NIGC meeting minutes

DATE	LOCATION
20 November 2024	Online and the Administrators Office
TIME	**WEB LINK**
9:00am – 3:30pm (NI)	Join the meeting now Meeting ID: s 22(1)(a)(ii), Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F s 47F Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F, Community Representative Proxy

Invited guests

ATTENDEES	
s 22(1)(a)(ii), a/g Director, Territories Legislation Section	s 22(1)(a)(ii) Territories Legislation Section
Phil Reid, NIRC General Manager	

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS
s 22(1)(a)(ii) Office of the Administrator

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings

- Mr Plant flagged some changes to the minutes from the 16 October meeting. s 22(1)(a)(ii) agreed to make these changes and circulate a new draft of the minutes out of session.
- s 47F read a statement acknowledging s 47F work on the NIGC and presenting the disappointment of the announced model by the community. s 47F tabled her statement, along with s 47F resignation letter, and two recent media statements by the Community Representatives. These documents are attached to these minutes.
- Ms Forbes noted that s 22(1)(a)(ii) was departing Territories Division and that Ms Rebecca Rush would be replacing him as Assistant Secretary, Norfolk Island and Mainland Territories.

Actions and decisions	• Amend and recirculate draft minutes from last meeting.	**Responsible officer**	• Secretariat

Agenda item 3: New appointee

- Mr Plant opened the discussion on how to fill the vacant community representative position on the NIGC.
- Mr Plant noted he had spoken to s 47F about taking on the role. s 47F declined, but agreed to continue as proxy.
- The NIGC discussed a range of options to fill the vacant position, including whether it would be practical to approach the person with the 5th highest number of votes in the election. The Committee determined that given the time that had passed and the work already completed, a different approach was needed. Mr Plant summarised the main options to fill the vacancy as:
  - Another community election (noting this would require funding to be available which is unlikely at this time)
  - Seeking expressions of interest
  - Asking for nominations from community groups
  - Approaching individuals directly.
- The Committee concluded the Community Representatives would lead on determining a process to fill the vacancy, and that they required some time to deliberate.
  - s 47F noted this is a significant position to be filled. Given work that had been done over past 12 months and the work still to be done, she suggested s 47F could act in the position until the end of the year while she and s 47F deliberate.
  - s 47F agreed that the decision did not need to be made immediately.
- Ms Welch and Ms Forbes agreed that they should be removed from the decision-making process.

Actions and decisions	• Determine best person/method to appoint a new community representative into the vacant position	**Responsible officer**	• Community representatives + Chair

Agenda item 4: Next steps

a. **Forward work plan**
b. **Integrity model**
c. **Preamble**
d. **Australian Government 13 November announcement**

- Mr Plant asked if anyone had any questions about or responses to the material circulated following the Minister's announcement regarding the Australian Government's decision about the new local governance model.

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Agenda item 4: Next steps

a. **Forward work plan**
b. **Integrity model**
c. **Preamble**
d. **Australian Government 13 November announcement**

- s 47F shared his perspective on the NIGC's progress since its inception and his disappointment at the result achieved. He expressed his view that the NIGC's work appears to have resulted in a continuation of the existing model and that the community is unhappy with the outcome.
  - s 47F expressed his disappointment that the decision on the new governance model was made by people outside the Norfolk Island community.
  - Ms Forbes noted that the Minister was fully briefed on the NIGC's recommendations and final decisions were always going to rest with the Minister and Cabinet.
  - Ms Forbes noted this model provides an opportunity for future growth as the model matures, particularly at the 2- and 5-year review points, and that this current model is a beginning.
- s 47F noted discussions at the NIGC's 2-day workshop in June were predicated on remaking the Norfolk Island Act. She said she did not believe an Ordinance will do what is needed, and asked what the NIGC needed to do to help the community understand which parts of the new model they can support.
- Mr Plant noted providing some clarity to the community on specific issues could assist. In particular, he pointed out that:
  - the Minister's media release continued to use the phrase 'local governance model' and not 'local government model', which shows that there remains broad scope to consider issues beyond those traditionally managed by local government.
  - this model empowers the community to make laws to support local service delivery.
  - it has still to be determined which extra services the new local governance body will assume responsibility for, and which of these will be covered by the new Ordinance.
- The NIGC discussed a range of issues around how the Ordinance would be drafted, including
  - The extent to which it would be based on Queensland local government law
  - The expectation all NIGC members would see the final version of the drafting instructions before they were submitted to the Office of Parliamentary Counsel (OPC)
  - s 22(1)(a)(ii) reiterated the department works for the Government of the day and must abide by their policy decisions and directions. Nothing can be included in the final drafting instructions to OPC without agreement from the responsible Minister.
- The Committee agreed to move to the next agenda item, being a presentation from DITRDCA's Territories Legislation Section on the drafting process.

Actions and decisions	• Nil	**Responsible officer**	• NA

Agenda item 5: Developing drafting instructions

- Representatives from DITRDCA's Territories Legislation Services (TLS) team gave a presentation about how drafting instructions are developed and used to create legislation. As an example, they shared drafting instructions prepared for a different matter.
- s 47F noted the example document used terminology directing OPC to use a modified version of an applied Qld Act to achieve the desired results. He asked if that approach would apply to the drafting instructions the NIGC were developing to implement the new ordinance.
  - s 22(1)(a)(ii) noted the NIGC had not made a decision about how to approach drafting the new Ordinance. She said the NIGC should explore all the available options and seek advice from the Australian Government Solicitor about what is legally viable.
- The NIGC discussed the difference between starting with a 'blank slate' or with an existing model.

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Agenda item 5: Developing drafting instructions

- s 22(1)(a)(ii) noted the breadth of considerations covered by existing local government legislation would be enormously challenging to examine and account for in a totally new piece of legislation. The Qld Local Government Act, by way of example, was developed and tested over decades. She also noted that the Government will not approve new legislation that removes protections and safeguards without anything being put in their place.

- s 47F asked the TLS representatives if an ordinance could impart on a new governance body the power to create statutory bodies. TLS noted they were unable to give legal advice but that there were examples of similar powers being granted in other situations. Formal legal advice would need to be sought on the matter.
- Ms Welch added that the Qld Local Government Act included very broad bylaws that might meet the needs that s 47F was alluding to, even if not in the specific way he envisioned. Ms Welch noted the Qld Act is so broad the NIGC may want to think about how that flexibility would need to be reduced, not expanded.
  - Mr Plant advocated for using the Qld Act as a skeleton for the new ordinance, removing and changing sections as needed.
- Mr Plant, s 47F and Ms s 47F discussed whether the ordinance could be developed to focus purely on the scope of powers and authorities to be given to the new local government body, with further details left to be determined by that body using the powers and authorities given.
  - It was noted that this could result in a period of time in which local governance on NI was only governed by the NI Act and other existing NI laws until the new local government body enacted new local governance laws. Mr Plant pointed out there are many subjects, such as local government integrity issues, not covered by the NI Act or any of the other existing NI laws.
  - Mr Plant expressed the view it would be better to start with, and make changes to, something that already covered all those considerations rather than trying to build an entire local governance legislative framework from scratch.
- Ms Forbes also reiterated that anything included in the drafting instructions would need to be supported by legal advice. Something that seems reasonable at the outset may turn out to be unachievable for legal reasons that the NIGC are not aware of.
- The Committee acknowledged the amount of work that will be involved, regardless of how it is progressed.
  - Ms Welch volunteered her time and that of a Qld Government policy officer to assist in the development of drafting instructions. The NIGC agreed to this proposal.
- s 47F asked the TLS representatives if an ordinance could establish a local government body that had authority over taxation issues. TLS referred to the complexities of tax legislation and the existence of constitutional limitations on taxation powers, and said the NIGC would need to seek AGS advice on the matter.
- Ms Welch suggested her team could begin developing a policy paper on the range and scope of powers local councils have for revenue generation under the Qld Local Government Act.
- s 22(1)(a)(ii) noted the overarching political reality that the Government in power when the drafting instructions were completed will have views of its own, and it may not have an appetite to explore changes to taxation powers. The Department and OPC are not able to contradict the direction of the sitting government.

Actions and decisions	• Review the contents and structure of the Qld Local Government Act with consideration to its suitability and applicability to NI.	**Responsible officer**	• Qld Government will complete first review and submit to NIGC for consideration.

Agenda item 6: Revenue model – session 1

Guest: Phil Reid, NIRC

- Acting General Manager of the Norfolk Island Regional Council (NIRC), Phil Reid, gave a presentation on the NIRC's financial position, with a focus on where it draws its revenue from and what its biggest areas of risk are to its financial position.
  - He noted NIRC is a $44 million enterprise.

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Agenda item 6: Revenue model – session 1

Guest: Phil Reid, NIRC

- He provided an overview of NIRC's main revenue sources and noted rates are an important, budgetable component of NIRC revenue. He noted the $4 million raised from rates is important to NIRC's budget, even accounting for recovery issues.
- He emphasised that the NIRC requires a certain amount of reserve cash to safely operate, and that they presently do not have the necessary amount.
- Mr Reid noted NIRC has $8 million in depreciation and also $8 million in unrestricted funds. He noted no decision has been made yet on whether to take any of the $8m to set it aside for asset renewal. However, he explained NIRC aims to maintain $8 million in unrestricted funds to ensure against another event.

- Mr Reid described the NIRC's efforts to reduce expenditure, including cutting back on staffing costs and delaying or minimising infrastructure replacement or repairs as much as possible to get the maximum life out of assets. However he noted this would not be enough to build the amount of reserves the NIRC needs to cover the depreciation of critical infrastructure in the long-term while also repairing and replacing assets and delivering services in the short term.
- s 47F posited that the situation was better under the former NI Assembly as the Assembly had more flexibility in how it generated revenue, and pointed out that the NIRC's remit was largely limited to local government matters such as rubbish and roads, and these things needed to be delivered to an appropriate standard.
  - Mr Reid reiterated the challenges the NIRC faced in obtaining enough revenue to maintain basic service quality and said it would be difficult for any revenue model to achieve this.
- s 47F asked Ms Welch if the Qld Government had a policy about the standard of services it delivered to NI. Ms Welch replied that their policy was to deliver services on NI to the same standard as for Qld.
  - Mr Plant asked if the Qld Government had a required standard for Qld roads. Ms Welch took this question on notice.
- s 47F asked Mr Reid to provide the NIGC with a report showing which services were currently being delivered to an appropriate standard and which were not.
  - s 47E(d)
  - Mr Reid provided the example of roads, and outlined the limitations NIRC faces as a remote island community (eg unable to generate revenue from delivering upgrades to adjacent state roads), the opportunities to seek grants to fund specific projects (such as Ferny Grove).
  - Mr Reid said that discussions were currently underway with the Commonwealth to explore partnership models of managing road repairs, whereby the Commonwealth would fund the NIRC to manage and deliver maintenance services on Commonwealth-owned roads. The revenue from this would offset some of the costs of maintaining NIRC-owned roads. Mr Reid noted that realistically this was unlikely to generate an ongoing revenue stream as there were not many Commonwealth owned roads on NI.
  - Mr Reid strongly suggested the starting point for NIGC to consider as a service standard is maintaining current levels.
  - Mr Reid further noted at the next Audit, Risk & Improvement Committee (ARIC) meeting, NIRC will put forward a financial strategy which will include a pitch to set a service level standard. He advised this will involve dialogue with the community and will demonstrate what money is available. If the community want more, additional revenue sources will need to be found.
- Mr Plant and Mr Reid discussed likely areas of upcoming expense and risk, summarised as:
  - Future EA with NI Firefighters
  - NI Telecom: Mr Reid noted that the community view NI Telecom as an asset, but it is a key financial liability for NIRC which is unlikely to ever be able to sustainably maintain the necessary infrastructure. It also has significant administrative overheads that put unnecessary pressure on NIRC finances.

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Agenda item 6: Revenue model – session 1

Guest: Phil Reid, NIRC

- Electricity: Mr Reid noted this it the primary area of risk and cost for NIRC as NI's electricity infrastructure was in dire need of costly maintenance.
- Airport resurfacing: Mr Reid noted NIRC is exploring available grants for regional airports.

- The NIGC then discussed the ownership, management and resource outputs of Norfolk Island's quarry.

Actions and decisions		Responsible officer	
	• Request for additional information from NIRC on service costs and standards. Timeframe TBC as this information is still being gathered and reviewed. • Information on required standards for Qld roads.		• Phil Reid, NIRC • Rachel Welch, Qld DPC

Agenda item 4: Next steps [continued]

e. Forward work plan
f. Integrity model
g. Preamble
h. Australian Government 13 November announcement

- Mr Plant asked if the NICG community representatives were aware of any specific concerns raised by the community following the announcement of the Government's decision.
  - s 47F and s 47F spoke of the community's overall lack of support for the proposed model and suggested community members are unlikely to participate in a system they do not support (i.e. through paying rates and taxes).
  - Mr Plant reiterated that the model was still in development, and emphasised it will be a 'local governance model' not a 'local government model'. He also recommended the NIGC move away from the idea that they would only support a final outcome that would please everyone.
  - s 47F noted the community would be unlikely to support a final model that was based on applying the Qld Local Government Act.
- s 47F raised the NI Fuel Levy laws as an example of a disconnect between NIRC's area of responsibility and its power to make appropriate decisions for governance and service delivery on island. Currently, legislation empowers the NIRC to charge and collect a fuel levy, but not to determine the levied amount.
  - NIGC discussed the need for local laws to sit alongside existing applied NI laws to create a full landscape of powers, limits and functions, and the opportunities available to the NIGC to examine a broad range of past, current and potential legislation in developing the drafting instructions.
- The NIGC discussed reinstating the Preamble to the NI Act. Ms Forbes and s 22(1)(a)(ii) described the next steps of this process, which included a legal review of the draft Preamble submitted to the Minister and the development of formal drafting instructions. There would be opportunity for the community to review the draft before it was finalised.
  - As reinstating a Preamble to the NI Act is a relatively simple and discrete legislative change, s 22(1)(a)(ii) said it was possible this could be quickly accommodated in the Parliamentary schedule. This was not the case if amendments were being proposed for the entire NI Act, which would most likely take years to progress through Parliament.
  - Ms s 47F noted her concern the community specifically wanted the new Preamble instated as part of a new NI Act and would not want it added to the existing Act.
  - s 47F noted the discussion about reinstating a Preamble significantly pre-dated the current discussions about how to implement the new governance model, and progressing the Preamble could be an important show of good will to the community.

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Agenda item 4: Next steps [continued]

e. Forward work plan
f. Integrity model
g. Preamble
h. Australian Government 13 November announcement

- s 22(1)(a)(ii) noted future work to amend or remake the Act would provide opportunity to revisit the Preamble. Conversely, should the community choose not to proceed with reinstating a Preamble in the existing Act, they should be aware changes to primary legislation may not happen for several years.
- The NIGC provisionally agreed to progress the Preamble while s 47F and s 47F engage with the community on whether this approach is supported.

- Ms Welch sought confirmation that the Preamble could not be reinstated via an Ordinance. Ms Forbes and s 22(1)(a)(ii) confirmed this was case.
- Clarification was provided around some wording in the Frequently Asked Questions factsheet, specifically: 'Further changes might be proposed and debated after the proposed preamble is introduced to Parliament.' s 22(1)(a)(ii) confirmed that this sentence was referring to further changes *only* in relation to the Preamble, and not to any other aspect of the NI Act. She said that the department would amend this wording in the FAQ document.

Actions and decisions	• Engage with community on whether reinstating a Preamble to the current NI Act would be supported. • Amend wording in FAQ document	**Responsible officer**	• Community representatives • DITRDCA comms

Agenda item 7 & 8: Revenue model – session 2

- Mr Plant tabled a paper containing a high level analysis of NIRC's services and how they were funded. He noted that further work was be needed to 'drill down' into these costs.
- s 22(1)(a)(ii) encouraged the NIGC to draw on Mr Reid and the incoming NIRC Administrators to assist with this work.
- s 47F asked for information about the time commitments of the incoming Administrators and how often they would be on-island, which Ms Forbes provided.
- Ms Forbes asked the NIGC if it wanted to use the existing NIRC revenue model as a foundation for the new model, or to start again from scratch.
- The discussion that followed touched on many topics relating to revenue and finances, including the following:
  - Mr Plant spoke to the challenges the NIGC has experienced understanding the Minister's expectations around revenue, reflecting on a previous meeting where the Minister had stated the NI local government only needed to demonstrate it was contributing to costs and that the 'Commonwealth would pick up the rest'. He said that expectations had moved in every subsequent discussion.
  - s 47F said the community wanted an arrangement wherein the Commonwealth provided funding without stipulating purposes for funds, allowing the local governing body to set its own priorities.
    - Ms Forbes noted that all Commonwealth funding is tied to priorities and agreed standards.
  - s 47F sought information about how the current financial assistance-type grants provided by the Commonwealth to NI were determined, and noted they should be regularly re-evaluated.
    - s 22(1)(a)(ii) provided a brief overview of the process to determine FA grant-type funding to NI. s 22(1)(a)(ii) confirmed DITRDCA is aware it needs to review this funding. s 22(1)(a)(ii) confirmed DITRDCA will be transparent and work with NIGC and NIRC on this.

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Agenda item 7 & 8: Revenue model – session 2

- s 47F and s 47F expressed the view the new Assembly will need broader taxation powers, for example, being able to charge import tariffs on alcohol and tobacco. s 47F stated he was confident revenue from an alcohol import tariff would exceed revenue from land rates.
- Mr Plant and Mr Gowland noted s 47F proposal should be modelled.

- The NIGC discussed land rates. s 47F stated that if a land rating system continues to apply, the rating system needs to be reconsidered. He further noted the waste levy also needed to be realigned to be more equitable.
  - Mr Plant noted NIRC already has the capacity to change rates and the waste levy.
  - Ms Welch noted significant cost of living pressures were not unique to Norfolk Island and across many areas of Australia communities are experiencing difficulty. She encouraged the Committee to consider possible unintended consequences of reducing land rates, such as attractiveness of an opportunity to buy a home on an island with no land rates, especially to demographics such as retirees (who are not affected by wage disparity). Lowering rates and taxes on residents could lead to increased population and potential imbalances in the population to the community's detriment.
  - Ms Welch encouraged the Committee to consider matters such as occupancy rates on land. She further encouraged the NIGC to think about what the NI community may look like in 5 or 10 years.
- Mr Plant said he would be continuing his research into current NIRC service funding and would report back at the next meeting. He said he would specifically look at:
  - Principles, eg transparency
  - What things should be prescriptive
  - What things should be empowering.

Actions and decisions	• Ongoing exploration of NIRC service costs and revenue.	**Responsible officer**	• George Plant

Agenda item 9: Review of action items and other business

- s 47F requested the department provide him with a written statement that the NIGC's work is "without prejudice to the rights of the people of Norfolk Island".
  - He described the purpose of this document as to support the NIGC community representatives respond to community members who believe the NIGC's work was being used to influence or subvert the outcomes of other advocacy work relating to NI.
- Time did not allow for action items to be reviewed

Actions and decisions	• Provide s 47F with a statement as requested.	**Responsible officer**	• DITRDCA

Agenda item 10: Close

- Mr Plant closed the meeting at 3:30pm.

Actions and decisions	• Nil	**Responsible officer**	• NA

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s 47F

NIGC meeting minutes

DATE	LOCATION
12 December 2024	Online and the Administrators Office
TIME	**WEB LINK**
9:30am-11:30am (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F Proxy Community Representative

Invited guests

ATTENDEES
Phil Reid, NIRC

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA

Observers

OBSERVERS
s 22(1)(a)(ii), Office of the Administrator
Rebecca Rush, DITRDCA, DITRDCA

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

Agenda item 3: Finance model: Update from NIRC budget review

- Acting General Manager of NIRC, Mr Phil Reid, provided the Committee with an overview of the Q1 budget paper that had been presented at the 6 December 2024 NIRC meeting.

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Agenda item 3: Finance model: Update from NIRC budget review

s 47E(d)

Actions and decisions	Request to NIRC for more information – timing TBC	**Responsible officer**	• Mr Reid, NIRC

Agenda item 2: Minutes of previous meetings

[NB: This item was postponed until after Agenda Item 3 to accommodate Mr Phil Reid, who needed to present his report and then depart for another commitment]

- Mr Plant noted the minutes of the 20 November meeting had not yet been circulated.
- The minutes of the meeting on the 16th October were approved pending final confirmation of departing member Alma Buffet's comments. s 47F will confirm this out of session.

Actions and decisions	• 20 November meeting minutes to be circulated. • Ms Davidson's additions to 16 October meeting minutes to be confirmed and minutes approved out of session.	**Responsible officer**	• Secretariat • s 47F to confirm, all to approve.

Agenda item 4: Proposal to fill vacant Community Representative position

- s 47F and s 47F tabled a discussion paper following consultation with the community on the most appropriate way to fill the vacancy caused by Ms Davidson's departure.
- They said that the ideal solution was to hold another election, but acknowledged time and resources may not allow that. Ms Forbes confirmed this was the case.
- Ms s 47F and s 47F proposed that four members of the community with specific expertise and experience could be nominated. The most appropriate member of this cohort would attend NIGC meetings as the third community representative, based on the subjects on the agenda for discussion.
- This proposal was discussed at length and several points of consideration were raised, including:
  - Having people with relevant expertise involved in discussions would be beneficial.
  - Appointing a person/people through non-elective processes runs counter to the overall premise of the NIGC having elected community representatives.

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Agenda item 4: Proposal to fill vacant Community Representative position

- Broadening the size of the committee, even with new members signing confidentiality and conflict of interest documents, may limit the openness of discussion.
- There was a question as to whether the rotating members would receive renumeration.

- The overall opinion of the Committee was that the proposal was viable, but operating procedures would need to be carefully considered.
- It was noted that, however the NIGC vacancy was going to be filled, the terms of reference would need to be updated. As well as any changes to the overall composition of the NIGC, clarity was needed around how many members constituted a quorum.
- Mr Plant accepted the task of drafting some proposed wording around this.
- At the close of this item, s 47F also moved that Christmas wishes be included in the communique published after this meeting

Actions and decisions	• Amended draft of the Terms of Reference would be created • Christmas well wishes included in communique following this meeting	**Responsible officer**	• Mr Plant • DITRDCA Comms

Agenda item 5: Finance model: mapping service delivery financials

- Mr Plant spoke about his ongoing work to unpack and interrogate the past 3-4 years of NIRC financial data. He noted this activity raised questions about how own-source and Commonwealth revenue has changed over the years.
- Mr Plant said the information still needed to be verified, but when complete would provide a clear and accurate picture of NIRC's financial position and where surpluses and deficits exist in service streams. This will lead to a clearer understanding of how the Assembly needs to be empowered through legislation to effectively and sustainably deliver government services.
- Mr Plant proposed this work continue in January 2025.
- Ms Forbes encouraged him to involve the new NIRC Administrators in this work.
- The NIGC asked the Department to provide relevant information about the composition of past Commonwealth support for NIGC. The Department will progress this after first consulting with relevant areas of the Department and the NIRC Administrators to ensure the information sharing process is transparent and appropriate.
- s 47F asked how NI's financial assistance grant amount was determined and reviewed.
- s 22(1)(a)(ii) described how the original amount had been determined by procuring expert services from the WA government and KPMG to provide recommendations of an appropriate amount. While this has not been adjusted annually for inflation, it was originally at the very top end of the scale of possible amounts, and is generous compared to others comparable areas. s 22(1)(a)(ii) noted the department intends to review the FA grants-type funding calculation in the foreseeable future.

[Discussion was halted here to allow Ms Welch to speak to her work on examining the QLD Local Government Act before she had to leave for another commitment.]

Actions and decisions	• Further progress to be made on analysing NIRC financial information • Information provided to the Administrator on breakdown of Commonwealth funding provided to NIRC in the period 2021-2024	**Responsible officer**	• Mr Plant • DITRDCA, pending authorisation

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Agenda item 6: Comments on sections of the Qld Local Government Act

- Ms Welch spoke about her progress assessing QLD legislation against the needs of NI. She explained that the format she is using to assess the legislation includes a section that the allows for commentary on policy intent. While this section may include some possible draft words, those words might not be anything like what is included in final legislation.
- She said she will continue to work on this in the new year, and that the work Mr Plant has done regarding financial considerations was helpful to her in framing the direction and focus of her progress.

Actions and decisions	• Continue current analysis of QLD Local Government Act	Responsible officer	• Ms Welch and team conducts analysis, NIGC reviews.

Agenda item 5: Finance model: mapping service delivery financials [continued]

- s 47F circled back to the previous discussion on revenue and finances and suggested that the overall process by which the NIRC (and future NI Assembly) receives Commonwealth support for service delivery should be revisited with a view to improving transparency and empowering local decision-making.
- Ms Forbes recommended that the NIGC remain focused on developing a financial model based on the current environment and processes rather than trying to achieve too much in one go. She noted the likelihood that the upcoming federal election will cause delays to all government work, and that it is impossible to predict how a future government may want to proceed. The NIGC should aim to have some key elements agreed to now before the government and ministerial may be subject to change.

Actions and decisions	• NA	Responsible officer	• NA

Agenda item 6: Review of action items

- Time did not allow the reviewing of previous actions
-

Actions and decisions	• Nil	Responsible officer	• NA

Agenda item 7: Close

- Proposals were made for future NIGC meetings during the weeks commencing 13th and 20th of January.
- Mr Plant closed the meeting at 11:40 am.

Actions and decisions	• Nil	Responsible officer	• NA

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NIGC meeting minutes

DATE	LOCATION
5 February 2025	Online and the Administrators Office
TIME	**WEB LINK**
2:00pm-3:45pm (NI)	

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F Proxy Community Representative

Invited guests

ATTENDEES	
s 47F Financial Administrator	s 47F Lead Administrator

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS	
Rebecca Rush, DITRDCA	s 22(1)(a)(ii) Office of the Administrator
s 22(1)(a)(ii) DITRDCA	s47F DPC

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings			
• The minutes of the meetings on 16 October, 20 November, and 12 December 2024 were approved, with Mr Plant noting that s 47F proposed alterations had not been read.			
Actions and decisions	• NA	**Responsible officer**	• NA

Agenda item 3: Changes to the NIGC Terms of Reference and Operational Guidelines			

• Mr Plant raised two proposed changes to the Operating Guidelines.
  ○ That a quorum can be as few as 5 members if a community representative is absent.
  ○ That 'consensus' for decisions put to a vote be defined as one vote less than the quorum number.
• The changes were agreed.
• Mr Plant noted that the Terms of Reference allow the Committee to determine how a vacant seat can be filled. He referred to s 47F and s 47F proposal that the current vacancy be filled by a rotating roster of nominated community members with expertise relevant to the meeting they attend.
• Ms Forbes asked about community sentiment towards this proposal. s 47F responded that given the circumstances, the community believes the proposal is sensible.
• The proposal was agreed with the understanding that new members must be formally appointed to the Committee by the Minister. s 47F advised he and s 47F would aim to have a list ready within a week.
• Mr Plant stated that he had briefed the Minister's office on the proposal.			

Actions and decisions	• The NIGC Operating Guidelines will be updated • The names of the proposed community members who will fill the vacant community representative seat on a rotating basis will be circulated by 12 February 2025	**Responsible officer**	• Secretariat • Community Representatives

s47C

[redacted]

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s47C

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s47C [redacted]

Agenda item 5: Other business			
• Mr Plant tabled the NI Population Strategy recently finalised by the Council of Elders. • Mr Plant noted s 47F legislation proposal, which captured collective ideas into a single document, should be reviewed by the Committee prior to discussion at the next meeting. • The Committee agreed to meeting again next week. • s47C [redacted] • s 47F suggested the draft revenue model be shared with the community, noting the community had no visibility over NIGC proceedings. Ms Rush said that the Minister would need to agree before anything could be publicly disseminated, noting the risk of creating community expectation or misunderstanding around what was being discussed and what had been decided on.			
Actions and decisions	• Council of Elders population strategy circulated to NIGC	**Responsible officer**	• George Plant

Agenda item 6: Review of action items			
• *Time did not allow this discussion.*			
Actions and decisions	• NA	**Responsible officer**	• NA

Agenda item 7: Close			
• Mr Plant closed the meeting at 3.45pm (NI).			
Actions and decisions	• NA	**Responsible officer**	• NA

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NIGC meeting minutes

DATE	LOCATION
14 February 2025	Online and the Administrators Office
TIME	**WEB LINK**
10:30am-12:30pm (NI)	Join the meeting now Meeting ID: s 22(1)(a)(ii) Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F Proxy Community Representative

Invited guests

ATTENDEES
s 22(1)(a)(ii) DITRDCA

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F DPC
s47F DPC	s 47F DPC
s 47F Financial Administrator	s 47F Lead Administrator

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings

- No minutes were tabled.
- Ms Forbes indicated that minutes would be circulated in the following week.

Actions and decisions	• Minutes for 5 February and 14 February to be circulated	Responsible officer	• Secretariat, DITRDCA

Agenda item 3: Policy recommendations for drafting the enabling law

- Mr Plant has circulated the first agreement log for discussion, reformatted from s 47F paper.
- The Committee discussed its role in developing the drafting instructions.
  - s 47F asked whether the intention is to apply an amended Queensland Local Government Act, or to make an entirely new, bespoke ordinance.
  - Mr Plant noted he had confirmed with the Minister, and the Committee all agreed, that the instructions to OPC will not be centred around imposing a modified or applied version of the QLD LGA under the applied laws regime. Instead, the Committee will recommend a new, fit-for-purpose piece of legislation, drawing elements from the QLD LGA where appropriate and agreed by the NIGC.
  - Noting the legislation is subject to the approval of the Minister, the Committee agreed that the NIGC will inform the design of the legislation and will have visibility into the actual drafting instructions to OPC.
  - s 47F asked whether s 22(1)(a)(ii) team would be responsible for providing instructions to the Office of Parliamentary Council. s 22(1)(a)(ii) said ideally the advice should be coming from the NIGC, but that his team would remain part of the process.
  - s 47F asked whether the NIGC would see the drafting instructions. s 22(1)(a)(ii) advised some of the drafting instructions can't be shared outside of government, such as internal decision reference numbers.
- The Committee worked through items 1-6 of the discussion paper, and agreed on the wording of each item, as follows:

Proposed Model	Comments/rationale	NIGC Member
s 47E(d)		

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Agenda item 3: Policy recommendations for drafting the enabling law

s 47E(d)

Actions and decisions	• Circulate list of topics Qld local governments cannot legislate on	**Responsible officer**	• Rachel Welch, DPC

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Agenda item 4: Other business			
• Nil			
Actions and decisions	• Nil	**Responsible officer**	• Nil

Agenda item 5: Review of action items			
• Ms Welch circulated the working document, with the changes made during the meeting, for out of session review.			
Actions and decisions	• Review voting items	**Responsible officer**	• NIGC members

Agenda item 6: Close
• Mr Plant closed the meeting at 12:31pm (NI).

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NIGC meeting minutes

DATE	LOCATION
26 February 2025	Online and the Administrators Office
TIME	**WEB LINK**
12:30pm-2:34pm (NI)	Join the meeting now Meeting ID: s 22(1)(a)(ii) Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES	
s 47F Proxy Community Representative	s 22(1)(a)(ii), Office of the Administrator
Rebecca Rush, DITRDCA	

Invited guests

ATTENDEES
s 22(1)(a)(ii) Territories Legislation Section, DITRDCA

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS
s 47F DPC

Minutes

Agenda item 1: The Prayer of John Adams

- s 47F opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings
• Minutes for 5 Feb were **accepted** with changes as noted in out of session discussion. • Minutes for 14 Feb were **accepted** with changes as noted in out of session discussion with a small amendment to state the NIGC has agreed on its recommendations, but not agreed on the final outcome of the Ordinance, as the NIGC does not have final decision-making authority.

Actions and decisions	• NA	Responsible officer	• NA

Agenda item 3: Confirmation of out of session items
• All **noted** the agreement log circulated by Ms Welch and **agreed** that it accurately represents discussion.   ○ Ms Welch noted that where to publish delegations is still to be resolved, and whether this should be settled in the establishing legislation is still to be resolved.

Actions and decisions	• NA	Responsible officer	• NA

Agenda item 4:

• Items 18-20 are being held over for discussed at a separate meeting specifically focussing on the NI electoral ordinance, which will establish the inaugural election.
• Item 21 was **agreed** by all.
• Item 22:
  ○ Minor changes were made to reflect the possibility that types of election other than a general election may be called for, and that voting must be compulsory and anonymous.
  ○ s 47E(d) [redacted]
  ○ **Agreed** with changes made.
• Item 23:
  ○ s 47F advocated for the Assembly to have the power to increase the number of elected members at its discretion. The Committee discussed the merits and challenges of this, noting that the Assembly may find itself in a position where five members are not enough to fulfil all Assembly duties.
  ○ Ms Welch noted other local governments in Australia do have some capacity to increase or decrease their numbers in response to need, i.e. population growth. However, Ms Welch noted that no Australian government body at any level can do this purely at their discretion; they either need agreement from a Minister, or have clear and unambiguous criteria that dictates when and by how much they can increase.
  ○ Ms Forbes noted that the Government decision stipulated the Assembly have five members and she cannot agree to a recommendation that departs from the Government's decision.
  ○ The majority of the Committee **agreed** to wording that the Assembly would consist of five elected members, with the ability to increase up to seven members in total upon agreement of the Minister.
  ○ s 47F voted against this, noting her opinion is that the Assembly needs more freedom to determine its own size.
• Item 24:
  ○ The Committee **noted** that there was no legal definition of 'ordinary resident' and, given the presence of the term in the fact sheet, a definition would need to be agreed if there was to be any residency requirement for candidates.

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Agenda item 4:

- The Committee discussed the community's expressed wish for a minimum two-year residency requirement to apply to anyone who wanted to run for the Assembly. s 47F outlined the community's concerns that, without this, candidates may run for election without having spent long enough on the island to understand the needs and culture of the people living there.
- Ms Welch said eligibility requirements to run for election should be assessed in concert with eligibility to vote requirements. She shared some research she had conducted on residency requirements in other jurisdictions including: WA does not even require candidates to live in the electorate they are running for election but does require that they pay rates in that area; NT and the Cook Islands require candidates to be eligible to vote and a person must be a resident for 3 months in that area before they have voter eligibility; and Niue requires a person to have been living in area for 12 months, and to have lived there for a total of three years at some point in their life.
- Ms Welch and Ms Forbes said they could not vote in agreement as two years was too long. Ms Welch suggested 12 months might be more appropriate while Ms Forbes suggested 3-6 months. s 47F Ms s 47F and Mr Plant suggested they could agree to 12 months, but s 47F said he would like to canvass this with the community first.
- The Committee **agreed** to reword this item to note that a person must have resided on NI for a stipulated period of time to be eligible to stand for election, but that this period was yet to be agreed.
- Ms Forbes asked the community representatives to be clear when discussing this with the community that the NIGC can only agree on a recommendation, and that the final decision rests with the Government.

- Item 25:
  - The Committee discussed the subject of Conflict of Interest. Of particular note was the issue of employment restrictions on individuals nominating for or holding an Assembly position. The Committee discussed whether Assembly members will be required to take leave or resign their employment, if they work for the Norfolk Island public service, which is a major employer on the island.
  - The Committee **agreed** on the absolute need to protect to actual and perceived integrity of the Assembly and recognised the problems of allowing Assembly members to be employed by organisations that were funded or regulated by the Assembly. It would be unrealistic for an Assembly member to recuse themselves of all discussions involving issues that could influence, or be influenced by, their having a public service employer (and vice versa).
  - To encourage a more diverse group of candidates, the Committee **agreed** that consideration should be given to possible ways conflict of interest could be managed. Ms Welch committed to researching how it is managed in QLD.
  - The Committee **agreed** to having a statement of intention around Conflict of Interest included in drafting instructions. Actual wording would be left to OPC's expert drafters, and be further informed by the outcomes of Ms Welch's research.
  - The Committee would await further information before formally voting on this recommendation.
- Item 26 –The Committee **agreed** to simplified wording stating that an elected representative must continue to meet eligibility requirements in order to hold their office.
- Item 27 – The Committee **agreed** to reframing this as a statement of intent around the issue of integrity and rely on expert OPC drafters to develop wording.
- Item 28 – The Committee **agreed** to this item pending further 'fleshing out'.

Proposed Model	Comments/rationale	NIGC Member	Y/N
s 47E(d)			

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Agenda item 4:

s 47E(d)

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Agenda item 4:

s 47E(d)

Actions and decisions	• Research how conflicts of interest and eligibility of public service employees function in small QLD communities	**Responsible officer**	• Rachel Welch, DPC

Agenda item 5: Other business

- s 47F asked Ms Forbes and Mr Plant to provide, by reply email, confirmation that Minister McBain (and her office), the NI Administrator and the Department are not involved in, or have any influence over, the United Nations' investigation of complaints lodged by NI residents.
    - Ms Forbes reiterated previous advice that the AGD is responsible for engaging with the UN on these matters and the Department's only involvement is to provide the AGD with requested information. The complainant would have been sent a copy of any correspondence between the Australian Government and UN, but the Department is not involved in that process.
    - Ms Forbes committed to sending this information to s 47F by email. Mr Plant committed to the same, pending approval from the Minister who has previously indicated a desire that the NI Administrator should remain detached from this issue.
- Ms Forbes agreed to circulate a copy of the latest version of the communique relating to last week's meeting

Actions and decisions	• Send advice re: UN complaint via email • Seeks approval from the Minister re: UN complaint advice • Circulate communique	**Responsible officer**	• Kim Forbes, DITRDCA • George Plant, Administrator • Kim Forbes, DITRDCA

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Agenda item 6: Review of action items			
• Did not occur • Did not occur due to time constraints			
Actions and decisions	• NA	**Responsible officer**	• NA

Agenda item 7: Close			
• Mr Plant closed the meeting at 2:34pm (NI).			
Actions and decisions	• NA	**Responsible officer**	• NA

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NIGC meeting minutes

DATE	LOCATION
20 February 2025	Online and the Administrators Office
TIME	**WEB LINK**
12:00pm-2:17pm (NI)	Join the meeting now Meeting ID: s 22(1)(a)(ii) Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F Community Representative (proxy)

Invited guests

ATTENDEES
s 22(1)(a)(ii) DITRDCA

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s47F DPC
Rebecca Rush, DITRDCA	s 47F DPC
s 22(1)(a)(ii) DITRDCA	

Minutes

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Agenda items 1-3:

- The Committee agreed to hold over discussion around defining of the term 'consultation' and listing excluded Assembly powers and function as these items will be informed by the overall content of the completed policy proposal.
- Mr Plant recapped the decisions made by the Committee at the previous meeting.
- Regarding the Assembly's powers of delegation, the Committee discussed the intention of points 10.2 & 10.3 which related to applying Norfolk Island law to powers exercised in another government's area, the example being if the Assembly enters into an agreement with the Australian Government to undertake activities on Commonwealth land. s 47F noted his disagreement that there was any Commonwealth land on Norfolk Island. Ms Welch explained that the intent was to 'future proof' the Assembly's ability to make laws that apply to all of NI, and provided some examples of how this type of provision is used in Queensland.
- s 22(1)(a)(ii) and Ms Welch committed to working together out of sessions to provide some alternative wording that clarified this intent.

Actions and decisions	• Revised wording for points 10.2 & 10.3 drafted and circulated	**Responsible officer**	• Rachel Welch + DITRDCA

Agenda item 4: Discussion of policy recommendation items

Items 11-17: Delegation of Power

- The Committee discussed the points 11-17 on the policy proposal relating to the delegation of powers by the Assembly. The focus was on the intent of delegation and the type of 'guard rails' that might be established.
- It was agreed that the legislation should include limits on powers that could not be delegated, with the immediate example being the power to make and pass laws.
- The Committee agreed to new words condensing and simplifying points 11-17. The revised wording was voted on and unanimously agreed.
- The Committee discussed the need to specify within legislation that delegations needed to be published in the Norfolk Island Government Gazette, or whether it would be enough to state they must be published. Stipulating the means of publication might create undue administrative burden on the Assembly. Not stipulating it might limit transparency if notices are published in ways that the community are not comfortable engaging with.
- The Committee agreed that the requirement should be that delegations are published, with no stipulation on how or where.

Items 18-20: Eligibility to vote

- The Committee discussed the criteria under which a person is eligible to vote for the Norfolk Island Assembly.
- Ms Forbes noted the financial and administrative cost the Assembly would incur if it maintained its own electoral role and advocated for synchronising with the Australian Electoral Commission. It was noted that Australian citizens enrolled in the AEC-managed electoral role would be required to vote in Australian Federal elections under compulsory voting laws.
- Ms Welch and Ms Forbes said that, as representatives of their respective Governments, they could not support the application of a 12-month continuous residency requirement as an eligibility criterion for voting. Elsewhere in Australia, people may apply to join their local electoral role immediately after moving to a new location and are required to do so within one month of moving.
- s 47F noted there would not be strong support for a residency requirement of any less than 12 months for voting eligibility within the community.
- Ms Welch suggested that applying different voting rights to Australian citizens than those they experience elsewhere in Australia was unlikely to be accepted by the Government, and noted that a person moving from Queensland to Norfolk Island to deliver state-type services would expect to have the right to participate in local elections.
- s 47F and Ms s 47F agreed with the merits of full democratic participation, but noted that some established residents of Norfolk Island who are not Australian citizens lost their right to participate when self-government was abolished. Ms Welch recognised this point but noted that the NIGC had been tasked with creating a model of self-governance within the context of Australian law. Ms s 47F noted that the previous legislation was also under Australian law.

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Agenda item 4: Discussion of policy recommendation items

- s 22(1)(a)(ii) noted that a lengthy residency requirement would impact on the human rights of a portion of the community in terms of access to voting in elections, and noted for this reason the NIGC would need to make a strong supporting argument for the Government to consider agreeing to a continuous residency requirement of this nature, and that cultural preferences were not likely to be strong enough.
- It was agreed to park items 18-20 and discuss electoral issues in a separate dedicated meeting.
- The Committee agreed that a separate ordinance was needed to deal with elections and this would be progressed separately to the overall policy recommendation piece. s 22(1)(a)(ii) committed to circulating a discussion paper on developing a separate elections ordinance.
- Ms Forbes suggested inviting a representative from the AEC to provide some advice or insight. The Committee agreed to this if it would be helpful.

Actions and decisions	• Elections ordinance discussion paper developed and circulated • Invite an official from AEC to address the NIGC	**Responsible officer**	• DITRDCA • DITRDCA

Agenda item 5: Other business

- s 47F shared a draft communique he had developed relating to the previous NIGC meeting. He sought the Committee's agreement to adjust some of the wording that had been decided, with the intention of including this wording in the communique.
- The changes were largely agreed to, with Ms Welch noting that different content and style was appropriate for communicating with the public than what would be used when instructing OPC.
- Ms Forbes said that the Minister would want to review the communique before it was published and reiterated concerns expressed at the last meeting about raising community expectation or having information shared for general information mistaken for government commitments.
- s 47F stated that he and s 47F would publish something for the community under their own names if the NIGC was not able to publish something due to a need for Ministerial approval. They discussed the community's unhappiness with the level of information they were receiving and the frequent, intense interactions they were having with the community as a result.
- Ms Forbes acknowledged the challenges the community representatives were facing and said she would send the finished communique to the Minister and seek an opportunity to engage with the Minister on it as quickly as possible.
- The Committee agreed to reviewing the draft communique and agreeing on a final version Ms Forbes could send to the Minister.
- Ms Forbes informed the Committee that, following the announcement of a Federal Election date, the Government would enter caretaker period. She will not be able to participate in conversations about new policy during that period, but could participate in other discussions, such as planning for new or improved state-type services. She noted this may also apply to Mr Plant as the Minister's appointed Administrator.
- s 47F asked how this would impact the timeline for the work. s 22(1)(a)(ii) noted that disruption caused by the federal election had been a known risk throughout this project and the timeline stands.
- Ms Welch suggested that conversation could continue between the other members of the Committee, with the goal of having a bulk round of decisions to be finalised when caretaker ends.

Actions and decisions	• Draft communique reviewed and agreed • Final draft submitted to Minister	**Responsible officer**	• All Committee members • DITRDCA

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Agenda item 6: Review of action items			
• Did not occur			
Actions and decisions	• Nil	**Responsible officer**	• NA

Agenda item 7: Close			
• Mr Plant closed the meeting at 2:17pm.			
Actions and decisions	Nil	**Responsible officer**	• NA

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NIGC meeting minutes

DATE	LOCATION
7 March 2025	Online and the Administrators Office
TIME	**WEB LINK**
12:35pm-2:16pm (NI)	Join the meeting now Meeting ID: s 22(1)(a)(ii) Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES	
s 47F Proxy Community Representative	s 22(1)(a)(ii), Office of the Administrator

Invited guests

ATTENDEES	
s 22(1)(a)(ii) Territories Legislation Section, DITRDCA	

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS	
Rebecca Rush, DITRDCA	s47F DPC
s 47F, DPC	

Minutes

Agenda item 1: Opening the meeting.

- Mr Plant opened the meeting.

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Agenda item 2: Minutes of previous meetings			
• Secretariat have circulated minutes but they have not yet been reviewed.			
Actions and decisions	• Review and provide feedback on minutes. • Amend minutes for submission.	**Responsible officer**	• Members • Secretariat

Agenda item 3: Confirmation of out of session items			
• No out of session items.			
Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 4: NI Assembly discussion paper

- The Committee discussed items 29-36 in the Agreement Log.
- **Item 29:** Ms Forbes noted that these matters had already been discussed at the workshop, and that she would be unable to agree to anything contrary to the Government's decision as described in the factsheet. The committee discussed the purpose of this section and how it could function in practice, and decided that in subsequent sections a distinction needs to be made between individual and collective responsibility.
  - s 47F abstained, claiming this section didn't add anything substantive. s 47F deferred her vote out of session for time to consider.
- **Item 30:** The committee discussed varieties of legal privilege, from the expansive (but only within parliament) privilege of parliamentarians, to the limited ability of local councils to offer indemnity. The committee agreed that the aim of this section is to protect the Assembly members, and their capacity for transparency, as they carry out their duties.
- **Item 34:** It was noted that this section may need revising if dissolutions and multiple resignations are not covered elsewhere.
- **Item 36**: It was noted the power of dismissal will need to be covered elsewhere.

Agreement log:

Proposed Model	Comments/rationale	NIGC Member	Y/N
s 47E(d)			

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Agenda item 4: NI Assembly discussion paper

s 47E(d)

[redacted]

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Agenda item 4: NI Assembly discussion paper			
Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 5: Other business

- In response to an enquiry from the community, s 47F asked if the terms of reference or operational guidelines had been changed following the Committee's previous discussions and decisions around quorum.
  - s 22(1)(a)(ii) clarified that the operational guidelines, which are not public, had not been changed, as there was no reference in them to a 'quorum'. The terms of reference, which are publicly available on the Department website, had the changelog amended to note the committee had decided on a quorum size. s 47F noted she would reply to the enquirer and seek further advice from the committee if necessary.
- The Committee noted a request from the NIPD for written confirmation of the number of submissions they had received relating to the preamble – specifically, the number of hard copy submissions collected by the NIPD.
  - s 47F noted she had received 618 hard copy submissions and 141 digital submissions. The Committee agreed the Chair would provide confirmation by email.
- s 47F noted that she had received two written responses from the community relating to the recently released NIGC communique, and that she would circulate these for review. No further action was required. s 47F thanked the NIGC members and the Department staff for their work on the communique.
- The Committee noted the Electoral Ordinance discussion paper circulated by DITRDCA.
  - s 22(1)(a)(ii) clarified that no work beyond the discussion paper had been done on the Electoral Ordinance, and outlined the timeline for this work that would need to be met in order to hold an election by the end of 2025 as per the Minister's direction.
  - s 47F asked the Department to provide him with a copy of the repealed Norfolk Island Electoral Act. s 22(1)(a)(ii) committed to sending a link to its online location.
    The link is: Federal Register of Legislation - Legislative Assembly Act 1979 (NI)
  - The Committee noted a dedicated meeting on the Electoral Ordinance was needed. To facilitate progress, the Committee agreed to consider the paper and send comments and questions to the Secretariat for compilation and out-of-session discussion. s 47F s 47F Mr Plant and Ms Welch agreed to try and arrange an out-of-session meeting in the next week to discuss and compile prior to a formal NIGC discussion. While the secretariat cannot attend, it would set up an online session and send out invitations if requested.
- The Committee discussed the impact of the upcoming caretaker period to commence following the announcement of the next federal election. Mr Plant explained he and Ms Forbes would be unable to participate in discussions on either ordinance during the caretaker period.
  - The Committee noted the Australian Government caretaker period has a different effect on the NIGC's work to the previous QLD caretaker period, as NIGC's work relates to an Australian Government policy position.
  - The Committee noted that while it recognised the need to progress this work, the absence of both Mr Plant and Ms Forbes would prevent quorum from being possible. The Committee agreed to explore other streams of work that could progress during caretaker period, such as information gathering and the development of a revenue model. The Committee also noted the need for clear and considered messaging to the community on this issue.
- Ms Forbes asked for information on the Norfolk Island Visions Assembly, noting that the NIGC is listed as being a member organisation.
  - s 47F explained that the Visions Assembly was originally framed as a collection of community groups with shared goals, and that he and s 47F had been willing to participate. The direction of the

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Agenda item 5: Other business			
	group has changed in subsequent months and s 47F now feels the NIGC should not formally participate. He has conveyed this to the members of the Visions Assembly.		
Actions and decisions	• Provide confirmation of receipt of submissions • Provide s 47F with repealed NI Electoral Act • Consider Electoral Ordinance discussion paper and send comments • Find time and arrange meeting for the week of 10 March	**Responsible officer**	George Plant, Administrator s 22(1)(a)(ii) Secretariat Members of NIGC Non-DITRDCA members and secretariat

Agenda item 7: Close			
• Mr Plant closed the meeting at 2:16pm (NI).			
Actions and decisions	• N/A	**Responsible officer**	• N/A

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NIGC meeting minutes

DATE	LOCATION
23 April 2025	Online and the Administrators Office
TIME	**WEB LINK**
2:32pm-3:45pm (NI)	

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F Proxy Community Representative

Invited guests

ATTENDEES

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS
s 22(1)(a)(ii), Office of the Administrator
Rebecca Rush, DITRDCA
s 47F DPC

Minutes

Agenda item 1: The Prayer of John Adams
• s 47F and s 47F opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings			
• Minutes of 20 February, 26 February and 7 March approved without amendment.			
Actions and decisions	• NA	**Responsible officer**	• NA

Agenda item 3: Confirmation of out of session items			
• The Committee discussed two aspects of the proposed Electoral Ordinance that had been marked for clarification. • s 47E(d) • • Mr Plant asked if this work was suitably progressed to initiate engagement with OPC drafting resources. s 22(1)(a)(ii) said there were still several items that needed finalising and that further progress would have to wait until the new government was in place.			
Actions and decisions	• Confirm appropriate person to receive notice from Returning Officer re: Item 86.	**Responsible officer**	• s 22(1)(a)(ii)

Agenda item 4: Status of caretaker meetings			
• The Committee agreed to use meetings held during the caretaker period to clarify any outstanding points of discussion and review community feedback. • Mr Plant asked members to review their notes for items needing clarification.			
Actions and decisions	• Review notes for items of discussion	**Responsible officer**	• All members

Agenda item 5: Feedback from Community Representatives
• s 47F spoke to the **NIGC Community Representatives Progress Update (April 2025)** paper he circulated that morning. He outlined the intentions of the paper; to keep the community informed and to provide information about community sentiment to an incoming Minister. • s 47F described what he felt was the departure of the NIGC's role from its original intention as established by the Terms of Reference prior to the JSCNCET report and subsequent Government response. • The Progress Update sets out the community's expectations and priorities for a proposed new governance model, as informed by s 47F and Ms Evan's community engagement activities. s 47F asked that the Update be conveyed as such to the incoming Minister post-election.   ○ s 47F sought and received confirmation that Mr Plant and Ms Forbes will both provide incoming Minister briefs. Ms Welch noted she would only brief her minister if a change in policy occurs that is relevant to QLD's involvement as state service provider or NIGC participant.

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Agenda item 5: Feedback from Community Representatives

- Ms Welch provided feedback on the Progress Update, noting aspects of its framing that she considered problematic. She expressed disappointment at the way the report downplayed or ignored ongoing Commonwealth support for Norfolk Island, while broad statements of community discontent continue to be presented without supporting evidence or actionable suggestions for improvement. She observed the document reflected a lack of community understanding about the realities of government service funding. She further observed that some of the proposals contained in the document, specifically relating to the return of certain assets to community ownership (such as the school and hospital), would mean the QLD Government could no longer deliver relevant state-type services on Norfolk Island, as the change would create a critical risk QLD would not be able to meet its own obligations regarding service standards.
- Ms Welch further noted that Norfolk Island has received, and continues to receive, a level of Australian Government financial support above that experienced by many remote and regional communities, including communities in QLD that are arguably more isolated and inaccessible, with comparable or greater social and economic challenges.
- Ms Welch recognised the community representatives' responsibility to accurately represent community sentiment but cautioned against presenting this document to an incoming Minister with the expectation it would influence them to revisit the model in favour of the community's position. She also stipulated that, if this document were to be presented to the Minister or the public, she would need to distance herself from it as it does not accurately reflect her views about the NIGC's work so far. Ms Forbes expressed the same view.
- Mr Plant said that a document articulating the community's opinions, including 'sticking points' they are unable to get past, would be a legitimate inclusion in a Ministerial briefing but agreed this document needed clearer delineation between the opinions of the community and/or community representatives, and the agreed position and past decisions of the NIGC as a whole. Ms Welch added that she was not comfortable with the growing narrative that the Government's November decision about the governance model was drastically different from the proposal made by the NIGC. From her perspective, the decision fundamentally aligned with most aspects of the NIGC's proposal.
- Ms Rush asked the community representatives for details about which segments of the community they have engaged with. s 47F described the weekly meetings he and s 47F run that any interested member of the community can attend, and that they actively avoid catering to any particular segment of community.
- He and s 47F have tried to balance the community's views and convey the opinions of the 'broad middle' of the community, who are grateful for the support they receive from the Government, but are very unhappy with the current governance model.
- s 47F clarified that it is not the intention that the NIGC endorse the Progress Update as it is only supposed to represent the views of the community. Mr Plant suggested the document be reworded to more clearly reflect that, and Ms Welch suggested consideration be given to the overall purpose of the document as something intended to influence an outcome or something intended only to update the community.

Actions and decisions	• NIGC Community Representatives Progress Update (April 2025) be redrafted and recirculated	**Responsible officer**	• NIGC community representatives

s47C

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s47C

Agenda item 5: Other business			
• s 47F suggested the NIGC schedule a week-long on-island workshop in the near future. The Committee all agreed it would be useful but recognised Ms Forbes' challenging schedule and that nothing could be organised during caretaker period.			
Actions and decisions	• NA	**Responsible officer**	• NA

Agenda item 7: Close			
• Mr Plant closed the meeting at 3:45pm (NI).			
Actions and decisions	• NA	**Responsible officer**	• NA

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NIGC meeting minutes

DATE	LOCATION
19 June 2025	Online and the Administrators Office
TIME	**WEB LINK**
10:37 AM - 12:10 PM (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDSCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES	
s 47F Lead Administrator	s 22(1)(a)(ii), Office of the Administrator

Invited guests

ATTENDEES	
s 47F Financial Administrator	s 22(1)(a)(ii) Territories Legislation Section, DITRDSCA

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA

Observers

OBSERVERS
Rebecca Rush, DITRDSCA

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting at 10:37am.
- s 47F lead the Prayer of John Adams.

Agenda item 2: Minutes of previous meetings

- Minutes for 23 April agreed.

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Agenda item 3: Workplan

- The NIGC discussed the workplan and the depth of discussion required to land a few key items, including work on the Preamble, the Electoral Ordinance and the Enabling Ordinance.
- Ms Forbes committed to following up on the Preamble, noted that the electoral ordinance was close to finalisation, and announced that the department has prepared a financial model discussion paper.
- The NIGC discussed developing a workplan, including:
  - Ensuring all matters required for the proposed Ordinance are settled in sufficient detail.
  - Identifying topics for themed discussion papers in line with those covered in the agreement log, to provide parameters for detailed NIGC discussions.
  - That these topics will need to cover all areas of local government law covered by current legislation that are needed for NI, but should be aligned with the Queensland Local Government Act in preference to the NSW model.
  - Identifying points at which community consultation will occur.
  - Ms Forbes and Ms Welch will lead on developing discussion papers, depending on subject matter and whether state or Commonwealth subject matter expertise is required.
  - These papers may be tabled as addendums to the Enabling Ordinance Agreement Log.
  - Ms Welch will circulate a discussion paper template out of session.
- s 47F provided an overview of key outcomes of the recent meeting between the Minister and the Community Representatives.
  - It was agreed to provide the community with an NIGC work plan to provide visibility of the NIGC's work
  - Managing community expectations will be important given the likely extension of the timeframe to deliver the Norfolk Island Assembly past December 2025.
  - Ms Forbes noted that we cannot pre-empt the Minister in announcing any changes to agreed timelines.
- s 47F proposed the NIGC also develop a plan outlining the transitional arrangements for establishing the Assembly.
  - Ms Welch will lead on developing the transition plan, following out-of-session discussion with s 47F
  - s 47F noted the NIGC should not deliberate on matters that are the remit of the Assembly once established.
- Mr Plant invited s 47F to talk on financial matters. s 47F agreed to present the NIRC Administrators' financial model at the next workshop, including an explanation of why the Administrators were unable to adopt the operational model proposed by the NIRC at the most recent council meeting.
  - He noted that the NIRC currently has functions beyond a local government remit and these additional functions are the cause of the pressures that prevented the adoption of the operational plan.
- The NIGC discussed the timing of the development of legislation to establish the Assembly s47E(d)
- The NIGC agreed to develop a document to provide to the community to outline the NIGC's forward work plan.
- Mr Plant proposed his office take on some secretariat duties for the NIGC.

Actions and decisions	• Circulate proposed workplan • Circulate financial model • Circulate discussion paper template	**Responsible officer**	• Mr Plant, Administrator • Ms Forbes, DITRDSCA • Ms Welch, DPC

Agenda item 4: Close

- Mr Plant closed the meeting at 12.10pm (NI).

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NIGC meeting minutes

DATE	LOCATION
3 -4 July	Online and the Administrators Office
TIME	**WEB LINK**
9:00am – 5:00pm 8:45am – 1:00pm	Day 1: Join the meeting now Day 2: Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES

Invited guests

ATTENDEES	
s 47F Financial Administrator	s 47F Lead Administrator

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F Proxy Community Representative
Rebecca Rush, DITRDCA	s 22(1)(a)(ii) DITRDCA
s47F DPC	s 22(1)(a)(ii) DITRDCSA
s 47F DPC	

Minutes

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Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

Agenda item 2: Minutes of previous meetings & Out of Session agreements for electoral ordinance

- Minutes of 19 June were agreed.
- Mr Plant committed to circulating the updated financial analysis documents.
- s 47E(d)
- s 47F asked whether he could see the entire Ordinance. Mr Plant responded that Ms Welch was making edits, which would be compiled once the policy was settled.
- The Committee discussed the electoral roll s 47E(d)

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Agenda item 2: Minutes of previous meetings & Out of Session agreements for electoral ordinance

s 47E(d)

- s 47F stated that there needed to be a statutory basis for the role of Returning Officer. s 22(1)(a)(ii) added that this could be related to the statutory basis for the Electoral Commission, and that either DITRDCSA or DPC would need to investigate the legal framework surrounding the issue.
- s 22(1)(a)(ii) stated that while an Electoral Commissioner was usually a statutory appointment, the Returning Officer was usually an employee of the election provider. She continued that the Returning Officer handled the process of the election, whereas the Electoral Commissioner had the authority to ratify the outcome. She noted that some of these complexities hadn't arisen during the election of the Committee as it was non-statutory.
- s 47F asked how these matters were handled in the Norfolk Island Act. s 22(1)(a)(ii) stated that she would take that question on notice.
- s 47E(d)
- s 22(1)(a)(ii) clarified that as the Electoral Ordinance was for the first election, making no provision for internet voting would not prevent future Assembly's from allowing it. The Committee agreed that the only allowed form of remote voting would be postal.
- s 47E(d)

Actions and decisions	• Circulate financial analysis • Investigate how the electoral commissioner functions in the Norfolk Island Act.	Responsible officer	• Mr Plant, Administrator • s 22(1)(a)(ii) DITRDCSA

Agenda item 3: Workplan discussion

- Mr Plant suggested working through the workplan and identifying topics for discussion papers. He noted that the details of later years were less urgent. He raised the issue of what information concerning timelines should be circulated to the community.
- s 47E(d)

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Agenda item 3: Workplan discussion

s 47E(d)

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Agenda item 3: Workplan discussion			
Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 5: Enabling Law recommendations – Resignations and Assembly meetings

s 47E(d)

Actions and decisions	• Prepare model meeting procedures	**Responsible officer**	• Ms Welch, DPC

Agenda item 7: Enabling Law recommendations – Dissolution of the Assembly

- The Committee discussed the dissolution of the Assembly as a remedial action.

s 47E(d)

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Agenda item 7: Enabling Law recommendations – Dissolution of the Assembly

s 47E(d)

Actions and decisions	• Insert each action and decision	Responsible officer	• Name, title, per action

Agenda item 12: Work of previous day

- Mr Plant asked who was handling the electoral log recommendations. s 22(1)(a)(ii) answered that her team would do so.
- Mr Plant introduced the draft media release. The Community Representatives approved of it but suggested some changes. s 47F wanted an emphasis that the Assembly would acquire its powers through a phased approach. Ms Forbes asked if the Committee approved of the included quotes. They did. Ms Welch asked whether 'new public service' might cause anxiety in the community, and the Committee agreed to remove 'new'. The Community representatives stated that they'd been getting questions regarding the meaning of 'bespoke'.
- Ms Forbes stated that the Minister was on leave for school holidays, and that the media release would have to go through the Prime Minister's Office.
- Ms Welch circulated a draft work plan, and s 47F circulated an edited version.
- s 22(1)(a)(ii) stated that the Preamble would be progressed separately, once legal questions had been settled, but that she couldn't provide timelines. Mr Plant stated that the precise timing didn't need to be indicated, so long as the community could see that the Preamble was in the plan.
- Ms Forbes noted that the Minister hadn't yet publicly announced a change to the December deadline.
- s 22(1)(a)(ii) asked whether the workplan was intended to be published as part of the communique. Mr Plant answered affirmatively. s 47F requested s 22(1)(a)(ii) format the workplan before sending the document through to the Minister's Office. Ms Forbes agreed.
- Ms Forbes asked whether the Community Representatives had made anything available online for people who couldn't make their Wednesday afternoon sessions. s 47F answered that they maintained a website. She continued that she and s 47F would consider how to conduct consultation for the Electoral Ordinance.
- s 22(1)(a)(ii) stated that her team would endeavour to complete and circulate discussion papers on the electoral roll and electoral commissioner as soon as possible.
- s 47F stated that the Community Representatives were compromised by their inability to share the Committee's recommendations, or failing that, an agreed summary. Ms Forbes replied that anything circulated was liable to be treated as a commitment, leading to the Minister feeling compromised should there be subsequent changes. s 22(1)(a)(ii) stated that the current process of filling in the details of the high-level framework could be different from the process of creating the framework. She continued that as there was no expectation that all the lower-level policy would go through Cabinet, there was more room for visibility. She continued that her team could write their discussion papers with an eye to visibility. s 47F stated that the Community Representatives were happy to cooperate in appropriately signalling, and that having non-final documents might encourage more community participation.
- s 47F stated that they would start community consultation as soon as possible.

Actions and decisions	• Compile electoral log • Circulate workplan	Responsible officer	• s 22(1)(a)(ii) DITRDCSA • s 22(1)(a)(ii), DITRDCSA

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Agenda item 13: Financial Model

s 47E(d)

s 22(1)(a)(ii)

Government didn't expect to find any identical communities to Norfolk Island, but would look for relevantly similar ones. Ms Forbes added that when presenting measures to the Department of Finance justification was needed. s 47F suggested only seeking comparison in the absence of a 'reasonable cost' figure.

s 47E(d)

(ii)

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Agenda item 13: Financial Model			
s 47E(d)			
• Mr Plant suggested handling undiscussed items out of session.			
Actions and decisions	• Provide out of session comment on the finance paper	**Responsible officer**	• Committee Members

Agenda item 16: Next steps			
• Mr Plant asked about the status of the communique. Ms Forbes stated that it had the approval of s 22(1)(a)(ii), who wanted to know if it was a draft. s 47F responded that the included workplan was as-of the meeting. He continued that he thought a Ministerial statement accompanied by the workplan was the best next step. • s 47F asked whether everyone had a half-day in the following week to discuss the Assembly Ordinance. Mr Plant interjected that s 22(1)(a)(ii) team would circulate the consolidated Electoral Ordinance, and the Financial Model needed out of session comments. • s 22(1)(a)(ii) stated that she would circulate proposed discussion papers. • The next meeting was schedule for 11 July 2025 at 9-10AM (GMT+10).			
Actions and decisions	• Circulate proposed discussion papers	**Responsible officer**	• s 22(1)(a)(ii) DITRDCSA

Agenda item 7: Close			
• Mr Plant closed the meeting at 12:09PM.			
Actions and decisions	• N/A	**Responsible officer**	• N/A

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NIGC meeting minutes

DATE	LOCATION
11 July 2025	Online and the Administrators Office
TIME	**WEB LINK**
10:00am – 11:00am (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDSCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
Rebecca Rush, DITRDSCA

Invited guests

ATTENDEES

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA

Observers

OBSERVERS	
s 22(1)(a)s 22(1)(a)(ii) DITRDSCA	s 47F DPC
s 22(1)(a)(ii), Office of the Administrator	

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting at 10:00am.
- s 47F lead the Prayer of John Adams.

Agenda item 2: Internal Workplan discussion

- Mr Plant noted s 22(1)(a)(ii) email in relation to Proposed discussion papers.
  - Based on the action items from 3-4 July workshop DITRDCSA will continue work on the NI Electoral roll and information on an Electoral Commissioner role.
  - Ms Welch advised that the Integrity discussion paper won't be one paper it will be several.

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- The team will start with the complaints making and handling then move onto investigations and outcomes. Ms Welch suggested it may be in relation to the internal mechanisms first and then move onto the broader concepts.

- Mr Plant asked whether NIGC would like topics for papers decided up front, or determined as the Committee goes through the policy advice decisions?
  - Ms Forbes alerted that DITRDCSA have limited resources for compiling papers and suggested it would be better to step out the program of papers.
  - s 47E(d)
  - s 22(1)(a)(ii) advised the Law-Making powers would be the next priority and noted the KPIs could be completed as part of the discussions on transition.
- There was general consensus from the NIGC to s 22(1)(a)(ii) proposed priorities and Mr Plant requested if s 22(1)(a)(ii) could provide an indicative timeline.
- Mr Plant suggested fortnightly two-hour meetings moving forward to get through the workplan. This was agreed by all with Ms Forbes noted flexibility will be required if papers were not ready for discussion.
- s 47F advised that he and s 47F only required a paper that covered the Electoral Laws and discussion papers that they could discuss with the community at the weekly meetings. Also noting the Integrity and Oversight paper would be a large task and suggested it could be broken into a few papers.
- s 47F advised in relation to the Public Services Operations and Staffing (PSOS) paper they agreed in principle suggesting the detail will be in the Norfolk Island Assembly's (NIA) role.
  - Ms Forbes noted that integrity and oversight matters would need to go in the enabling ordinance as it was not appropriate for the elected members of the Assembly to determine their own oversight mechanisms and integrity obligations.
- Ms s 47F also noted some regulatory enforcement powers were already in place and queried if WHS and Biosecurity would be part of the ordinance?
  - s 47E(d)
  - Mr Plant summarised the discussion as follows:
    - We agree the discussion papers preface the below questions:
      - Do we want in the law? If so then deep dive.
      - Do we want it placed into another piece of legislation?
      - Do we want to leave it to the NIA for decision?
    - Mr Plant noted that if everything goes into the new Assembly ordinance it makes it very large.
  - s 47F stated it made no sense to include WHS and Biosecurity in the legislation. Stating there will need to be WHS and biosecurity established but felt it wasn't necessary now and would prefer to concentrate on establishing the powers first.
- s 22(1)(a)(ii) and s 47F will discuss the Public land and environment paper separately as s 47F noted they flow into other areas.

Agenda item 3: Assembly Ordinance Agreement Log - Item 51 onwards

- Ms Forbes advised that the Financial model would need to be earlier then December, the date in the current workplan. It was agreed to advance the work to November.
  - Mr Plant noted Discussion paper 3 – Norfolk Island Assembly Model Meeting Procedures – provided by Ms Welch and team. The NIGC discussed the paper with agreement Ms Welch will draft language to add to the Agreement Log item 41 for further agreement.
- The NIGC agreed that item 51 was agreed previously at the QLD Workshop in June 2024.

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- The NIGC discussed item 52.1 which relates to the power of the NIA in relation to the law-making powers of the NIA and authorising the acquisition of property otherwise than on just terms. Discussion centred around the relationship with Norfolk Island laws, Commonwealth laws, and State laws. s 47F suggested that a schedule was developed to outline rules to be observed. Ms Welch agreed to provide alternative text for a vote noting that the NIA cannot make a law that cannot be changed in the future, nor can a current NI government restrict a future NI government.
- Mr Plant suggested the next meeting was Tuesday 22 July 2025 for two hours as one hour wasn't long enough to have discussions.
    - It was agreed for Tuesday 22 July 2025 commencing at 9:00am (NI).
- s 47F requested Mr Plant to draft a paper on Fiscal responsibility rules.

Actions and decisions		**Responsible officer**	
	• Indicative timeframe for papers • Draft text for Item 41 of the Agreement Log • Fiscal responsibility rules paper • Draft text for Item 52 of the Agreement Log		• s 22(1)(a)(ii) DITRDSCA • Ms Welch, DPC • Mr Plant, Administrator • Ms Welch, DPC

Agenda item 4: Close

- Mr Plant closed the meeting at 11.10am (NI).

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NIGC meeting minutes

DATE	LOCATION
22 July 2025	Online and the Administrators Office
TIME	**WEB LINK**
9:00am – 11:00am (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDSCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
Rebecca Rush, DITRDSCA

Invited guests

ATTENDEES

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F DPC

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting at 9:00am.
- s 47F lead the Prayer of John Adams.

Agenda item 2: Minutes from 11 July 2025

- The committee agreed to the minutes for 11 July 2025.

Agenda item 3: Internal Workplan discussion

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- Mr Plant summarised the updated internal workplan as three main sections:
  - Electoral ordinance
  - Assembly ordinance agreement log
  - Financial model
  - The transition plan will be dealt with at a later date.
- Mr Plant noted that papers were still to be drafted in relation to the Electoral Ordinance and should be available by the end of July and thanked s 22(1)(a)(ii) for the compiled recommendations sent by email.
- Mr Plant thanked Ms Welch for the text on Item 41 of the Assembly ordinance agreement log.
  - Mr Plant suggested that the committee should identify what is missing after the recommendations were compiled, then work on any unresolved items from earlier discussions.
- Mr Plant advised he had provided comments in relation to the Financial model paper developed by s 22(s 22(1)(a)(ii) team in June however, requested clarification on what was expected from the NIGC as the paper appeared to be policy decisions and not a modelled fiscal budget.
  - s 47F agreed with Mr Plants comments and noted his understanding was that the NIGC was expected to develop a model that was sustainable. The paper provided in June was about policy decisions only. s 47F suggested that he and Mr Plant could break down what is missing. s 47F also noted that the policy paper described the current financial arrangements that are not sustainable, querying the difference in the paper.
  - Ms Forbes advised that they require the financial model policy elements as well as recommendations to commence discussions with Department of Finance (DoF) and Treasury. Ms Forbes confirmed the paper that was provided in June was what they required to have the first discussions with DoF.
    - s47E(d)
  - Mr Plant requested all comments from the committee are provided to DITRDCSA by the end of September. Mr Plant also noted in the workplan, the financial model discussions are now in Sept/Oct.
  - Ms Forbes stated that the reviews currently underway by the NIRC Administrators would provide a data set for financial viability.
  - s 22(1)(a)(ii) noted that DITRDCSA has heard regularly from the community that the NSW Local Govt model doesn't work for NI but no specific areas of concern have been stated previously. Their team is trying to unpack alternatives to some issues like rates. s 22(1)(a)(ii) also noted that the NSW Local govt model meant making local laws difficult and questioned what can we shift to suit NI, also noting that the 2/5-year reviews are available times to make further positive changes. The reviews are not expected to show all of the issues have been corrected, but it should be heading in the right direction.
  - Ms Forbes stated that financial sustainability is an issue across all councils in Australia not unique to NI.
  - s 47F suggested that they need to have a conversation with the NIRC Administrators on what they believe is required for sustainability. s 22(1)(a)(ii) advised the Law-Making powers would be the next priority and noted the KPIs could be completed as part of the discussions on transition.
- Mr Plant suggested that within their updated internal workplan a fortnightly meeting schedule was recommended.
- Ms Forbes noted that many of the papers were underway by the team.
- s 22(1)(a)(ii) advised they held an initial meeting with DoF where they provided the consolidated electoral ordinance for comment and they are meeting with Australian Electoral Commission (AEC) this week to seek feedback on the electoral ordinance paper.
- Overall the committee agreed to the Internal Workplan updates.

Agenda item 4: Assembly Ordinance Agreement Log - Item 41 onwards

- The NIGC discussed item 41 which relates to Assembly meeting procedure rules of which Ms Welch provided draft language for consideration.

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- Discussions centred around the correct authority to issue meeting procedure rules for the NIA and the level of detail required for the ordinance. Updates were made to the agreement log and agreed by the NIGC for item 41 with the understanding that the OPC drafters would expand the language appropriately.
- In relation to Item 52.4, s 47F requested further definition on the anti-competitive provisions. Discussions continued on Item 52 including 52.4 and 52.5 with agreement on the high-level principles but the requirement of a paper to flesh out the detail.
- The NIGC also agreed to the high-level principles for Items 62, 63, 64, 65, 66, and 67 with acknowledgement that papers would be required for 62, 63, and 64 to expand the detail.

Agenda item 5: Community Engagement feedback

- s 47F advised they held their community meeting on Thursday with everyone noting pleasure with the direction of the committee. Mostly positive comments received in relation to the media releases and lots of positive comments personally being shared with both s 47F and s 47F which they are thankful of.
    - The community also noted their pleasure with the discussions the NIGC held with the Minister and the communications that followed.

Agenda item 6: Community communications – Electoral ordinance

- Mr Plant advised that he would draft a community release on the electoral ordinance, specifically the decisions involving Eligibility to Vote and Nominations for review by the committee to publish this weekend.

Actions and decisions	• Comments DITRDCSA on the Finance paper provided by end of September • Draft community media release on electoral ordinance decisions.	**Responsible officer**	• ALL • Mr Plant, Administrator

Agenda item 7: Next meeting and Close

- The committee agreed to the next meeting date as 5 August 9:00am – 11:00am (NI). s 47F will not be available but it was agreed to continue work on the agreement log and s 47F will vote Out of Session.
- Mr Plant closed the meeting at 11.10am (NI).

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NIGC meeting minutes

DATE	LOCATION
19 August 2025	Online and the Administrators Office
TIME	**WEB LINK**
2:00am – 3:30pm (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDSCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA
s 22(1)(a)(ii) DITRDSCA	s 22(1)(a)(ii) DITRDSCA

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F DPC
s 47F DPC	

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting at 9:00am.
- s 47F suggested delaying the Prayer of John Adams until s 47F arrived.

Agenda item 2: Minutes from 22 July 2025

- The committee agreed the minutes for 22 July 2025 pending consideration of s 47F comments.

Agenda item 3: Electoral Ordinance – Electoral Roll Management discussion paper

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s 47E(d)

- Mr Plant suggested the committee agree to using an excerpt of the Commonwealth Electoral Roll if possible;. The Committee agreed.

Agenda item 4: Assembly Ordinance Agreement Log with Department of Finance (DoF) feedback

- The NIGC agreed to the alternative wording on items 5,8, 9, 10, 38, 60, 61, 63 and 76 to reflect feedback from the Department of Finance.

s 47E(d)

- Discussions continued around eligibility to vote.
- Discussions then moved to what the Minister would receive for decision making: Ms Forbes advised it would be a high-level summary of what NIGC recommended with the Agreement Log as an attachment.

Actions and decisions		Responsible officer
	• Alternative wording at items 5,8, 9, 10, 38, 60, 61, 63 and 76 agreed	

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• Use of Commonwealth Electoral Roll (if possible – pending settling of residency period) agreed • s 47F to provide proposed text for eligibility for NI Special Roll		s 47F	s 47F

Agenda item 5: Community Engagement feedback

- Time did not allow for this agenda item.

Agenda item 6: Community communications – Electoral ordinance

- Time did not allow for this agenda item.

Actions and decisions	• s 22(1)(a)(ii) to liaise with Executive Assistants to confirm availability.	**Responsible officer**	• s 22(1)(a)(ii)

Agenda item 7: Next meeting and Close

- The committee agreed to meet again in a week's time for one and a half hours. Mr Plant suggested the committee work through the postal voting process and the electoral officer roll at the next meeting.
- Mr Plant closed the meeting at 3.30pm (NI).

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NIGC meeting minutes

DATE	LOCATION
27 August 2025	Online and the Administrators Office
TIME	**WEB LINK**
1:30-3:00PM (NI)	Join the meeting now Meeting ID: s 22(1)(a)(ii) Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F Community Representative	Rachel Welch, DPC

Apologies

APOLOGIES	
s 47F, Community Representative	s 22(1)(a)(ii), Office of the Administrator
s 47F Proxy Community Representative	

Invited guests

ATTENDEES

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA

Observers

OBSERVERS	
s 47F DPC	s 47F DPC

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting at 1:30PM (NI).
- It was agreed that the results of the discussion would be circulated to s 47F for out of session consideration.

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Agenda item 2: Minutes of previous meetings

- Minutes of the 22 June 2025 meeting were agreed to by NIGC.

Agenda item 3: Electoral Ordinance agreement log with DoF feedback finalised

- The details of the Postal Voting paper were agreed to by the NIGC.

s 47E(d)

- NIGC discussed whether specific provisions imposing penalties on improperly behaving scrutineers are necessary. Ms Welch suggested that at a minimum they should be asked to leave, to which the NIGC agreed.
- s 22(1)(a)(ii) explained that Finance suggested clarity around different elements of voting: how votes are made, checked for formality, and counted.
- NIGC agreed on voting for candidates, rather than ranking them. Ms Welch questioned whether this might lead to too few candidates getting votes. NIGC agreed that a condition of formality would be voting for five candidates.

Agenda item 4: Review of action items

- Ms Forbes noted that if drafting was to begin on the electoral ordinance, policy decisions would need to be finalised as soon as possible. As such, she requested that the remaining items be settled out of session. NIGC agreed.

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Agenda item 4: Review of action items			
• Mr Plant noted that he would soon be absent, returning towards the end of September. • s 47F asked whether the agreement log could be cleaned up. s 22(1)(a)(ii) agreed her team could do so.			
Actions and decisions	• Circulate compiled document for out of session agreement • Comment on agreement log • Clean and format agreement log	**Responsible officer**	• Secretariat, DITRDCSA • NIGC members • Secretariat, DITRDCSA

Agenda item 5: Close
• Mr Plant closed the meeting at 3:00PM (NI).

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NIGC meeting minutes

DATE	LOCATION
2 October 2025	Online and the Administrators Office
TIME	**WEB LINK**
12:00pm – 1:30pm (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	s47F DPC (Rachel Welch proxy)
s 47F Community Representative	

Apologies

APOLOGIES
Rachel Welch, DPC

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F DPC
s 47F DPC	s 47F DPC
s 47F DPC	

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

Agenda item 2: Minutes of previous meetings

- The minutes for 27 August are agreed.

Actions and decisions	Nil	Responsible officer	

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Agenda item 3: Additional matters for consideration from Department of Finance

- The NIGC discussed the remaining additional matters for the electoral ordinance that the Department of Finance has recommended be addressed by the ordinance, being: political donations, limits on campaign material and managing bribery and corruption risk.

s 47E(d)

- It was agreed DITRDCSA will send around proposed wording for each matter for agreement out of session, including details on associated penalties. The community representatives flagged the following specific concerns to address:
  - s 47E(d)
  -

Actions and decisions	• Provide wording for regulations on these matters.	Responsible officer	• DITRDCSA

Agenda item 4: Update on discussion papers

- The NIGC noted it has considered papers on covering electoral matters, Assembly finance, and Assembly meeting procedure. Papers yet to be provided to the NIGC include:
  - **Law-making powers:** s 22(1)(a)(ii) noted DITRDCSA will need to undertake some external consultation on this paper, but anticipated it would largely be "For information" only, with no further policy decisions from NIGC required.
  - **Integrity:** Mr Plant noted Ms Welch had suggested breaking up integrity and oversight into multiple papers. s 47F noted these are underway. The next suite of papers will cover a code of conduct for elected and public officials, complaints management and whistleblower protections, internal audit and risk management.
  - **Regulatory and enforcement powers; Assembly rules of business:** Mr Plant asked whether these belonged in the Ordinance. s 22(1)(a)(ii) advised that may be contingent on other NIGC decisions.
  - **Administration and staffing:** s 22(1)(a)(ii) advised her section is working on this.
  - **Infrastructure and service delivery:** This paper has yet to be developed and will be required to inform the regulatory and enforcement powers paper.
- s 47F asked about the next steps for the Electoral Ordinance. Ms Forbes advised the NIGC's recommendations would be submitted to the Minister. Her decision on the recommendations would provide the necessary authority to seek Office of Parliamentary Counsel drafting resources to draft the ordinance. DITRDCSA is also developing drafting instructions for OPC. s 22(1)(a)(ii) added DITRDCSA is aiming to seek drafting resources in the Autumn drafting period, and that there would be a mandatory public consultation on the legislation. The consultation period would normally last 4-6 weeks, and would usually be accompanied by supporting documentation alongside the draft documents to help the public understand the content of the ordinance.
- s 47F asked about the date at which information about transition planning would be made public. s 22(1) noted transition planning was contingent on the Minister's decision on the policy settings for the Assembly.
- Mr Plant and s 47F have developed a supplemental financial model paper, following discussions with the NIRC Administrators, s 47F and s 47F. s 47F noted they are waiting on further feedback from the Administrators, and that any additional proposals will take into account government processes and

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Agenda item 4: Update on discussion papers			
DITRDCSA obligations. Ms Forbes noted that she will need to seek feedback on any further proposals for the financial model from other departments, such as Treasury and the Department of Finance. Mr Plant noted that finance discussions were scheduled for the coming month.			
Actions and decisions	Papers to be developed: • Law making • Integrity (suite of papers) • Regulatory and enforcement powers • Assembly business rules • Administration and staffing • Infrastructure and service delivery	**Responsible officer**	• DITRDCSA • Qld • Qld • Qld • DITRDCSA • DTIRDCSA

Agenda item 5: Assembly Ordinance			
• Mr Plant requested that after the meeting a compiled agreement log be circulated. • Item 63: There was discussion over whether this was intended to be a general revocation power, or part of the approval process. It was agreed to wait for the law-making powers paper to be circulated.			
Actions and decisions	• Compile and circulate Assembly Ordinance agreement log	**Responsible officer**	• DITRDCSA

Agenda item 6: Community communications			
• Mr Plant noted DITRDCSA has circulated a cleaned-up copy of the NIGC's Electoral Ordinance recommendations which can now be uploaded by the community representatives to their website.			
Actions and decisions	• Upload Electoral Ordinance recommendations	**Responsible officer**	• Community Representatives

Agenda item: Close			
• Mr Plant suggested another meeting within the fortnight – pending member availability. • s 47F noted that he hoped to have replacements for Ms Davidson for the NIGC to consider by then. • Mr Plant closed the meeting at 1:30pm (NI).			
Actions and decisions	• Names of new Community Representatives to be provided	**Responsible officer**	• s 47F

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NIGC meeting minutes

DATE	LOCATION
30 October 2025	Online and the Administrators Office
TIME	**WEB LINK**
10:30am – 12:00pm (NI)	Meeting ID: s 22(1)(a)(ii) Passcode: s 22(1)(a)(ii)

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 22(1)(a)(ii) Office of the Administrator

Invited guests

ATTENDEES

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA
s 22(1)(a)(ii) DITRDCA	s 22(1)(a)(ii) DITRDCA

Observers

OBSERVERS	
s 47F DPC	s 47F DPC
Rebecca Rush, DITRDCA	s 22(1)(a)(ii) DITRDCA
s47F DPC	

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings

- Minutes of 2 October were agreed.

Actions and decisions	• N/A	Responsible officer	• N/A

Agenda item 3: Update on preamble

- s 47E(d) [redacted]
- The community representatives expressed disappointment with the changes to the NIGC's proposed text and advised they expected a negative response from the community if the amended preamble was to be included in the Norfolk Island Act.
- The community representatives asked for time to consider their position on this matter, committing to providing feedback in advance of the November workshop.

Actions and decisions	• Provide written feedback on the preamble changes in advance of the Workshop.	Responsible officer	• Community representatives.

Agenda item 4: Discussion Paper update

- The committee received updates on in-progress discussion papers. Ms Forbes emphasised that given time pressure, papers not requiring decisions should not be the priority of the committee and items not needing decisions could be left until December
- The law-making powers paper will be a for-information paper on how the new Assembly's powers will operate in law. DITRDCSA will need to undertake legal consultation, but will refer any additional decision points back to the committee.
- QLD DPC is developing papers on audit and risk, and whistleblower protections. The paper on regulatory and enforcement powers, assigned to Queensland, might require settling the infrastructure and services policy (which sits with DITRDCSA), first.
- DITRDCSA is developing papers on public service staffing and operations, infrastructure and services, and public land management. s 22(1)(a)(ii) advised the public service staffing and operations paper will be circulated shortly after the meeting. s 22(1)(a)(ii) advised she anticipates circulating the infrastructure and services paper in the following week. DITRDCSA is also developing a for-information paper about policies and procedures to support discussion on the public service operations and staffing paper.
- The committee is expecting a finance paper from s 47F and Mr Plant, and integrity papers from Queensland.
- Mr Plant requested DITRDCSA provide an updated list of discussion papers, noting who is responsible for them.

Actions and decisions	• Provide updated list of discussion papers.	Responsible officer	• s 22(1)(a)(ii) DITRDCSA

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Agenda item 5: On – island workshop Nov 18th – 20th

- Mr Plant suggested the workshop take place in the evening of Tuesday, all day Wednesday, and in the morning of Thursday, with the objective of finalising all recommendations around the Assembly Ordinance and progressing the financial management plan.
  - s 47F noted that she was still determining her availability on those days and may need to be absent for some periods.
- s 47F requested a representative from the DITRDCSA Territories Legislation Section be available. Ms Forbes noted this team currently has a heavy workload and may not be available.

Actions and decisions	• Finalise November workshop agenda	Responsible officer	• Mr Plant

Agenda item 6: Community Engagement feedback

- s 47F reported the community representatives' fortnightly meetings had been quiet and that the community was at present disengaged. She stated the task of the committee going forward is to articulate the path ahead for this process and that she and s 47F were currently reviewing feedback on the agreement log.
- s 47F noted they had not received any comment on the electoral ordinance. He asked Ms Forbes if she had received any further legal advice on the voting rights of those community members eligible to vote prior to 2015. Ms Forbes advised this matter was a policy decision for the Minister.

Actions and decisions	• nil	Responsible officer	•

Agenda item 7: Next meeting and close

- s 47s 47F her proxy s 47F, would be stepping in to attend any meetings. s 47F proposed to vote in absentia on any matters requiring a Committee vote.
- Mr Plant asked s 22(1)(a)(ii) team handle minutes for this meeting due to s 22(1)(a)(ii) being unwell. She agreed.
- Mr Plant closed the meeting at 12:01.

Actions and decisions	• Circulate minutes	Responsible officer	• Committee Secretariat, DITRDCSA

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NIGC meeting minutes

DATE	LOCATION
18-20th November 2025	**Assembly Chamber, OMB**
TIME	**WEB LINK**
18th: 5:30pm-7:00pm (NI) 19th: 9:00am-5:30pm (NI) 20th: 9:00am-12:00pm (NI)	18th: Join the meeting now 19th: Join the meeting now 20th: Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCSA
s 47F, Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES	
s 47F Financial Administrator	s 47F Lead Administrator
s 47F Proxy Community Representative	

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 22(1)(a)(ii) DITRDCSA
s 47F DPC	s 47F DPC

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with the Prayer of John Adams.

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Agenda item 2: Minutes of previous meetings

- Minutes for 30 October 2025 were agreed.

Actions and decisions	• N/A	Responsible officer	• N/A

Agenda item 3: Draft Transition plan

- s 47F introduced the draft Transition Plan.
- The Committee discussed how the Transition Plan should address the future provision of state-type services not currently delivered on Norfolk Island, and confirmed that providers for each service would be determined on a case-by-case basis with community input critical to informing service delivery parameters. The Committee agreed the Transition Plan could be amended to provide more clarity on this.
- The Committee discussed the overarching proposal put forward in the Transition Plan s 47E(d) s 47E(d)
- The Committee discussed the proposal in the Transition Plan to delay reinstatement of the Preamble.
  - s 47F acknowledged some community members would be disappointed, but the community generally placed a higher priority on reinstating the Preamble in a form as close to the community-proposed text as possible (noting DITRDCSA's advice the final paragraph could not be included before the Assembly was established).
  - s 47F further noted the risk of perceived 'mixed messaging' attached to amending the *Norfolk Island Act 1979* solely to insert the preamble, when the community had expressed a clear preference to the Assembly being established by primary legislation rather than an ordinance.
    - s 22(1)(a)(ii) clarified that reinstating a preamble to the Act was only possible because of how relatively simple the change would be, while making major amendments to the Act or remaking it was much more complex and would be challenging to progress through Parliament.
  - The Committee also discussed various alternative approaches to the preamble, s 47E(d)
- The Committee initially agreed the Community Representatives would write to Minister McBain about delaying the reinstatement of the preamble, however subsequently agreed an NIGC recommendation on this point would suffice (see item 21).

Actions and decisions	• Transition Plan be amended to: ○ Outline a framework for community input into delivery options for new state-type services. ○ Review timeline to ensure sequential delivery of dependencies (i.e. Authority to appoint a CEO provided prior to NIA needing to appoint a CEO).	Responsible officer	• Community Representatives

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Agenda item 4: Workshop schedule

- Mr Plant introduced a copy of the Enabling Ordinance Agreement Log that included the more recent email commentary from Committee members. These updates were agreed.
- Mr Plant proposed that the Committee work through remaining items in the agreement log alongside relevant discussion papers. This was agreed.
- Ms Welch stated that she would not have a paper ready regarding regulation, but would circulate a paper regarding code of conduct.
- s 22(1)(a)(ii) suggested that that the subjects covered by the submitted DITRDCSA discussion papers should be covered in the Enabling Ordinance. s 47F replied that some elements would be necessary for the public service, but not the Assembly, and these should be covered in a separate piece of legislation.

Actions and decisions	• Circulate code of conduct paper	Responsible officer	• Rachel Welch, DPC

WEDNESDAY, 19 NOVEMBER 2025

Agenda item 5: Assembly Ordinance – Agreement Log 9 (Items 2; 8; & 10)

- Mr Plant opened the session.
- The Committee discussed outstanding items 2, 8 and 10 of the Assembly Ordinance Agreement Log.

Item 2

- The Committee discussed the meaning of 'in consultation' in Item 2 and whether a formal framework could be established to govern interactions between the Assembly and the Australian Government.
- s 47F suggested a specific body or function be established for this purpose, possibly through repurposing or adapting the role of the Office of the Administrator.
  s 47E(d)
- The Committee discussed the degree to which the delivery of state services on Norfolk Island by the Queensland Government or any other external party should require the agreement of the Assembly. Ms Welch described the framework used by Queensland to ensure that state service delivery was done in cooperation with Norfolk Island. Ms Forbes reiterated the Australian Government's commitment to involving the Assembly in the development of any state service delivery plans; however, there may be cases where a service must be delivered but agreement between the Assembly and the Australian Government could not be reached. For example, the Australian Government would not be able to accommodate Assembly wishes if this placed it in contravention of its obligations under the *Public Governance, Performance and Accountability Act 2013.*

Item 8:

- The Committee discussed the inclusion of references to Norfolk Island traditions and customs in Items 8 and 9.
- The Committee agreed to retain an obligation to have regard to Norfolk Island traditions and customs in Item 8, and insert a principle concerning their preservation in Item 9.

Item 10:

- The Committee discussed whether it was necessary to specify in this Item that laws granting the Assembly any powers intended to be exercised in other governments' areas must be expressly worded as such.
  - The Committee agreed to include this specification in Item 10 despite recognising that there is not currently an express need for it as this will acts to future-proof the legislation should a relevant need arise.

Actions and decisions	• N/A	Responsible officer	• N/A

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Agenda item 7: Assembly Ordinance – Agreement Log 9 (Items 23a, 29 & 52.1)

- The Committee discussed outstanding items 23a, 29 and 52.1 of the Assembly Ordinance Agreement Log.

Item 23a

- The Committee discussed the number of Assembly Members and the conditions under which it could be increased as specified in the Enabling Ordinance.
  - s 47E(d) [redacted]
- A quorum of the Committee agreed to recommend that the number of Assembly members could be increased up to 7 with agreement from the Minister. s 47F [redacted] did not agree to an increase in Assembly numbers being a matter of ministerial discretion.

Item 29

- s 47E(d) [redacted]

Item 52.1

- The Committee agreed that the wording of this Item should include a specific restriction against the Assembly acquiring property except on just terms.

Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 8: Assembly Ordinance – Agreement Log 9 (Review, Oversight, Accountability & Integrity Mechanisms)

- Ms Welch advised the Committee that her team was still developing a discussion paper on regulatory and enforcement powers, and that it would need to be informed by the finalised Enabling Ordinance.
- The Committee discussed the appropriate location in legislation for regulation and enforcement matters and agreed they belonged in legislation governing functions of the Administration and that this should be a separate piece of legislation from the Enabling Ordinance.
  - s 47F [redacted] suggested that this Act and other Acts, such as those governing financial management, be drafted by the Committee and provided to the Assembly during the transition period.
- The Committee discussed the importance of appropriate enforcement powers being provided.
- Mr Plant opened discussion on outstanding Item 63, on the timing of Ministerial law revocations. s 47F [redacted] suggested this was a matter for the drafters. s 22(1)(a)(ii) [redacted] agreed.
- Ms Welch introduced the code of conduct paper she had circulated. She noted that her team had split the topic of integrity/an integrity framework into multiple sub-topics – of which. this was the first - and other papers were underway. s 47E(d) [redacted]
- In reviewing the paper, the Committee discussed:
  - The power of the Minister to dismiss Assembly Members.
    - The Committee agreed that Ministerial dismissal should be based on some sort of objective criteria, e.g. the Member ceasing to meet the eligibility criteria.
  - The nature of the integrity officer, and who could seek integrity advice.
    - The Committee agreed that Item 72 on the Assembly's responsibility to appoint an integrity commissioner be amended to oblige the Assembly to institute an independent integrity framework.

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Agenda item 8: Assembly Ordinance – Agreement Log 9 (Review, Oversight, Accountability & Integrity Mechanisms)

s 47E(d)

Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 10: Assembly Ordinance – Agreement Log 9 (Norfolk Island Laws)

s 47E(d)

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Agenda item 10: Assembly Ordinance – Agreement Log 9 (Norfolk Island Laws)

s 47E(d)

Actions and decisions	• Request advice on the creation of statutory bodies • Provide suggestions for excluded law-making powers.	**Responsible officer**	• DITRDCSA • NIGC Members

Agenda item 12: Assembly Ordinance – Agreement Log 9 (Grants of Land)

- Mr Plant introduced Item 74, allowing the Assembly to make grants or other dispositions of Crown Land.
- s 22(1)(a)(ii) noted the 3 papers on the topics of land and environment DITRDSCA had circulated, but noted a clearer sense of the Committee's policy goal would aid discussions.
- The Committee began discussion of the land classification paper and whether those policies belonged in the Enabling Ordinance or a separate piece of legislation.
- The Committee discussed the definition of 'public land' for the purposes of the discussion papers.

s 47E(d)

- The Committee discussed options for classifying public land as operational or community. This is currently required under applied New South Wales legislation but the Committee was uncertain whether or how it was being implemented. Mr Plant stated that he would ask the Regional Council about the details of how they currently manage public land.
- Mr Plant stated that if the Regional Council's current management of public land was sufficient, and could continue under the Assembly.
- s 47F stated that he did not support obliging the Assembly to classify land it owned.
- There was no further discussion of the papers.
- s 47E(d)

Actions and decisions	• Meet with Regional Council employees to determine current land management framework.	**Responsible officer**	• Mr Plant

Agenda item 14: Assembly Ordinance – Agreement Log 9 (Norfolk Island Public Service)

- Mr Plant introduced opened the discussion of the Public Service of the new Assembly.
- The Committee discussed items 75-83 of the Enabling Ordinance that pertained to the establishment and operation of the Norfolk Island Public Service, working through the items to determine whether they belonged in the Enabling Ordinance or might be better placed in a separate Public Service Act.

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Agenda item 14: Assembly Ordinance – Agreement Log 9 (Norfolk Island Public Service)

s 47E(d)

- The Committee noted that the Community Representatives' Transition Plan called for various staff to support the Assembly even prior to their enactment of Public Service or Financial Management legislation to allow it to employ or fund them. The Committee noted that some interim solution would be necessary to allow the Assembly to engage and direct staff. s 47E(d)

s 47E(d)

Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 16: Assembly Ordinance – Agreement Log 9 (Infrastructure and Services)

- Mr Plant introduced the Infrastructure and Services paper.
- s 22(1)(a)(ii) noted the paper had been prepared prior to the Committee deciding to move some matters into separate Ordinances. s 22(1)(a)(ii) clarified the paper was submitted as a starting point to prompt discussion, but should not be considered a policy proposal from DITRDCSA.
- The Committee discussed whether there was any need to review and discuss the Infrastructure and Services paper.
  - s 47E(d)

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Agenda item 16: Assembly Ordinance – Agreement Log 9 (Infrastructure and Services)

s 47E(d)

- The Committee did not further discuss the contents of the paper.

Actions and decisions	• Investigate differences between subject matter of New South Wales *Local Government Act 1993 (NI)* and Norfolk Island Continued Law.	**Responsible officer**	• Mr Plant, Administrator

THURSDAY, 20 NOVEMBER 2025

Agenda item 18: Assembly Ordinance – Agreement Log 9 (Financial Model)

- Mr Plant opened the session by returning to Agenda item 10.
- Mr Plant stated that s 47F and s 47F comments on DITRDCSA's financial paper had been circulated. He advised the Community Representatives' model was provided to s 47F and s 47F on 28 October 2025, but they had not yet provided feedback. Mr Plant had hoped they would be available to attend this session of the meeting, but the Committee would continue its discussions in their absence. He noted that s 47F and s 47F had agreed to provide modelling once the Committee had a document to share with them.
- The Committee noted the purpose of the financial model was to provide the Minister with a clear narrative of how the Assembly would sustainably fund local activities and generate and manage revenue, including forward thinking and strategic plans.
- s 47E(d) The Committee agreed to focus on providing a sustainable model for local service delivery.
- The Committee discussed funding of state-type services on Norfolk Island. Mr Plant raised Item 3 of the DITRDCSA's finance paper, regarding the Australian Government's role in funding these. He noted s 47F concern this may amount to a policy change from the Australian Government funding all state-type services, citing the Australian Government decision of November 2024. Ms Forbes clarified the government's commitment is to fund state-type services 'as it does now', per the announcement, noting that not all state services were currently funded by the Australian Government.
- The Committee discussed potential strategies to increase the Assembly's sustainability.
  - The Committee discussed the viability of including NI in the GST system, but concluded that would be beyond the remit of the Committee.
  - The Committee discussed the role rates could play in local revenue raising and noted the Minister had stated land rates must be a key component of reliable sustainable revenue, but did not reach agreement on a recommendation.
  - s 47F expressed the view a key element of sustainability was the Assembly having more options available to it than the Regional Council currently does.
- Mr Plant stated that he would look at existing local government services provided by the Regional Council and investigate what changes are possible in related revenue streams and expenditure obligations. He proposed to identify state services delivered by the Regional Council, and then outliers like e.g. telecom. He suggested presenting a set of numbers based on local responsibilities, with the cost of state responsibilities unclear until the Assembly exists as it could be considered a Service Delivery partner.

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Agenda item 18: Assembly Ordinance – Agreement Log 9 (Financial Model)			
Actions and decisions	• Provide updated financial model	**Responsible officer**	• Mr Plant, Administrator

Agenda item 21: Workshop summation, communique, next meeting			
• Mr Plant stated he would clean up the Enabling Ordinance agreement log for out of session circulation with the goal of the Committee finalising it by the following week. • Mr Plant asked that DITRDCSA clarify the format in which they would like a financial model to be provided. Ms Forbes stated that DITRDCSA would get back to the Committee on preferred format. • Mr Plant committed to circulating an initial draft communique to the Committee. • The Committee agreed to meet on 8 December, with a placeholder for a meeting on 11 December in case there were outstanding matters from the first meeting. • The Committee agreed it would be unnecessary for the Community Representatives to write to the Minister regarding the Preamble, given the Committee's new recommendation of reinstating the Preamble alongside the Assembly's enactment. • s 47F noted on 19 November 2025 she had circulated a letter from the Council of Elders regarding the upcoming 'Government of Norfolk Island' elections. Committee members acknowledged they had received it. • Ms Welch offered s 47F access to Department of Premier and Cabinet facilities if needed s 47F			
Actions and decisions	• Circulate enabling ordinance • Provide desired financial model format • Circulate draft communique	**Responsible officer**	• Mr Plant, Administrator • DITRDCSA • Mr Plant, Administrator

Agenda item 7: Close			
• Mr Plant closed the meeting at 1:08PM (NI).			
Actions and decisions	• N/A	**Responsible officer**	• N/A

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NIGC meeting minutes

DATE	LOCATION
8 December 2025	Online and the Administrators Office
TIME	**WEB LINK**
12:00pm – 2:00pm (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCSA
s 47F Proxy Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F, Community Representative

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA
s 22(1)(a)(ii) DITRDCSA	

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F DPC
s 22(1)(a)(ii) DITRDCSA	

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting.

Agenda item 2: Initial Comments on the Community Representatives Financial Model

- Mr Plant acknowledged s 47F circulation of the Community Representatives financial model and noted that it had been circulated to the NIRC Administrators, with whom he would discuss it the following day. He proposed members circulate their comments for discussion in the following NIGC meeting.

Actions and decisions	Responsible officer
• Circulate comments on financial model	• Committee members

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Agenda item 3: Finalise Assembly Ordinance

- The Committee noted the intent to separate some items out of the Enabling Ordinance for inclusion in a dedicated Public Service Ordinance.
- Mr Plant provided an update on his work on Item 74, concerning the Assembly's power to distribute Crown land. He noted that he and s 47F had met with the NIRC land registrar and following the meeting NIRC was seeking legal advice on the operation of relevant NI continued laws . He suggested parking discussion of land. The Committee agreed.
- Mr Plant raised the issue of the limitations of law-making powers, and the schedule of restricted topics. Ms Forbes suggested this topic be held over the until the DITRDSCA law-making paper was finalised, noting that this would likely not be until early 2026. The Committee agreed.
- The Committee discussed the degree to which DITRDSCA could share information about its engagements with s47E(d)
- In discussing the direction of the NIGC's final recommendations, the Committee debated the degree to which their current trajectory may have deviated from past Committee discussions. Ms Forbes highlighted the s 47E(d)
-
-
-
- With no further time left in the meeting, Mr Plant stated that he would circulate his comments against the rest of the outstanding items, to be considered out of session. s 47F reiterated that he would not be making further recommendations until he received clarification from the DITRDSCA on what was legally possible. Ms Welch noted the outstanding issues in law-making were becoming critical.

Actions and decisions	• Seek advice on the NIGC's ability to seek its own legal advice, funded by existing budget received by DPC.	**Responsible officer**	• DITRDSCA

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Agenda item 3: Finalise Assembly Ordinance			
	• Circulate comments on outstanding Enabling Ordinance items.		• Mr Plant, Administrator

Agenda item 7: Close			
• Mr Plant closed the meeting at 2PM.			
Actions and decisions	• N/A	**Responsible officer**	• N/A

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NIGC meeting minutes

DATE	LOCATION
11 December 2025	Teams meeting
TIME	**WEB LINK**
11:30pm – 12:30pm (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCSA
s 47F Proxy Community Representative	Rachel Welch, DPC
s 47F Community Representative	

Apologies

APOLOGIES
s 47F, Community Representative

Invited guests

ATTENDEES	
s 47F Administrator NIRC	s 47F Administrator NIRC

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA
s 22(1)(a)(ii) DITRDCSA	

Observers

OBSERVERS	
s 22(1)(a)(ii) Office of the Administrator	s 47F DPC
s 22(1)(a)(ii) DITRDCSA	

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting.

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Agenda item 2: Community Representatives Financial Model

- Mr Plant introduced the Financial Model, noting comments had been provided by committee members.
- Recommendation 1 - Establish a modern, disciplined, and fiscally responsible financial management framework for the NIA

  s 47E(d)

- Recommendation 2 - Establish a clear and democratically accountable framework for the delivery of state-level functions on Norfolk Island

  s 47E(d)

- Recommendation 3 - Establish a stable and predictable revenue base for the NIA

  s 47E(d)

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Agenda item 2: Community Representatives Financial Model

- Recommendation 4 - Establish a long-term, financially sustainable program for infrastructure remediation, renewal, and asset management
  s 47E(d)
- Recommendation 5 - Establish formal land-use and asset responsibility agreements between the NIA and the Australian Government
  - s 47F stated that there needed to be transparency regarding the ownership and management of assets, raising the hospital car park as an example.
- Recommendation 6 – Guarantee appropriate telecommunications services for Norfolk Island
  s 47E(d)
- Recommendation 7 - Establish a formal cooperation framework for Norfolk Island
  s 47E(d)
- Recommendation 8 - Ensure the NIA has the resources, staffing, and technical capacity required to support a seamless transition to the new governance model
  - The Committee discussed the funding of the transition from the Regional Council to the Assembly.
  s 47E(d)

Actions and decisions	• Consult NIRC Administrators on transition funding	**Responsible officer**	• Mr Plant, Administrator

Agenda item 3: End of Year Message

- Mr Plant proposed updating the end of year communique to go out as an end of year message. He committed to circulating a draft for the Committee's consideration.

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Agenda item 3: End of Year Message			
Actions and decisions	• Circulate end of year message • Review circulated message	**Responsible officer**	• Mr Plant, Administrator • Committee

Agenda item 7: Close			
• The Committee agreed to meet again in February 2026 • Mr Plant closed the meeting at 1:20PM (NI).			
Actions and decisions	• N/A	**Responsible officer**	• N/A

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NIGC meeting minutes

DATE	LOCATION
23 February 2026	Teams meeting
TIME	**WEB LINK**
3:30pm – 4:30pm (NI)	Join the meeting now

Committee Member attendees

ATTENDEES	
George Plant, Administrator (Chair)	Kim Forbes, DITRDCSA
s 47F Proxy Community Representative	Rachel Welch, DPC
s 47F Community Representative	s 47F, Community Representative

Secretariat

ATTENDEES	
s 22(1)(a)(ii) DITRDCSA	s 22(1)(a)(ii) DITRDCSA
s 22(1)(a)(ii) DITRDCSA	

Observers

OBSERVERS	
s 22(1)(a)(ii), Office of the Administrator	s 47F DPC
s 22(1)(a)(ii) DITRDCSA	s 47F DPC

Minutes

Agenda item 1: The Prayer of John Adams

- Mr Plant opened the meeting with s 47F advising s 47F was delayed and to skip the Prayer.
- Mr Forbes introduced s 22(1)(a)(ii) stepping into the role to fill s 22(1)(a)(ii) departure from the division.

Agenda item 2: Acceptance of Minutes 18-20 November 2025, 8 December and 11 December 2025

- s 47F requested minutes to be cleared out of session, with the committee in agreement.

Actions and decisions	Responsible officer
• s 22(1)(a)(ii) to email Minutes for clearance and collate suggested edits	• s 22(1)(a)(ii)

Agenda item 3: Agreement Log 10

- Mr Plant noted that Ms Forbes provided her comments via email on 17 February and confirmed his agreement with her affirmative votes. He proposed commencing discussion at Item 84 – Public Service.

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Agenda item 3: Agreement Log 10

- s 47F raised concerns regarding unresolved legal questions previously directed to the department and, more recently, to the Minister. He stated that without understanding how proposed arrangements would operate, the committee could not make informed recommendations.
- Mr Plant acknowledged s 47F concerns about the Assembly's law-making powers, noting he also lacked clarity on how these powers would function in practice.
- s 47F reiterated his firm view that a new Norfolk Island Act (NI Act) is required, aligning with community expectations. As a last resort, he wrote to the Minister seeking clarification, given ongoing uncertainty.
- Mr Plant suggested the department provide a practical example—such as how the Assembly could make law to cover the current legislative gap in the *Traffic Act 2010 (NI)(Cth)* with respect to electric bikes and scooters—and how those laws would interact with existing law.
- Ms Forbes acknowledged the community's preference for a new NI Act but reminded the committee that Cabinet had decided the framework would proceed by ordinance. The fact sheet outlined the Government's decision, and the committee must now work within those parameters to address the detailed components.
- Mr Plant referenced Agreement Log Item 52, noting that the committee was awaiting the department's law-making paper. He recognised this delay as a source of concern for s 47F
- s 47F requested that the department provide a comprehensive explanation of the legislative hierarchy and application of continued laws. She stressed that community representatives must fully understand the framework to effectively inform the community.
- Ms Forbes reported that the law-making paper was progressing but, due to limited resourcing, its completion timeframe had been extended.
- Mr Plant proposed moving to non-legislative agenda items; however, s 47F stated he required legal clarity before progressing. He reiterated his longstanding view that amendments to the NI Act would be necessary to enable the Assembly to operate and that this would be an opportunity to correct broader governance issues. He expressed concern that the submission to Cabinet contained fundamental errors.
- Mr Plant continued to suggest progressing to other agenda items, but s 47F insisted he could not proceed without clarity.
- s 47F stated his belief that the current model reflects the Australian Government's position rather than the unanimous NIGC recommendation for a new NI Act. He noted he had sought clarification on law-making powers 18 months ago and had still not received a response.
- Mr Plant confirmed that the NIGC would not issue any community communications until clarity was provided and sought an expected timeframe. Mr Forbes indicated that the paper remained several weeks away.
- With that timeframe in mind, Mr Plant asked what work the committee could undertake in the meantime. s 47F again stated that no decisions could be made without clarity. Mr s 47F added that all members must understand the framework as they are accountable for their decisions.

s 47E(d)

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Agenda item 3: Agreement Log 10

- s 47F stated he continued to act consistently with the ToRs and believed the Minister's path diverged from them. He noted that although he believed the Minister had good intentions, the current direction was unworkable. He emphasised again that he could not proceed without clarity.
- Mr Plant reminded the committee that the Minister's correspondence identified the 2- and 5-year review points as opportunities for further change, potentially including amendments to the NI Act.
- Ms Welch reiterated that the committee could not progress without understanding the Assembly's law-making authority. She stressed the need for the Assembly to have the capability to create statutory bodies or similar entities with legal standing. She suggested continuing discussion without clarity would be an inefficient use of the committee's time.
- Mr Plant summarised that s 47F s 47F and Ms Welch were unwilling to continue until the department provides clarity on the law-making framework.

Actions and decisions	• Law making paper to be provided by the end of March	**Responsible officer**	• Kim Forbes, DITRDCSA

Agenda item 4: Internal feedback on the financial model

- Mr Plant sought feedback on the financial model submitted to the Minister. Ms Welch advised that Queensland had no views to provide at this time. Ms Forbes noted that the Minister has received the financial model, and a response is expected within the next few weeks.
- s 47F asked Ms Forbes whether the department held a position on the financial model. Ms Forbes clarified that the department does not hold its own view; it provides advice to the Minister, and the Minister makes the decisions.
- s 47F advised that the community representatives intend to issue their own update to the community. He highlighted that the Minister's letter was positive, demonstrated a desire for a good outcome, and supported an incremental approach to ensure the model functions effectively—an approach he supports.
  However, he emphasised the need for a clear pathway outlining how to transition from the current state to the desired outcome. While he believes the Minister has good intentions, he does not believe the current proposal will achieve those intentions.

Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 5: Transition Plan

- Mr Plant emphasised the significance of the Transition Plan, noting it is a critical document for the committee's work. He outlined his understanding that the NIGC has three key pieces of work remaining:
  - Assembly Ordinances
  - Financial Model
  - Transitional Plan
- Mr Plant acknowledged the ongoing frustrations within the committee and expressed his hope that these three components can be finalised collaboratively.
- s 47F reiterated that he requires clarity on two fundamental questions:-
  1. To abolish the NIRC and establish the Norfolk Island Assembly by Ordinance, is any amendment to the NI Act required? He noted that if the answer is yes, then additional necessary amendments should be addressed concurrently.
  2. How the Assembly's law-making power would work with respect to the Norfolk Island Act and the body of Continuing law that now has the status of Commonwealth law?
  He asked that if we as a committee cannot answer these questions how can s 47F and he explain the proposed model to the community?

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Agenda item 5: Transition Plan			
Actions and decisions	• N/A	**Responsible officer**	• N/A

Agenda item 6: Other business			
• s 47F suggested an on island week-long workshop to finalise the last pieces of work, noting it should be a fully supported workshop including legal expertise. Ms Forbes stated that she did not have the resources for a week. Ms Forbes went on to request s 47F send through the questions that he requires answers so that they could ensure they were answering everything. • Mr Plant advised that he had asked s 22(1)(a)(ii) to issue placeholders for meetings on 16 March and 26 March, noting it would be beneficial to have the law-making paper available by that time. Ms Forbes advised the department would aim to have the paper completed by end of March. She also emphasised the importance of ensuring the framework works as intended, noting that the Transition Plan is a critical component. Mr Plant confirmed that s 22(1)(a)(ii) would cancel the 16 March placeholder and retain 26 March as the next meeting date. • s 47F noted that neither the Community Representatives nor the NIGC had provided a community update for several months, and an update was necessary. He highlighted that prolonged silence was difficult to manage within the community. Mr Plant suggested he could prepare a draft NIGC Communiqué, or alternatively, the Community Representatives were welcome to issue their own update. s 47F agreed that a communiqué from the NIGC would be appreciated.			
Actions and decisions	• Draft a Communique for consideration by the NIGC • Cancel placeholder meeting for 16 March • Email Ms Forbes with questions for law-making paper	**Responsible officer**	• George Plant Administrator • s 22(1)(a)(ii), Office of Administrator • s 47F NIGC Com rep

Agenda item 7: Next meeting and close			
• Mr Plant closed the meeting at 4:55PM (NI)			
Actions and decisions	• N/A	**Responsible officer**	• N/A

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MS25-000827

Australian Government

Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

To: The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories (for decision)
cc: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government

Subject: Progress towards a bespoke governance model for Norfolk Island

Critical Date: Routine

Recommendations:
1. That you **note** the information provided on the status of work to deliver a bespoke governance model for Norfolk Island, including risks and sensitivities. **Noted / Please Discuss**
2. That you **agree** the department submits a bid for Office of Parliamentary Counsel drafting resources for the Spring drafting period, to begin drafting the ordinances to implement the Norfolk Island Assembly, starting with the Electoral Ordinance. **Agreed / Not Agreed**
3. That you **agree** to extend the administration period for the Norfolk Island Regional Council to 31 December 2026. **Agreed / Not Agreed**
s22(1)(a)(ii) [redacted] **The Hon Kristy McBain MP** Date: 08/07/2025 **Comments:** We would hope election to take place before December 2026.

Key Points:

1. Following your November 2024 announcement on a new local governance model for Norfolk Island, the Norfolk Island Governance Committee (NIGC) has continued to meet regularly to design an Electoral Ordinance to hold elections for a new Norfolk Island Assembly, as well as to discuss the operations of the Assembly itself. Progress on the latter has slowed considerably, with the Community Representatives re-prosecuting key elements of the announced approach, including matters identified as out of scope by you in correspondence with committee members. This includes, for example:

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a. Establishing the new governance model under primary legislation rather than ordinance
b. Allowing New Zealand citizens resident on Norfolk Island prior to 2015 to vote
c. Returning land and assets transferred to the Commonwealth in 2016, to the control of the Norfolk Island community (which would see Queensland exit its commitments to service delivery).

2. The community representatives have stated that they are under considerable pressure to revisit the Government's November 2024 announcement.

a. During the caretaker period, the Community Representatives issued a position document (**Attachment A**), to which the NIGC Chair (and Norfolk Island Administrator) responded stating the document did not represent the broader NIGC's views.
b. On 21 May 2025, the Community Representatives also wrote to you, inviting you to travel to Norfolk Island to "meet with the community and attend a public meeting, to be facilitated by a moderator" as "The [November] announcement raised grave community concerns and created disillusionment with the process" (**Attachment B**).

3. The department will attend a workshop with NIGC on-island, which provides an opportunity to refocus the work of the NIGC.

a. Your office has indicated you will be meeting with Administrator and Community Representatives separately before this workshop, which will greatly assist this reset.
b. Details of proposed outputs of the workshop are provided at 'Additional Information'.

4. There is a risk the Community Representatives may resign on the basis of their public commitments in their position document to pursue an alternative model. There are other effective avenues for community consultation and the department will brief you on community engagement options separately, if required.

Timeframes for legislation

5. We propose making a bid for drafting resources from the Office of Parliamentary Counsel (OPC) as early as possible, which will be in the Spring drafting period (June to December 2025). The OPC advise the Electoral Ordinance will be a moderately complex instrument and likely to take at least four months to draft, although this will dependent on OPC resources The OPC also advise that the Governance Ordinance will be a complex and large instrument, and will likely take between 6 to 18 months to complete. Indicative timelines are provided at **Attachment C**.

Norfolk Island Regional Council administration period

6. In light of OPC's advice on expected timeframes for delivery of legislation to implement the new Assembly, the department recommends you extend Council's administration period to December 2026 (from 31 December 2025) to provide sufficient time for legislative drafting and enactment.

7. NIRC's Administrators, s47F, wish to meet with you to brief you on the Council's Operational Plan before its June finalisation. The Plan is currently out for comment and forecasts significant deficits over the out years. Additional time will allow the Administrators to complete their nine forecast service reviews and plan for corrective actions, including appropriate rates and charging.

Financial impacts:

8. Funding for the extended Council administration period will be drawn from the existing Services to Territories budget.

Legal/Legislative impacts:

9. Once the policy settings for the new electoral ordinance and the new governance model are settled, the department will engage with the OPC to develop the new ordinances.

Stakeholder Implications:

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10. There may be some resistance from parts of the Norfolk Island community to engagement activities not led by the NIGC Community Representatives. Nevertheless, the department still recommends testing broader community views on governance matters.
11. The Norfolk Island Administrator has not been consulted in drafting this brief.

Consultation: N/A

Media Opportunities: N/A

Attachments:
Attachment A: NIGC Community Representatives – Update April 2025
Attachment B: MC25-005697 – Correspondence from the NIGC Community Representatives
Attachment C: Indicative timelines for development of ordinances

Cleared By: **Adam Stankevicius**
Position: **Acting First Assistant Secretary**
Division: **Territories**
Mob: s22(1)(a)(ii)
Cleared Date: 3 June 2025

Contact Officer: **Rebecca Rush**
Branch: **Norfolk Island and Mainland Territories**
Mob: s22(1)(a)(ii)

Instructions for Ministerial Services: Nil

Do you require a signed hardcopy to be returned: No

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Kim Forbes, Rebecca Rush, s22(1)(a)(ii), s22(1)(a)(ii), s22(1)(a)(ii), s22(1)(a)(ii), s22(1)(a)(ii)

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Additional Information: *NIGC on-island workshop*

Key outputs of this workshop are proposed to be:

1. Settling any outstanding policy settings for the drafting instructions for the Electoral Ordinance, to then be submitted to you for approval.
    - Prior to the commencement of the caretaker period, the NIGC was progressing development of these policy settings out of session. We expect most elements can be finalised this way, with only a small number of matters to be settled at the workshop, if any.
2. Settling the NIGC's recommendations to you for the financial model and the associated policy settings to inform the drafting instructions for that section of the enabling Governance Ordinance.
    - This is likely to comprise the bulk of the discussions at the workshop.
3. If time permits: further discussion on policy settings for a Norfolk Island Assembly Ordinance
4. If time permits: Settling the NIGC's recommendations to you for key performance indicators to be assessed at the two- and five-year reviews.
5. If time permits: Laying the groundwork for the integrity framework and training requirements for elected members.

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FOI 26-325 - Document 21

Restoring Democracy

Norfolk Island Governnace Committee Community Representatives

s 47F and Chelsea Evans

Progress Update - April 2025

"Governance arrangements on Norfolk Island have never been subject to any meaningful form of long-term settlement. In all the various permutations outlined in this chapter, none have lasted much longer than four decades. Many of the changes, in the eyes of the Norfolk Island community, were externally imposed, and often without Norfolk Islanders playing a role in electing those responsible for making the decisions.

This history shows that the task set in this inquiry fits within the historical development of the relationship between Australia and Norfolk Island. It makes clear that the difficulties associated with applying contemporary approaches to governance in Australia to Norfolk Island has always been fraught, subject to periodic negotiation and change, and that in all its permutations, the 'correct' or 'best' form of government has not yet been found."

Restoring Democracy report – Joint Standing Committee National Capital and External Territories (JSCNCET) 2023

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FOI 26-325 - Document 21

Introduction

The Norfolk Island community

Norfolk Island's current settlement began in 1856 when the entire Pitcairn Island community, principally descendants of Polynesian women and *Bounty* mutineers, settled their new homeland of Norfolk Island as a self-governing people with their own language, laws, traditions, and customs.

Today, the Norfolk Island community includes the descendants of the original Pitcairn settlers, along with many others who have chosen to make Norfolk Island their home since 1856. According to the 2021 Australian Census, Norfolk Island's population was 2,188 with 40% identifying as having Pitcairn/Norfolk Islander ancestry, 29% as Australian, and 15% as New Zealand ancestry.

Norfolk Island was administered under the authority of Great Britain until 1914, when by Imperial Order in Council, the Island was placed under the authority of the Commonwealth as a distinct and separate settlement. Between 1856 and 2025, the Island operated under seven different governance models.

In 2015, the self-government model granted in 1979 was abolished, sparking widespread criticism and calls for the restoration of democracy. The current governance arrangements imposed in 2016 are widely regarded as colonial and undemocratic. They are complex, inefficient, and lack community support.

In 2023, the Norfolk Island community formally called on the Australian Government to restore democracy, expressing a clear preference for a jointly agreed, mutually beneficial governance partnership.

The Norfolk Island Governance Committee (NIGC)

The NIGC was established by the Hon. Kristy McBain MP in October 2023, and comprises elected Norfolk Island representatives, the Administrator of Norfolk Island, a representative of the Department of Infrastructure (Territories Division), and a Queensland Government representative from the Department of the Premier and Cabinet. Its primary role is to design and recommend a mutually acceptable democratic governance model, including a stable, sustainable governance framework that ensures Norfolk Islanders have confidence in their future.

In November 2023, the recommendations of the JSCNCET *Restoring Democracy* report endorsed the NIGC's role in shaping Norfolk Island's future governance.

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"It is clear to the Committee that applied New South Wales local government has not worked for Norfolk Island. The model has proven unpopular, lacked local legitimacy, and was not effectively supported in terms of local capacity. To continue with this model would just raise the same issues that have led to this inquiry.

This complexity notwithstanding, the fundamental differences between Norfolk Island and the internal territories are too great for the application of such a model to provide a stable, long-term governance structure.

While some progress has been made, Norfolk Island requires a long-term governance solution that does not repeat the issues of the past, re-establishes local democracy, and ensures that any future governing body will be able to support itself in a sustainable way."

JSCNCET *Restoring Democracy* report 2023

NIGC's progress update: April 2025

In May 2024, NIGC community representatives proposed and published a governance model based on extensive community consultations.

In November 2024, the Australian Government announced its policy framework for Norfolk Island's future governance. This framework was strongly opposed by the community due to its close resemblance to the NSW local government model, which has been consistently and categorically rejected by the community since 2016.

A key community concern is that maintaining the current local government framework will continue to deny Norfolk Islanders state-level democratic representation, voting rights, and accountability.

If the Australian Government is truly committed to restoring democracy and securing community support for the new governance model, it must take decisive action in the following five areas:

1. **Establish the Assembly under new primary Commonwealth legislation (a new Norfolk Island Act).**
2. **Identify suitable pathways to address key community concerns,** including:
   - 2.1 Establishing an effective population management mechanism,
   - 2.2 Restoring inclusive voting rights, and
   - 2.3 Community control over Norfolk Island's Crown Land, reserves, and public land.
3. **Promote financial sustainability,** ensuring the Assembly is supported by a financial model that has been independently assessed for sustainability.
4. **Define Norfolk Island's relationship with Australia,** providing formal recognition of its status as a distinct and separate settlement and its trustee relationship with Australia.
5. **Ensure Norfolk Islanders have confidence in their future,** including:
   - 5.1 Establishing a formal cooperation framework,
   - 5.2 Promoting self-sufficiency and economic diversification, and
   - 5.3 A compulsory vote to confirm community endorsement or rejection of the new governance model.

The following sections provide a summary of the NIGC's recommendations to date and a more detailed examination of the future actions required to achieve community support for the new governance model.

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NIGC Recommendations

Establish a governance partnership between Norfolk Island and Australia founded on the principles of democracy, the preservation of the island's history and cultural identity, formal cooperation, and mutual respect for each other's needs and interests.

To achieve this, the NIGC has recommended enacting a new Norfolk Island Act and Preamble that:

- Recognises Norfolk Island's status as a distinct and separate settlement administered under the authority of the Commonwealth of Australia.
- Recognises the desire of the people of Norfolk Island to partner with the Australian Parliament on a path to greater sustainable sovereignty and autonomous governance.
- Establishes a representative Norfolk Island Assembly, and other separate political and administrative institutions for Norfolk Island.

The Norfolk Island Assembly

The NIGC has recommended that the Norfolk Island Assembly be established as a body politic with the power to do all things necessary or convenient for the peace, order and good government of Norfolk Island, subject to the provisions contained within the enabling law.

The enabling law will establish:

- A representative democratic Assembly, defining the constitution, powers, and responsibilities of elected members. It should enable substantial strategic decision-making, discretion, and political judgment.
- An impartial and separate Norfolk Island Administration (Public Service) that implements government laws or policies, with limited discretion, focusing on delivering services to the community and operational matters.

The Norfolk Island Assembly will work in partnership with the Australian Government to make laws and provide services on Norfolk Island:

- The Australian Government will deliver federal services, and will engage the Queensland Government to deliver health support, education, and corrective services in Norfolk Island - in consultation with the Assembly.

The Assembly will have the authority to make laws and exercise powers to independently deliver local and state level services (other than those identified above), with certain functions reserved for the approval of the Federal Minister, as prescribed by schedule.

The Preamble recommended by the NIGC can be viewed at - https://www.norfolkislandgovernance.com/

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Future actions to achieve community support

1. Establish the Assembly under a new Norfolk Island Act

While the Australian Government has proposed establishing the Norfolk Island Assembly through an Ordinance made under Section 19A of the Norfolk Island Act 1979 (NI Act) for expediency, this approach does not provide the long-term stability and enduring democratic framework that Norfolk Islanders require.

The NIGC, JSCNCET, and the community recommend enacting a new Norfolk Island Act with a Preamble to address the following key issues:

- The current NI Act has been so extensively amended that it no longer serves as a democratic, appropriate, or effective governing constitution.
- The legislative framework established under the current NI Act is overly complex, making it difficult for both the community and legal professionals to understand the laws that apply to Norfolk Island. Establishing the Assembly by Ordinance will only add to this complexity.
- The Australian Government has committed to reinstating a Preamble to the NI Act, and is currently considering the Preamble developed by the NIGC through extensive community engagement.
- Notwithstanding the powers granted to the Assembly under the proposed new model, as long as the current NI Act remains in place, the authority to make most of the significant decisions about the Island's future and laws can still be exercised by unelected federal officials and contracted personnel - potentially continuing the current democratic deficit.
- An Ordinance can be easily changed by the responsible Federal Minister of the day with little to no Parliamentary scrutiny, undermining long-term governance stability.
- Although enacting a new NI Act will take longer than an Ordinance, it must be considered a necessary step to providing Norfolk Islanders with a clear and enduring governing constitution that instils confidence in their future and ensures transparent, democratic, and accountable governance.

2. Identify pathways to address key community concerns

The following issues should be prioritised in the new governance model, either immediately or once the Norfolk Island Assembly is established:

2.1 Population management:

The issue of population management/immigration was raised more than any other matter during community consultations. Norfolk Island needs an effective mechanism to support population sustainability, ensuring long-term viability and preservation of the Island's cultural identity, limited resources, and fragile natural environment.

2.2 Restoring inclusive voting rights:

Restoring democracy on Norfolk Island must include a fair and inclusive electoral system that reflects the island's unique history and population. A key requirement is ensuring that those who were eligible to vote in Norfolk Island elections before the 2015 changes have their voting rights restored through grandfathering provisions under the new governance model. The largest disenfranchised group consists of New Zealand citizens, many of whom have been long-term, integral members of the Norfolk Island community and economy.

2.3 Community control over Norfolk Island's Crown Land, reserves, and public land:

These lands are an integral part of Norfolk Island's cultural heritage and identity. To ensure the proper recognition of Norfolk Island's legal and historical rights, all decisions regarding the use, management, and future of these lands must be made by and for its people.

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3. Financial sustainability

Despite contributing to the Australian tax system and receiving support in key areas, including resurfacing the airport runway, the Cascade Pier extension, NDIS support, and critical aid during the COVID-19 pandemic, the financial model imposed in 2016 has failed to address many of Norfolk Island's financial sustainability challenges. Maintaining the status quo will only result in yet another failed governance model.

The Australian Government must ensure the Assembly is supported by a financial model that has been independently assessed for sustainability in Norfolk Island's present-day context. While the community supports contributing to services to the extent of its capacity, the new model must recognise the unique constraints imposed by the Island's isolation, difficult access, small population, and limited tax base.

Recognising these constraints, the May 2024 community model proposed that until financial sustainability and appropriate service delivery standards are established, consideration should be given to adopting a shared responsibility and joint funding approach that empowers community-driven solutions, particularly in the following areas.

Roads:
Managing Norfolk Island's road's funding has been challenging under all previous governance models. "Norfolk Island has 78km of paved roads. 30 km of roads are rated Condition 2, the lowest possible rating without the road being virtually unusable." Worley Parsons 2015

Waste Management:
While progress has been made since the 2023 directive to cease dumping waste at sea, Norfolk Island still lacks the financial capacity to implement an affordable solution for managing bulky waste and exporting processed recyclables.

Ports Management:
Norfolk Island has always struggled to fund large-scale infrastructure without assistance. The cost of resurfacing the airport runway exceeds the Island's current capacity. Since 2016, the community have had little to no say in the management of the Island's seaports.

Electricity and Telecom:
Both Norfolk Electricity and Norfolk Telecom continue to face challenges in sustaining their operations, particularly due to the significant capital investment required to maintain essential infrastructure and the limited capacity to further increase user prices.

Shipping:
The availability of affordable and reliable sea freight services to Norfolk Island has been a key priority of the Australian Government for more than three decades. Today, shipping remains Norfolk Island's single biggest economic challenge - with no affordable or reliable solution in sight.

Kingston and Arthurs Vale Historic Area (KAVHA):
The NIGC has recommended re-establishing the joint Commonwealth/Norfolk Island Government decision-making framework that operated in KAVHA from 1989 to 2015.

This framework exemplifies a successful shared responsibility and joint funding approach, demonstrating how collaborative governance can deliver cost-effective and mutually beneficial outcomes under local management.

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4. Define Norfolk Island's relationship with Australia

Recommendation 1 of the *JSCNCET Restoring Democracy* report 2023 called for a Preamble in the establishing legislation that defines the nature of Norfolk Island's relationship with Australia.

A clear understanding and recognition of Norfolk Island's status as a distinct and separate settlement, the rights of its people under international law, and the nature of its trustee relationship with Australia are essential for informed decision-making about its future. This recognition, along with key commitments for cooperation, should be formalised through a joint declaration or agreement to ensure clarity and long-term stability in the relationship.

Legal Opinions:

Former Commonwealth Attorney General R.J. Ellicott Q.C. and M.H. McLelland Q.C. – 1975:

> "Norfolk Island is, by authority of an Imperial Act "a distinct and separate settlement", and its status as such cannot be altered except by or pursuant to an Imperial Act.
>
> The Commonwealth Parliament has power to make laws for the government of Norfolk Island pursuant to Section 122 of the Constitution. The Crown in right of the United Kingdom has no surviving powers emanating from Section 5 of the 1855 Act.
>
> The fact that it was accepted as a distinct and separate settlement is, however, relevant in a political sense to an inquiry as to the Constitutional status of Norfolk Island. It recognises that the Commonwealth Parliament's relationship to it is not that of a sovereign exercising power over part of its own territory, but that of a sovereign exercising power over territory committed to its government but not as part of its territory.
>
> This may not in itself express any limitation on the legal power which the sovereign can exercise over the territory, but it does emphasise that the sovereign's exercise of power is more akin to that of a trustee than it would otherwise be. It at least anticipates that the sovereign's exercise of power though plenary in quality will be directed solely to the benefit of the committed territory and its inhabitants."

His Excellency Professor James Crawford SC - 1999:

> "Norfolk Island is not an internal territory and thus it is not an integral part of the Commonwealth of Australia. The Parliament has consistently treated Norfolk Island as an external territory of Australia, and this conforms with its position as a 'distinct and separate' territory..."

Dr Christopher Ward SC and Professor Vaughan Lowe QC – 2016:

> "The Order in Council of 1856 is obviously critical. It is by that Order in Council that the concept of "*distinct and separate settlement*" became legally recognised.
>
> Norfolk Island is both geographically separate from all areas of Australia, and it is ethnically and culturally distinct from all areas of Australia. Norfolk Island is a Non-Self-Governing Territory within the meaning of Article 73 of the Charter of the United Nations."

The Norfolk Island Coat of Arms was granted by Queen Elizabeth II in 1980. ***"Inasmuch"*** is the Island's motto. It is a reference taken from the Gospel of Matthew in the New Testament (Chapter 25:40) which has special significance for Norfolk Islanders: "*...Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me ...*"

The Great Seal of Norfolk Island was made in 1856 by royal engraver Benjamin Wyon when Queen Victoria made Norfolk Island a distinct and separate settlement.

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5. Ensure Norfolk Islanders have confidence in their future

Throughout consultations on the new governance model, the community has sought several key commitments from the Australian Government. These commitments require future action to ensure that the model is sustainable, supported by the community, and that the governance partnership functions effectively in accordance with Australia's role as trustee.

5.1 Establish a formal cooperation framework:

Because Norfolk Island operates outside Australia's federal, state, and local government cooperation frameworks, establishing a formal intergovernmental cooperation and communication framework is essential for a successful governance partnership. This framework should ensure:

- A shared approach to reviewing the effectiveness of the new governance model and addressing issues in a timely and collaborative manner.
- Norfolk Islanders have a voice in Australian Government decisions that impact Norfolk Island.
- The governance partnership delivers practical, long-term benefits for both Norfolk Island and Australia, ensuring sustainable development, effective service delivery, and economic viability.

5.2 Promote self-sufficiency and economic diversification:

The community seeks a commitment from the Australian Government to actively support Norfolk Island's aspiration for greater legislative and financial self-sufficiency. This includes support for capacity building, sustainable development, and economic diversification initiatives to promote a more resilient and self-sustaining future.

5.3 A compulsory vote to confirm community endorsement or rejection of the new governance model:

Consistent with the JSCNCET *Restoring Democracy* report 2023 Recommendation 4, the Norfolk Island community must have a say in the new governing body, including that a binding, compulsory vote of registered voters on Norfolk Island is conducted to approve the final model determined by the NIGC.

Conclusion

Unless reconsidered, key elements of the governance framework proposed by the Australian Government in November 2024 will be introduced without the consent or support of the Norfolk Island community.

Now is the time to move beyond short-term fixes and imposed governance models. This can be achieved by genuinely listening to and acting on the wishes of the community, as outlined in the actions above, and by supporting the recommendations of the NIGC and JSCNCET.

These actions and recommendations present practical, cost-effective, and mutually beneficial solutions to the Island's governance challenges and should be implemented in full to restore democracy and establish a stable, sustainable governance model that respects Norfolk Islanders' rights, cultural identity, and history.

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The Hon. Kirsty McBain MP
Minister for Regional Development, Local Government and Territories
Parliament House
Canberra, ACT
Australia

21 May 2025

Dear Minister,

Congratulations on the Government's re-election and on your appointment as Minister for Regional Development, Local Government and Territories. We appreciate your commitment to building a positive and cooperative relationship with Norfolk Island, and look forward to continuing to work with you on a new Norfolk Island governance model.

As the next step in that work, we are writing to invite you to Norfolk Island to meet with the community and attend a public meeting, to be facilitated by a moderator.

Unfortunately, the Australian Government announcement in November 2024 was interpreted by the Norfolk Island community as the imposition of a local government model. This model has been continuously and repeatedly rejected by the community since before the establishment of the NIGC. As you'd be aware, the JSCNET report also recognised that model did not work for Norfolk Island[1] and was not appropriate for its unique circumstances which instead required a 'place-based solution'[2]. We are keen to avoid repeating the mistakes of the past.

The announcement raised grave community concerns and created disillusionment with the process. This has been exacerbated by the lack of information from the full NIGC on how those decisions in the November announcement were made, and also by disregard of the strong views expressed throughout the community consultations. The community feels it should be able to determine its own future or, at least be the strongest voice in the process. As a minimum, the community deserves transparency in decision-making. Currently it feels unheard and frustrated by the NIGC process.

Despite this, we believe there is still an opportunity for a positive and beneficial outcome to be reached for both the Australian Government and the Norfolk Island community. This can be achieved by working together in a true partnership with open and transparent information being provided to the Norfolk Island community.

---

[1] *Restoring Democracy, Report of the inquiry into local governance on Norfolk Island,* Joint Standing Committee on the National Capital and External Territories, Commonwealth of Australia 2023, par 6.113, p 101.
[2] Ibid par 6.117, p 102.

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Your visit to our island, and your participation in a moderated community meeting, would kickstart this renewed approach as we work toward agreement on a governance model. We would also take the opportunity to brief you in person on a five-month work plan we have developed. Ideally, this would commence in June 2025 to achieve a governance model by the end of the year which is accepted by Norfolk Island community and addresses the financial and governance risks perceived by the Australian Government.

Your early visit would convey a strong message to the community who are determined to pursue a bespoke model of governance for Norfolk Island in cooperation with the Australian Government.

We look forward to welcoming you to Norfolk Island in the near future.

Best wishes,
Chelsea Evans and s 47F
Community Representatives
Norfolk Island Governance Committee

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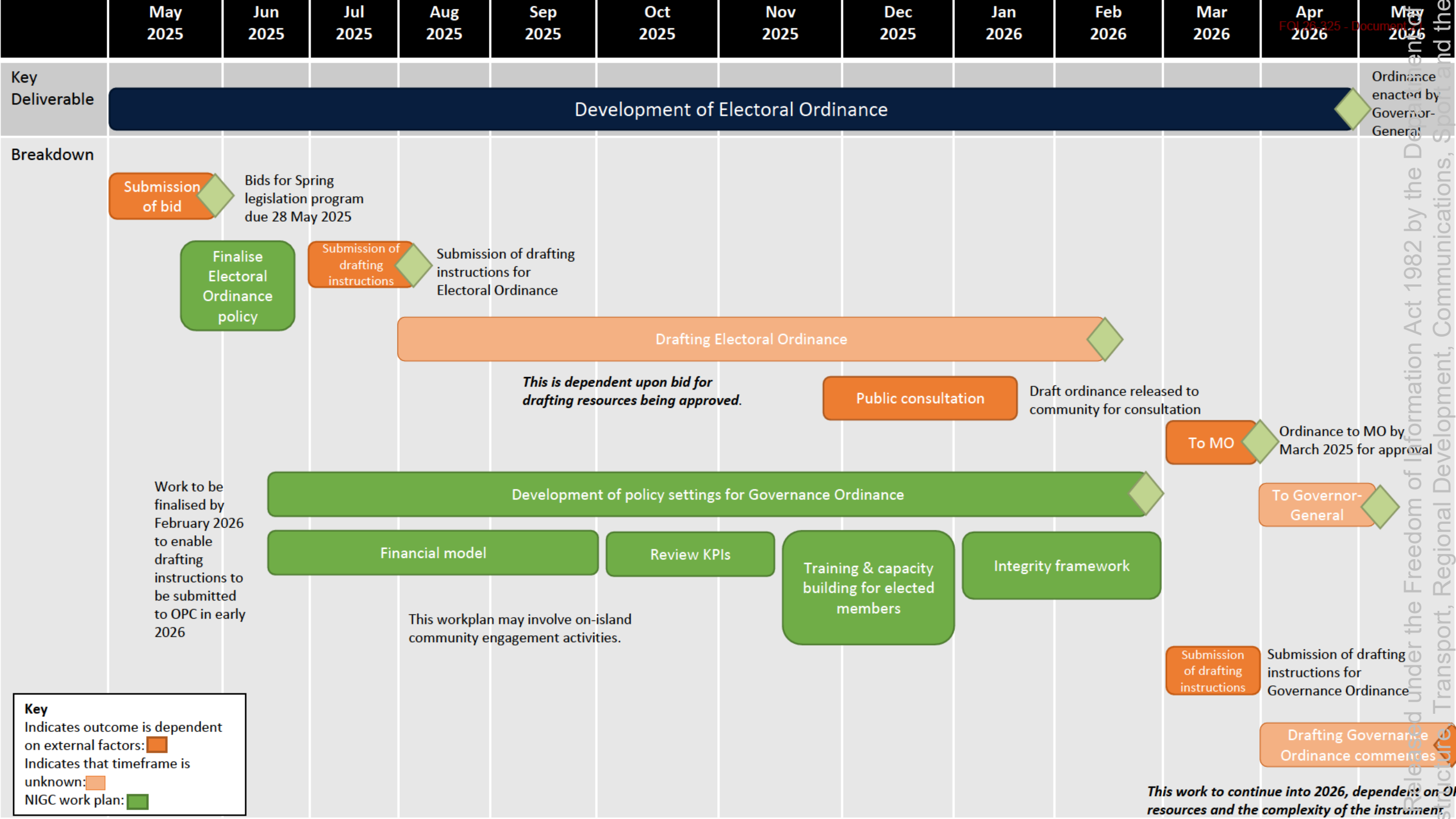

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Australian Government

Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Dispatched to MO
05 NOV 2025

To: The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories (for decision)

cc: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government

Subject: Norfolk Island Assembly - Electoral Ordinance

Critical Date: Routine

Recommendations:

1. That you **agree** to the elements of the proposal for the electoral ordinance for Norfolk Island set out in **Attachment A**.

   Agreed / Not Agreed

2. That you **agree** to the department's recommendations on those elements of the electoral ordinance the Norfolk Island Governance Committee have not reached consensus on, set out in **Attachment B.**

   Agreed / Not Agreed

3. That you **agree** the department commence developing drafting instructions for the Office of Parliamentary Counsel based on your decision at Recommendation 1 and 2.

   Agreed / Not Agreed

s22(1)(a)(ii)

The Hon Kristy McBain MP Date: 10/11/25.

Comments:

Key Points:

1. In October 2024, the Australian Government agreed to progress the development of a bespoke Norfolk Island government, the Norfolk Island Assembly (the Assembly)(s34(3) s34(3)

2. An electoral ordinance needs to be drafted ahead of the enabling ordinance for the Assembly to allow sufficient lead time to prepare for an election ahead of the establishment of the

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Assembly. The intention is that this ordinance be able to remain in place until the Norfolk Island Assembly makes its own body of electoral law.

a. Some requirements and limitations for any new electoral law made by the Assembly will be included in the assembly ordinance. This is because these elements were decided by Cabinet and it is not intended they be subject to amendment by the Assembly.

3. The department has set out the agreed recommendations from the Norfolk Island Governance Committee (NIGC) on the proposed electoral ordinance in the table at **Attachment A**.

s47C

8. Pending your approval, the department will commence developing drafting instructions for the Office of Parliamentary Counsel (OPC).

9. The department will continue to work with the Australian Electoral Commission (AEC) and the Department of Finance to explore the possibility of the AEC delivering the inaugural election.

Financial impacts:

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10. The inaugural election is likely to cost approximately $200,000. It is proposed this will be funded from the Services to Territories allocation.

11. Developing the drafting Electoral Ordinance instructions for OPC will be achieved within existing resourcing.

Legal/Legislative impacts:

12. This ordinance will create the body of law to provide statutory authority for the inaugural election of the Norfolk Island Assembly. It will remain in operation until such time as the Assembly enacts its own electoral law.

Stakeholder Implications:

13. This matter continues to be of high interest to the Norfolk Island community and receives significant and regular comment in local media. The community continues to expect a high level of consultation and engagement on its development.

14. Mr George Plant, Administrator of Norfolk Island, is a member of the NIGC and has contributed to the development of this proposal.

Consultation:

15. The NIGC Community Representatives have undertaken consultation with the Norfolk Island community in developing this proposal. This includes placing a copy of these recommendations on the NIGC Community Represenatatives' website. They report no adverse commentary from the community.

16. The department has consulted with the Department of Finance and the Australian Electoral Commission.

Media Opportunities: The department will prepare a media release to update the community on progress of the Electoral Ordinance once OPC drafting resources are confirmed. Mr Plant and the NIGC will also separately provide updates to the community on the progress of this work.

Attachments:

Attachment A: Elements of the Electoral Ordinance agreed by NIGC

Attachment B: Elements of the Electoral Ordinance not agreed by NIGC

Cleared By: Kim Forbes
Position: First Assistant Secretary
Division: Territories
Mob: s22(1)(a)(ii)

Contact Officer: s22(1)(a)(ii)
Branch: Norfolk Island and Mainland Territories
Ph: 02 s22(1)(a)(ii)
Mob: s22(1)(a)(ii)

Instructions for Ministerial Services: Nil

Do you require a signed hardcopy to be returned: No

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Lisa Rauter, Kim Forbes, Kylie Donovan, s22(1)(a) s22(1)(a)(ii)

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Attachment A

Elements for the Electoral Ordinance: Agreed by NIGC

Proposed Model	Department comments
Eligibility to nominate	
1. To be nominated to be elected an individual must be: i. Over 18 years of age, ii. Enrolled to vote on Norfolk Island iii. An Australian Citizen. iv. Have been ordinarily resident on Norfolk Island for the preceding 12 months.	**Departmental comments:** The NIGC agreed a 12-month residency period was appropriate for nominees seeking election to the Assembly.
2. An individual will be disqualified from nominating and being elected because they: i. Have a conviction for certain offenses such as: a. Treason (unless pardoned of the treason offence). b. Serious electoral or integrity offence (e.g. fraud, extortion, forgery, false statements, computer hacking and misuse). ii. Are serving a prison sentence of at least 3 years at the time of nomination or election. iii. Are an undischarged bankrupt.	**Departmental comments:** The minimum sentence length at 2(ii) is consistent with other jurisdictions.
Eligibility to nominate: Nominations	
3. A person's eligibility to participate as a nominee shall be determined as at the close of nominations.	
4. On receipt of a nomination, the Returning Officer will assess whether or not the nominee fulfils the nomination eligibility requirements.	
5. Identification, age status, and proof of residency may be satisfied by the nominee providing the following to the Returning Officer: i. Identification and proof of age (e.g. passport, driver's license) and ii. Proof of Residency: a. Utility notice with Norfolk Island residential address, or b. Photo identification with Norfolk Island residential address, or c. A declaration made by a Norfolk Island resident who can attest to the residential address, length of residency on Norfolk Island, and date of birth of the person who does not have the identification listed in (a) or (b). ii. A declaration by the nominee that they are not otherwise ineligible to be a member of the Assembly. The Returning Officer's decision/s will be final and not subject to appeal. A nominating NI resident may nominate more than one candidate.	
6. i. A public employee (state, federal or NI public service employee) or public office holder must take a leave of absence to run for election as a member of the Assembly from the time of nomination acceptance. ii. A public employee or public office who is elected must resign from their employment or public office.	
Defective nominations: Notification	

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Attachment A

Proposed Model	Department comments
7. Where the Returning Officer finds a nomination for a candidate is incorrectly made, or the information included suggests the candidate may not be eligible, the Returning Officer will notify the nominator of their assessment of the nomination and give them five days to provide further information in support of the nomination.	
8. Where the Returning Officer has notified a person of a defective nomination (as per item 8), and where that person has remedied the defect or provided additional information evidencing their eligibility to the Returning Officer within 5 days, the Returning Officer must accept the nomination.	
9. Where the Returning Officer has notified a person of a nomination defect (as per item 8), and where that person has not corrected the defect or provided evidence of their eligibility within 5 days, the nomination must be rejected.	
Withdrawal of nominations: Notification of withdrawal	
10. Once the nomination of a candidate for election has been accepted by the Returning Officer, that candidate may withdraw up until the closing date for nominations. Nomination Timeline for Assembly Elections: 1. Nomination open – 6 weeks prior to the election 2. Nominations close – 5 weeks prior to the election 3. Nominations may be withdrawn up until the closing date for nominations 4. After closing date – nominations cannot be withdrawn 5. Nominations are only made public after closing date Only list of nominees, not other supporting nomination documents, are made public.	
Election services provider	
11. The department with responsibility for Territories, on behalf of the Australian Government, shall engage an election services provider to conduct the inaugural Norfolk Island Assembly election.	
12. The election services provider may be a government agency or a private provider with demonstrated expertise in conducting small government elections.	**Departmental comments:** The department had held discussions with the Department of Finance and the Australian Electoral Commission (AEC) to explore the possibility of the AEC conducting this election. Both agencies advise this is feasible.
Returning Officer: Powers and duties	
13. The election services provider will appoint or employ a Returning Officer, who will be tasked with the provision of election services for the election of the Assembly members.	
14. The Returning Officer shall prepare and circulate a notice calling for nominations for the election in accordance with this ordinance.	
15. After the close of nominations, the Returning Officer shall consider all nominations received during the nomination period. The Returning Officer shall reject any nominations received after the nomination period has closed.	
16. The Returning Officer shall accept all nominations that satisfy the requirements of this ordinance.	

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Attachment A

Proposed Model	Department comments
17. The Returning Officer shall treat any defective nominations in the manner prescribed in this ordinance.	
18. The Returning Officer shall determine and conduct the ballot in accordance with the provisions of this ordinance	
19. The Returning Officer will take such action and give such direction as they consider necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity. In respect of any actions taken: *For polling day* i. the RO is required to notify candidates as soon as practicable of any exercise of this power ii. this power is limited to the RO correcting or preventing any error or omission by an electoral officer (as opposed to an irregularity by just anyone) *Prior to polling day* iii. The RO may accept nominations despite any formal defect in the nomination (eg if someone has accidentally switched their completion of the "date" and "signature" fields) if they consider the key elements of the nomination process (eg that the nomination is made to the RO, that the person consents to be nominated, is eligible and has made the appropriate declaration) have been satisfied. iv. The RO may take a voter who appears not to be enrolled to be enrolled if they are entitled to vote at the time of voting and the RO is satisfied they are not on the roll because of an error made by an electoral officer. v. The RO may correct/accept postal voting applications and envelopes despite formal errors on postal voting applications or postal voting envelopes (eg if a voter and witness have signed the wrong places on a postal vote envelope)	
Advertising: Publication	
20. The Returning Officer shall: i. cause an election notice to be published in local Norfolk Island media outlets.	
Advertising: Election notice	
21. The election notice shall: i. announce the election is being conducted by the election services provider as the Returning Officer; ii. announce nominations are sought for Assembly members and refer potential nominees to the relevant website for further information; iii. invite nominations for election from all eligible persons and state the requirements for nomination; iv. announce the location, time and date for the opening and closing of nominations; v. announce the time and date for the opening and closing of the ballot; vi. announce the location of pre-poll voting offices and the dates from which pre-poll voting will be available; vii. specify the place where nomination forms may be obtained; viii. specify the place where nominations must be lodged; ix. specify the accepted method/s of lodgement; x. specify other documentation that may be submitted with the nomination.	

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Attachment A

Proposed Model	Department comments
Scrutineers: Appointment	
22. Each candidate may appoint, in writing, one or two person/s as a scrutineer to observe the conduct of the ballot. A scrutineer shall not be a candidate for the Assembly.	
Scrutineers: Rights and obligations	
23. A scrutineer may be present at any stage in the ballot for the election. Their powers and functions include that they may: i. Attend the counting of ballots ii. Request a ballot be reserved for a decision by the RO as to whether it is allowed or disallowed. iii. Object to a ballot being deemed informal iv. Countersign statements by the RO or electoral official as to the number of ballot papers and the number of first preference votes in each ballot box as it is opened v. Countersign an endorsement of the description of the contents of a secure container containing counted votes vi. Bring to the attention of the Returning Officer any alleged irregularity in a. the issue of ballot papers; b. the scrutiny; c. the formality or informality of ballot papers; vii. Attend any recounts of ballots	
24. A scrutineer shall not; i. interrupt the scrutiny without lawful reason; ii. disclose any knowledge acquired by them concerning the votes of any particular voter or voters; iii. fail to carry out any lawful request by the Returning Officer; iv. touch any ballot material; v. act in a manner that will interfere with the proper conduct of the election. Penalty/ Action – the scrutineer can be required to leave the premises if they do any of these	
25. Failure of a scrutineer to attend any scheduled event will not delay any step in the election.	
Timetable: Polling day	
26. As the timing of the legislation establishing the Norfolk Island Assembly is uncertain, the date the election would be required is currently unknown and no date is proposed to be fixed in the election legislation. Instead, the election legislation would allow the Minister to make an instrument that fixes the election date. i. To allow sufficient time for election processes to commence (including procurement of an election services provider), the date for the polling day should be fixed no earlier than 16 weeks after the date of the instrument being made.	**Departmental comments:** Please note the proposed role of the Minister in setting the date for the election by proclamation.

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Attachment A

Proposed Model	Department comments
Timetable: Nominations	
27. Nominations for all Norfolk Island Assembly member positions shall open at 12.00 noon six weeks prior to the polling date.	
28. Nominations for all Norfolk Island Assembly member positions shall close at 12:00 noon, five weeks prior to the polling date.	
29. Nominations shall be called for in the manner prescribed in this ordinance.	
30. Nominations for a Norfolk Island Assembly member position must be lodged with the Returning Officer, shall be in writing and include the following information: i. the full name of the nominee; ii. the form in which the nominee's name is to appear on the ballot paper if different from above; iii. the nominee's contact details; iv. the name and address of the nominator; v. proof of residency status and date of birth of the nominee; vi. the signed endorsement/consent of the nominee; vii. the signature of the nominator. viii. any further documentation required by the Returning Officer.	
Timetable: Voting on polling day	
31. Voting for the Norfolk Island Assembly conducted under these rules shall open at 8:00 am on the polling date.	
32. The ballot for the Norfolk Island Assembly shall close at 6:00 pm on the polling date. Ballot material received by the Returning Officer after that time shall not be included in the scrutiny [excepting postal votes].	
Uncontested elections: Declaration	
33. If, after the close of nominations, the number of valid nominations received for Assembly members does not exceed five, the Returning Officer shall declare elected the person or persons nominated.	
Contested elections: Ballot	
34. The election will be conducted by a secret ballot of the eligible electors entitled to vote.	
Voting systems	
35. Counting methodology, Voting system and formality system: i. Counting methodology: First past the post ii. Voting system: Each voter must use all five votes iii. Formality system: Voter must list five preferences.	

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Attachment A

Proposed Model	Department comments
Ballot papers:	
36. The following features shall appear on all ballot papers prepared in respect of a secret ballot for an election for the Norfolk Island Assembly: i. the name of the government – the Norfolk Island Assembly; ii. the initials of the Returning Officer or other authenticating mark; iii. that there are five Assembly members to be elected; iv. the names of the candidates in the format and order required by these rules; v. instructions for marking the ballot paper; vi. instructions for returning the ballot paper; vii. name of the Returning Officer; and viii. any other instruction considered necessary by the Returning Officer.	
37. The Returning Officer shall arrange for the printing of ballot papers in sufficient quantity and distribution to voters eligible for ordinary and pre-poll voting.	
38. The ballot papers shall contain the names of the candidates with the family name first followed by the given names. No other candidate information will be printed on the ballot paper.	
39. The order of names in each ballot on the ballot paper shall be determined by lot drawn by the Returning Officer.	
40. The ballot paper shall contain instructions for the voter to place a number from 1-5, in order of preference, against the names of the 5 candidates for whom the voter wishes to vote.	
41. If the ballot paper is not marked as per instructions, the Returning Officer will determine if the paper can be admitted into the count or must be discarded.	
Polling processes: Polling place for in-person voting	
42. The Returning Officer must secure and announce at least one polling place for the election	
Polling processes: Pre-poll voting offices	
43. The office of the Returning Officer will utilise the designated office of the Returning Officer as the place and address for enrolment and for pre-poll voting.	
44. The Returning Officer must make provisions for a person/s on Norfolk Island to be appointed to oversee the pre-polling services should an employee of the election services provider not be in attendance on Norfolk Island during part or all of the pre-polling period. i. Election employees must not be nominees or scrutineers.	
Polling processes: Poll	

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Proposed Model	Department comments
45. A contested election for the Norfolk Island Assembly must be determined by secret ballot.	
Polling processes: Supply of rolls and ballot papers	
46. On or before polling day the Returning Officer is to: i. provide for use at the polling place sufficient authorised copies in printed form of the roll of voters for Norfolk Island, and ii. deliver to the polling place manager, appointed by the Returning Officer, and retain, such numbers of the ballot-papers as are sufficient for the use of the voters entitled to vote. a. Managers must not be nominees or scrutineers.	
47. The Returning Officer is to keep an exact count of all those ballot-papers.	
48. The Returning Officer is to retain for use at their office: i. at least one authorised copy of the roll of voters for Norfolk Island, and ii. such number of ballot-papers as the Returning Officer considers will be required for the use of voters who are permitted to vote at pre-polling venues before election day.	
49. The Returning Officer is to keep an exact count of those ballot-papers.	
Polling processes: Return of numbers of ballot papers before poll	
50. The Returning Officer is to maintain a record of the following numbers of ballot papers: i. the numbers of ordered and received from the printer; ii. the numbers issued for use at pre-poll voting offices and polling places; and iii. the numbers not issued at all.	
Polling processes: Ballot paper must be initialled	
51. A ballot-paper for the election, before being delivered or sent to a voter, is to be initialled on the front by an election official, as appointed by the Returning Officer.	
Polling processes: Ballot paper may be photocopied, written or otherwise reproduced	
52. If a polling place or pre-poll voting venue does not have or runs out of ballot-papers printed in accordance with the section on Supply of rolls and ballot papers, the Returning Officer, polling place manager or other election official in charge, as appointed by the Returning Officer, at the time may have the ballot-paper reproduced by photocopying or writing or may use copies obtained by facsimile or email.	
53. A ballot-paper so reproduced or obtained is still required to be in the same general format as the ballot-paper printed in accordance with the section on Supply of rolls and ballot papers.	
54. A ballot-paper so reproduced or obtained is as valid as a form printed in accordance with the section on Supply of rolls and ballot papers.	

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Polling processes: Questions to put to voter		
55. A person claiming to vote at a polling place for the Norfolk Island Assembly election must state to an election official, as appointed by the Returning Officer, the name under which the person claims to vote, and such other particulars as the official requires for the purpose of checking that name on the authorised copy of the roll.		
56. The election official must check that the name given by the person is on the authorised copy of the roll.		
57. The election official must ask questions to ascertain the following information for each voter before giving the person a ballot-paper: i. The person's full name ii. The person's residential address iii. Whether the person has already voted in this election		
58. A person must not be given a ballot-paper and must not be allowed to vote if: i. the person fails to satisfy the election official of their identity or residential address; or ii. the election official is satisfied the person has indicated they have already voted in this election.		
59. This rule does not prevent a person from voting in the Norfolk Island Assembly election because of errors or omissions in the entry of the person's name or date of birth as appearing on the authorised copy of the roll of voters, if he or she satisfies the election official of his or her identity as the person referred to in the authorised copy of the roll.		
Polling processes: Pre-poll voting		
60. A person is qualified to vote before polling day under this rule if the person is eligible to vote on polling day.		
61. Any enrolled, eligible voter may apply for a pre-poll ballot paper for the election. The application is to be made orally: i. by the voter in person, and ii. to a Pre-Poll Voting Officer at the office of the Returning Officer on Norfolk Island, between the hours of 8am and 6pm, between Monday and Saturday, not more than 14 days before Polling Day.		
64. The voter is to make an oral declaration to a Pre-Poll Voting Officer (appointed by the Returning Officer) stating:		

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i. the name under which the voter claims to vote and such other particulars as the officer requires for the purpose of checking the name on the officer's authorised copy of the roll; and ii. that the voter is entitled to vote at the election; and iii. that the voter has not already voted in connection with the election and will not vote anywhere else in connection with this election.		
65. Questions i. A Pre-Poll Voting Officer, appointed by the Returning Officer, may, and must if requested to do so by any scrutineer, put to the voter who made the application under this section any of the questions set out in paragraph 60.		
66. Ballot paper handed to the voter i. If the voter answers the questions satisfactorily or no questions are to be put to the voter, the Pre-Poll Voting Officer must hand to the voter a ballot-paper that is initialled on the front by the officer.		
67. Record of voting i. The Pre-Poll Voting Officer is to make an appropriate notation on the officer's authorised copy of the roll of voters to show that the voter has received a ballot-paper.		
68. On receiving a pre-poll ballot-paper for the election, the voter is to: i. go alone to an unoccupied space set aside for voting at the pre-poll voting office, and privately record their vote on the ballot-paper; and ii. fold the ballot-paper so as to conceal the vote marked on it, and then put it in the pre-poll ballot-box without unfolding it; and iii. leave the pre-poll voting office. iv. A voter who is vision-impaired, mobility-impaired or literacy-impaired may appoint a person to accompany them to the voting booth to assist them cast their vote.		
69. Pre-poll ballot for the election to be delivered or sent to the Returning Officer or their appointed agent i. A pre-poll ballot-box is to be delivered or sent unopened to the Returning Officer as soon as the ballot-box is no longer required for further voting.		
Polling processes: Ordinary in-person voting		
70. Polling place arrangements		

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i. Assignment of polling place manager: the Returning Officer must appoint an election official to preside at each polling place as polling place manager. ii. Assignment of other election officials to assist: the Returning Officer must assign at least one other election official to assist in taking the poll at a polling place. iii. Returning Officer and polling place manager: if the Returning Officer's instrument of appointment or another instrument authorises them to do so, the Returning Officer may act as the polling place manager at a polling place, in which case the Returning Officer is taken to be a polling place manager duly assigned to preside at the polling place. iv. Assignments to be in writing: assignments under this section must be made in writing. v. Functions of polling place managers and other election officials: the functions of polling place managers and other election officials are to be as determined by - in relation to an election administered by an electoral services provider—the Returning Officer.		
71. Hours of voting i. The voting for the poll is to commence at 8:00 am and close at 6:00 pm on the same day. A person entitled to vote who at the time of closing the poll is within the polling place is to be permitted to vote.		
72. Delivery of election ballot paper to a voter i. An election official appointed by the Returning Officer is to deliver a ballot paper initialled on the front by an election official to each person who is entitled to vote. ii. The election official is to make a notation, in the manner and form specified by the Returning Officer on the official's authorised copy of the roll of voters to show that the voter has received a ballot-paper.		
73. Voting i. After receiving a ballot paper for the election, a voter is to: a. go alone to an unoccupied space set aside for voting at the polling place, and privately record his or her vote there on the ballot paper; and b. fold the ballot paper so as to conceal the vote marked on it, and then put it in the ballot box without unfolding it; and c. leave the polling place.		
Polling processes: Absentee voting		
74. Absentee voting shall be conducted by postal voting.		

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75. A person who applies for a postal vote may vote in-person at a polling place instead of completing the postal vote, provided they only vote once.		
Absentee voting: Qualifications		
76. A person is qualified for an absentee vote for the election if the person is eligible to vote in the election.		
Postal voting: Process		
77. Registration for postal voting shall open when the election is announced and close at 6pm 10 business days prior to the close of polling.		
78. To nominate for postal voting, an enrolled person must apply to the Returning Officer for a declaration envelope and a ballot paper with which to cast a postal vote.		
79. The application— i. may be made orally (including over the telephone) or in writing (including digitally); and ii. must state the address to which the ballot paper and declaration envelope for the elector is to be sent; and iii. may be given to the Returning Officer by any person; and iv. must be received by the Returning Officer no later than [see item 1].		
80. If the above conditions are satisfied, and if the Returning Officer is satisfied that the applicant is an elector, the Returning Officer must provide the applicant with postal voting materials.		
81. The Returning Officer must keep a record of the ballot papers and declaration envelopes posted to electors under this section.		
82. The postal voting materials include: i. a ballot paper and a declaration envelope; and ii. written instructions on how to cast a postal vote.		
83. The declaration must state: i. that the voter is who they say they are, and ii. that they are legitimately enrolled to vote, and iii. that they have not otherwise voted in the election.		
84. The postal voting materials must be accompanied by an unsealed reply-paid post envelope that may be used in Australia, addressed to the returning officer at the Returning Officer's postal address and bearing the words 'Ballot Paper'.		
85. After being given a ballot paper and a declaration envelope, the elector must, before the polling date —		

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i. record a vote on the ballot paper; and ii. fold the ballot paper, put it in the declaration envelope and seal the envelope.		
86. The elector must sign the declaration on the declaration envelope in the presence of a witness, and have the witness sign the envelope.		
87. The elector must put the sealed declaration envelope in the reply-paid post envelope that accompanied the declaration envelope and post or give the envelope to the returning officer.		
88. If an elector does not receive the postal voting materials, or receives them in such a state that they are unusable, the elector may ask the Returning Officer for a replacement ballot paper.		
89. A person may change the method by which they vote, providing they only vote once.		
90. The Returning Officer must examine all returned declaration envelopes to ensure i. The elector is entitled to vote at the election ii. The declaration has been signed and witnessed iii. The envelope was received prior to 6pm on the 14th day after polling day. iv. If these conditions are met, the ballot must be accepted into the poll.		
91. If a postal ballot is accepted, it must be removed from the declaration envelope without unfolding it and be immediately placed into a sealed ballot box.		
92. Record of voting i. The Pre-Poll Voting Officer is to make an appropriate notation on the officer's authorised copy of the roll of voters to show that the voter has voted.		
Declaration of results		
93. A preliminary result for the election shall be announced by the Returning Officer by 9:00 pm on polling day,		
94. The Returning Officer shall declare the result of the election by giving notice of the result in writing.		
95. The Returning Officer declares the result of the election, and will declare the following information in relation to the ballot: i. the total number of persons on the roll of voters; ii. the total number of ballot papers issued;		

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iii. the total number of ballot papers received by the Returning Officer; iv. the total number of ballot papers rejected as informal; v. the total number of attempted multiple voters in the election.		

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Elements for the Electoral Ordinance: Not agreed by all NIGC members

Proposed Model	Department comments and recommendations	IN-PRINCIPLE AGREEMENTS AND COMMENTS
Eligibility to vote		
1. To be eligible to vote an individual must be - Enrolled to vote on Norfolk Island either through the Cth electoral roll or on the NI special roll. To be eligible to enrol on these rolls an individual must be: i. Over 18 years of age; and ii. An Australian Citizen or an individual that was eligible to vote on Norfolk Island immediately prior to abolition of self-government (2015); and iii. Ordinarily resident on Norfolk Island Period of residence to be considered "ordinarily resident": The NIGC has considered 2 options and did not reach consensus on a recommendation. The two options are: • Option 1: have been resident on NI for 1 month • Option 2: have been resident on NI for 6 months	**Departmental comments:** The October 2024 Cabinet decision agreed to the following voter eligibility criteria: • over 18 years of age • enrolled to vote on Norfolk Island ("ordinarily resident" to be defined) • an Australian citizen. ***Ordinarily resident:*** The NIGC Community Representatives strongly recommend a six-month residency requirement for voter eligibility. This is consistent with the original enrolment criteria of the Norfolk Island Act 1979 (the Act) and the Community Representatives argue this time period is important to acquaint voters with local issues. All other jurisdictions use the Commonwealth Electoral Roll, which requires electors to have lived at their address for one month to be enrolled in the relevant division. Applying a six-month residency to voter enrolment criteria will result in unequal voting rights for Australian citizens living on Norfolk Island who have been resident there for less than 6 months. Applying a six-month residency to voter enrolment criteria will also mean Norfolk Island is not able to use the Commonwealth Electoral Roll. In this case, the administrative body of the new Assembly would be responsible for creating and maintaining the Norfolk Island Electoral Roll. Administering a general electoral roll to Australian electoral standards would impose a significant additional resourcing impost on the new Assembly administration. ***Additional voter eligibility*** Per **item 1(ii)** the Community Representatives propose that voter eligibility be extended to a small number of long-term Norfolk Island residents, who would otherwise be ineligible to vote in Norfolk Island elections. Specifically, in 2004, the Act was amended to provide that only Australian citizens could vote in Norfolk Island elections. However, grandfathering provisions were included in the Norfolk Island Amendment Act 2004 to enable anyone currently enrolled on the Norfolk Island electoral roll to remain on the roll. These voters then had their entitlement to vote removed in the 2015 amendments to the Act. The Community Representatives seek to re-enfranchise these residents. The residents primarily affected by the 2015 changes are non-citizens who are long-term residents of Norfolk Island.	**Definition of "ordinarily resident":** ☐**Agreed Option 1 (1 month)** ☐ **Agreed Option 2 (6 months)** ☐ **To discuss** **Extending voter eligibility to long-term resident non-citizens:** ☐**Agreed** ☐ **Not Agreed** ☐ **To discuss**

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Proposed Model	Department comments and recommendations	IN-PRINCIPLE AGREEMENTS AND COMMENTS
	The grandfathering provisions may also have enabled Australian citizens who do not consider themselves to be Australian citizens and are not enrolled on the Commonwealth Electoral Roll to continue to vote in Norfolk Island elections. The Community Representatives submit that extending eligibility to this group of residents who have experienced democratic disenfranchisement since 2015 would be a concession welcomed by the community. We do not consider this group of residents is genuinely experiencing a lack of access to democratic participation. Voting is mandatory for Australian citizens. Those non-citizens who have been resident on Norfolk Island since before 2004 would now likely be eligible for Australian citizenship and therefore enrolment on the Commonwealth Electoral Roll. The extension of voter eligibility for the Norfolk Island Assembly is inconsistent with the Cabinet decision of October 2024. If you are minded to agree to extending voter eligibility to long-term resident non-citizens, you will need to write to the Prime Minister seeking additional policy authority. In this case, the department will draft the appropriate letters. **Departmental recommendations:** We recommend a 1-month residency period apply, consistent with all other Australian jurisdictions. We recommend you do not agree to extending voter eligibility to non-citizens.	
Roll of voters: Creating the roll of voters		
2. There will be a Norfolk Island Electoral Roll/Register – which will document the accepted enrolled voters. The Norfolk Island Electoral Roll will be drawn from the Commonwealth Electoral Roll, if possible. If the Commonwealth Electoral Roll is used, there will be a Norfolk Island Special Electoral Roll, per item 1, listing those eligible voters who are not eligible to enrol on the Commonwealth Electoral Roll.	**Departmental comments:** **Please note:** per **Item 1**, if the voter eligibility criteria are different to the eligibility criteria applying in all other Australian jurisdictions, it will not be possible to use the Commonwealth Electoral Roll for Norfolk Island Assembly elections. The Community Representatives have firmly stated that the Norfolk Island community wishes to manage and maintain its own electoral roll. If a separate Norfolk Island Electoral Roll is required, the administrative body of the new Assembly would be responsible for creating and maintaining this Roll. Administering a general electoral roll to Australian electoral standards would impose a significant additional resourcing impost on the new Assembly administration. In particular, the Assembly administration will need to put in place appropriate systems and protocols to ensure the security and integrity of the Roll. Failure to manage the Roll risks breaching the	**Norfolk Island Electoral Roll to be drawn from the Commonwealth Electoral Roll:** ☐**Agreed** ☐ **Not Agreed** ☐ **To discuss** **Special Norfolk Island Roll:** ☐**Agreed** ☐ **Not Agreed** ☐ **To discuss**

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Proposed Model	Department comments and recommendations	IN-PRINCIPLE AGREEMENTS AND COMMENTS
	Privacy Act 1988 (Cth), which applies to Norfolk Island, as well as undermining the integrity of elections. The department has consulted with the Australian Electoral Commission (AEC). The AEC advises it will be possible to provide an excerpt of the Commonwealth Electoral Roll for Norfolk Island Assembly elections, provided the voter eligibility criteria align. This would be achieved by an arrangement with the Australian Electoral Commissioner by exchange of letters under section 90B of the Commonwealth Electoral Act 1918. Should an extract of the Commonwealth Electoral Roll be used, we may need to write to the Prime Minister requesting a minor policy variation as the Commonwealth Electoral Act allows for British Subjects enrolled prior to 1984 be on the electoral roll, as the October 2024 Cabinet decision only provides for Australian citizens to vote in Norfolk Island Assembly elections. We consider this a minor policy variation s47C s47C s47C The creation of a Special Norfolk Island Roll carries similar requirements to establish appropriate privacy, security and integrity systems and protocols as the Assembly administration managing the Electoral Roll, but on a smaller scale, as similar rolls (eg for non-resident landowners) in other local government jurisdictions are typically created specifically for each election, rather than maintained on an ongoing basis. There would be a cost to the administration to manage the Special Roll, noting this would be lower than the cost of managing a general roll. If you are minded to agree to the creation of a Special Norfolk Island Roll, you will need to write to the Prime Minister seeking additional policy authority to extend voter eligibility to this group of residents. In this case, the department will draft the appropriate letters. **Departmental recommendation:** We recommend that you agree that the Norfolk Island Electoral Roll be drawn from the Commonwealth Electoral Roll. We recommend you do not agree to establishing a Special Norfolk Island Roll.	

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Additional matters:		
Political donations and limits on electoral expenditure	The department proposes to draw on Part 6 of the Queensland Local Government Electoral Act 2011 for provisions to regulate electoral funding and financial disclosure. Relevant matters covered by Division 6 include: • Prohibition on political donations from property developers • Gifts and loans, including public notification obligations The Community Representatives and NIGC Chair have expressed the view regulation of these matters is unnecessary for Norfolk Island, and that if regulation is required, it should be kept as simple as possible. Ms Evans noted that many community members have multiple roles and jobs on Norfolk Island, and any regulation should be easy for potential candidates to navigate, especially in relation to conflict of interest, to avoid it becoming a disincentive to stand for election. The department considers it prudent to implement a framework to manage risks related to political donations and electoral funding, however we recommend a streamlined approach targeted to Norfolk Island's specific needs and focussed primarily on transparency and candidates reporting donations totalling over $500. We further note that as all candidates run as independents in Norfolk Island elections, it will not be necessary to include provisions relating to political parties.	☐**Agreed** ☐ **Please discuss**
Campaign material	The department proposes to draw on Part 9, Division 3 of the Queensland Local Government Electoral Act 2011 for provisions to regulate campaign material. Relevant matters covered by Division 3 include: • Requiring the author of election material be named • Authorisation and distribution of how-to-vote cards • Electoral advertisements • Information intended to mislead electors The Community Representatives and NIGC Chair have expressed the view regulation of these matters is unnecessary for Norfolk Island, and that if regulation is required, it should be kept as simple as possible. The department considers provisions focussing on authorisation requirements would be appropriate. This will provide transparency, allow voters to evaluate the biases and interests behind the messages they receive and discourage the distribution of misleading or false information.	☐**Agreed** ☐ **Please discuss**
Managing bribery and corruption risk	The department proposes to draw on Part 9, Division 2 of the Queensland Local Government Electoral Act 2011 for provisions to manage bribery risk. Division 2 covers: • False or misleading information • Bribery • Assisting illegal payments	☐**Agreed** ☐ **Please discuss**

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	• Improperly influencing electoral officers • Obstructing persons • Obstructing electoral officers • Forged electoral papers • Wilful neglect etc of electoral officers • Confidentiality of information The department notes this may involve setting penalties for prohibited behaviours. The Community Representatives are supportive of implementing measures to manage bribery and corruption risk, including creating election-specific offences. The Norfolk Island Criminal Code includes references to bribery offences, however these may not be sufficient to cover election-specific matters. On this basis, the department considers including some election-specific offences in the Ordinance would be prudent, to cover behaviours such as vote-buying and attempting to influence an election official.	

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