



23 August 2019

The Department of Infrastructure, Transport,
Cities and Regional Development

By email to: NI_Legislation@infrastructure.gov.au

Dear Sir/Madam

NORFOLK ISLAND REGIONAL COUNCIL ELECTIONS – PROPOSED LEGISLATIVE AMENDMENTS

I refer to my letter of 22 July 2019 (attached) for ease of reference.

Council at its meeting yesterday 21 August 2019 unanimously passed the following resolution (2019/146):

“In response to the community consultation paper released by the Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) around the proposed changes to the election legislation which affects Council elections, Council approves the Mayor to write a submission to the Department on behalf of Council requesting that consideration be given to amending three of their proposals, namely,

Proposal 5 - that the text “impracticable or inconvenient” and “limited set of circumstances” be defined

Proposal 7 – include the ability for those who were eligible to vote in a Norfolk Island Legislative Assembly Election in 2013 and, who meet the ‘residential’ criteria be eligible to enrol to vote in Norfolk Island Regional Council elections and, that the definition of ‘residential’ be defined as resident for 6 months or greater,

Proposal 9 – that reference to NSW residents and legislation be removed and replaced with the appropriate Norfolk Island references;

And further Council agrees the Mayor include the following information in support of the foregoing amendments proposed by Council.

Background

The Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) has released a community consultation paper around the proposed changes to the election legislation which affects Council elections. Of the 16 proposals put forward by the Department of particular interest to Council are proposals five, seven and nine.

- Proposal five seeks to extend the time by which an ordinary election can be delayed.
- Proposal seven defines who is eligible to vote in a Council election and,
- Proposal nine discusses who is eligible for postal votes.

Primarily the amendment to proposal seven will allow more people in our community the ability to enrol to vote.

By way of background: until 2013 eligibility to vote in a Legislative Assembly election was defined in the Legislative Assembly Act 1979 (NI) section 6. Under this section a person was qualified to be entered on to the Norfolk Island electoral roll if at the time of enrolment, they:

- were at least 18 years old
- were an Australian citizen; and
- had been ordinarily resident in Norfolk Island for 6 months immediately before the application.

Criteria 6(1)(b) which required those enrolling to be an Australian citizen was an addition to the legislation in 2004, however, it was not fully enforced. Up until the 2013 Legislative Assembly electoral roll there was, in effect, a 'grandfathered' clause that allowed those who had been ordinarily resident on island for 6 months, regardless of their nationality, the ability to enrol to vote.

It could be seen that the intent of allowing those previously enrolled - who were not Australian citizens - to vote in a Norfolk Island Legislative Assembly election, was to recognise that Norfolk Island had a large multinational population who had resided on the island for a significant amount of time and, who would be disenfranchised by the new criteria which required Australian citizenship to be eligible to vote.

With this background in mind, there is clear precedent to request these same people be entitled to vote in Council elections including that members of the community that were eligible to vote up to 2016, those residents be eligible to vote at future Council elections, including rate payers who are disenfranchised."

Yours sincerely,



Robin Adams JP
Mayor

