

**From:** Norfolk Island Chamber of Commerce, Inc. <norfolkisland.coc@gmail.com>  
**Sent:** Wednesday, 15 January 2025 8:27 PM  
**To:** Legal Services Mailbox; Jeff Pope; **S 22**  
**Subject:** 2025 Australian Federal elections - for urgent attention - Reply Requested  
**Attachments:** Submission to Governance Committee re Preamble 16th September 2024.pdf; Submission to Governance Committee re Preamble ADDENDUM 16th September 2024.pdf; Attachment No. 1 Preamble CEM\_Redacted Sussan Ley.pdf; Attachment No. 1A 2.03a Preamble Attachment Ae CEM.pdf; Attachment No. 1B 2.04 United Nations CEM\_Redacted.pdf; Attachment No. 2 for Chamber submission Preamble NIGC - Sept2024 FINAL.pdf; Attachment No. 3 QV Royal Warrant Dec1856.pdf; Chamber letter to Australian Electoral Commission Jan2025 .pdf

**CAUTION:** This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Australian Electoral Commission,

Attached is a letter for your immediate attention and action.  
Please note a copy of this email has also gone to the Governor-General

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



Disclaimer

This message and the information therein is for the recipient only and may contain confidential and/or legally privileged material. Any review, disclosure, dissemination, re-transmission, copying or other use of, or taking any action in reliance upon this information is prohibited without Chamber Committee approval in writing. If you have received this email in error, please notify Chamber and delete all communication of this transmission including any attachments

**Key Issues Brief**

**2.03 Preamble to the Norfolk Island Act 1979**

**Key Issues**

- In May 2018, the Norfolk Island Mayor, Councillor Robin Adams, publicly stated she will undertake a consultation process with the community and the Australian Government to reinstate the preamble (**Attachment A**) into the Norfolk Island Act 1979 (Cth) (the NI Act) as a means of protecting and enhancing the unique culture, heritage, traditions and environment of the Norfolk Island people.
- The preamble was repealed from the NI Act by the Australian Government in 2015 as it was considered to be a necessary step for cultural inclusion, and disengagement of the Pitcairn stronghold and cultural exclusion that had previously occurred.
- Any revised preamble must be succinct, historically accurate, and inclusive to reflect the multicultural nature of the community of Norfolk Island today.
- When the Hon Dr John McVeigh MP, former Minister for Infrastructure, Regional Development and Cities, met with the Council of Elders, the preamble was raised. He requested that the Council of Elders support the Mayor in working with the Administrator to develop a proposed preamble for broad consultation. The Administrator has advised that the Mayor has held discussions with the Council of Elders.
- You may wish to:
  - seek an update on the Mayor's meeting with the Council of Elders; and
  - advise that the Australian Government is committed to protecting Norfolk Island's culture and heritage, for example:
    - Norf'k is an official language of Norfolk Island and the curriculum at Norfolk Island Central School includes classes in the Norf'k language and culture; and
    - Norfolk Island's public holidays have been maintained.

**Background**

- The NI Act previously contained a preamble that included a statement about the special relationship of Pitcairn Island descendants with Norfolk Island and their desire to preserve their traditions and culture.
- The Advisory Council established to represent the Norfolk Island community before the commencement of NIRC consulted the Norfolk Island community on a proposed new preamble. However, community feedback was divided.
- In February 2016, the Advisory Council recommended to the Hon Paul Fletcher MP, the then Minister for Territories, Local Government and Major Projects, that the matter of a preamble should be further considered by NIRC.

## **DEPARTMENT OF INFRASTRUCTURE, REGIONAL DEVELOPMENT AND CITIES**

### **Sensitivities**

- This issue may be raised by NIRC or members of the community during your visit.

### **Attachments:**

A Preamble





# **Norfolk Island Act 1979**

## **Act No. 25 of 1979 as amended**

This compilation was prepared on 16 March 2004  
taking into account amendments up to Act No. 6 of 2004

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra

## **An Act to provide for the government of Norfolk Island**

WHEREAS by an Act of the Parliament of the United Kingdom, made and passed in the sixth and seventh years of the reign of Her Majesty Queen Victoria intituled "An Act to amend so much of an Act of the last Session, for the Government of New South Wales and Van Diemen's Land, as relates to Norfolk Island," it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to sever Norfolk Island from the Government of New South Wales and to annex it to the Government and Colony of Van Diemen's Land:

AND WHEREAS Her Majesty Queen Victoria, in exercise of the powers vested in Her by the said Act, by a Commission under the Great Seal of the United Kingdom bearing date the twenty-fourth day of October, 1843, appointed that from and after the twenty-ninth day of September, 1844, Norfolk Island should be severed from the Government of New South Wales and annexed to the Government and Colony of Van Diemen's Land:

AND WHEREAS by an Act of the Parliament of the United Kingdom, called the Australian Waste Lands Act 1855, it was, amongst 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 on 8 June 1856 persons who had previously inhabited Pitcairn Island settled on Norfolk Island:

AND WHEREAS by an Order in Council dated the twenty-fourth day of June, 1856, made by Her Majesty in pursuance of the last-mentioned Act, it was ordered and declared, amongst other things, that from and after the date of the proclamation of the Order in New South Wales Norfolk Island should be thereby separated from the said Colony of Van Diemen's Land (now called Tasmania) and that from that date all power, authority, and jurisdiction of the Governor, Legislature, Courts of Justice, and Magistrates of Tasmania over Norfolk Island should cease and

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determine, and that from the said date Norfolk Island should be a distinct and separate Settlement, the affairs of which should until further Order in that behalf by Her Majesty be administered by a Governor to be for that purpose appointed by Her Majesty with the advice and consent of Her Privy Council: and it was thereby further ordered that the Governor and Commander-in-Chief for the time being of the Colony of New South Wales should be, and he thereby was, constituted Governor of Norfolk Island, with the powers and authorities in the said Order mentioned:

AND WHEREAS the said Order in Council was proclaimed in New South Wales on 1 November 1856:

AND WHEREAS by an Order in Council dated the fifteenth day of January, 1897, made in pursuance of the said last-mentioned Act, Her Majesty, after reciting that it was expedient that other provision should be made for the government of Norfolk Island, and that, in prospect of the future annexation of Norfolk Island to the Colony of New South Wales or to any Federal body of which that Colony might thereafter form part, in the meantime the affairs of Norfolk Island should be administered by the Governor of New South Wales as therein provided, was pleased to revoke the said Order in Council of the twenty-fourth day of June, One thousand eight hundred and fifty-six, and to 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 and Commander-in-Chief for the time being of the Colony of New South Wales and its Dependencies:

AND WHEREAS the said Order in Council was published in the New South Wales *Government Gazette* on 19 March 1897, and took effect at that date:

AND WHEREAS by an Order in Council dated the eighteenth day of October, One thousand nine hundred, made in pursuance of the said last mentioned Act, Her Majesty was pleased to revoke the said Order in Council of the fifteenth day of January, One thousand eight hundred and ninety-seven, and to 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:

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AND WHEREAS the said Order in Council was published in the New South Wales *Government Gazette* on 1 January 1901, and took effect at that date:

AND WHEREAS by an Order in Council dated the 30th day of March, 1914, His Majesty King George V, by virtue and in exercise of the power in that behalf by the said last-mentioned Act or otherwise in His Majesty vested, after reciting that the Parliament had 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 that it was 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, was pleased to revoke the said Order in Council of 18th of October, 1900, and to order that Norfolk Island be placed under the authority of the Commonwealth of Australia:

AND WHEREAS the said Order in Council was published in the *Gazette* on 17 June 1914, and took effect from 1 July 1914, being the date of commencement of the *Norfolk Island Act 1913*:

AND WHEREAS Norfolk Island was, by the *Norfolk Island Act 1913*, declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth:

AND WHEREAS Norfolk Island has been governed by the Commonwealth initially under the provisions of the *Norfolk Island Act 1913*, and subsequently under the provisions of the *Norfolk Island Act 1957*:

AND WHEREAS the residents of Norfolk Island include descendants of the settlers from Pitcairn Island:

AND WHEREAS the Parliament recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture:

AND WHEREAS the Parliament considers it to be desirable and to be the wish of the people of Norfolk Island that Norfolk Island achieve, over a period of time, internal self-government as a Territory under the authority of the Commonwealth and, to that end, to provide, among other things, for the establishment of a

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representative Legislative Assembly and of other separate political and administrative institutions on Norfolk Island:

AND WHEREAS the Parliament intends that within a period of 5 years after the coming into operation of this Act consideration will be given to extending the powers conferred by or under this Act on the Legislative Assembly and the other political and administrative institutions of Norfolk Island, and that provision be made in this Act to enable the results of such consideration to be implemented:

BE IT THEREFORE ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

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A preamble usually provides a context for the legislation itself. While it may contain a number of statements of fact or statements of intent (or of “good intentions”), it is not binding in any legal sense. It therefore could not affect the constitutional relationship between the Commonwealth and a self-governing Territory such as Norfolk Island.

**Key Issues Brief**

**2.04 Petition to the United Nations (UN)**

**Key Issues**

- In April 2016, Geoffrey Robertson QC, acting on behalf of the Norfolk Island People for Democracy (NIPD), submitted a petition to the Chair of the UN General Assembly's Fourth Committee (the Special Political and Decolonisation Committee) requesting Norfolk Island be inscribed on the UN's list of non-self-governing territories.
- The UN list of non-self-governing territories identifies territories that the UN General Assembly deems to be "non-self-governing" and subject to a decolonisation process.
- The UN has not scheduled time to consider the petition.
- Advice from the Attorney-General's Department is that Norfolk Island does not meet the UN's criteria for inscription as a non-self-governing territory.
- People from Norfolk Island have previously petitioned the UN for recognition as a non-self-governing territory (in 1977 and 1994) without success.
- On 8 June 2018, the Council of Elders announced in the *Norfolk Islander* newspaper that it has contracted 'Expert Advisory Services' to carry out a Self-Governance Assessment of Norfolk Island and to draft a UN General Assembly resolution to expedite the review of their petition. This work was expected to be completed by the end of August 2018 but the Department has not had any information to indicate this has occurred.

**Background:**

NIPD

- NIPD was established in June 2015 with the aim of having Norfolk Island inscribed on the UN's list of non-self-governing territories.
- It is difficult to gauge the true level of support for NIPD on Norfolk Island. The group claim to have over 1,000 supporters (likely to include visitors to the Island) and to be representing the majority of views. NIPD's fundraising methods and affiliations, however, have been the subject of some concern and scrutiny in public forums.

Process for Inscription

- The UN General Assembly must approve any addition of a territory to the list of non-self-governing territories. This can follow a recommendation made by the Special Committee on Decolonisation (also known as the Committee of 24, or C24) which monitors and reviews the list of non-self-governing territories.
- Alternatively, a draft resolution may be proposed before the UN General Assembly by a Member State. NIPD would need to obtain the sponsorship of a Member State to the UN to put forward the draft resolution to the UN General Assembly plenary.

## **DEPARTMENT OF INFRASTRUCTURE, REGIONAL DEVELOPMENT AND CITIES**

- Passage of the resolution would rely on the support of a simple majority of UN Member States present and voting. This would likely require extensive lobbying by NIPD and the sponsoring Member State. The Department of Infrastructure, Regional Development and Cities (the Department) is aware of lobbying by NIPD in New Zealand and the UK.

**Sensitivities:** If none just note ‘Nil’

- Since June 2016, NIPD has been staging a sit-in protest at the Old Military Barracks. The protest presents a risk to the heritage values of the site.
- The Department is also aware of an alleged complaint lodged by Mr Albert Buffett, President of the Council of Elders, to the UN’s Human Rights Committee claiming the Australian Government has breached its international human rights obligations.
- The Australian Government has received no official notification about this complaint from the UN. If a complaint is made Australia will generally have six months, from notification, to respond.

**Attachments:** Nil



Letter

19<sup>th</sup> May 1856.

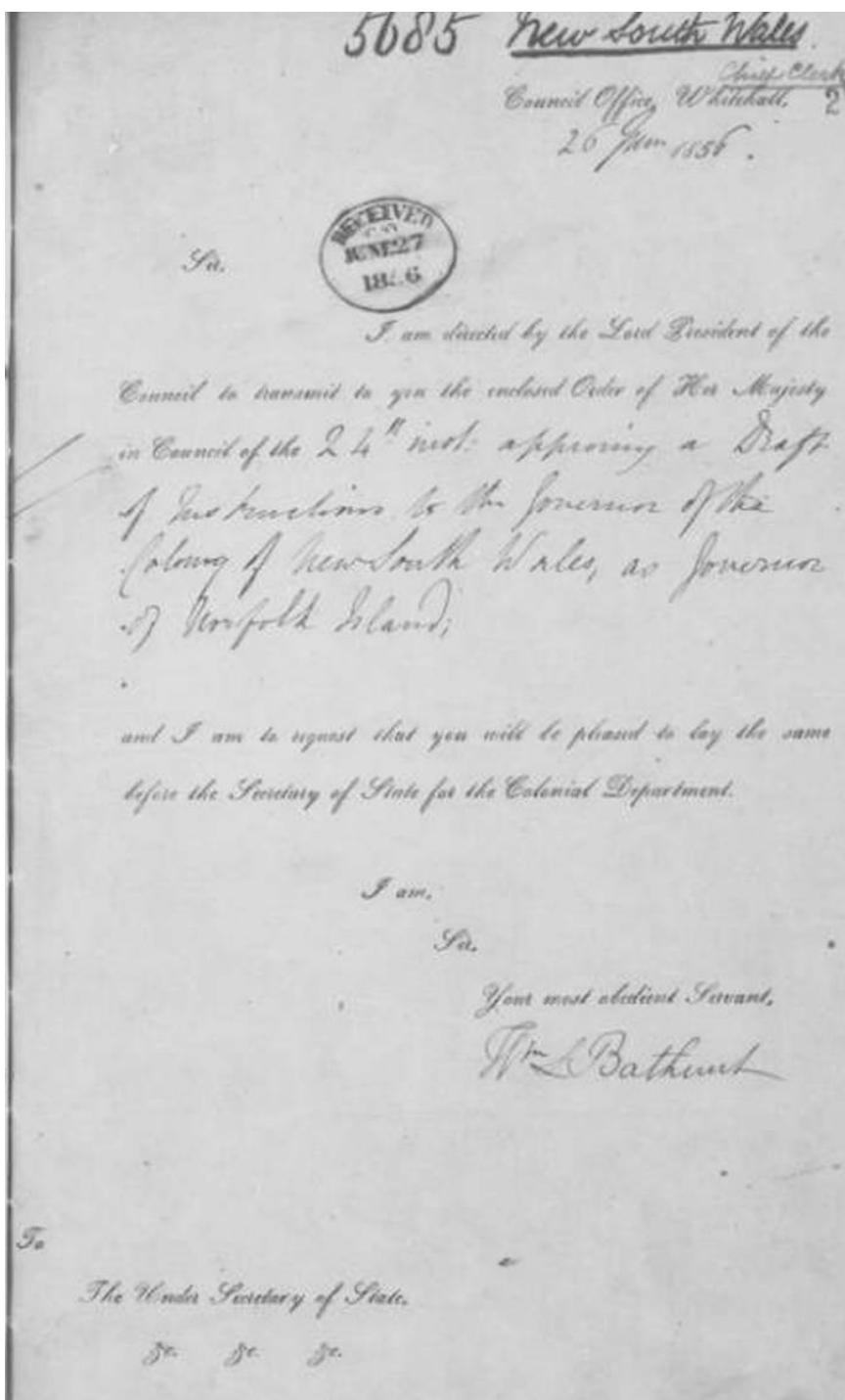
Giving Seal  
19<sup>th</sup> May 1856

My Lords.

The Queen having been  
pleased in the exercise of the  
powers vested in her Majesty  
by Parliament, to signify her  
intention to separate the Island  
called Norfolk Island from the  
Colony of Van Diemen's Land"  
now called Tasmania, &  
to make provision for the  
Government of that Island, it  
will be necessary to provide  
a seal for the use of that  
Government. It is accordingly  
to request that your Lordships  
will cause the device of a  
seal to be submitted for the approval  
of Her Majesty in Council.

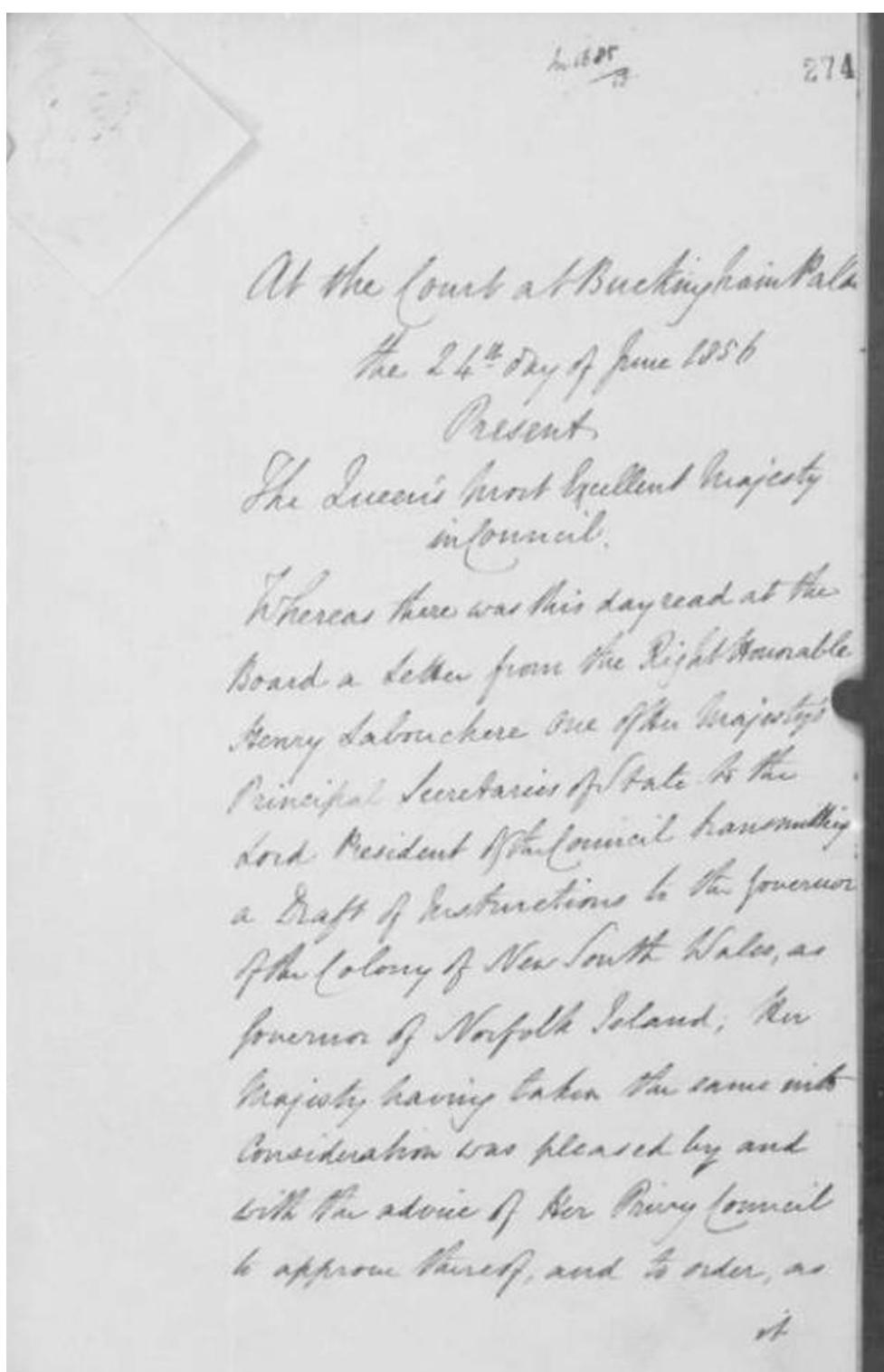
Yours the honored  
W<sup>m</sup> H<sup>r</sup> President of the Council (P) W<sup>m</sup> G<sup>r</sup> Brownlow

Letter for Order to draft Instructions



24<sup>th</sup> June 1856

--- Letter, Instructions with Royal Seal top left



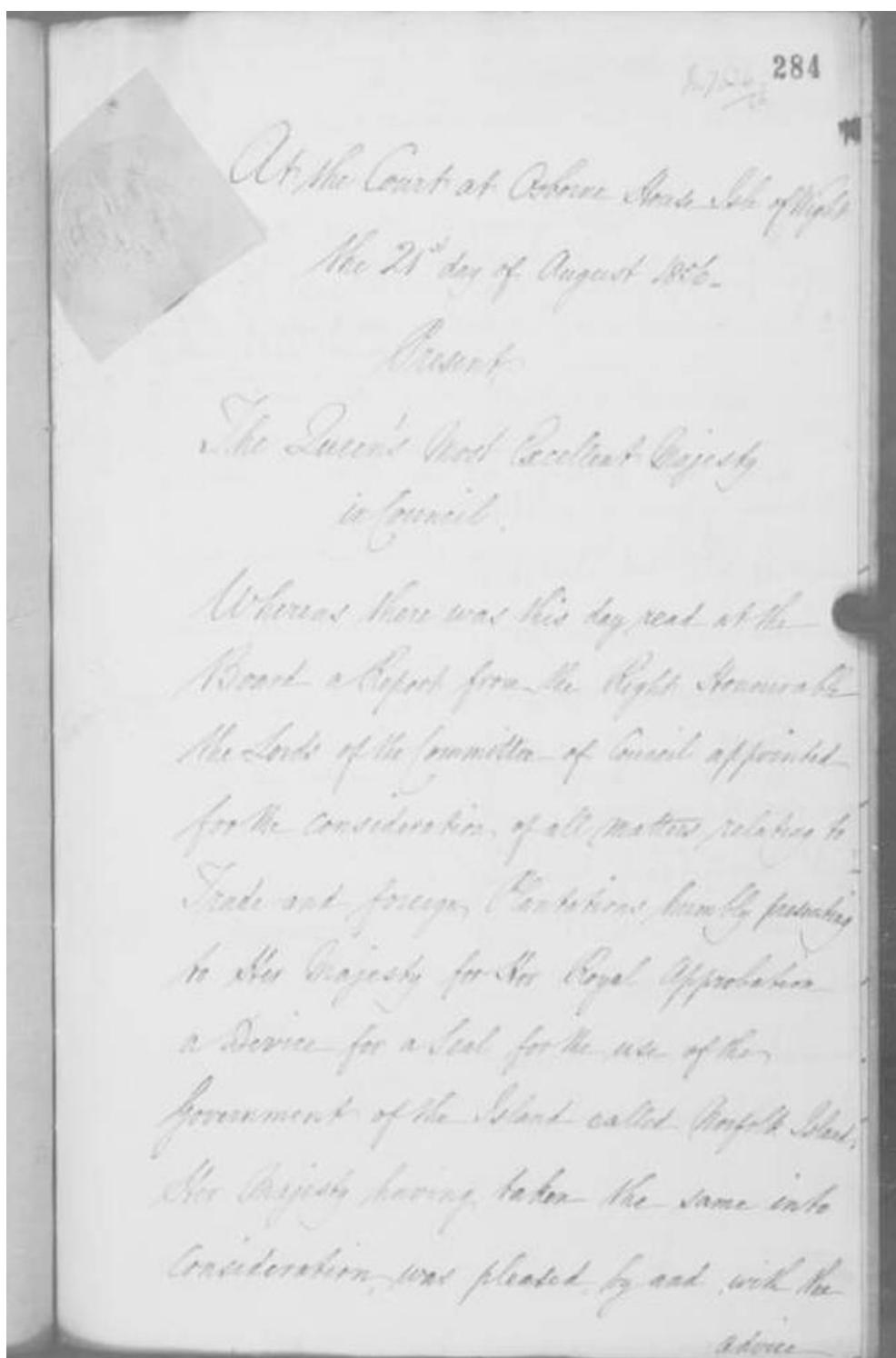
it is hereby ordered, that the Right  
Honorable Henry Labouchere, one  
of Her Majestys Principal Secretaries  
of State do prepare the said Instructions  
(which are hereto annexed) for  
Her Majestys Royal Signature.

- R. L. Bathurst

August 1856

Trade and Foreign Affairs

Seal at attached top left corner



advice of Her Privy Council to approve thereof,  
and Her Majesty doth hereby order that Her  
Majesty's Chief Engraver of Seals do forthwith  
engrave a Seal according to the said Device  
(which is hereunto annexed) and lay the same  
before Her Majesty at this Board; And that  
the Right Honourable Henry Labouchere,  
One of Her Majesty's Principal Secretaries  
of State, do cause a Warrant to be prepared  
for Her Majesty's Royal Signature to the  
said Engraver for that purpose.

Grenville

At the Court of Wards  
the 5th day of November 1855  
Received  
The Queen's Most Excellent Majesty  
in Council

A Seal for the use of the Government  
of Norfolk Island having been  
the day laid before Her Majesty  
in Council, Her Majesty was  
pleased to approve thereof and  
to order as it is hereby inscribed  
that the Right Honourable George  
Robinson late Duke of Bedford  
Principal Secretary of State  
be cause a Warrant to be  
prepared for Her Majesty's Royal  
Signature for transmitting  
the

the said Seal to the Governor  
of Her Majesty's Island of  
Norfolk and Empowering him  
to use the same within his  
Government.

J. W. Bathurst

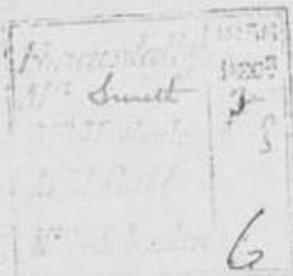
XXXXXXXXXXXXXXXXXXXX

5 Dec 56

Antar

285

Warrant authorizing the use of  
the Public Seal for the Colony of  
Norfolk Island.



W.M.

Lester

To Our Lusty and  
Wellbeloved the Governor  
of Our Island called  
Norfolk Island.

Greeting. With  
this you will receive  
a Seal prepared by  
Our Order for the  
use of Our Island  
called Norfolk Island.

Our Will and Pleasure

is

is, and We do hereby  
authorize and direct,  
that the <sup>said</sup> Seal be  
used in Sealing all  
Public Instruments  
which shall be  
made and passed  
in Our name, and  
for Our service, in  
Our said Island  
and so we bid  
you farewell

Given at Our  
Court at Osborne House  
Isle of Wight this 5<sup>th</sup> day of Dec  
1856 in the 20<sup>th</sup> year of Our  
Reign. By His Command  
W. Labouchere

10875 New South Wales 236

Council Office, Whitehall  
1 Dec. 1856. Chief Clerk

Sir.



I am directed by the Lord President of the Council to transmit to you the enclosed Order of Her Majesty in Council of the 28<sup>th</sup> ult: approving a Seal for the use of the Government of Norfolk Island, together with such Seal;

and I am to request that you will be pleased to lay the same before the Secretary of State for the Colonial Department.

I am,

Sir.

Your most obedient Servt,

W<sup>m</sup> L Bathurst

To R. Mervinale Esq.  
The Under Secretary of State.

Sc. Sc. Sc.

Council Office 10575 Adwaters (Norfolk Is.)

290

Norfolk Island No 2. ✓ / 6 Dec 56  
Sir Willm Denison KCB

Smith 3  
3  
6

Sir.

W.M.

I have the honor  
to transmit to you,  
herewith, the Public  
Seal of Norfolk Island.  
I also transmit to you  
a Warrant under the  
Queen's Sign Manual  
authorizing and  
directing you to use  
this Seal in the  
Sealing

Sealing of all Public  
Instruments which  
shall be issued in  
Her Majesty's name  
within that Island

I have sc

Govt of Williamson

6 Oct 1836

No 2

li

Serial No. 2 - June 1837

Circum-

10873

copy

of European

Notes

of Circular

I have the honor to transmit to you herewith the Public Seal of Norfolk Island. I also transmit to you a warrant under the Queen's Sign Manual authorizing and directing you to use this seal in the sealing of all public Instruments which shall be issued in Her Majesty's name within that Island.

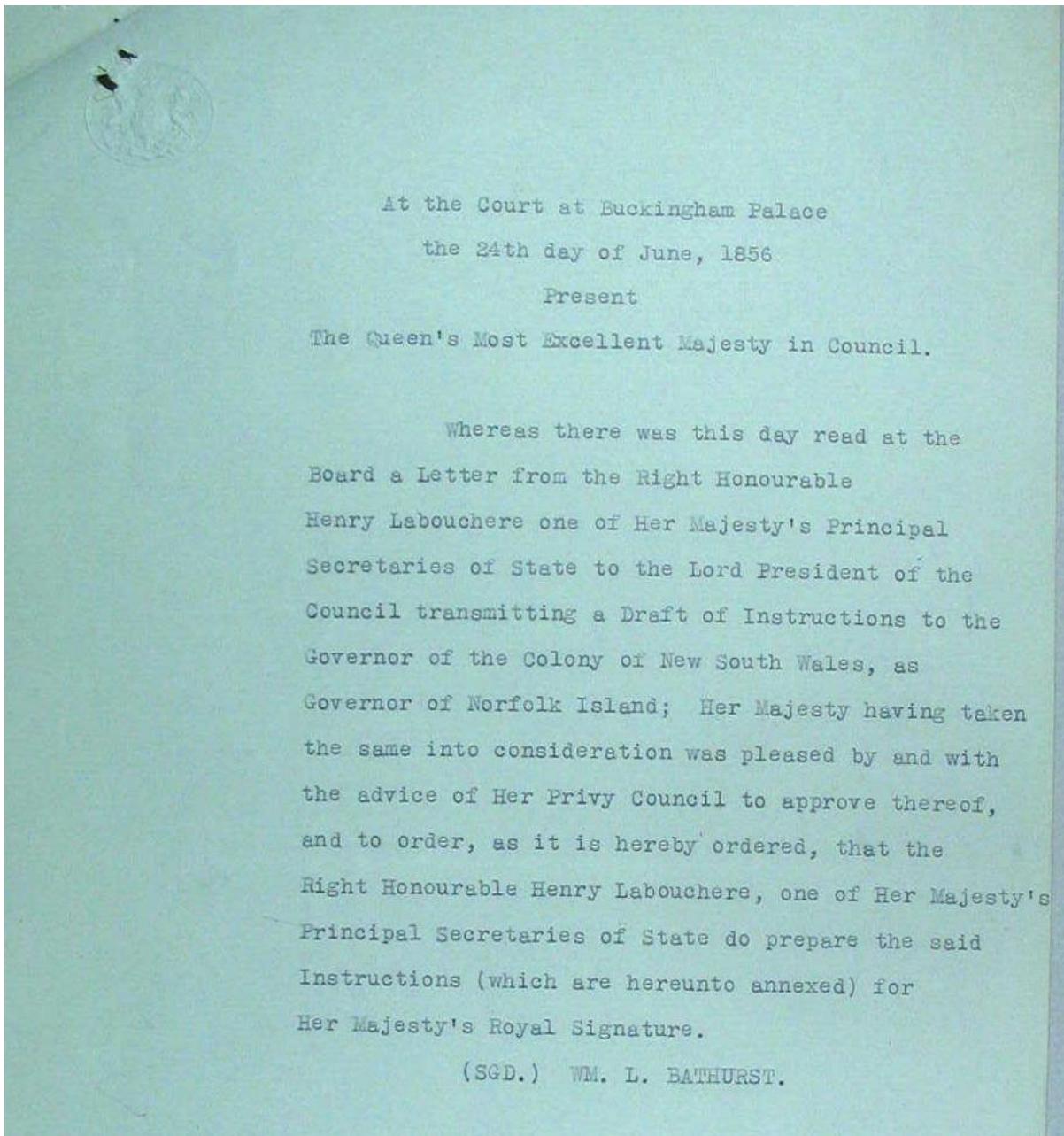
W. Q. at N. I.

Norfolk Island.

Name	Colony	Description	Date	Subject	No.
Denison Capt. G.	Norfolk Island }	Governor	1866 24 June	Instructions. 29	
			5 Decr.	Seal Warrant	31
Wyon Benj:	Norfolk Island	Chief Engraver,	1856 3 Sept.	To prepare a Seal	30

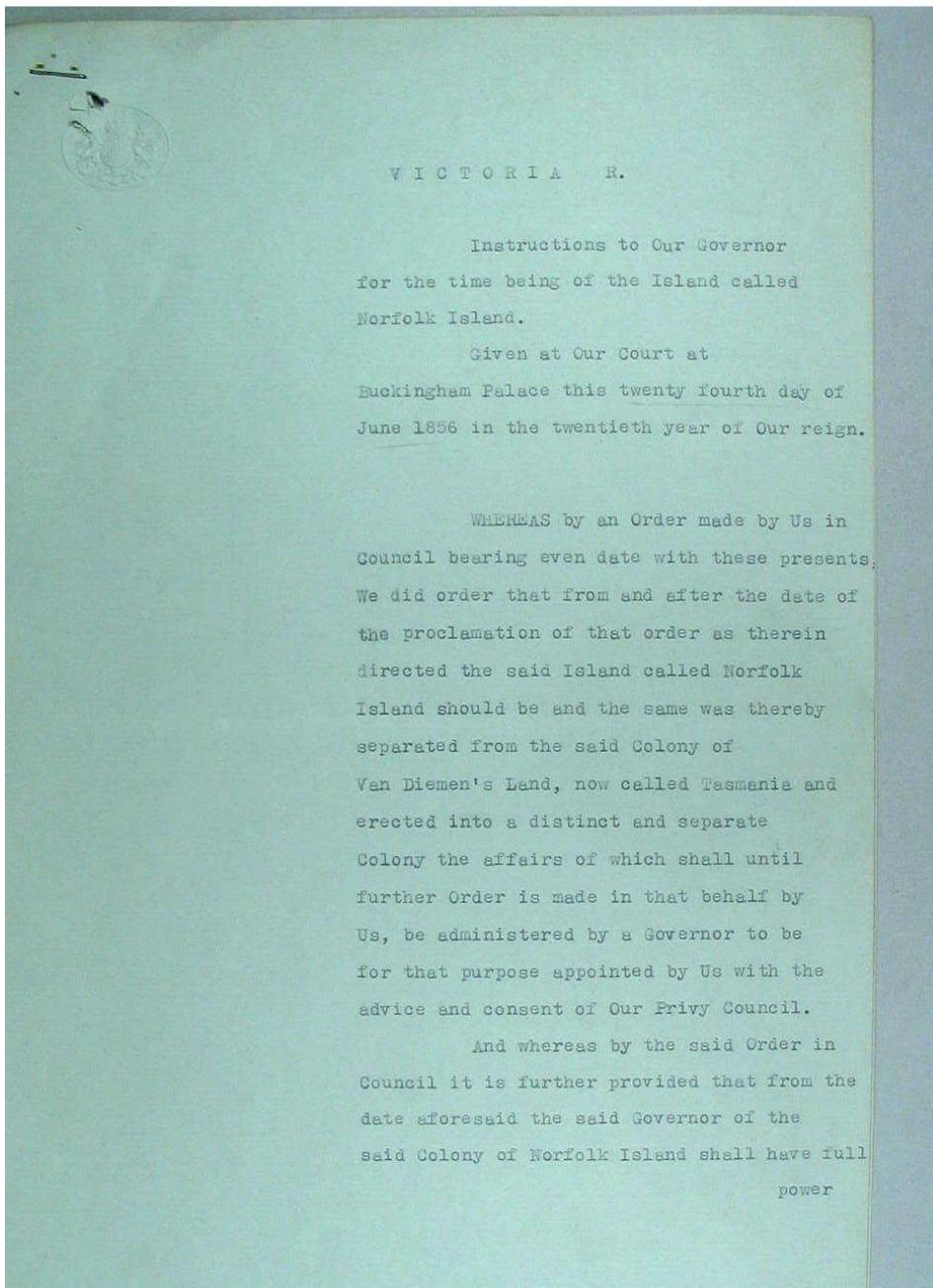
Following found in  
Australian government documentation files

May be hard to see --- a SEAL at top left of the document



Maybe hard to see -a SEAL at top left corner of the document

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power and authority to make laws for the order, peace and good government of the said Island, subject nevertheless to such rules and regulations as We at any time by instruction or instructions with the advice of Our Privy Council under Our Sign Manual and Signet may think fit to prescribe in that behalf.

Now We do hereby declare the following to be the Rules and Regulations so mentioned and referred to in the said Order in Council.

In framing such Laws as aforesaid, you are to observe, as nearly as the circumstances will admit, the rules laid down by our instructions under Our Sign Manual and Signet addressed to you from time to time as Governor of New South Wales.

And whereas the Inhabitants of the said Island are chiefly Emigrants from Pitcairn's Island in the Pacific Ocean who have been established in Norfolk Island under our authority and who have been accustomed in the territory from which they have removed to govern themselves by laws and usages adapted to their own state of society, you are as far as practicable and as far as may be consistent with the regulation next

preceding

SEAL at top left of document

preceding to preserve such Laws and usages and to adapt the authority vested in you by the said recited Order in Council, to their preservation and maintenance.

And Whereas you are further authorised by the said recited Order in Council to make grants of waste land in the said Island in Our name and on our behalf subject nevertheless to such rules and regulations as aforesaid. Now we do hereby further enjoin you to exercise the authority so vested in you as far as you may find it practicable in conformity with such laws and usages as aforesaid which you may find established among the inhabitants in question in relation to the possession, use, and enjoyment of Land.

And we do further direct that in all matters within your competency in relation to the government of Norfolk Island and not specially provided for in these Our present Instructions, you do govern yourself by Our Instructions addressed to you as Governor of New South Wales, as far as the same may be applicable to the subject.

Order of Her Majesty 24 June 1856

At the Court at Buckingham Palace

the 24th day of June, 1856.

Present

The Queen's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Letter from the Right Honourable Henry Labouchere one of Her Majesty's Principal Secretaries of State to the Lord President of the Council transmitting a Draft of Instructions to the Governor of the Colony of New South Wales, as Governor of Norfolk Island; Her Majesty having taken the same into consideration was pleased by and with the advice of Her Privy Council to approve thereof, and to order, as it is hereby ordered, that the Right Honourable Henry Labouchere, one of Her Majesty's Principal Secretaries of State do prepare the said Instructions (which are hereunto annexed) for Her Majesty's Royal Signature.

(SGD) WM. L. BATHURST.

COPY.

Council Office,

Whitehall,

26th June, 1856.

Sir,

I am directed by the Lord President of the Council to transmit to you the enclosed Order of Her Majesty in Council of the 24th instant approving a Draft of Instructions to the Governor of the Colony of New South Wales, as Governor of Norfolk Island; and I am to request that you will be pleased to lay the same before the Secretary of State for the Colonial Department.

I am,

Sir,

Your most obedient Servant,

(SGD) WM. L. BATHURST.

To

The Under Secretary of State,  
etc., etc., etc.,

Int. 429/1/41

19th May, 1938.

MEMORANDUM FOR:-

The Secretary,  
Prime Minister's Department,  
CANBERRA, F.C.T.

With reference to your memorandum, No.613/1/231, of the 16th March last, regarding the transfer of the Pitcairn Islanders to Norfolk Island in 1856, I have received from the Dominions Office, and enclose, a printed document issued by Her Majesty's Stationery Office in 1857 and entitled "Further Papers on the subject of Removal of Inhabitants of Pitcairn's Island to Norfolk Island, Part II.

It will be observed that number one of the papers included in this document is a copy of a despatch to the then Governor of Norfolk Island (Sir William Denison) enclosing the Order in Council separating Norfolk Island from the Colony of Tasmania and also Her late Majesty Queen Victoria's Instructions for the guidance of the Governor in administering the affairs of Norfolk Island. The latter Instructions are not reproduced in the print and a copy has therefore been made, by the Dominions Office, from the original records in the Public Record Office, and is enclosed.

These Instructions are clearly issued under the signature and seal of Queen Victoria, but it is not possible from the records available to establish whether the document bore the signature or initials of the Right Honourable Henry Labouchere, M.P. who was at that time Secretary of State for the Colonies. There is enclosed, however, a copy of a letter, dated 26th June 1856, which the Lord President of the Council sent to the Under Secretary of State and to which was attached the Order in Council approving the Draft of the Instructions referred to above. It will be noticed that this Draft is stated to have been transmitted under cover of a letter from the Right Honourable Henry Labouchere one of Her Majesty's Principal Secretaries of State.

for OFFICIAL SECRETARY.

JRH/JO

16th March, 1938.  
61371/231.

R8001/14

MEMORANDUM for -

The Official Secretary  
in Great Britain.

Requests have been made to this Department for copies of a document in relation to the transfer of the Pitcairn Islanders to Norfolk Island in 1856, which is described as follows :

"Instructions of Establishment of the people of Pitcairn Island in Norfolk Island issued in the year 1856 under the seal of Her Majesty Queen Victoria and witnessed by Henry Labouchere one of the principal Secretaries of State."

There is no information in this Department concerning any such document, and I shall be glad if you would be good enough to cause inquiries to be made of the appropriate Department of His Majesty's Government in the United Kingdom as to whether there is any record of a document of the foregoing description having been issued. If so, I shall be glad if you will kindly obtain and forward a copy to me.

(J.R. Halligan)  
for Secretary.

JRH/JO

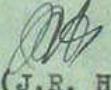
16th March, 1938.  
613/1/231.

Dear Sirs,

I desire to refer to your letter of 21st February, RMM, in which you intimate that you are endeavouring to obtain a copy of the Instructions of Establishment of the people of Pitcairn Island in Norfolk Island, issued in the year 1856 under the seal of Her Majesty Queen Victoria and witnessed by Henry Labouchere, one of the principal Secretaries of State.

There is no information in this Department concerning such a document and it is regretted that it is not possible to advise you where a copy of the document can be obtained.

Yours faithfully,

  
(J.R. Halligan)  
for Secretary.



Melbourne,

18th February, 1914.

The Right Honourable

The Secretary of State for the Colonies.

De-Code:-

Government of the Commonwealth of Australia will be  
glad if you can arrange for passing Order-in-Council which will be  
necessary to transfer Norfolk Island to Commonwealth as soon as possible

Dated: 13 June 1913

Note: Imperial Legislation is necessary for both annexation and administration  
can be vested in the Commonwealth Government.



Copy.

NEW SOUTH WALES.

CONFIDENTIAL.

DOWNING STREET,

13 June, 1913.

Sir,

I have the honour to acknowledge the receipt of your confidential despatch of the 25th of April with regard to the position of Norfolk Island.

2. In reply I have to inform you that in considering the treaty position of the Island I have not overlooked the fact that it does not form a part of Australia, but as indeed you recognise, it is necessary that the treaty relations of Norfolk Island should be in harmony with the wishes of the Commonwealth Government.

3. As regards the question of the transfer of Norfolk Island to the Commonwealth, I may explain that I discussed the question with Mr. Fisher the Prime Minister of the Commonwealth during the Imperial Conference of 1911, and that I am not prepared to concur in any transfer taking place unless the Commonwealth is prepared to accord free trade to Norfolk Island.

4. In dealing with the question of transfer you will no doubt bear in mind that imperial legislation is necessary, as indicated in Mr. Chamberlain's despatch of the 27th January, 1897, before the Island can be annexed to the Commonwealth or the administration can be vested in the Commonwealth Government.

5. I have sent a copy of this despatch to the Governor-General.

GOVERNOR

I have, &c.  
(SD) L. MARCOURT.

SIR GERALD STRICKLAND, G.C.M.G.,

&c. &c. &c.



## COMMONWEALTH OF AUSTRALIA

GOVERNOR-GENERAL'S OFFICE

Melbourne, 15th August, 1913.

MEMORANDUM FROM  
THE GOVERNOR-GENERAL  
TO THE PRIME MINISTER.

CONFIDENTIAL.

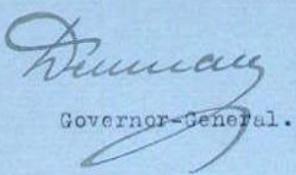
1 P.M.  
18 AUG 1913

With reference to the telegram despatched to the Secretary of State for the Colonies on the 8th instant, respecting Norfolk Island, the Governor-General would be glad to be furnished, for communication to the Secretary of State, with the views of his Ministers on the points raised in Mr. Harcourt's despatch, confidential, of the 13th June last.

+ 13/11444  
with  
Attorney Gen

The Governor-General desires to mention that in a cablegram which he has received from the Secretary of State it is pointed out that Imperial legislation will be necessary before the transfer of the Island can be effected. It would appear, however, from the earlier correspondence that it was proposed to issue an Order-in-Council, and not to pass an Imperial Act.

The Governor-General would be glad to be enabled to despatch to Mr. Harcourt by the next out-going mail copies of the Bill.

  
Governor-General.

## Hansard

### Norfolk Island Bill 1913

"Mr FENTON:

Maribyrnong

– I understand that Norfolk Island was previously under the Government of New South Wales, and I desire to know whether I am correct in assuming that that Government has practically said in effect to the Commonwealth, " We do not desire to control this island any longer, and we shall be glad if you will take it over.

Mr Groom:

– The New South Wales Government is acquiescing in our taking it over, so that there will be no difficulty in that regard."

Misinformation! -

Norfolk Island was "never" under the Government of NSW!

Nor did the NSW Government ever play a role in "administering" Norfolk Island...

The Norfolk Island Order in Council of 1900 confirms this.

1. The affairs of Norfolk Island shall henceforth and until further Order is 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.

The title "the Governor" shall include the Officer for the time being administering the Government of New South Wales.

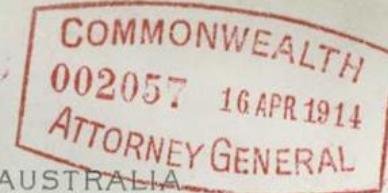
2. The Governor shall keep and use the public Seal of Norfolk Island for sealing all things that shall pass the said Seal.

No involvement or administering power was ever given to "the Government" of NSW!....only the appointed British Governor of the State of NSW.

These mistakes should NEVER happen when peoples lives are at the hands of those making decisions!

Mc.

COMMONWEALTH OF AUSTRALIA



DEPARTMENT OF EXTERNAL AFFAIRS

Melbourne, 15th April, 1914.

IN REPLY  
PLEASE QUOTE

NO. 14/5751.

The Secretary,

Attorney-General's Department.

I attach copy of the laws of Norfolk Island and invite attention to Section 3 of the Proclamation on page 7661.

2. The Department is asked to advise whether it is permissible for aliens to hold freehold lands in the Island. I see nothing in any of the particular laws referring to the matter and assume, therefore, that under the Section mentioned the common law would prevail. I understand the effect of that law to be that aliens cannot hold freehold.

3. I shall be glad to be informed whether that impression is correct.

*W. Knowles*

*A. Lee Hunt.*

Secretary.

14/7321

EXTERNAL AFFAIRS.

14/7321  
DEPARTMENT OF EXTERNAL AFFAIRS

Melbourne, 15th May, 1914.

Dear Mr. D'Abaza,

With regard to your recent enquiry regarding land in Norfolk Island, the Attorney-General's Department now advises that only British subjects may obtain the freehold of land in the Island.

With kind regards,

Yours faithfully,

Sgd. ATLEE HUNT

A. N. D'Abaza Esq.,  
Consul-General for Russia,  
526 Collins Street,  
MELBOURNE.

~~Historical~~

To Our Trusty and  
Wellbeloved the Governor  
of Our Island called  
Norfolk Island greeting  
With this you will receive  
a Seal prepared by Our  
Order for the use of Our  
Island called Norfolk  
Island. Our Will and

Warrant authorizing the use  
of the public Seal for the  
Colony of Norfolk Island

pleasure is, and We do  
hereby authorize and  
direct, that the said  
Seal be used in sealing  
all public Instruments  
which shall be made  
and passed in Our name  
and for Our Service, in  
Our said Island And  
so We bid you fare  
well Given at Our so  
Court at Osborne House,  
Isle of Wight, this Fifth  
day of December 1856 in  
the Twentieth year of  
Our Reign.

By Her Majesty's Command  
Whitwick

*for a*

To Our Trusty and  
Wellbeloved the Governor  
of Our Island called  
Norfolk Island greeting  
With this you will receive  
a Seal prepared by Our  
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Isle of Wight, this Fifthe  
day of December 1856 in  
the Twentytith year of  
Our Reign.

By Her Majesty's Command  
Whitaker



# Norfolk Island Chamber of Commerce

## For immediate attention

Mr Jeff Pope  
Acting Electoral Commissioner  
Australian Electoral Commission  
Australia

### Australian Elections 2025

Dear Acting Commissioner,

Members of the Norfolk Island Chamber of Commerce (Chamber) have requested the Chamber Committee to communicate with you in relation to the Commonwealth of Australia Federal Elections scheduled to be held in 2025.

It is extremely important for the Australian Elections Commission to understand, accept and acknowledge publicly that indigenous Norfolk Islanders (born on Norfolk Island) **are not** Australia citizens and that under law, including international law the Commonwealth of Australia has no authority, claim, or administration rights on Norfolk Island, its land, air and sea. The Australian Government also has no “control” over the indigenous Norfolk Islanders, especially those who are descendants of the Pitcairn Settlers living on Norfolk Island.

For some evidence of what is stated above we refer you all to the attachments.

The Chamber Committee also recommends you read freedom of information statements from the Governor-General's office, Attorney-General's office, Australia Post, Fair Works Commission and many from the Department of Infrastructure, Transport, Regional Development, Communication and the Arts as well as other departments of the Australian Government, where you will see that the Commonwealth of Australia has no authority, even in an administrative role over Norfolk Island and Norfolk Islanders since 1901.

If the Australian Government insists on including indigenous Norfolk Islanders (those living on Norfolk Island) in the Australian Government elections, then the Australian

Government is in breach of its own Commonwealth of Australia Constitution and breaking its own laws and acting unlawfully and illegally in international law.

The Chamber Committee brings to your attention the following which was placed in public domain in December 2024.

[Open letter to media editors](#)

**At Last: A brief explanation of the Truth - Norfolk Island**

Just on 3 years we commenced the journey with the aim of finding out the truth of what Norfolk Island's true legal and lawful status is since our ancestors arrived on Norfolk Island 8 June 1856. Along the way we have had some help from a few people, and we thank you all for that. We have ignored the negative comments, the threats and pushed through to eventually put together what we have found - **the TRUTH**.

**Her Majesty Queen Victoria's Imperial Wastelands Act 1855**

- This Act was for the purpose of settling 'unsettled' Imperial Crown land
- It was under this Act that allowed Queen Victoria's Agreement through the 1856 Order in Council to separate Norfolk Island into a distinct and separate Colony within the British Empire for the Pitcairn Settlers and their descendants.

In May 1856 Queen Victoria commenced arrangements for a Royal Seal and the Order 24 June 1856, was also for "Trade and Foreign Affairs" to be "made use of within the said Government". Then December 1856 the Royal Warrant was signed by Queen Victoria. All those were used to 'settle' the Crown waste land of Norfolk Island in 1856. The Governor of New South Wales as Governor of Norfolk Island "for the time being" disappears completely.

The relocation of the Pitcairn Islanders to Norfolk Island was a result of a direct Agreement between Queen Victoria and the people of Pitcairn's Island. This Agreement carried legal, lawful and moral significance, recognising the Pitcairn Islander's autonomy, rights and self-governance under the protection of the Imperial Crown.

There is so much more to this Truth and in the new year it will be explained and how it links in a positive way for the United Nations complaint and what action needs to commence immediately. ·

**Albert always used to say “start from 1855” -- thanks Al.**

No-one can change the Truth - and that Truth now must be adhered to for the memory of our ancestors, for the sake of the descendants of the Pitcairn Settlers and the future generation and Norfolk Islanders.

There is more on this to come in 2025.

In the meantime, we are more than happy to talk to anyone who is willing to listen and understand and accept the Truth.

Norfolk Island’s legal status must be reviewed and restored to reflect the protections established under the Imperial 1855 Act. The breaches committed - both legal and moral- demand accountability and reaffirmation of the Norfolk Islanders rights.

The people of Norfolk Island (Pitcairn Settlers) were promised self-governance and autonomy under the Imperial Crown’s protection. It is time for that promise to be honoured.

May 2025 be the year of lawful restoration - and may God be with all Ucklun.  
Catherine McCoy and Cherri Buffett,  
Descendants of the Pitcairn Settlers. · 28th December 2024

The Chamber Committee awaits a reply from the Australian Electoral Commission before 31<sup>st</sup> January 2025.

Sincerely,

*Norfolk Island Chamber of Commerce Committee*

Norfolk Island Chamber of Commerce

Disclaimer\_

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If you have received this email in error, please notify Chamber and delete all communication of this transmission including any attachments



# Norfolk Island Chamber of Commerce

Open Submmission:

## Submission to the Norfolk Island Governance Committee

### **“Proposed Preamble”**

A preamble (introductory statement) to any document should be legally correct and show the truth of the history it is referring to.

The Norfolk Island Chamber of Commerce (Chamber) Committee believes an answer must be given to an initial question of:-

**Is this *proposed preamble* to be included with a statute?**

If so, which statute?

And, the Chamber is of the opinion that the *proposed preamble* then has a legal status meaning and it is vitally important to ensure the truth is told within that *proposed preamble*.

Can and will the Norfolk Island Governance Committee and the Commonwealth of Australia confirm in writing that all the information within the *proposed preamble* are true and correct records of history?

If not, then **until** all that information is confirmed and evidence is provided to Norfolk Islanders and, especially to the descendants of the Pitcairn Settlers (many who are Chamber members) then that *proposed preamble*, or any preamble should not and cannot be used.

Can the Australian Government state categorically that they are committed to a new preamble that has only the evidence of truth of Norfolk Island, and Norfolk Islander's history since 1850s?

Questions have already been asked for the true facts of Norfolk Island's history from the 1850s to be provided to the Norfolk Island people by the Australian Government, but neither the Australian Government nor the Norfolk Island Governance Committee have had the courtesy to do so. That is unacceptable and leads to Norfolk Islanders and other people believing that the Australian Government is possibly hiding something – perhaps the truth.

It is also a person's human rights to have and live by and with the truth:

The United Nations states:

*Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.*

<https://www.un.org/en/global-issues/human-rights#:~:text=Human%20rights%20are%20rights%20inherent,education%20and%20many%20more.>

Apart from adhering to the Australian Constitution, it is the Australian Government's moral duty to provide the legitimacy of history, especially after what was stated in the documentations for the then Minister responsible for Norfolk Island, Senator Ley and in which her brief refers to the then Preamble and the history of the descendants of the Pitcairn Settlers

(Refer: attachments No. 1, 1A, 1B).

Australia is a constitutional monarchy.

For the Commonwealth of Australia (Australian Government) to ignore, and/or change the history of Norfolk Island is unlawful and just as important, it is disrespectful and an insult to the memory of Her Majesty Queen Victoria, to the Monarchy itself, to the descendants of the Pitcairn Settlers and to Norfolk Islanders.

The following reference to evidence should also be included in this *proposed preamble*.

(Refer attachment No. 2).

These copied extracts are from public documents obtained through research.

- i. 19<sup>th</sup> May 1856 - Establishment of the Norfolk Island Seal to be used by the Norfolk Island Government.
- ii. 8<sup>th</sup> June 1856 – the Pitcairn Settlers arrived and took possession (ownership) of Norfolk Island, and from that day governed themselves with their own Constitution, laws and government.
- iii. 24<sup>th</sup> June 1856 – An **order** of Her Majesty Queen Victoria ([refer to typed copy attachment No. 2](#))
- iv. 24<sup>th</sup> June 1856 - Her Majesty Queen Victoria's **Instructions**. The handwritten document has a Royal Seal stamp at the top left.
- v. 5<sup>th</sup> December 1856 - Her Majesty Queen Victoria's Royal Warrant for Norfolk Island. ([Refer: attachment No. 3](#))

The Chamber provides the following information for consideration by the Norfolk Island Governance Committee and which must assist with bringing about ensuring the truth is placed in the *proposed preamble*:-:

- a) A typed document entitled Order In Council, dated 24<sup>th</sup> June 1856 ([Refer: attachment No. 4](#))
  - This document does not have Her Majesty Queen Victoria's Seal.
  - A handwritten document is in #9, Quality Row, Norfolk Island but again there is no Royal Seal on the document, it also says "copy". What is it a Copy of?
  - Where is the handwritten document (as referred to here), and written like the **Instructions** mentioned above ([point no. iv](#)) of the Order in Council dated **24<sup>th</sup> June 1856 with Her Majesty Queen Victoria's approval and Royal Seal?**
- b) In printed papers "*Further Papers, Removal of Inhabitants of Pitcairn's Island to Norfolk Island*" there is the same typed information as referred to in a) above.
- c) That document in b) above is linked to a despatch from Hon. H. Labouchere, MP (London) to Governor Sir W. Denison (NSW) dated 27<sup>th</sup> June 1856. Also included in that same despatch is the wording:-

*“transmit to you Her Majesty’s **Instructions**, under the Royal Sign Manual and Signet, for the guidance of your conduct in administering the affairs of Norfolk Island”.*

Those ‘**Instructions**’ are not included in the printed copies mentioned in **b)** above. Why not?

The Chamber states that until all the correct and truthful information regarding Her Majesty Queen Victoria’s decisions and instructions are provided to the public (which includes Chamber members) then no further action can be taken about a *proposed preamble*.

The reasons are because the 24<sup>th</sup> June 1856 Order in Council is referred to in:-

- The Order in Council 15<sup>th</sup> January 1897
- The Order in Council 30<sup>th</sup> March 1914
- The Norfolk Island Act No. 15 of 1913 – Commonwealth of Australia, and therefore in all other acts following on from the 1913 Act.
- The Norfolk Island Act 1979

Turning now to the Commonwealth of Australia (Australian Government) *Norfolk Island Act No. 15 of 1913* which is mentioned in the *proposed preamble*, the Chamber makes the following comments:

- Firstly, in letters dated 1913 from the British Government (Downing Street) to Australian Government it states that **Imperial Legislation is necessary “before the island [Norfolk Island] can be annexed to the Commonwealth or the administration can be vested in the Commonwealth Government”**.  
*(Refer: copy of letters - Attachment no. 2)*

#### **Where is that British legislation?**

- Secondly, The Commonwealth Federal Parliament enacted the 16<sup>th</sup> statute - *Pacific Island Labourers Act 1901*. Up until 1970s when the Australian Government ended the ‘White Australia Policy’, indigenous Norfolk Islanders were not wanted in Australia.

- The Commonwealth Parliament enacted the *Norfolk Island Acceptance Act 1913* (Commonwealth of Australia) assented to by the then Governor General of Australia on 19<sup>th</sup> December 1913 (Act No. 15 of 1913).
- For the enactment of that 1913 legislation the Commonwealth of Australia (Australian Government) relied upon section 122 of the Commonwealth of Australia Constitution.
- Section 3 of the 1913 acceptance legislation declares Norfolk Island to be accepted by the Commonwealth of Australia as a ‘territory under the authority of the Commonwealth by the name of Norfolk Island’.
- It is important to note and accept that ‘declaration’ had no legal force in 1913.
- Section 122 Government of Territories of the Australian Constitution:
  - The Parliament may make laws for the government of any territory surrendered by any State in and accepted by the Commonwealth, or of any territory **placed by the Queen** under the authority of and **accepted by the Commonwealth**, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.”
  - The proper process for section 122 is that:
    - Norfolk Island to be “**placed**” offered
    - The Commonwealth of Australia to have then “**accepted**” the offer.
    - This is not the process the Commonwealth of Australia did.
    - Therefore, the Commonwealth of Australia has overstepped its authority in terms of its possession by any constitutional power of Norfolk Island through making an acceptance law based on section 122 of the Australian Federal Constitution.
    - That 1913 legislation is invalid in law.
- It is also important to accept that the Australian Government 1913 legislation (as referred to herein) does not mention any other Australian Government Constitutional basis upon which Australia may have relied upon to enact the 1913 legislation. For example: telecommunications, postal (section 51(v), defence (section 51(vi),
- In fact, section 51 of the Australian Constitution has no mention whatsoever in the 1913 legislation for Norfolk Island and was not relied upon by the Australian Government in 1913 for the purported Australian enactment for Norfolk Island.

- The *Fugitive Offenders Act 1881* - Imperial Order in Council No. 1031 of 1925 identifies Papua and Norfolk Island still being a British Crown possession.
- The Chamber is certain His Majesty the King as well as the Imperial Privy Council would not have made such a major legal blunder to refer to Norfolk Island as a British Possession, (as mentioned above) and also it to be placed under the authority of the Commonwealth of Australia as the Australian government now contends ownership, control of Norfolk Island as transferred in 1914.
- The Norfolk Island Act 1979 preamble has the supposedly legal history of Norfolk Island, governing under the authority of the Commonwealth of Australia, and noting the role of the Pitcairn Settlers for the settlement of Norfolk Island on 8 June 1856.
- But from 2015 to the present day, it is obvious the Commonwealth of Australia has become determined to remove from Norfolk Island's history and also legislative records the history of the Pitcairn Settlers / Norfolk Islanders as well as the legal and lawful truth that:

**Norfolk Island is a distinct and separate Colony**

as by acts of the British Parliament.

“An Act to amend so much of an Act of the last Session for the Government of New South Wales and Van Diemen’s Land as relates to Norfolk Island”

“An Act to repeal the Acts of Parliament now in force respecting the disposal of Waste Lands of the Crown in Her Majesty’s Australian Colonies and to make other provisions in lieu thereof”

It is obvious today, as it was in 1920s when discussions were held between British Government officials with the then Prime Minister of Australia that the Commonwealth of Australia (Australian Government) did **NOT** receive any ownership or legal title to Norfolk Island at any time from 1914 onwards and the position and policy is that Norfolk Island remains a distinct and separate colony as given by Her Majesty Queen Victoria in 1856.

***Norfolk Island Chamber of Commerce Committee***

**Email:** s 47F [REDACTED]

17<sup>th</sup> September 2024



# Norfolk Island Chamber of Commerce

Open Submmission:

## ADDENDUM to Submission to the Norfolk Island Governance Committee

### “Proposed Preamble”

In 1914 for the first time in the Commonwealth of Australia Federal Parliament there was a Double Dissolution.

1914—the deadlock was broken by the Government losing its majority in the House as a result of the double dissolution election. The legislation was not reintroduced.

[https://www.aph.gov.au/about\\_parliament/house\\_of\\_representatives/powers\\_practice\\_and\\_procedure/00 - infosheets/infosheet\\_18 - double\\_dissolution](https://www.aph.gov.au/about_parliament/house_of_representatives/powers_practice_and_procedure/00 - infosheets/infosheet_18 - double_dissolution)

Australian Government documents show that this process commenced in June 1914,  
“At a private interview with the Governor-General on the 2<sup>nd</sup> June [1914] the Prime Minister (Mr Cook) speaking for his Government, made a general statement, and submitted three memoranda setting out the reasons why the Cabinet considered the double dissolution should be granted.”

and then

“on 30<sup>th</sup> July 1914, for the first time in the history of the Commonwealth, the Governor-General exercised the power vested in him under section 57 of the Constitution and dissolved simultaneously both Houses of the Federal Parliament.”

**That situation and the following must be considered for not only the 1<sup>st</sup> July 1914 proclamation in association with the Norfolk Island Act 1913 but also the legal and lawful authority that the Commonwealth of Australia claims over Norfolk Island.**

The Australian Associated Chambers of Commerce in February 1913 requested the Governor-General to transmit to the Secretary of State (S/S) protesting against the Commonwealth Navigation Bill receiving assent.

The Governor-General was advised by the Commonwealth Attorney-General  
“That His Excellency was under no duty to forward the message and that for constitutional reasons Ministers were opposed to its being forwarded by the Governor-General.”

In a dispatch ‘secret’ July 1913 the case was referred to the S/S.

The ruling given was

“every British subject has the right of appeal to H.M., and that while there is nothing in Royal Instructions which requires a Governor-General to forward message of this nature to the Colonial office, *Colonial office Regulations* Nos 212 and 215 laid down that it was the duty of a Governor to transmit to the S/S all petitions to the Throne and all messages addressed to S/S for the Colonies or H.M’s Government.”

Did all the petitions from Norfolk Island residents get sent to Her /His Majesty?

**Norfolk Islanders and descendants of the Pitcairn Settlers are British subjects**

**Norfolk Island is a distinct and separate Colony**

**Norfolk Island Chamber of Commerce Committee**

**Email:** s 47F [REDACTED]

17<sup>th</sup> September 2024

**From:** Legal Services Mailbox  
**To:** s 47F [REDACTED]  
**Cc:** Legal Services Mailbox  
**Subject:** FW: AEC - Norfolk Island [SEC=OFFICIAL]  
**Date:** Tuesday, 26 March 2024 5:31:29 PM

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Dear Ms Buffett

I acknowledge receipt of your email below and advise the AEC has nothing further to add to my earlier correspondence of 15 February 2024. We do not intend to engage further on the constitutional issues you have raised.

Kind regards

**Andrew Johnson**  
Chief Legal Officer  
Legal Services Branch  
Australian Electoral Commission

---

**From:** C B <s 47F [REDACTED]>  
**Sent:** Thursday, March 21, 2024 7:58 AM  
**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>  
**Cc:** Robyn Black <[Robyn.Black@aec.gov.au](mailto:Robyn.Black@aec.gov.au)>; Section 22 [REDACTED] Kath Gleeson <[Kath.Gleeson@aec.gov.au](mailto:Kath.Gleeson@aec.gov.au)>; Tom Rogers <[Tom.Rogers@aec.gov.au](mailto:Tom.Rogers@aec.gov.au)>; [geoff.pope@aec.gov.au](mailto:geoff.pope@aec.gov.au); Michael Lynch <[Michael.Lynch@aec.gov.au](mailto:Michael.Lynch@aec.gov.au)>; Thomas Ryan <[Thomas.Ryan@aec.gov.au](mailto:Thomas.Ryan@aec.gov.au)>; s 22 [REDACTED] s 22 [REDACTED]  
**Subject:** Fwd: FW: AEC - Norfolk Island [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Andrew

Reference your email and attached document. I provide you with **just a snippet** of evidence that Norf'k Ailen (also known as Norfolk Island) is not part of the Commonwealth of Australia and the Australian Government has no authority to administer or have control of the aliens land, sea and air, including the EEZ

These quotes below are from Australian Government documents.

So I would suggest the Australian Electoral Commission take a serious look at the illegal and unlawful actions they are doing in relation to Norf'k Ailen.

Example No. 1 Australian Hansard 1901 New South Wales Government

Example No. 2

## Commonwealth of Australian Constitution Act **Section 122**

### **Government of territories.**

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory **placed** by the Queen under the authority of and **accepted** by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

#### **Example No. 3**

#### **Example No. 4**

The lawful exercise of Section 122 of the Australian Constitutional law making power for territories by the Australian federal parliament required the following essential elements:

- (a) That *Norfolk Island* had **already been "PLACED"** under the authority of the Commonwealth by the Sovereign
- (b) Then the Commonwealth of Australia (**prior to the making of any territories law for Norfolk Island**) **"ACCEPTED"** the placement of Norfolk Island by the Crown
- (c) That the law being made be for the peace order and good government of a territory seems to be left unstated by the Constitution and seems largely over the years to have been left in the hands of the lawmakers and bureaucracy unless challenged in the courts by a person or persons with proper legal standing to bring such a challenge.

This never happened.

#### **Example No. 5**

The *Australia Act 1986 (Commonwealth)* was enacted into law and signed by Her Majesty 1988.

<https://www.legislation.gov.au/Details/C2004A03181>

That *Australia Act 1986 (Commonwealth)* now prevents His Majesty the King from making any new Order in Council or seeking the making by the British Imperial Parliament of any new Imperial law formally transferring outright ownership of Norfolk Island to the Commonwealth of Australia.

#### **Example No. 6**

**Norf'k Ailen is 29.0408° S, 167.9547° E**

**THE FOLLOWING SHOWS HOW NORF'K AILEN HAS NEVER BEEN PART OF STATE OF NEW SOUTH WALES AND THEREFORE CANNOT BE PART OF THE COMMONWEALTH OF AUSTRALIA**

**New South Wales Consolidated Acts**

**CONSTITUTION ACT 1902 - SECT 4**

**Application of Act**

**4 APPLICATION OF ACT**

**For the purposes of this Act, the boundaries of New South Wales shall comprise all that portion of Australia lying between the one hundred and twenty-ninth and one hundred and fifty-fourth degrees of east longitude, reckoning from the meridian of Greenwich and northward of the fortieth degree of south latitude, including all the islands adjacent in the Pacific Ocean within the latitude aforesaid, and also including Lord Howe Island, save and except the territories comprised within the boundaries of South Australia, Victoria, and Queensland, as at present established.**

**CONSTITUTION ACT 1902 - SECT 5**

**General legislative powers**

**5 GENERAL LEGISLATIVE POWERS**

**The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace, welfare, and good government of New South Wales in all cases whatsoever--  
Provided that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax or impost, shall originate in the Legislative Assembly.**

**Example No. 7**

**Unlawful and Illegal action by the Commonwealth of Australia / Australian Government and New South Wales Government and now the Queensland Government.**

**The Local Government Act 1993 NSW DOES NOT include Norf'k Ailen.**

**There are NO references to Norf'k Ailen in the Act or the Regulations.**

**The only reference is from a FOI to the Ordinance from the Governor-General where the Local Government Act empowered only via the Ordinance.**

**There are no references to the ordinance in the Local Government Act, as such, the**

**Parliament of New South Wales HAS NOT given approval for Norf'k Ailen to be included within the territorial boundaries of New South Wales.**

**Section 4 of the Local Government Act binds the Crown in the right of New South Wales BUT DOES NOT include Norf'k Ailen as in the right of New South Wales.**

**Norf'k Ailen has never been part of the State of New South Wales since 1856.**

**Example No. 8**

"This request of information concerns Commonwealth of Australian law and the alteration to the administration of land in Norfolk Island, by transfer instruments.

We request the instrument of transfer from the United Kingdom, the Monarch or any entity to the Commonwealth of Australia providing a power of interest in lands situated on Norfolk Island.

We request the power within the Constitution providing administration over the lands of Norfolk Island beyond the limited power of section 122 to write laws for the Government of a Territory.

We request the 'original claim of right' the Commonwealth of Australia assumes to have acquired prior to, or after the Great Seal of Norfolk Island granted by Queen Victoria to the Pitcairn people upon settlement of Norfolk Island of the grant of the waste lands of the Crown in right of Norfolk Island established 1856.

Additionally we request the information of the enumerated head of power within the Australian Constitution that the Commonwealth of Australia relies upon to transfer the lands of Norfolk Island

**GOVERNOR GENERAL'S ANSWER**

**DECISION**

**THE OFFICE HAS BEEN UNABLE TO IDENTIFY ANY DOCUMENTS WITHIN THE SCOPE OF YOUR REQUEST.**

**ACCORDINGLY, I ADVISE THAT I MUST REJECT YOUR REQUEST UNDER SECTION 24A OF THE FOI ACT ON THE BASIS THAT THE DOCUMENT(S) SOUGHT CANNOT BE FOUND, DO NOT EXIST OR HAVE NOT BEEN RECEIVED.**

**Example No. 9**

**IF EXTRA TERRITORIAL POWER did not come until 1942 with the adoption of the STATUTE OF WESTMINSTER ----- then how was the Norfolk Island Act 1913 created?**

**--- lies and more lies by the Commonwealth of Australia that Norf'k Ailen belongs to Australia and they are allowed to "control".**

**Norf'k Ailen is an independent sovereign Nation as granted by Queen Victoria in 1856.**

**Statute of Westminster Adoption Act 1942**

### **3 Power of Parliament of Dominion to legislate extra-territorially**

**It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.**

**Section 9 of the Statute of Westminster provides an estoppel for the Commonwealth of Australia to write local government laws...**

### **9 Saving with respect to States of Australia**

**(1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.**

**Section 10 of the Statute of Westminster says ..... the above sections only apply if adopted, they were adopted so they do apply... the Commonwealth of Australia shot itself in the foot by this adoption in regard to creating local government laws for Norf'k Ailen.**

### **10 Certain sections of Act not to apply to Australia, New Zealand or Newfoundland unless adopted**

**(1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.**

**(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.**

#### **Example No. 10**

The Defence of this island is very important but as it is not part of the Commonwealth nothing can be done by the Commonwealth Defence Department unless the island is annexed.”

#### **Extract letter from NSW Governor to the Governor General 1906 Part 2**

#### **Example No. 11**

Confidential report for tax committee of cabinet 1971 ---- QUOTE: **The Island is not**

**legally part of the Commonwealth and hence is not part of  
"Australia" UNQUOTE**

Example No. 12

In 1999 the Royal Australian Mint wrote to an Australian stating that ---- QUOTE **Norfolk Island itself was not incorporated into the Commonwealth and has never been ceded or annexed to Australia.** UNQUOTE.

Regards  
Cherri Buffett

----- Forwarded message -----

From: Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>  
Date: Thu, 15 Feb 2024 at 18:15  
Subject: FW: AEC - Norfolk Island [SEC=OFFICIAL]  
To: s 47F <s 47F>  
Cc: Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>

Dear Ms Buffett

Attached please find the AEC's response to your letter to the Electoral Commissioner.

Kind regards  
Andrew

Chief Legal Officer  
Australian Electoral Commission



---

**From:** C B <s 47F>  
**Sent:** Friday, January 19, 2024 4:27 PM  
**To:** Robyn Black <[Robyn.Black@aec.gov.au](mailto:Robyn.Black@aec.gov.au)>; s 22 <s 22>; Kath Gleeson <[Kath.Gleeson@aec.gov.au](mailto:Kath.Gleeson@aec.gov.au)>; Tom Rogers <[Tom.Rogers@aec.gov.au](mailto:Tom.Rogers@aec.gov.au)>; [geoff.pope@aec.gov.au](mailto:geoff.pope@aec.gov.au); Michael Lynch <[Michael.Lynch@aec.gov.au](mailto:Michael.Lynch@aec.gov.au)>; Thomas Ryan <[Thomas.Ryan@aec.gov.au](mailto:Thomas.Ryan@aec.gov.au)>; s 22 <s 22>; [deanna.easton@pmc.gov.au](mailto:deanna.easton@pmc.gov.au)  
**Cc:** [senator.katy.gallagher@aph.gov.au](mailto:senator.katy.gallagher@aph.gov.au); [Jim.Chalmers.MP@aph.gov.au](mailto:Jim.Chalmers.MP@aph.gov.au); Section 22 <[mark.dreyfus.mp@aph.gov.au](mailto:mark.dreyfus.mp@aph.gov.au)>; [FOLIPS@gg.gov.au](mailto:FOLIPS@gg.gov.au); Senator.David.Pocock@aph.gov.au; [Pauline.hanson@aph.gov.au](mailto:Pauline.hanson@aph.gov.au);

[Peter.Dutton.MP@aph.gov.au](mailto:Peter.Dutton.MP@aph.gov.au); s 22 [REDACTED]; s 22 [REDACTED];  
[senator.shoebridge@aph.gov.au](mailto:senator.shoebridge@aph.gov.au)  
**Subject:** AEC - Norfolk Island

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Attached is a letter to Mr Tom Rogers Commissioner, Australian Electoral Commission for his urgent attention, thank you

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s 42 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 42 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# Section 22

**From:** C B § 47F >  
**Sent:** Thursday, March 21, 2024 7:58 AM  
**To:** Legal Services Mailbox <Legal@aec.gov.au>  
**Cc:** Robyn Black <Robyn.Black@aec.gov.au>|Section 22 [REDACTED] Kath Gleeson <Kath.Gleeson@aec.gov.au>; Tom Rogers <Tom.Rogers@aec.gov.au>; geoff.poppe@aec.gov.au; Michael Lynch <Michael.Lynch@aec.gov.au>; Thomas Ryan <Thomas.Ryan@aec.gov.au>|Section 22 [REDACTED]  
**Subject:** Fwd: FW: AEC - Norfolk Island [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Andrew

Reference your email and attached document. I provide you with **just a snippet** of evidence that Norf'k Allen (also known as Norfolk Island) is not part of the Commonwealth of Australia and the Australian Government has no authority to administer or have control of the aliens land, sea and air, including the EEZ

These quotes below are from Australian Government documents.

So I would suggest the Australian Electoral Commission take a serious look at the illegal and unlawful actions they are doing in relation to Norf'k Allen.

Example No. 1 Australian Hansard 1901 New South Wales Government

Example No. 2

Commonwealth of Australian Constitution Act Section 122

#### Government of territories.

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory **placed** by the Queen under the authority of and **accepted** by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

Example No. 3

Example No. 4

The lawful exercise of Section 122 of the Australian Constitutional law making power for territories by the Australian federal parliament required the following essential elements:



- (a) That Norfolk Island had **already been "PLACED"** under the authority of the Commonwealth by the Sovereign
- (b) Then the Commonwealth of Australia (**prior to the making of any territories law for Norfolk Island**) **"ACCEPTED"** the placement of Norfolk Island by the Crown
- (c) That the law being made be for the peace order and good government of a territory seems to be left unstated by the Constitution and seems largely over the years to have been left in the hands of the lawmakers and bureaucracy unless challenged in the courts by a person or persons with proper legal standing to bring such a challenge.

This never happened.

#### Example No. 5

The *Australia Act 1986 (Commonwealth)* was enacted into law and signed by Her Majesty 1988.

<https://www.legislation.gov.au/Details/C2004A03181>

That *Australia Act 1986 (Commonwealth)* now prevents His Majesty the King from making any new Order in Council or seeking the making by the British Imperial Parliament of any new Imperial law formally transferring outright ownership of Norfolk Island to the Commonwealth of Australia.

#### Example No. 6

Nor'k Ailen is 29.0408° S, 167.9547° E

THE FOLLOWING SHOWS HOW NOR'K AILEN HAS NEVER BEEN PART OF STATE OF NEW SOUTH WALES AND THEREFORE CANNOT BE PART OF THE COMMONWEALTH OF AUSTRALIA

#### New South Wales Consolidated Acts

CONSTITUTION ACT 1902 - SECT 4

#### Application of Act

4 APPLICATION OF ACT

For the purposes of this Act, the boundaries of New South Wales shall comprise all that portion of Australia lying between the one hundred and twenty-ninth and one hundred and fifty-fourth degrees of east longitude, reckoning from the meridian of Greenwich and northward of the fortieth degree of south latitude, including all the islands adjacent in the Pacific Ocean within the latitude aforesaid, and also including Lord Howe Island, save and except the territories comprised within the boundaries of South Australia, Victoria, and Queensland, as at present established.

CONSTITUTION ACT 1902 - SECT 5

#### General legislative powers

5 GENERAL LEGISLATIVE POWERS

The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace, welfare, and good government of New South Wales in all cases whatsoever—

Provided that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax or impost, shall originate in the Legislative Assembly.

#### Example No. 7

Unlawful and illegal action by the Commonwealth of Australia / Australian Government and New South Wales Government and now the Queensland Government.

The Local Government Act 1993 NSW DOES NOT include Nor'k Ailen.

There are NO references to Nor'k Ailen in the Act or the Regulations.

The only reference is from a FOI to the Ordinance from the Governor-General where the Local Government Act empowered only via the Ordinance.

There are no references to the ordinance in the Local Government Act, as such, the Parliament of New South Wales HAS NOT given approval for Nor'k Ailen to be included within the territorial boundaries of New South Wales.

Section 4 of the Local Government Act binds the Crown in the right of New South Wales BUT DOES NOT include Nor'k Ailen as in the right of New South Wales.

Nor'k Ailen has never been part of the State of New South Wales since 1856.

#### Example No. 8

"This request of information concerns Commonwealth of Australian law and the alteration to the administration of land in Norfolk Island, by transfer instruments.

We request the instrument of transfer from the United Kingdom, the Monarch or any entity to the Commonwealth of Australia providing a power of interest in lands situated on Norfolk Island.

We request the power within the Constitution providing administration over the lands of Norfolk Island beyond the limited power of section 122 to write laws for the Government of a Territory.

We request the 'original claim of right' the Commonwealth of Australia assumes to have acquired prior to, or after the Great Seal of Norfolk Island granted by Queen Victoria to the Pitcairn people upon settlement of Norfolk Island of the grant of the waste lands of the Crown in right of Norfolk Island established 1856.

Additionally we request the information of the enumerated head of power within the Australian Constitution that the Commonwealth of Australia relies upon to transfer the lands of Norfolk Island

GOVERNOR GENERAL'S ANSWER

DECISION

THE OFFICE HAS BEEN UNABLE TO IDENTIFY ANY DOCUMENTS WITHIN THE SCOPE OF YOUR REQUEST.

ACCORDINGLY, I ADVISE THAT I MUST REJECT YOUR REQUEST UNDER SECTION 24A OF THE FOI ACT ON THE BASIS THAT THE DOCUMENT(S) SOUGHT CANNOT BE FOUND, DO NOT EXIST OR HAVE NOT BEEN RECEIVED.

#### Example No. 9

If EXTRA TERRITORIAL POWER did not come until 1942 with the adoption of the STATUTE OF WESTMINSTER ---- then how was the Norfolk Island Act 1913 created?

-- lies and more lies by the Commonwealth of Australia that Nor'k Ailen belongs to Australia and they are allowed to "control".

Nor'k Ailen is an independent sovereign Nation as granted by Queen Victoria in 1856.

**Statute of Westminster Adoption Act 1942**

**3 Power of Parliament of Dominion to legislate extra-territorially**

It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

Section 9 of the Statute of Westminster provides an estoppel for the Commonwealth of Australia to write local government laws...

**9 Saving with respect to States of Australia**

(1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

Section 10 of the Statute of Westminster says .... the above sections only apply if adopted, they were adopted so they do apply... the Commonwealth of Australia shot itself in the foot by this adoption in regard to creating local government laws for Nor'k Ailen.

**10 Certain sections of Act not to apply to Australia, New Zealand or Newfoundland unless adopted**

(1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

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**Example No. 10**

The Defence of this island is very important but as it is not part of the Commonwealth nothing can be done by the Commonwealth Defence Department unless the island is annexed."

**Extract letter from NSW Governor to the Governor General 1906 Part 2**

**Example No. 11**

Confidential report for tax committee of cabinet 1971 ---- QUOTE: **The Island is not legally part of the Commonwealth and hence is not part of "Australia"** UNQUOTE

**Example No. 12**

In 1999 the Royal Australian Mint wrote to an Australian stating that ---- QUOTE **Norfolk Island itself was not incorporated into the Commonwealth and has never been ceded or annexed to Australia.** UNQUOTE.

Regards  
Cherri Buffett

----- Forwarded message -----  
From: Legal Services Mailbox <legal@aec.gov.au>  
Date: Thu, 15 Feb 2024 at 18:15  
Subject: FW: AEC - Norfolk Island [SEC=OFFICIAL]  
To: § 47F <§ 47F>  
Cc: Legal Services Mailbox <Legal@aec.gov.au>

Dear Ms Buffett

Attached please find the AEC's response to your letter to the Electoral Commissioner.

Kind regards  
Andrew

Chief Legal Officer  
Australian Electoral Commission

**From:** C B <§ 47F>  
**Sent:** Friday, January 19, 2024 4:27 PM  
**To:** Robyn Black <Robyn.Black@aec.gov.au>; Section 22 <§ 22> Kath Gleeson <Kath.Gleeson@aec.gov.au>; Tom Rogers <Tom.Rogers@aec.gov.au>; geoff.pope@aec.gov.au; Michael Lynch <Michael.Lynch@aec.gov.au>; Thomas Ryan <Thomas.Ryan@aec.gov.au>; deanna.easton@pmc.gov.au  
**Section 22** <§ 22> mark.dreyfus.mp@aph.gov.au; FOI.PS@gg.gov.au; Senator.David.Pocock@aph.gov.au; Pauline.hanson@aph.gov.au; Peter.Dutton\_MP@aph.gov.au; § 22 <§ 22> senator.shoebridge@aph.gov.au  
**Subject:** AEC - Norfolk Island

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Attached is a letter to Mr Tom Rogers Commissioner, Australian Electoral Commission for his urgent attention, thank you

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**From:** [Legal Services Mailbox](#)  
**To:** s 47F  
**Cc:** [Legal Services Mailbox](#)  
**Subject:** FW: AEC - Norfolk Island [SEC=OFFICIAL]  
**Date:** Thursday, 15 February 2024 5:15:15 PM  
**Attachments:** [AEC letter to Ms Cherri Buffett.pdf](#)

---

Dear Ms Buffett

Attached please find the AEC's response to your letter to the Electoral Commissioner.

Kind regards

Andrew

Chief Legal Officer  
Australian Electoral Commission

---

**From:** C B <s 47F >  
**Sent:** Friday, January 19, 2024 4:27 PM  
**To:** Robyn Black <[Robyn.Black@aec.gov.au](mailto:Robyn.Black@aec.gov.au)>; Section 22 Kath Gleeson <[Kath.Gleeson@aec.gov.au](mailto:Kath.Gleeson@aec.gov.au)>; Tom Rogers <[Tom.Rogers@aec.gov.au](mailto:Tom.Rogers@aec.gov.au)>; [geoff.pope@aec.gov.au](mailto:geoff.pope@aec.gov.au); Michael Lynch <[Michael.Lynch@aec.gov.au](mailto:Michael.Lynch@aec.gov.au)>; Thomas Ryan <[Thomas.Ryan@aec.gov.au](mailto:Thomas.Ryan@aec.gov.au)>; Section 22 [deanna.easton@pmc.gov.au](mailto:deanna.easton@pmc.gov.au)  
**Cc:** [senator.katy.gallagher@aph.gov.au](mailto:senator.katy.gallagher@aph.gov.au); [Jim.Chalmers.MP@aph.gov.au](mailto:Jim.Chalmers.MP@aph.gov.au); Section 22 [mark.dreyfus.mp@aph.gov.au](mailto:mark.dreyfus.mp@aph.gov.au); [FOI.IPS@gg.gov.au](mailto:FOI.IPS@gg.gov.au); [Senator.David.Pocock@aph.gov.au](mailto:Senator.David.Pocock@aph.gov.au); [Pauline.hanson@aph.gov.au](mailto:Pauline.hanson@aph.gov.au); [Peter.Dutton.MP@aph.gov.au](mailto:Peter.Dutton.MP@aph.gov.au); s 22 ; s 22 ; [senator.shoebridge@aph.gov.au](mailto:senator.shoebridge@aph.gov.au)  
**Subject:** AEC - Norfolk Island

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Attached is a letter to Mr Tom Rogers Commissioner, Australian Electoral Commission for his urgent attention, thank you

Ms Cherri Buffet

By email: **s 47F**

Dear Ms Buffet

**2023 federal referendum Section 47F**

I refer to your letter dated to the Electoral Commissioner of 19 January 2024 **Section 47F**.  
[REDACTED] The Electoral Commissioner has asked me to respond on his behalf.

The AEC is required to administer the *Commonwealth Electoral Act 1918* ('Electoral Act') and the *Referendum (Machinery Provisions) Act 1984 (Cth)* ('Referendum Act'). Section 3(3)(a) of the Electoral Act and section 4(6)(a) of the Referendum Act extend the operation of these Acts to Norfolk Island. Until the Commonwealth Parliament amends these Acts to exclude Norfolk Island, or a federal court determines Norfolk Island is not subject to Australian law, the AEC is required to administer and apply these laws. This includes the requirement to enrol and vote in Commonwealth elections and referendums.

It is compulsory for all eligible Australian citizens to be enrolled and to vote in federal elections and referendums. The Electoral Act allows for the removal of names from the roll in very limited circumstances. These reasons do not include being a resident of Norfolk Island. More information about how a person may be removed from the electoral roll is on the AEC website: [Enrolment – frequently asked questions - Australian Electoral Commission \(aec.gov.au\)](#)

**Section 47F**

**Section 47F**

**Section 47F**

**Section 47F**

Further information about compulsory voting can be found on the AEC website: [Electoral Backgrounder: Compulsory voting - Australian Electoral Commission \(aec.gov.au\)](#)

I am unable to comment on the Nor'k Ailen Government Chief Magistrate and Governor of Nor'k Ailen, other than to note that those bodies have no authority to rule on the conduct of a federal election or referendum held under the Electoral Act or the Referendum Act.

I trust that the above information is of assistance.

## Section 47F

Andrew Johnson  
Chief Legal Officer

30 January 2024

**From:** C.B  
**To:** Robyn.Black;Section 22 Kath.Gleeson;Tom.Rogers;geoff.pope@aec.gov.au;Michael.Lynch;Thomas.Ryan;Section 22 deanna.easton@pmc.gov.au;Legal Services Mailbox  
**Cc:** senator.katy.gallagher@aph.gov.au; Jim.Chalmers.MP@aph.gov.au;Section 22 [REDACTED]  
mark.dreyfus.mp@aph.gov.au; FOI.JPS@gg.gov.au; Senator.David.Pocock@aph.gov.au;  
Pauline.hanson@aph.gov.au; Peter.Dutton.MP@aph.gov.au;S 22 [REDACTED];  
Section 22 [REDACTED] senator.shobridge@aph.gov.au; Attorney@ag.gov.au  
**Subject:** Re: AEC - Norfolk Island  
**Date:** Friday, 2 February 2024 6:59:42 AM

---

**CAUTION:** This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr Johnson,

Reference my email communication below. Please reply to my latest email immediately, thank you.

Kind regards  
Cherri Buffett

On Tue, 30 Jan 2024 at 17:56, C B <s 47F [REDACTED] > wrote:

Dear Mr Johnson,

Thank you for your response (copy attached). Reference your paragraph:-

*The AEC is required to administer the Commonwealth Electoral Act 1918 ('Electoral Act') and the Referendum (Machinery Provisions) Act 1984 (Cth) ('Referendum Act'). Section 3(3)(a) of the Electoral Act and section 4(6)(a) of the Referendum Act extend the operation of these Acts to Norfolk Island. Until the Commonwealth Parliament amends these Acts to exclude Norfolk Island, or a federal court determines Norfolk Island is not subject to Australian law, the AEC is required to administer and apply these laws. This includes the requirement to enrol and vote in Commonwealth elections and referendums.*

I would seriously suggest you do your research and come back to me before 1st February 2024.

Norfolk Island IS NOT part of the Commonwealth of Australia.

Please note a copy of all my communication has gone to the Governor-General's office and the Attorney-General's office and the Prime Minister's office plus other politicians of the Australian Government.

In regard to your paragraph

*I am unable to comment on the Norf'k Ailen Government Chief Magistrate and Governor of Norf'k Ailen, other than to note that those bodies have no authority to rule on the conduct of a federal election or referendum held under the Electoral Act or the Referendum Act.*

I would recommend you link into [www.government.nf](http://www.government.nf) and also do more research on the fact that the Commonwealth of Australia (Australian Government) has breached its own constitution for Norfolk Island.

#### Section 47F



I await your response, thank you.

Kind regards

Cherri Buffett

On Tue, 30 Jan 2024 at 11:19, C B <s 47F [REDACTED] > wrote:  
Mr Rogers,

In my attached letter you to I asked that this matter be finalised by 26 January 2024. You have not even had the courtesy of a reply.

If you and the Australian Government do not provide the written documentation as requested by myself then I will speak with the Chief Magistrate / Governor of the Norf'k Ailen Government (the legal entity of Norf'k Ailen) to request assistance of taking action against the Australian

Electoral Commission and the Australian Government.

Its time the Australian Government righted the wrong they have and are still doing. Therefore please provide the information requested by close of business today.

Kind regards

Cherri Buffett

On Fri, 19 Jan 2024 at 17:26, C B <**s 47F**> wrote:  
Attached is a letter to Mr Tom Rogers Commissioner, Australian Electoral Commission for his urgent attention, thank you

**From:** [Legal Services Mailbox](#)  
**To:** s 47F  
**Cc:** [Legal Services Mailbox](#)  
**Subject:** FW: AEC - Norfolk Island [SEC=OFFICIAL]  
**Date:** Tuesday, 30 January 2024 4:42:46 PM  
**Attachments:** [image002.png](#)  
[AEC response to Ms Buffet.pdf](#)

---

Dear Ms Buffet

Please find attached the AEC's response to your letter to the Electoral Commissioner.

Kind regards

**Andrew Johnson**  
Chief Legal Officer  
Legal Services Branch  
Australian Electoral Commission

---



Make sure you're **enrolled to vote**.  
Visit [www.aec.gov.au](http://www.aec.gov.au)

---

**From:** C B <s 47F [REDACTED] >  
**Sent:** Tuesday, January 30, 2024 10:20 AM  
**To:** Robyn Black <[Robyn.Black@aec.gov.au](mailto:Robyn.Black@aec.gov.au)>; Section 22 [REDACTED] Kath Gleeson <[Kath.Gleeson@aec.gov.au](mailto:Kath.Gleeson@aec.gov.au)>; Tom Rogers <[Tom.Rogers@aec.gov.au](mailto:Tom.Rogers@aec.gov.au)>; [geoff.pope@aec.gov.au](mailto:geoff.pope@aec.gov.au); Michael Lynch <[Michael.Lynch@aec.gov.au](mailto:Michael.Lynch@aec.gov.au)>; Thomas Ryan <[Thomas.Ryan@aec.gov.au](mailto:Thomas.Ryan@aec.gov.au)>; Section 22 [REDACTED] [deanna.easton@pmc.gov.au](mailto:deanna.easton@pmc.gov.au)  
**Cc:** [senator.katy.gallagher@aph.gov.au](mailto:senator.katy.gallagher@aph.gov.au); [Jim.Chalmers.MP@aph.gov.au](mailto:Jim.Chalmers.MP@aph.gov.au); Section 22 [REDACTED] [mark.dreyfus.mp@aph.gov.au](mailto:mark.dreyfus.mp@aph.gov.au); [FOI.IPS@gg.gov.au](mailto:FOI.IPS@gg.gov.au); [Senator.David.Pocock@aph.gov.au](mailto:Senator.David.Pocock@aph.gov.au); [Pauline.hanson@aph.gov.au](mailto:Pauline.hanson@aph.gov.au); [Peter.Dutton.MP@aph.gov.au](mailto:Peter.Dutton.MP@aph.gov.au); S 22 [REDACTED]; Section 22 [REDACTED] [senator.shoebridge@aph.gov.au](mailto:senator.shoebridge@aph.gov.au)  
**Subject:** Re: AEC - Norfolk Island

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Mr Rogers,

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Its time the Australian Government righted the wrong they have and are still doing. Therefore please provide the information requested by close of business today.

Kind regards

Cherri Buffett

On Fri, 19 Jan 2024 at 17:26, C B <**s 47F**> wrote:

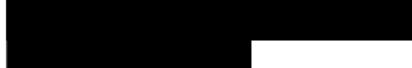
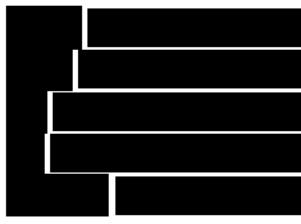
Attached is a letter to Mr Tom Rogers Commissioner, Australian Electoral Commission for his urgent attention, thank you

S 42

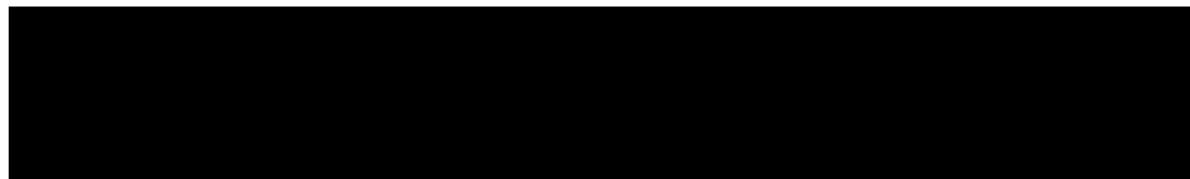
s 42



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**From:** Norfolk Island Chamber of Commerce, Inc. <[norfolkisland.coc@gmail.com](mailto:norfolkisland.coc@gmail.com)>

**Sent:** Tuesday, 28 January 2025 9:11 PM

**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; Jeff Pope <[jeff.pope@aec.gov.au](mailto:jeff.pope@aec.gov.au)>; Section 22

**Cc:** [a.albanese.mp@aph.gov.au](mailto:a.albanese.mp@aph.gov.au); [Aaron.Violi.MP@aph.gov.au](mailto:Aaron.Violi.MP@aph.gov.au); [Adam.Bandt.MP@aph.gov.au](mailto:Adam.Bandt.MP@aph.gov.au); [Alicia.Payne.MP@aph.gov.au](mailto:Alicia.Payne.MP@aph.gov.au); [Alison.Byrnes.MP@aph.gov.au](mailto:Alison.Byrnes.MP@aph.gov.au); [Allegra.Spender.MP@aph.gov.au](mailto:Allegra.Spender.MP@aph.gov.au); [amanda.rishworth.mp@aph.gov.au](mailto:amanda.rishworth.mp@aph.gov.au); Andrew Leigh <[andrew.leigh.mp@aph.gov.au](mailto:andrew.leigh.mp@aph.gov.au)>; Andrew Wilkie <[andrew.wilkie.mp@aph.gov.au](mailto:andrew.wilkie.mp@aph.gov.au)>; [Andrew.Charlton.MP@aph.gov.au](mailto:Andrew.Charlton.MP@aph.gov.au); [Andrew.Gee.MP@aph.gov.au](mailto:Andrew.Gee.MP@aph.gov.au); [Andrew.Giles.MP@aph.gov.au](mailto:Andrew.Giles.MP@aph.gov.au); [Andrew.Hastie.MP@aph.gov.au](mailto:Andrew.Hastie.MP@aph.gov.au);

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**Subject:** Re: 2025 Australian Federal elections [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the Australian Federal Government.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Australian Electoral Commission,

Attached is a second letter for your immediate attention and action.

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



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On Mon, 20 Jan 2025 at 18:03, Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)> wrote:

Dear Norfolk Island Chamber of Commerce

Attached please find the AEC's response to your letter to the Acting Electoral Commissioner.

Kind regards

**Andrew Johnson**  
Chief Legal Officer  
Legal Services Branch  
Australian Electoral Commission



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**From:** Norfolk Island Chamber of Commerce, Inc. <[norfolkisland.coc@gmail.com](mailto:norfolkisland.coc@gmail.com)>

**Sent:** Wednesday, 15 January 2025 8:27 PM

**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; Jeff Pope <[jeff.pope@aec.gov.au](mailto:jeff.pope@aec.gov.au)>; Section 22



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**Sent:** Tuesday, 28 January 2025 9:11 PM

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**Subject:** Re: 2025 Australian Federal elections [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the Australian Federal Government.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Australian Electoral Commission,

Attached is a second letter for your immediate attention and action.

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



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On Mon, 20 Jan 2025 at 18:03, Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)> wrote:

Dear Norfolk Island Chamber of Commerce

Attached please find the AEC's response to your letter to the Acting Electoral Commissioner.

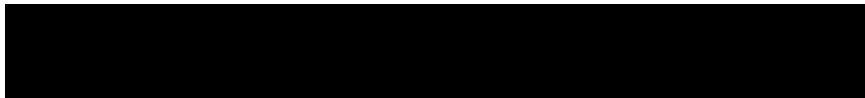
Kind regards

**Andrew Johnson**

Chief Legal Officer

Legal Services Branch

Australian Electoral Commission



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**From:** Norfolk Island Chamber of Commerce, Inc. <[norfolkisland.coc@gmail.com](mailto:norfolkisland.coc@gmail.com)>

**Sent:** Wednesday, 15 January 2025 8:27 PM

**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; Jeff Pope <[jeff.pope@aec.gov.au](mailto:jeff.pope@aec.gov.au)>; **s 22**

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Chamber Committee  
*Norfolk Island Chamber of Commerce*



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Dear Australian Electoral Commission,

Attached is a letter for your immediate attention and action.  
Please note a copy of this email has also gone to the Governor-General

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



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**Subject:** 2025 Australian Federal elections [SEC=OFFICIAL]  
**Date:** Monday, 3 February 2025 5:25:38 PM  
**Attachments:** [Chamber letter #2 to Australian Electoral Commission 29Jan2025.pdf](#)  
[Response to Norfolk Island Chamber of Commerce - Feb 2025.pdf](#)

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Dear Norfolk Island Chamber of Commerce

Please find attached the Acting Electoral Commissioner's response to your further correspondence.

Kind regards  
Andrew

Chief Legal Officer  
Legal Services Branch  
Australian Electoral Commission

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**From:** Norfolk Island Chamber of Commerce, Inc. <[norfolkisland.coc@gmail.com](mailto:norfolkisland.coc@gmail.com)>  
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**Subject:** Re: 2025 Australian Federal elections [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Australian Electoral Commission,

Attached is a second letter for your immediate attention and action.

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



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On Mon, 20 Jan 2025 at 18:03, Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)> wrote:

Dear Norfolk Island Chamber of Commerce

Attached please find the AEC's response to your letter to the Acting Electoral Commissioner.

Kind regards

**Andrew Johnson**  
Chief Legal Officer  
Legal Services Branch  
Australian Electoral Commission

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**From:** Norfolk Island Chamber of Commerce, Inc. <[norfolkisland.coc@gmail.com](mailto:norfolkisland.coc@gmail.com)>  
**Sent:** Wednesday, 15 January 2025 8:27 PM  
**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; Jeff Pope <[jeff.pope@aec.gov.au](mailto:jeff.pope@aec.gov.au)>;  
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[paul.hupalo@pmc.gov.au](mailto:paul.hupalo@pmc.gov.au); **s 22** [REDACTED]; [Attorney@ag.gov.au](mailto:Attorney@ag.gov.au)

**Subject:** 2025 Australian Federal elections - for urgent attention - Reply Requested

**CAUTION:** This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Australian Electoral Commission,

Attached is a letter for your immediate attention and action.  
Please note a copy of this email has also gone to the Governor-General

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



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# Norfolk Island Chamber of Commerce

**For immediate attention**

29<sup>th</sup> January 2025

Mr Jeff Pope  
Acting Electoral Commissioner  
Australian Electoral Commission  
Australia

**Attention:** Mr Andrew Johnson, Chief Legal Officer

## Australian Elections 2025

Dear Acting Commissioner,

The Norfolk Island Chamber of Commerce refers to a letter, from Mr. Andrew Johnson, Chief Legal Officer with Australian Electoral Commission reference LEX6969 dated 20 January 2025: copy attached. With all due respect to Mr. Johnson the Australian Electoral Commission is acting illegally and unlawfully in relation to including indigenous Norfolk Islanders who live on Norfolk Island in the Australian Electoral role.

In reference to your paragraph - *“As the AEC has previously advised the Norfolk Island Chamber of Commerce, the matters you raise are matters for the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts (responsible for territories and Norfolk Island), the Attorney-General’s Department (responsible for Constitutional matters) and the Department of Home Affairs (responsible for citizenship).”* This is incorrect, it is a matter for all departments, agents of the Australian Government, and including all politicians of the Australian Parliament.

Your letter states: *“The High Court held in Berwick Ltd v Gray [1976] HCA 12 that Norfolk Island forms part of the Commonwealth. In 2007, the High Court further dismissed a challenge by Norfolk Islanders in Bennett v Commonwealth [2007] HCA 18 regarding the validity of Commonwealth legislation requiring persons to vote in Norfolk Island elections. Granting electoral rights on the basis of Australian citizenship*

*to Norfolk Islanders was held as a valid exercise of Parliament's power to make laws "for the government of any territory" under section 122 of the Constitution."*

The Norfolk Island Chamber of Commerce provides the following answer to that statement: -

Over the years various court cases have mentioned the legal status of Norfolk Island, but they have been found to be limited in declaration of the status or situation for Norfolk Island to the facts of the case or law being dealt with.

**Bennett v the Commonwealth 2007 was an Australian federal electoral voting power case**

For years Commonwealth of Australian government officials have referred to the Berwick Ltd v Gray – that Norfolk Island was a part of Australia thereby the Australian Government **official** position that Norfolk Island “belongs” to Australia. That is misinformation.

Berwick has since been declared limited to the question of whether – Norfolk Island can be subject to Australian taxation laws and no more.

Indeed, in part of paragraph [177] of the High Court of Australia judgement Bennett v the Commonwealth case, Justice Callinan (as His Honour then was) and which does not seem to have been disagreed with by other High Court judges in the Bennett v The Commonwealth case: -

*“On acceptance by Australia, Norfolk Island was a Crown possession or dependency which had been established as a distinct and separate settlement for occupation by Pitcairners and their descendants, and others admitted to their community. Norfolk Island did not on its acceptance by Australia, nor has it since, become part of Australia, geographically or politically. Statements to the contrary in Berwick Ltd v Gray [198] are wrong. Its community is not and has never been part of the Australian community. Australian citizenship has never been a determining factor in identifying the community of the island.”*

In the Bennett case High Court Australian Justices had reservations about any attempt by the Commonwealth of Australia and others to rely on Berwick Ltd v Gray as the main reason for any claim by the Commonwealth of Australia that Norfolk Island was a part of that country for all reasons rather than just for Australian Government taxation.

Reference Commonwealth of Australia Constitution and Section 122. This is completely irrelevant in relation to Norfolk Island. There was **no** Imperial legislation (as evidence shows in British documents) in 1913 to allow for Norfolk Island to be "PLACED" for then the Commonwealth Government to "ACCEPTED". Separate to that there are also other legal and lawful reasons why Norfolk Island is not part of and cannot be administered by the Commonwealth of Australia.

The Norfolk Island Chamber of Commerce now requests the Australian Electoral Commission to rectify this unlawful and illegal matter forthwith.

Sincerely,

*Cherri Buffett*

President

for

*Norfolk Island Chamber of Commerce Committee*

Norfolk Island Chamber of Commerce

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## Electoral Commissioner

LEX6969

Cherri Buffett  
Norfolk Island Chamber of Commerce  
By email: norfolkisland.coc@gmail.com

Dear Ms Buffett

### Correspondence from Norfolk Island Chamber of Commerce

I refer to your letter to the Australian Electoral Commissioner of 29 January 2025 regarding the legal status of Norfolk Island.

As you have been advised, the Australian Electoral Commission (AEC) is a statutory authority that is required to administer federal election events in accordance with the *Commonwealth Electoral Act 1918*. This Act requires Australian citizens residing in Norfolk Island who are over the age of 18 to be enrolled and vote in federal elections. Failure to enrol or vote may lead to an administrative penalty or prosecution in court.

Your correspondence raised concerns regarding the High Court decisions [Berwick Ltd v Gray \[1976\] HCA 12](#) and [Bennett v Commonwealth \[2007\] HCA 18](#) ('Bennett'), by referring to a paragraph of Justice Callinan's judgment in *Bennett* set out the plaintiff's submissions in that case. If you read that decision, you will see that Justice Callinan rejected the plaintiff's submissions (see paragraph 178 of *Bennett*) and agreed with the other members of the High Court that Commonwealth laws can apply to Norfolk Island.

The Australian Electoral Commission does not intend to engage in any further correspondence on this matter with the Norfolk Island Chamber of Commerce. Should you wish to pursue any other concerns on the administration of Norfolk Island, I encourage you to direct these matters to the responsible Commonwealth department as outlined in the [Administrative Arrangements Order](#).

I look forward to the full participation of all eligible citizens residing on Norfolk Island in the 2025 federal election.

## Section 47F

Jeff Pope  
Acting Electoral Commissioner  
3 February 2025

**From:** Legal Services Mailbox  
**To:** norfolkisland.coc@gmail.com  
**Bcc:** s 22 ; s 22 ; Andrew Johnson  
**Subject:** RE: Australian Government Federal elections - reply requested (LEX7954) [SEC=OFFICIAL]  
**Date:** Thursday, 17 April 2025 4:41:23 PM

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Dear Chamber Committee

The Australian Electoral Commission (AEC) is a statutory authority that is required to administer federal election events in accordance with the *Commonwealth Electoral Act 1918*. The AEC does not hold any documents you have requested.

We recommend you direct your request to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts as the relevant department with responsibility for managing Australia's external territories. This is outlined in the current [Administrative Arrangements Order](#).

Alternatively, we refer you to the [Norfolk Island Act 1913](#).

Kind regards  
Australian Electoral Commission

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**From:** Norfolk Island Chamber of Commerce, Inc. <[norfolkisland.coc@gmail.com](mailto:norfolkisland.coc@gmail.com)>  
**Sent:** Monday, 14 April 2025 3:26 AM  
**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; Robyn.Black@aec.gov.au; s 22  
s 22 >; Kath Gleeson <[kath.gleeson@aec.gov.au](mailto:kath.gleeson@aec.gov.au)>;  
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FOI & IPS Mailbox <[FOI.IPS@gg.gov.au](mailto:FOI.IPS@gg.gov.au)>  
**Cc:** Shoebridge, David (Senator Office) <[senator.shoebridge@aph.gov.au](mailto:senator.shoebridge@aph.gov.au)>;  
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**Subject:** Australian Government Federal elections - reply requested

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Dear all,

Members of the Norfolk Island Chamber of Commerce (Chamber) have requested the Chamber bring to your attention the two documents enclosed. Chamber members have requested certified copy all the legal and lawful documents which state:

- 1) That Norfolk Island was annexed to the State of New South Wales
- 2) The results of the New South Wales referendum document which states that the people of the State of New South Wales agreed for Norfolk Island to be annexed to that State, as per the State of New South Wales Constitution.
- 3) That Norfolk Island was then annexed and handed over from the State of New South Wales to the Commonwealth of Australia.
- 4) The transfer document: the Imperial Legislation as required by law from the United Kingdom to facilitate Norfolk Island becoming part of the Commonwealth of Australia (even as a territory).

These documents are required to provide Chamber members the truth so that there is no doubt whatsoever indigenous Norfolk Islanders are "Australian citizens" as per law, including Australian law and thereby international law.

Members of the Chamber have requested you all do not provide quotes of Section 122 and the Order in Council 1914 - as these are not the legal or lawful documents in answer to the above questions.

Members have also requested the Chamber to state that they do not want to hear about Australia court cases which refer to Norfolk Island being part of Australia - these are not the legal or lawful documents as requested.

**All these documents requested will allow the indigenous Norfolk Island the truth, to know if they are legally and lawfully bound to vote in the 2025 Australian Federal elections.**

**Please provide these documents by close of business Friday, 18th April 2025.**

Thank you for your assistance.

Kind regards  
Chamber Committee  
*Norfolk Island Chamber of Commerce*



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