to the Council of Elders' views on the status of Norfolk Island and explain how the Australian Government is working to understand and address these concerns.
- Respond to issues raised by the Council of Elders with the previous Minister, the Hon Dr John McVeigh MP, during his visit in July 2018, including cultural recognition and the consolidation of laws governing Norfolk Island.
- Seek feedback from the Council of Elders public meeting regarding biosecurity.

Key Issues:

- The Council of Elders is a group formed to represent the interests of Norfolk Island residents of Pitcairn descent. Membership is not open to the broader community as it is limited to a small number of families. The Council is aligned with the Norfolk Island People for Democracy (NIPD).

Cultural Recognition

- The Australian Government is committed to protecting culture and heritage on Norfolk Island, including Pitcairn heritage. The Government has implemented a number of measures, including the following:
 - the curriculum at Norfolk Island Central School includes classes in the Norfolk language and culture;
 - requirements around the Norfolk language are included in the Service Delivery Agreement negotiated with the NSW Department of Education, and
 - Norfolk Island's public holidays have been maintained.
- With the abolition of the preamble to the Norfolk Island Act 1979, the Council of Elders are concerned about formal recognition of Norfolk Islanders of Pitcairn descent.
- The Norfolk Island Advisory Council provided advice in 2015 about the development of a preamble to the Norfolk Island Act, concluding that "in light of community division on the matter and strong opinions both supporting and against, the matter of a preamble should be further considered by the Regional Council".

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- At the time, the Department of Infrastructure and Regional Development advised that the Australian Government is most likely to support the reintroduction of a preamble if the wording is short, historically accurate, and reflects the multicultural nature of today's Norfolk Island community. (Key Issues Brief 2.03).
- During his July meeting with the Council of Elders, the Hon Dr John McVeigh recommended that the Council of Elders work with the Norfolk Island Regional Council (NIRC) and the Administrator of Norfolk Island to develop a new preamble that has majority support in the Norfolk Island community and reflects the Island's multicultural make-up. You may wish to seek and update from the Council of Elders.

Access to laws governing Norfolk Island:

- During the Hon Dr John McVeigh MP's visit the Council of Elders requested the consolidation of Acts governing Norfolk Island to make the law easier to access and understand.
- Compilations of legislation are available for all laws governing Norfolk Island, with the exception of applied NSW laws.
- The NSW laws that apply in Norfolk Island include, as set out in Schedule 1 to the Applied Laws Ordinance: the Health Services Act 1997; the Local Government Act 1993; the Crimes (Domestic and Personal Violence) Act 2007; the Education Act 1900; and the Public Health Act 2010.
- Since the Hon Dr John McVeigh MP's visit the Department of Infrastructure, Regional Development and Cities has investigated the compilation of NSW laws.
- Changes to relevant NSW law can be made frequently without advice being provided to the Commonwealth. Making a new compilation of an applied law every time there is a change in the NSW law would be resource intensive and would result in drafting resources being diverted away from higher priority legislation work. As an example, since the Local Government Act 1993 (NSW) was applied in Norfolk Island on 1 July 2016, it has been amended approximately 20 times.
- The Department will trial the periodic compilation of certain high-use applied laws, that is, legislation that is used by a number of participants in the activity which is the subject of the legislation.
 - A compilation of the Local Government Act 1993 (NSW) (NI), as at 13 October 2018, has just been produced. This will be provided to the Norfolk Island Regional Council for use by its officers, and will also be made publicly available for broader consumption.
 - Consideration will be given to the production of a compilation of the recently applied domestic and personal violence legislation, which would be used by the courts and police.
- In addition, the Department will publish an information sheet for the community outlining how to understand the operation of a NSW law applied in Norfolk Island, without a compilation.

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Biosecurity

- The Council of Elders held a public meeting on 7 November 2018 to address multiple issues regarding biosecurity and the Department of Agriculture and Water Resources import conditions.
- You may wish to provide feedback from your meeting with biosecurity stakeholders (refer Event Brief 1.04).

Abolition of revenue sources and imposition of land tax:

- The Council of Elders may also raise the abolition of revenue streams from the Regional Council and the imposing of land tax.
- Land rates apply in the rest of Australia and are the main source of revenue available to local governments for maintaining infrastructure (such as roads) and providing community services (such as waste management).
- Special hardship arrangements are available through the Norfolk Island Regional Council (NIRC) to those experiencing genuine hardship.
- A number of other changes have impacted on the revenue streams available to the NIRC, including:
 - with the shift to the mainland taxation system, the Norfolk Island GST was abolished to reduce the pressure of the commencement of income taxation;
 - import duty was abolished to reduce financial hardship in the community; and
 - the Australian Government provides a Financial Assistance Grant type payment and funding for NIRC service delivery to make up for foregone revenue.

Background:

- In 2015 the Council of Elders wrote to the previous Minister for Territories, Ms Fiona Nash about the preservation of cultural heritage. Preservation of cultural heritage is a shared community and government responsibility.
- A number of submissions to the Advisory Council also raised specific concerns about the preservation of cultural heritage, including:
 - public holidays;
 - Norfolk language;
 - flying the Norfolk flag;
 - singing of the Pitcairn Anthem;
 - ownership of cultural objects and ongoing access to KAVHA; and
 - the role of volunteerism in the community.

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- The previous Norfolk Island Administrator assured the community that the Australian Government does not plan to prohibit any existing cultural practices and the community is responsible for maintaining the best parts of Pitcairn (and broader Norfolk) culture. This continues to be the position of the Australian Government.

Sensitivities:

- The Council of Elders is closely aligned with the NIPD. The NIPD is lobbying the United Nations and members of the UK Parliament claiming breaches of human rights by the Australian Government and is seeking to gain self-determination in free association with Australia.

Attachments: Nil

