

Norfolk Island Governance Committee

- Consultation Draft –

August 2023

Terms of Reference

The terms of reference for the operation of the Norfolk Island Governance Committee (NIGC) provide:

- A description of the role of the NIGC.
- A prescribed process for determining NIGC membership.
- An agreed charter by which the NIGC will conduct its business and oversight its performance.

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The Norfolk Island Governance Committee (NIGC) establishes a formal mechanism for collaboration, cooperation and communication between the External Territory of Norfolk Island and the Australian Government and the Queensland Government.

Role of the NIGC

The role of the Norfolk Island Governance Committee (NIGC) is to provide decisions, advice and recommendations on the governance of Norfolk Island.

- ⇒ The NIGC's considerations will include the legislative framework and laws applying to Norfolk Island, the delivery of government services, and other governance-related matters of importance to the Norfolk Island community.
- ⇒ The NIGC will work with the Norfolk Island community to deliver a plan, methodology and timeline to modernise Norfolk Island's governance, consistent with the needs and aspirations of its people, and establish:
 - a new governing body with the appropriate legislative authority and financial and administrative capacity to efficiently, effectively and sustainably administer its responsibilities, and
 - a new governance model that is clear, fair and effective, and ensures a secure and genuinely democratic future for Norfolk Island and its people.
- ⇒ The NIGC will oversee and assist Norfolk Island's transition to the new governance model, and facilitate continued collaboration, cooperation and communication between Norfolk Island's new governing body, the Australian Government, and any service-delivery partners on Norfolk Island or in Australia.
- ⇒ The NIGC will recognise the continued heritage, culture and traditions of the island's culturally distinct people and preserve their enduring connections with and to their homeland, its important sites, and surrounding sea.

The role of the NIGC will conclude once the new Norfolk Island governance body is operational and the committee will terminate.

NIGC Membership

The NIGC will be composed of the following members:

- The Norfolk Island Administrator, representing the Australian Government Minister with portfolio responsibility for territories
- A representative from the Australian Government department with responsibility for administering the territories, currently the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)
- A representative from the Queensland Government Department of Premier and Cabinet (Queensland),

- Three elected Norfolk Island community representatives.

NIGC members are expected to:

- Give appropriate consideration to NIGC papers, both in and out of session, attend NIGC meetings and contribute to discussion on matters under consideration in a respectful and constructive manner.
- Work collaboratively with other NIGC members towards achieving consensus positions and equitable solutions.
- Keep abreast of emerging issues that may impact on matters currently before the NIGC.
- Progress action items arising from NIGC meetings according to agreed timeframes and report back to the NIGC on their progress.

NIGC members may proactively propose matters for the NIGC to consider.

If a NIGC member can no longer fulfil their duty on the NIGC, that member may resign by writing to the Chair of the NIGC stating their resignation. In the event of a resignation, the remaining NIGC members will identify a suitable process to fill that vacancy.

Decision making

Decisions, advice and recommendations on matters before the NIGC will be by consensus.

In making its decisions, advice and recommendations, the NIGC will:

- Ensure local Norfolk Island history, knowledge, experience and expertise informs decision-making.
- Learn from outcomes of the past whilst fostering a forward-looking and strategic approach.
- Facilitate appropriate community consultation, and ensure the needs and aspirations of the Norfolk Island community are accurately reflected in the work of the NIGC.
- Seek external input or expertise on specific matters where required.

NIGC will maintain a public register outlining the outcomes and status of the matters it has considered, and will report any differing views in its deliberations if a consensus decision is not reached.

Code of Conduct

NIGC members must **not** conduct themselves in a manner that:

- is likely to bring the NIGC, other NIGC members, or the entities the NIGC members represent into disrepute.
- is unlawful, improper, unethical or constitutes harassment, bullying behaviour or an abuse of power.
- causes, comprises or involves intimidation or verbal abuse.
- involves a failure to disclose a significant conflict of interest, or constitutes the misuse of their position to obtain a private benefit.
- involves the disclosure of confidential information to individuals or entities without the prior approval of the NIGC.

NIGC members who fail to act in accordance with this Code of Conduct may be dismissed from the NIGC by consensus of the other NIGC members.

Meeting arrangements

The NIGC will meet quarterly at a minimum, however additional meetings may be held by consensus agreement of the committee, as needed. Meetings will ordinarily take place on Norfolk Island. However, in appropriate circumstances or where out-of-session meetings are called, NIGC members may be asked to participate via phone or video conference.

Committee members may need to review out of session papers between meetings. Any decisions made out-of-session will be ratified and recorded in the next meeting's minutes.

A quorum will consist of [Requirements for quorum and proxies (if needed) will be settled by the new Committee, once appointed.]

The NIGC Secretariat will confirm each member's availability and, in consultation with the nominated meeting Chair, adjust the timing of meetings as required. However, if a regularly scheduled meeting is postponed, it should be rescheduled to a date within a month of the original time.

Procedures and proceedings

The NIGC Chair will be determined by its members. The members may choose to rotate the role of Chair within the group over a specified time period. The role of the Chair includes:

- Approving the agenda for each meeting.
- Leading the NIGC to set and maintain the direction and priorities of each meeting.
- Leading the meeting through the agenda and ensuring adequate discussion time is provided for each agenda item.
- Approving the NIGC communique before distribution and publication.

Eight weeks before a scheduled meeting, the Chair will seek to confirm the date of the meeting and call for agenda items from NIGC members.

Members may raise specific matters they believe are within the NIGC Terms of Reference for discussion, comment and consideration. Members should also notify the Chair of items of general business at that time.

Where there is insufficient time to discuss an item of general business, whether raised before or at the meeting, consideration will be given to placing it on the agenda of the next meeting or dealing with the matter out of session.

The Secretariat will record the minutes of NIGC meetings. The Secretariat will provide meeting minutes in draft to meeting participants within one week of each meeting for review. NIGC members will be given one week to review the minutes and provide corrections to the relevant Chair who will have the authority to conditionally agree the minutes at that time. Once conditionally agreed, minutes will be distributed to NIGC members.

Minutes will be included in the next meeting for final approval by the NIGC as a standing agenda item.

Meeting papers

The NIGC Chair will circulate the agreed agenda and call for meeting papers from relevant members at least six weeks before each meeting date. If circumstances do not permit this to occur, such as for out-of-session meetings, the NIGC Chair will specify the time frame in which any papers need to be provided to it for circulation to members.

Meeting papers (including the agenda and any other relevant papers) will be provided to all participants at least two weeks prior to the meeting date.

Papers considered in-confidence should not be distributed without prior approval from the Chair and by arrangement with the Secretariat.

Secretariat support

DITRDCA will provide secretariat support for the NIGC. This includes:

- Making logistical arrangements for meetings, including venue hire and providing necessary administrative resources.
- Preparing and distributing agendas and meeting papers in a timely manner, including liaising with relevant external parties and invited guest speakers.
- Making travel arrangements for any invited observers or guest speakers not ordinarily resident on Norfolk Island.
- Preparing and distributing meeting minutes, including actions and decisions, in a timely manner.
- Maintaining records of and reporting on the progress of NIGC decisions, advice and recommendations.
- Preparing a draft communique and distributing the approved communique following each meeting.
- Maintaining a web page for the NIGC on the DITRDCA website.

Observers and other attendees

Observers may be invited to attend the whole meeting, or just in relation to specific agenda items.

The NIGC may invite guests to speak at NIGC meetings, for example to present the findings of a commissioned report or to provide external expertise on a specific subject.

NIGC members should seek agreement from the Chair to invite observers and other attendees.

Guest speakers must declare any conflicts of interest.

Confidentiality

The NIGC and its membership must be transparent in their decision-making processes. However, where information is deemed to be confidential by the NIGC, that information must only be used as is legitimate and necessary for the purpose it is provided and strictly in accordance with these Terms of Reference.

In the case of confidential information arising from one of the government members of the NIGC, members of the NIGC may not disclose that information to individuals or entities outside the NIGC without the express consent of the member whose entity holds or controls the confidential information.

The limitation on disclosure of confidential information does not extend to informing members of staff of the Minister, the Department, or the Queensland Government who need access to the information to undertake work activities necessary to support the functions, proceedings and procedures of the NIGC.

These conditions may be updated from time to time as necessary to accommodate the requirements of the NIGC members' entities.

Conflict of interest

A conflict of interest occurs when there is a conflict between required duties and the personal interests of a member. A conflict may be real or apparent.

Upon acceptance of a position on the NIGC, a member must declare if they, or members of their immediate family, have any material interest, real or apparent, known to them that may conflict with their participation on the NIGC. A Register of members' interests will be maintained by the NIGC secretariat.

At the start of each NIGC meeting, members shall declare if they have an interest in respect to any item on the agenda, the nature of the interest and the conflict that results, or may result, from it.

Where a member declares a conflict of interest, this will be recorded in the minutes of the meeting.

Depending on the nature of the declared conflict of interest and the specific matter under consideration, the Chair may determine that a member can either participate in full or must limit or disqualify themselves from participation on that specific matter.

Reporting

NIGC will maintain a public register outlining the outcomes and status of the matters it has considered, and will report any differing views in its deliberations if a consensus decision is not reached.

Following each meeting, matters discussed by the NIGC will be reported to the Norfolk Island community by communique.

The final standing agenda item for each meeting will be for NIGC members to review and agree upon the content of the communique.

The NIGC Secretariat will then distribute the NIGC communique by placing a copy on the NIGC website and providing copies to local news media.