Appendix 1

Norfolk Island: The Current Context

“Norfolk Island is a remote, tiny and affluent Australian external territory, possessing a measure of internal self-government” (Malcolm Treadgold: Bounteous Bestowal: The Economic History of Norfolk Island NCDS Pacific Research Monograph 18, 1988)

Norfolk Island lies 1700 kilometres east-north-east of Sydney, 1100 kilometres north-west of Auckland and 800 kilometres south of Noumea. The main island has a coastline of about 32 kilometres and a land mass of about 34.5 square kilometres. About 1700 hectares are freehold, a little over 1000 hectares Crown leasehold, and 750 hectares are designated roads, commons and public reserves.

Two smaller islands, Nepean and Philip, are uninhabited. With steep precipitous cliffs, no secure harbour, and only two small jetties, shipping has always presented some problems. An airstrip was constructed during World War II, and air services were introduced in 1947 but these have sometimes been subject to serious disruption. Until the introduction of air services, distance from major centres and Norfolk Island’s steep cliffs, jagged rocks and limited safe anchorage were (and in some ways still are) major factors limiting economic development.

In October 2000, the population was estimated to consist of 1356 permanent residents (about half of whom were of Pitcairn descent), 600 temporary residents and 744 tourists. Actual numbers vary, as many Norfolk Islanders study or work in Australia and New Zealand, and return to the Island for annual holidays in December/January.
Norfolk Islanders do not pay income tax and the local economy is heavily reliant on tourism related services, with duty-free shopping as an added attraction for visitors. Other commercial activities include livestock production, market gardening, fishing, production of stamps, handcrafts, and small businesses related to maintaining the local internal economy. The Commonwealth Government provides about $3 million in various subsidised services and employs a number of local residents. Additional grants have been provided towards the restoration and maintenance of the Kingston and Arthur’s Vale precinct, Government House and other historic sites. Medicare and Pharmaceutical benefit schemes do not apply to Norfolk Island and residents contribute to a separate health insurance scheme.

The achievement of greater autonomy in legislative and administrative decision-making has continued to be a bone of contention between Norfolk Islanders and the Australian Government. In 1977, a petition to the United Nations, followed by other representations, persuaded the then Australian Minister for Home Affairs to reject a proposal to politically link Norfolk Island to the Australian Capital Territory. Under the Norfolk Island Act 1979, a modified form of internal self-government was enacted, with a Chief Minister and eight other members elected to the Legislative Assembly. The present system of voting is unusual, as each eligible elector has nine votes and is able to cast 4 votes for any one candidate. In 1994, the Society of Descendants of the Pitcairn Settlers, arguing that they were the indigenous people of Norfolk Island, unsuccessfully petitioned the United Nations, demanding self-determination. Although opinions on the Island are divided, political agitation to achieve this end has been a recurrent theme.

Evidence provided to the 1976 Royal Commission on Norfolk Island reflected that there was a wide variety of conflicting Islander opinions, both on the desirability of ‘going it alone’, and how this might be achieved. These divergent approaches have continued to be debated, often with the same passion and determination as that
shown by C.C.R. Nobbs in his battles within the Executive Council, and with Murphy, Hunt and Glynn in the early years of Commonwealth administration. The late Merval Hoare, a long time resident historian, concluded (1999:182) that, ‘in 1998, as Sir John Nimmo noted in 1976, Norfolk society was divisive, with political tension at variance with the island’s peaceful image’. Currently, the debate continues, as Norfolk Islanders try to maintain their special historical and socio-political identity in the South Pacific.


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Appendices
The Fremantle Letter

The Chief Magistrate of the Pitcairn Islanders now resident on Norfolk Island

All arrangements made by the community of Pitcairn Islanders as to the distribution of the land on Norfolk Island are to be subject to the approval of H.E. Sir W. J. Denison Governor General of NSW

The whole of the coast line including the jetties, and the roads now made throughout the Island are to be reserved as public property. The following buildings are also to be retained as belonging to H.M. Government.

The Gaol
The Government House
The Chaplains House

Also 200 acres of cleared land at Stony Ridge for a glebe and 500 acres elsewhere.

The Islanders however are not debarred from making any temporary use of the above mentioned grounds and buildings. They are to understand that they are not allotted as property to any individual.

This is communicated by direction of H.E. the Governor General.

Norfolk Island
June 25 1856

Appendix 3

Governor the EARL of GLASGOW to Mr. CHAMBERLAIN
(Received July 7, 1896)
Auckland, May 26, 1896

Sir,

I yesterday had the honour of receiving your telegram inquiring when you might expect to hear from me relative to the protest made on the advice of my Government by cable, as to the proposed administration of Norfolk Island by New South Wales.

My Government having delayed to follow up their advice by any further communications, pending developments regarding the proposed new Pacific cable, I telegraphed to inform them of the receipt of your cable message, and now I have the honour to give you the purport of their reply.

In amplification of, and in addition to, their previous representations, my Government raise the following objections to the control of Norfolk Island by New South Wales.

In the event of a new Pacific cable being laid on British territory alone, in all probability Norfolk Island would be selected as the station from which a branch cable would be laid to New Zealand.

Under such circumstances, and without desiring in any way to adopt an unfriendly attitude towards a neighbouring Colony, with whom New Zealand has always been on the most friendly terms, my Government have the strongest objection to the junction of the New Zealand branch with the main cable being on territory controlled by any other Colony, even if that Colony be New South Wales.

I am further advised to bring to your notice the agreement which was originally made with the Islanders, that, while their Island was, and
would remain, an integral portion of the Empire, they should enjoy local self-government without interference; also that, as far as my advisers have been able to ascertain, there has not been sufficient ground for the contemplated abrogation of rights and privileges of the Islanders.

Should, however, the Imperial authorities decide that the time has arrived for placing Norfolk Island under more direct control, it is the opinion of my Government that the claims of this Colony to administer Norfolk Island are superior to those of New South Wales. It is true that New South Wales has always exercised a sort of suzerainty or superiority over Norfolk Island, but that arose from the fact that New South Wales was the centre and headquarters of British authority in Australasia in the days when Norfolk Island was first settled, but it did not give that Colony any claim to continue the present shadowy control, nor to convert it into a more effective one, if a better arrangement in the interests of the Island can be effected.

If any change has to be made, it appears to my Government that other circumstances have to be taken into consideration — Norfolk Island is some 300 miles nearer New Zealand than New South Wales — it is a part of the diocese of Melanesia, which is, ecclesiastically speaking, a part of the Province of New Zealand; thus there is a considerable amount of sympathy and community of feeling between Norfolk Island and this Colony, which subscribes liberally to the cost of the Melanesian Mission, and for this and other reasons I am informed that the Bishop of Melanesia, as well as the other Bishops of New Zealand, demur to the Island passing under the Government of New South Wales.

Finally, I am advised that, as far as my ministers can ascertain, if any change is to take place in the government of Norfolk Island, the Islanders, while protesting against any change, would prefer to come under the control of New Zealand rather than that of New South Wales; should the claim of New Zealand be given effect to, the proper arrangements for the administration of the Island, similar to that in the Cook Islands, would at once be made.
My Government therefore begs to suggest that, pending the settlement of the question of laying the Pacific cable at any rate, no change should be made in respect to the control of Norfolk Island.

I have, &c.

GLASGOW

Source: Norfolk Island, Correspondence relating to the Transfer of Norfolk Island to the Government of New South Wales, Presented to Parliament by Command of Her Majesty, February 1897.
Memorandum for His Excellency the Governor

Mr. Reid presents his humble duty to your Excellency, and begs to state, in reply to the Governor’s letter of 9th instant, that he is ready to advance 1000£ [pounds] as therein requested, pending settlement of account on transfer of administration.

The question as to the future government of Norfolk Island has been seriously considered by Ministers, and I beg to acquaint your Excellency with the result of our deliberations.

Whilst ready to assist your Excellency, in fact to be your Excellency’s advisers on all matters of concern respecting the Island, we foresee great difficulties in the way of legislation either by the Governor with our advice, or by the Legislature of the Colony.

We propose, therefore, that the Island should not be annexed formally to New South Wales, and that our services should be administrative only, legislation being conducted as formerly, or in such manner as may seem fit to Her Majesty’s Government.

It should be understood, however, that the Island is, as part of the arrangements secured to New South Wales, or the future federal body, when it is found expedient to ask for its annexation.

This will be a tangible basis for an annual vote out of Colonial Funds towards the expenses of the Island.

I may repeat that our main object in entering upon this matter at all was to meet the wishes and convenience of the Imperial Government,
being fully sensible of the great consideration shown to Colonial requests by the Home Government upon all occasions.

G .H. Reid

The Treasury, N.S.W.,

October 13, 1896.

Source: Norfolk Island — Correspondence relating to the Transfer of Norfolk Island to the Government of New South Wales, 1897, No 14, Enclosure 2.
Appendix 5

Government of Norfolk Island

Refusal of Whaling Companies Nos 3 and 4, to pay rental for occupation of Boat Sheds

The Boat Sheds in question are old stone buildings, which have been roofed and kept in repair by the respective Whaling Companies. They have been in undisturbed occupation for many years & consider that they own them. They are, however, the property of the Crown.

The late Mr Commissioner Alexander Oliver did not consider it necessary to take any evidence with regard to them, as they were not under residential occupation. Pursuant of the recommendations made in the supplementary report of the Deputy Administrator, & the Parliamentary Draftsman, a Board consisting of Messrs F.M. Nobbs, A. Anderson and M.V. Murphy, was appointed to report upon and assess the rentals, where necessary, of all buildings the property of the Crown.

These Boat Sheds were assessed by the Board at the nominal rental of [one pound] per annum, which the Whaling Companies in question decline to pay.

They were officially informed that they would either have to conform with His Excellency’s decision or give up possession by the 20th Aug. last. In the event of non compliance, the Chief Magistrate was directed to authorise Corporal Buffett to take possession in the presence of the Supt. of Constabulary [The notation ‘Deputy
Administrator’ is written on the margin to indicate that he was the source of the authority for this direction]. This was done but Captain Drake verbally informed me that the Companies are still in occupation and Nos 3 and 4 decline to abide by His Excellency’s decision.

M. V. Murphy
Officer in Charge
20/2/07

Source: NAA: A1 1915/16408, ‘Report to the Deputy Administrator, W. Houston from Officer in Charge, M. V. Murphy, 20 February 1907’.
Appendix 6

Commonwealth of Australia Gazette

No. 35.] WEDNESDAY, 17TH JUNE. [1914.

AT THE COURT AT BUCKINGHAM PALACE, The 20th day of March, 1914.

PRESENT:
The King's Most Excellent Majesty.
Lord President Lord Coleridge
Vincent Koolhy Lord Emmett.

WHEREAS by the Australian Waste Lands Act 1855, it was among other things provided that it should be lawful for Her Majesty at any time by Order in Council to separate Norfolk Island from the Colony of Van Diemen's Land and to make such provision for the Government of Norfolk Island as might seem expedient.

And whereas an Order in Council, dated the 27th day of May, 1859, made in pursuance of the said Act, it was ordered and declared that from and after the date of the Proclamation of the Order in New South Wales Norfolk Island should be separated from the said Colony of Van Diemen's Land;

And whereas an Order in Council, dated the 18th day of October, 1900, Her Majesty Queen Victoria was pleased in order that the affairs of Norfolk Island should thenceforth, and until further order should be made in that behalf by Her Majesty, be administered by the Governor for the time being of the State of New South Wales and its Dependencies;

And whereas the Commonwealth of Australia Constitution Act, it is provided that the Parliament of the Commonwealth of Australia may make laws for the government of any territory placed by the King under the authority of and accepted by the Commonwealth;

And whereas the Parliament of the Commonwealth of Australia has passed an Act No. 15 of 1913, entitled "An Act to provide for the acceptance of Norfolk Island as a territory under the authority of the Commonwealth, and for the government thereof";

And whereas it is expedient that the said Order in Council, of 18th of October, 1900, should be revoked, and that Norfolk Island should be placed under the authority of the Commonwealth of Australia:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Australian Waste Lands Act 1855, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

(1) Norfolk Island is hereby placed under the authority of the Commonwealth of Australia.

(2) The said Order in Council of the 18th day of October, 1900, is hereby revoked, but without prejudice to anything lawfully done thereunder.

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Commonwealth of Australia Gazette, 17th June 1914.
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