

## V. Territory

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### **Territory—Australian external territories**

The following is extracted from 1992–1993 *Annual Report* of the Department of Environment, Sport and Territories:

#### **Indian Ocean Territories law reform**

On 1 July 1992 a modern body of law based on that of Western Australia was introduced to the Indian Ocean Territories. This replaced the previous archaic Singapore-based legal regime of the Territories—a regime largely frozen in the 1950s with consequent serious deficiencies in terms of basic human rights, criminal law, family law, environmental law and occupational health and safety.

The Western Australian Government and its agencies are providing substantial assistance with the law reform process. The WA Indian Ocean Territories (Administration of Laws) Act 1992 complements the Commonwealth's Territories Law Reform Act 1992 and provides for the development of service delivery arrangements between the Commonwealth and Western Australia in respect of specific WA agencies. Three arrangements were concluded with WA agencies, during the financial year. The agreement with the Attorney-General of WA, by which the courts of WA received jurisdiction in respect of the Territories on 29 June 1993, is particularly noteworthy.

These service delivery arrangements provide for the delivery of a range of services to the Territories by State agencies, in a manner generally similar to the manner in which the State provides services to communities of comparable size and remoteness in WA.

#### **Christmas Island**

Christmas Island is the rugged summit of an undersea mountain located in the Indian Ocean 2,620 kilometres north-west of Perth and 2,800 kilometres west of Darwin. The island has a population of approximately 1,350.

The Christmas Island Services Corporation and the Christmas Island Assembly were amalgamated to form the Christmas Island Shire Council on 1 July 1992 after Federal Parliament passed the Territories Law Reform Act 1992. The Shire Council operated under the Local Government Act 1960 (WA)(CI).

With the introduction of this legislation the Island for the first time has a fully constituted, representative local government body along Western Australian lines. Members of the former Christmas Island Assembly constituted the Shire Council from 1 July 1992 pending an election on 5 December 1992. Funding for the Shire Council is based on recommendations from the Western Australian Local Government Grants Commission.

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**Cocos (Keeling) Islands**

The Cocos (Keeling) Islands are located in the Indian Ocean, 2,800 kilometres north-west of Perth and 3,700 kilometres west of Darwin. The main atoll contains 26 islands, two of which Home Island and West Island, are inhabited. The population is about 600.

The Western Australian based legal regime was introduced on 1 July 1992 replacing a mixture of outdated Singapore and Australian law.

Extension of the Local Government Act 1960 (WA)(CKI) to Cocos has given the Council responsibilities equivalent to normal mainland local governments, and with access to the full range of mainland grants assistance. The municipal boundaries have been extended to include the entire Territory. All eligible Territory residents can now vote or stand for election to Council, and a new Cocos Council was elected under this process in May 1993.

The Environmental Protection Act 1986 (WA)(CKI) and the Australian Parks and Wildlife Service Regulations were extended to the Territory on 1 July 1992. The Australian Nature Conservation Agency is now in the process of developing management plans for the sensitive marine areas around the Islands.

The protection of endangered species of sea birds on the Islands has been enhanced through the introduction of the Importation of Arms, Ammunition and Explosives Ordinance 1992 to control ammunition supplies in the Territory.

**Norfolk Island**

Norfolk Island is located in the Pacific Ocean about 1,700 kilometres from Sydney and 890 kilometres from Lord Howe Island. At the last census (1991) the ordinarily resident population was 1912.

Norfolk Island is administered under the Norfolk Island Act 1979. The purpose of the Act is to give Norfolk Island the greatest practicable degree of internal self-government, consistent with its constitutional status as an Australian Territory.

Consultation continued on the proposed transfer of further State and local government-type powers to the Norfolk Island Government. In January 1993 the then Portfolio Minister wrote to the Norfolk Island Government in relation to land and environmental matters, indicating that the Commonwealth would be prepared to transfer responsibility for these matters subject to the enactment of appropriate local legislation and on the basis that areas of national significance (such as the Kingston and Arthur's Vale Historic Area) would be excluded from the transfer process.

Legislation providing eligible Norfolk Island residents with an option to vote in Federal elections received Royal Assent on 17 October 1992. Norfolk Islanders who can establish a relevant connection with a State Subdivision can enrol in that Subdivision. Those who cannot establish such a connection, and who wish to vote, are entitled to enrol in the Division of Canberra. For the first time such Norfolk Islanders voted in a Federal election in March 1993.

**Ashmore and Cartier Islands**

Ashmore Reef (comprising Middle, East and West Islands) and Cartier Islands are situated in the Timor Sea on the outer edge of the continental shelf about 800 kilometres west of Darwin and 100 kilometres south of the Indonesian island of

Roti. The small, low, uninhabited islands are composed of coral and sand, with a cover of grass.

The islands have plentiful birdlife, turtles and *beche-de-mer* and traditional Indonesian fishermen visit Territory waters under a 1974 Memorandum of Understanding between Australia and Indonesia. The Australian Nature Conservation Agency manages the Ashmore Reef National Nature Reserve, declared under the National Parks and Wildlife Conservation Act, 1975 in 1983.

The Australian Nature Conservation Agency maintains an Australian presence at Ashmore Reef during the fishing season, from March to November, to protect wildlife and to monitor Indonesian fishing activities.

#### **Coral Sea Islands**

The territory comprises the many small islands spread over a sea area of 780,000 square kilometres east of the Great Barrier Reef. The islands are largely sand and coral, some with grass or scrub cover, but none with permanent fresh water. The area is subject to tropical cyclones, and a number of reefs have automatic weather stations that relay meteorological information to the mainland. Four people staff the meteorological station on Willis Island, the only inhabited island. The Australian Nature Conservation Agency manages the Lihou Reef and Coringa-Herald National Nature Reserves, declared under the National Parks and Wildlife Conservation Act, 1975 in 1982. A Migratory Birds Ordinance is in force in the Territory and gives effect to the Japan-Australia and China-Australia Agreements for the protection of endangered migratory birds.

#### **Territories—Timor Gap—Treaties**

On 31 August 1993 during the second reading speech for the Customs Legislation Amendment Bill, 1993, the Minister for Defence, Senator Ray said (Senate, *Debates*, vol 159 (1993), p 671):

The amendments contained in Clause 5 of the Bill are a response to concerns that the Customs barrier controls (reporting of cargo, passengers and crew) don't presently cover the movement of persons and goods to and from Area A of the Zone of Cooperation (being that area in the Timor Sea in respect of which Australia and Indonesia have agreed to cooperate in the exploration for and exploitation of any petroleum resources). The proposed amendments to the current definition of "place outside Australia" therefore extend Customs barrier controls over movements to and from Area A of the Zone of Cooperation.

#### **Territory—Israel**

On 26 November 1993 the Minister for Foreign Affairs, Senator Evans, issued a news release which read in part:

Senator Evans said that Australia had long recognised Israel's central role in the future stability of the Middle East. Australia had been an unswerving supporter of Israel's right to exist within secure and recognised borders.