

Norfolk Island Governance Committee

Agreement log

Workshop 12-13 June 2024

Proposed model	Comments/rationale	NIGC member	Y/N
<p>The law-making authority will be provided under primary Legislation, and there will only be three types of laws (Acts or Ordinance):</p> <ol style="list-style-type: none"> 1. Commonwealth law (Primary Legislation), which includes the Norfolk Island Act. Subordinate law, which includes: 2. Applied laws (laws of another State or Territory, applied as Commonwealth law, as made since 2015): 3. Norfolk Island laws: <ol style="list-style-type: none"> a. Interaction with Commonwealth laws (modified section 27 Qld LGA 2009): If there is an inconsistency between a Norfolk Island law and a law made by the Commonwealth, the law made by the Commonwealth prevails to the extent of the inconsistency. b. Power to make laws (modified section 28 Qld LGA 2009): The NI Assembly may make and enforce any law that is necessary or convenient for the peace, order, and good government of Norfolk Island. c. The NI Assembly must not make a law that purports to stop a Norfolk Island law being amended or repealed in the future or, about a subject that is prohibited in the Act. d. Law making process (modified sections 29 and 29B Qld LGA 2009): <ul style="list-style-type: none"> - The NI Assembly may decide its own process for making a law to the extent that it is not inconsistent with the requirements below. Norfolk Island laws are made by Ordinance by the Governor-General. - The NI Assembly makes a law by passing a resolution to make the law - If a new law is made by the NI Assembly and there is an existing law previously made by the NI Assembly about the same matter that would be inconsistent with the new law, the NI Assembly must amend or repeal the existing law so there is no inconsistency. - The NI Assembly must ensure its laws are drafted in compliance with the guidelines issued by the Parliamentary Counsel (Cth) - The NI Assembly must undertake public consultation before making a new law or amending or repealing an existing law - The NI Assembly must advise the public that a local law has been made or amended or repealed by publishing a notice of making, repealing or amending the law, in the gazette and on the NI Assembly’s website - The notice must be published within 1 month after the day the law is made/repealed/amended. - As soon as practicable after the notice is published, the NI Assembly must ensure a copy of the law may be inspected and purchased by the public at the NI Assembly’s public office. - It must cost no more than the cost to the NI Assembly of making the copy available for purchase (i.e. not a revenue stream). - A register of laws must be kept in a way to be prescribed by regulation and must be available for the public to inspect at the NI Assembly’s public office e. Laws that cannot be made: (to be populated once document on laws is completed). The NI Assembly must not make a law that contains an anti-competitive provision unless the NI Assembly has complied with the procedures prescribed by regulation for the review of anti-competitive provisions. f. Revocation and suspension of laws (modified section 38AB Qld LGA 2009). The Minister may suspend or revoke a law if they reasonably believe the law is contrary to any other Norfolk Island or Commonwealth Law, or inconsistent with the governance principles. Revocation/suspension is by way of gazette notice. g. Disallowance of laws: The Commonwealth Parliament of Australia may disallow any Norfolk Island law for any other reason. 	<p>As provided by Chris via email on Wed 5/6/24 and agreed by all NIGC meetings out of session by email</p> <p>Note:</p> <ol style="list-style-type: none"> 1. No executive (i.e. Cabinet structure) to be established from within the seven elected members of the Assembly. 2. Where an elected member of the Assembly has authority or role under an Act, that member will be the Presiding Member (e.g. the responsible member for approving/signing/deciding when required under an NI Act). 3. The Presiding Member is to be the responsible member on behalf of the whole NI Assembly and may only approve/sign/decide in accordance with the policy determinations (and in accordance with the NI law) of the NI Assembly collectively. <p>Not needed to be in the primary Act, may be administratively organised and included in new laws as made.</p>	<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	<p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p>
<p style="text-align: center;">Draft Preamble</p> <p>PREAMBLE</p>	<p>Statement of Reservation from Alma Davidson at Addendum 1.</p>	<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p>	<p></p> <p></p> <p>(reserved)</p> <p></p> <p></p>

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<p><i>WHEREAS</i> by an Act of the Parliament of the United Kingdom, made and passed in the sixth and seventh years of the reign of Her Majesty Queen Victoria entitled “An Act to amend so much of an Act of the last Session, for the Government of New South Wales and Van Diemen’s Land, as relates to Norfolk Island,” it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to sever Norfolk Island from the Government of New South Wales and to annex it to the Government and Colony of Van Diemen’s Land:</p> <p><i>AND WHEREAS</i> Her Majesty Queen Victoria, in exercise of the powers vested in Her by the said Act, by a Commission under the Great Seal of the United Kingdom bearing date the twenty-fourth day of October, 1843, appointed that from and after the twenty-ninth day of September, 1844, Norfolk Island should be severed from the Government of New South Wales and annexed to the Government and Colony of Van Diemen’s Land:</p> <p><i>AND WHEREAS</i> by an Act of the Parliament of the United Kingdom, called the Australian Waste Lands Act 1855, it was, amongst other things, provided that it should be lawful for Her Majesty at any time, by Order in Council, to separate Norfolk Island from the Colony of Van Diemen’s Land and to make such provision for the Government of Norfolk Island as might seem expedient:</p> <p><i>AND WHEREAS</i> on 8 June 1856 the entire community of Pitcairn Island, an ethnically, culturally and linguistically distinct people, settled Norfolk Island:</p> <p><i>AND WHEREAS</i> by an Order in Council dated the twenty-fourth day of June, 1856, made by Her Majesty in pursuance of the last-mentioned Act, it was ordered and declared, amongst other things, that from and after the date of the proclamation of the Order in New South Wales Norfolk Island should be thereby separated from the said Colony of Van Diemen’s Land (now called Tasmania) and that from that date all power, authority, and jurisdiction of the Governor, Legislature, Courts of Justice, and Magistrates of Tasmania over Norfolk Island should cease and determine, and that from the said date Norfolk Island should be a distinct and separate Settlement, the affairs of which should until further Order in that behalf by Her Majesty be administered by a Governor to be for that purpose appointed by Her Majesty with the advice and consent of Her Privy Council: and it was thereby further ordered that the Governor and Commander-in-Chief for the time being of the Colony of New South Wales should be, and he thereby was, constituted Governor of Norfolk Island, with the powers and authorities in the said Order mentioned:</p> <p><i>AND WHEREAS</i> the said Order in Council was proclaimed in New South Wales on 1 November 1856:</p> <p><i>AND WHEREAS</i> by an Order in Council dated the fifteenth day of January, 1897, made in pursuance of the said last-mentioned Act, Her Majesty, after reciting that it was expedient that other provision should be made for the government of Norfolk Island, and that, in prospect of the future annexation of Norfolk Island to the Colony of New South Wales or to any Federal body of which that Colony might thereafter form part, in the meantime the affairs of Norfolk Island should be administered by the Governor of New South Wales as therein provided, was pleased to revoke the said Order in Council of the twenty-fourth day of June, One thousand eight hundred and fifty-six, and to order that the affairs of Norfolk Island should thenceforth, and until further Order should be made in that behalf by Her Majesty, be administered by the Governor and Commander-in-Chief for the time being of the Colony of New South Wales and its Dependencies:</p> <p><i>AND WHEREAS</i> the said Order in Council was published in the New South Wales <i>Government Gazette</i> on 19 March 1897, and took effect at that date:</p> <p><i>AND WHEREAS</i> by an Order in Council dated the eighteenth day of October, One thousand nine hundred, made in pursuance of the said last mentioned Act, Her Majesty was pleased to revoke the said Order in Council of the fifteenth day of January, One thousand eight hundred and ninety-seven, and to order that the affairs of Norfolk Island should thenceforth, and until further Order should be made in that behalf by Her Majesty, be administered by the Governor for the time being of the State of New South Wales and its Dependencies:</p> <p><i>AND WHEREAS</i> the said Order in Council was published in the New South Wales <i>Government Gazette</i> on 1 January 1901, and took effect at that date:</p> <p><i>AND WHEREAS</i> by an Order in Council dated the 30th day of March, 1914, His Majesty King George V, by virtue and in exercise of the power in that behalf by the said last-mentioned Act or otherwise in His Majesty vested, after reciting that the Parliament had passed an Act No. 15 of 1913, entitled “An Act to provide for the acceptance of Norfolk Island as a territory under the authority of the Commonwealth, and for the government thereof” and that it was expedient that the said Order in Council of 18th of October, 1900, should be revoked and that Norfolk Island should be</p>	<p>on the understanding that the Island was gifted to them by Her Majesty Queen Victoria is legally challenging language to be included in an Act. Does not negate the belief by the Norfolk Island Community, nor are there concerns from the NIGC with using the language in other documentation.</p>	<p>Rachel</p>	

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<p>placed under the authority of the Commonwealth of Australia, was pleased to revoke the said Order in Council of 18th of October, 1900, and to order that Norfolk Island be placed under the authority of the Commonwealth of Australia:</p> <p>AND WHEREAS the said Order in Council was published in the Gazette on 17 June 1914, and took effect from 1 July 1914, being the date of commencement of the Norfolk Island Act 1913:</p> <p>AND WHEREAS Norfolk Island was, by the Norfolk Island Act 1913, declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth:</p> <p>AND WHEREAS Norfolk Island has been governed by the Commonwealth initially under the provisions of the Norfolk Island Act 1913, the Norfolk Island Act 1957, and subsequently under the provisions of the Norfolk Island Act 1979:</p> <p>AND WHEREAS the Parliament recognises the residents of Norfolk Island include the descendants of the settlers from Pitcairn Island, and the many other people who have made Norfolk Island their home since 1856:</p> <p>AND WHEREAS the Parliament recognises (Place Holder for alternate words about adopting principles of representative democracy and sovereignty of the people) the said descendants' desire to preserve their continued heritage, culture and traditions and their enduring connections with and to their homeland of Norfolk Island, its important sites, and surrounding sea:</p> <p>AND WHEREAS the Parliament recognises the mutual benefit to both [name of new NI government body] and the Australian Government in fostering good relations and respecting each other's needs, interests, and obligations:</p> <p>[AND WHEREAS the Parliament recognises Norfolk Island as a Non-Self-Governing Territory within the meaning of the Charter of the United Nations:] [NIGC Community Reps, DITRDCA oppose]</p> <p>[AND WHEREAS the Parliament recognises the shared aspiration to position Norfolk Island as a model of good-governance and excellence] [NIGC Community Reps propose, DITRDCA agrees] [in its relationship with Australia and the Pacific:] [NIGC Community Reps propose, DITRDCA oppose]</p> <p>[AND WHEREAS the Parliament considers it to be desirable and to be the wish of the people of Norfolk Island that Norfolk Island achieve internal government as a distinct and separate Territory under the authority of the Commonwealth and, to that end, to provide, among other things, for the establishment of separate territory and administrative institutions on Norfolk Island:] [NIGC Community Reps propose, DITRDCA oppose]</p> <p>BE IT THEREFORE ENACTED by the Sovereign, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:</p>	<p>aspire to determine their own future Again, may be legally challenging to be included in an Act. Needs testing with Minister and community.</p> <p>Rachel to come back with alternative language options.</p> <p>Parked</p> <p>Parked</p> <p>Parked</p>		
<p>Name of governing body</p> <p>Norfolk Island Assembly</p>		<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	<p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p>
<p>Constitution and membership of NI Assembly</p> <ol style="list-style-type: none"> 1. Seven (7) elected members 2. To nominate and be elected: <ol style="list-style-type: none"> a. Over 18 years of age b. Enrolled to vote on Norfolk Island - 'Ordinarily' resident – what does 'ordinarily' mean. c. Australian Citizen (New Zealand citizenship to be tested with Minister) d. Not disqualified because of: <ol style="list-style-type: none"> i. A conviction for certain offenses such as: <ol style="list-style-type: none"> 1. Treason (unless pardoned of the treason offence) 2. Serious electoral or integrity offence (e.g. fraud, extortion, forgery, false statements, computer hacking and misuse). ii. Is serving a prison sentence at the time of nomination and election 	<p>Further consideration on types of offences – Greg to advise</p>	<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	<p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p>

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iii. Is an undischarged bankrupt 3. NI Assembly to elect the Presiding Member at first formal meeting 4. Term of Government – Fixed 4 year term			
Assembly and Administration (Responsibilities and powers) NI Assembly responsibilities: 1. The NI Assembly is an elected body that is responsible for the peace, order, and good government of Norfolk Island. NI Assembly delegated general powers 1. The NI Assembly has the power to do anything that is necessary or convenient for the peace, order, and good government of Norfolk Island. 2. The NI Assembly can only do something that it is empowered to do under the Act. 3. When exercising a power, the NI Assembly will have regard to Norfolk Island traditions and custom. 4. The NI Assembly may exercise its powers by cooperating with one or more State, Territory or Commonwealth governments to conduct a joint government activity (including providing a service, operating a facility or expending funds). The NI Assembly must exercise its powers in a manner that is accountable, effective, efficient and sustainable. To ensure the system of governance on Norfolk Island is accountable, effective, efficient and sustainable, it is required that: 1. Anyone who is performing a responsibility in the NI Assembly, must do so in accordance with the governance principles. Any action taken under this Act must be: (a) Consistent with the governance principles (b) Provide results that are consistent with the governance principles in as far as the results are within the control of the person who is taking the action. Governance principles: 1. Transparent and effective processes, and decision-making in the interests of the Norfolk Island community; 2. Sustainable development and management of assets and infrastructure, and delivery of effective services; 3. Democratic representation, social inclusion, and inclusive and meaningful community engagement; 4. Good governance of, and by, NI Assembly; and 5. Ethical and legal behaviour of elected members, governance employees and elected members' advisors. Responsibilities of elected members: 1. represent the current and future interests of all the residents of Norfolk Island 2. ensure the NI Assembly discharges its responsibilities under the Act 3. comply with all the laws that apply to Norfolk Island 5. provide high quality leadership to the administration of Norfolk Island, and to the community 6. participate in NI Assembly meetings, policy development and decision making for the benefit of Norfolk Island 7. be accountable to the community of Norfolk Island for the Administration of Norfolk Island's performance. Responsibilities of NI Assembly Presiding Member: 1. leading and managing meetings of the NI Assembly, including managing the conduct of the participants (members, and staff of the Assembly at the meetings) 2. conducting a performance appraisal of the CEO at least annually 3. Unless otherwise specified in a NI Act, the Presiding member is the authorised member to make operational decisions/sign/act under an Act that requires the NI Assembly or (unspecified) member of the NI Assembly to make a decision/sign or act. 4. When exercising 3. the Presiding member must act in accordance with the principles and policies of the NI Assembly on the matter. Responsibilities of the NI Assembly (collectively): 1. Select and appoint the CEO 2. leading, managing, and providing strategic direction to, the CEO in order to achieve the high-quality administration of Norfolk Island	<p>For consideration in the integrity/good governance framework (e.g. Ombudsman, Integrity etc):</p> <p>Agreed – Principles location to be determined – principal Act or Integrity Framework?</p>	George Chris Alma Chelsea Sarah Rachel	y y y y y y

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3. directing the CEO as appropriate			
<p>Administration (Public service)</p> <p>The Administration of Norfolk Island (Public Service): is a body politic with perpetual succession, has a common seal; and is capable in that name of:</p> <p>(a) suing and being sued; (b) making contracts; (c) acquiring, holding and disposing of real and personal property; and (d) doing and suffering all other matters and things a body corporate may do or suffer.</p> <p>Responsibilities of the CEO:</p> <p>1. managing the Administration of Norfolk Island in a way that promotes the effective, efficient and economical management of public resources 2. managing the Administration to provide excellence in service delivery and a culture of continual improvement 3. manage the public service to promote equal employment opportunities and in a way to be responsive to the NI Assembly's policies and priorities 4. the safe custody of all documents owned or held by the public service 5. complying with lawful requests from the NI Assembly for advice to assist them carrying out their role or for information that the public service has access to relating to the public service.</p>		George Chris Alma Chelsea Sarah Rachel	y y y y y y
<p>Item 6: Dissolution of Norfolk Island Assembly</p> <p>Dissolution of the NI Assembly: The Minister may dissolve the NI Assembly only:</p> <p>1. if other remedial actions have been tried, or are considered insufficient due to the level of concern e.g. criminal or corrupt conduct by the NI Assembly. (Define) <u>OR</u> 2. if the dissolution is in the public interest, with specific consideration of the public interest of Norfolk Island residents (Define Norfolk Island residents)</p> <p>Interim administrator: If the Minister dissolves the NI Assembly, the Minister may appoint an interim administrator to act in place of the NI Assembly until the conclusion of a fresh election of members to be held on a stated date.</p> <p>A new election must be initiated, not earlier than 36 days, nor later than 90 days, of the dissolution of the NI Assembly (automatic triggering).</p> <p>A new elected body then has the full term of 4 years (clock restarted)</p> <p>The powers and responsibilities of the interim administrator:</p> <p>1. the interim administrator is appointed to act in place of the members of the NI Assembly and has all the responsibilities of the NI Assembly and the Presiding Member.</p> <p>2. The Minister may limit the responsibilities and powers of the interim administrator.</p>	Look at other states powers under local government Acts. (DONE)	George Chris Alma Chelsea Sarah Rachel	y y y y y y
<p>Item 8 - Integrity and oversight arrangements</p> <p><i>NOTE: The Commonwealth Legislation should provision for Integrity measures; however, the detail below should be agreed and included in separate enactment/ordinance/applied law. This section requires further consideration, perhaps in consultation with the QLD Integrity Commissioner. If Queensland are to be involved it may be better to use words from their Laws?</i></p> <p>For primary Act: There will be:</p> <ol style="list-style-type: none"> 1. An ombudsman – who initially is the Cth Ombudsman 2. A corruption investigator – who initially is the National Anti-Corruption Commission 3. An integrity advisor <p>Members' conduct, breaches, misconduct and corrupt conduct: A conduct breach means conduct that contravenes:</p> <ol style="list-style-type: none"> 1. A behavioural standard (as defined) 2. A policy, procedure or resolution of the NI Assembly 3. An order of the chairperson of the NI Assembly meeting for the member to leave and stay away from the place 	Not for primary Act – but for consideration for the Assembly to include	George Chris Alma Chelsea Sarah Rachel	y y y y y y

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<p>at which the meeting is being held.</p> <p>Misconduct means conduct that:</p> <ol style="list-style-type: none"> 1. Adversely affects, directly or indirectly, the honest and impartial performance of the member's functions, or the exercise of the member's powers (as determined by) 2. Is or involves: <ol style="list-style-type: none"> a. Proven non-compliance with an Act by the member (The presumption of innocence must apply) b. Misuse of information or material acquired in, or in connection with, the performance of the member's functions, whether the misuse is for the benefit of the member, or for the benefit, or to the detriment of, another person (as determined by) 3. Contravenes any of the following: <ol style="list-style-type: none"> a. An order of the NI Assembly b. A policy of the NI Assembly about the reimbursement of expenses c. Other legislated or policy requirements as specified (to be determined) <p>Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <ol style="list-style-type: none"> 1. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: <ol style="list-style-type: none"> a. the NI Assembly or public service; or b. a person holding an appointment; and 2. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ol style="list-style-type: none"> a. is not honest or is not impartial; or b. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or c. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and 3. would, if proved, be— <ol style="list-style-type: none"> a. a criminal offence; or (The presumption of innocence must apply) b. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment. <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ol style="list-style-type: none"> 1. impairs, or could impair, public confidence in public administration; and 2. involves, or could involve, any of the following— <ol style="list-style-type: none"> a. collusive tendering b. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ol style="list-style-type: none"> i. protecting health or safety of persons ii. protecting the environment iii. protecting or managing the use of Norfolk Island's natural, cultural, mining or energy resources c. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of Norfolk Island assets d. evading a Norfolk Island tax, levy or duty or otherwise fraudulently causing a loss of Norfolk Island revenue e. fraudulently obtaining or retaining an appointment and 3. would, if proved, be— <ol style="list-style-type: none"> a. a criminal offence; or b. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment. <p>Members' conflicts of interest</p> <p>if a member has a personal interest in a matter, the NI Assembly must deal with the matter in an accountable and transparent way that meets community expectations.</p> <p>A personal interest is not a conflict of interest that requires management if the matter of the interest is solely or relates solely to:</p> <ol style="list-style-type: none"> a. the making or levying of rates and charges, or fixing of a cost-recovery fee that will apply general to Norfolk Island b. making or amending a planning scheme that applies to the whole of Norfolk Island 			

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<p>c. the preparation or adoption of a budget for the Norfolk Island NI Assembly d. the remuneration or reimbursement of expenses of members of the NI Assembly e. the provision of superannuation entitlements or insurance for members f. other matters as identified during creation of the NI Assembly appropriate to Norfolk Island.</p> <p>The management of a member’s personal interest in a matter should include:</p> <ol style="list-style-type: none"> 1. a declaration process with a publicly available register 2. a mechanism to remove the member from decisions related to the matter 3. a descriptive list of declarable conflicts of interest 4. process for review and re-consideration of matters for which a personal interest was not declared but later identified. <p>Complaints about conduct An appropriate agency/office will need to be established or identified to take, assess and investigate complaints about conduct breaches, misconduct and corrupt conduct. Examples might include: - application of the Commonwealth Ombudsman legislation and framework - establishment of a bespoke Norfolk Island Corruption, Integrity or Ethics Assessor or commissioner - application of Queensland legal framework but substituting a Norfolk Island appointee.</p> <p>Process for investigating, powers for requiring access to sites and information and relationships with the AFP will need to be designed. A structure and sanctions to manage vexatious and frivolous complaints will also be needed. The NI Government Act (Qld) 2009 has one framework that may be used as an example.</p>			
<p>Judiciary No changes to existing framework and functions</p>		George Chris Alma Chelsea Sarah Rachel	y y y y y y
<p>Crown Land What words to go in the Primary Legislation – Place holder</p>		George Chris Alma Chelsea Sarah Rachel	
<p>Public Account Public monies shall be available for the purposes of the government of the Territory: The monies of the Public Account of Norfolk Island shall not be issued or expended except as authorised by enactment. The Commonwealth Finance Minister may, on behalf of the Commonwealth, out of moneys appropriated by the Parliament for the purpose, lend money to the Territory or to a Territory authority at such rates of interest and on such other terms and conditions as they determine.</p> <p>The accounts of the Territory shall, notwithstanding any enactment, be subject to inspection and audit by the Auditor-General for the Commonwealth (subject to agreement of the AG Cth).</p> <p>Made public as part of annual report, and audit report provided to Cth and NI Assembly.</p>	Cth to check with Cth A-G	George Chris Alma Chelsea Sarah Rachel	y y y y y y
<p>Proposed model – Own source revenue</p> <ol style="list-style-type: none"> 1. Replace rates model with household/business premises levy – equitable, level playing field and not scaled on different sizes of properties, broader collection base and lower than the high rates 2. Considerations: <ol style="list-style-type: none"> a. No double dipping – i.e. business run out of a home is not charged twice b. Do apartments/flats/granny flats/duplexes have a different levy rate c. Multi-use premises may need a different calculation to maintain equitability d. Levy paid by landlord/property owner not renter e. How does tourist accommodation get charged 		George Chris Alma Chelsea Sarah Rachel	y y y y y y

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<p>3. Fee/bond/rate placed on alcohol and cigarettes – to cover shortfall from 1. above, and to replace loss from opening competition in alcohol from previous Liquor Bond</p> <p>4. Examine bases of waste management fees</p>	<p>George – will write this up into a scope that can be calculated to confirm sufficiency and sustainability</p> <p>Sarah – options for modeling the numbers once scope done</p>		
<p>Item 12: Application of Commonwealth Acts: NOTE: See agreed Item 6, part (3a)</p> <p>Status Quo – Duplicate section 18 of current Norfolk Act – NI Assembly can't terminate or override a Cth law from applying</p>	<p>Cth needs to consider how the Cth/Governor General/Parliament can alter or stop a law from applying to Norfolk Island – eg. Elements of the Broadcasting Act not to apply to the community owned radio station.</p>	<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	<p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p>
<p>Item 2: Territory definition</p> <p>The Distinct and Separate Territory of Norfolk Island: Norfolk Island and all the other islands and rocks lying around Norfolk Island and the waters extending x nautical miles from the baselines established in accordance with the United Nations Convention on the Law of the Sea, including the seabed and subsoil beneath.</p>	<p>Cth in partnership with NIGC to look at Territorial Waters Act (NI Continuing law)</p> <p>What would be a suitable nautical miles distance? (approx. 12 nm for other states)</p> <p>NOTE: Current (and future) Norfolk Island laws, regulations, policies, and MOU's require jurisdictional boundaries and recognition that include the waters surrounding Norfolk Island. E.g. <i>Marine Safety Act (NI)</i>. <i>Norfolk Island Fisheries Management Policy 2009</i>, etc.</p> <p>And – an effective, formal mechanism to regularly bring the Cth, NI and community stakeholders together to better manage, enforce, coordinate activity in the waters around NI. (Transition)</p>	<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	<p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p>
<p>Administrative functions – Utilities, Public Service, KAVHA</p> <ol style="list-style-type: none"> The NI Assembly may establish an instrumentality for any function of the NI Assembly. Instrumentality may include -a board, an authority, a company (limited or unlimited), agency..... The NI Assembly has authority to determine all terms of reference, remunerations, power, functions of the instrumentality (within it's own authority) <p>NOT FOR PRINCIPAL ACT</p> <ol style="list-style-type: none"> The NI Assembly may establish an entity to oversee and make decisions for the management of (e.g.): <ol style="list-style-type: none"> NI Utilities KAVHA The Assembly may provide authority for the entity to make decisions for investment, divestment, revenue and expenditure within the requirements of (the Public Moneys Act) with respect to the matter vested in the entity by the NI Assembly. 		<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	<p>y</p> <p>(reserve)</p> <p>y</p> <p>y</p> <p>y</p> <p>y</p>
		George	

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		Chris	
		Alma	
		Chelsea	
		Sarah	
		Rachel	
		George	
		Chris	
		Alma	
		Chelsea	
		Sarah	
		Rachel	
		George	
		Chris	
		Alma	
		Chelsea	
		Sarah	
		Rachel	
		George	
		Chris	
		Alma	
		Chelsea	
		Sarah	
		Rachel	
		George	
		Chris	
		Alma	
		Chelsea	
		Sarah	
		Rachel	
Revenue model <ol style="list-style-type: none"> 1. NI Assembly members – salaries, FT/PT, 2. Secretariat support for NI Assembly 3. Cost associated with policy development, drafting of new laws, publication of laws 4. Financials and taxation 	Item 16: Taxation and Funding arrangements The Australian Government will support the island’s long-term aspiration to be as self-sufficient as possible, and will assist and support economic prosperity and diversification initiatives to achieve this outcome. The agreed revenue model will need to be adaptive to economic circumstances, capacity, and community needs and aspirations. For present purposes: 1. The Australian Government will fund federal responsibilities and agreed state services, including health and education. 2. Norfolk Island Assembly and the Australian Government will co-fund agreed shared responsibilities. Large-scale infrastructure and common-use assets to be funded as a shared responsibility, given the island’s limited taxpayer base. 3. Norfolk Island Assembly will fund the remaining responsibilities through local taxes, duties, fees, charges, levies, business income, miscellaneous income, and Financial Assistance Grants.	George Chris Alma Chelsea Sarah Rachel	

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Proposed model	Comments/rationale	NIGC member	Y/N
	<p>4. Public Service - Local management and provision of services: Outsourcing public services to external service providers will only be considered under circumstances where there is significant community support and a clear benefit that cannot be achieved through local provision.</p> <p>5. Horizontal Fiscal Equalization: Traditionally, Financial Assistance Grants (FAG's) have supported states and territories with untied revenue for discretionary use, promoting equal service standards across regions. Norfolk Island will achieve fiscal equalization through tailored FAGs to assist in the provision of state and local-type services, determined on the advice of the Commonwealth Grants Commission. Norfolk Island will receive FAG's funds directly into its public account. This ensures the island's governance can make independent financial decisions.</p> <p>6. Fair and Sustainable Revenue Model: Contributions from the residents of Norfolk Island towards governance, services, and infrastructure will be assessed to ensure affordability, fairness, and equity.</p>		
<p>Transitional</p> <ol style="list-style-type: none"> 1. Finalise preamble – including Item 13 re principles on cooperation, consultation etc for Cth and NI 2. Establish electoral role law 3. Define 'resident' 4. Fit for purpose Public Moneys Act – by ordinance for the new Assembly to work to 5. Integrity and corruption framework Act 6. Separate Public Service Act or Policy 7. Formation of formal engagement/consultative mechanism between NI, Cth and Qld (as service provider) (see Item 13) 8. an effective, formal mechanism to regularly bring the Cth, NI and community stakeholders together to better manage, enforce, coordinate activity in the waters around NI. 9. Taxation and financials 10. Sustainable population strategy to be a priority for NI assembly. To assist, NIGC will gather data, expert advice and research from other Australian and international jurisdictions to inform the NI assembly when established. 		<p>George</p> <p>Chris</p> <p>Alma</p> <p>Chelsea</p> <p>Sarah</p> <p>Rachel</p>	