



## Public Inquiry into the Norfolk Island Regional Council

### Fact Sheet

#### Purpose of the Inquiry

The Assistant Minister for Regional Development and Territories has appointed Carolyn McNally as a Commissioner to inquire into whether, since 2016:

1. the Norfolk Island Regional Council (the Council) and its governing body have managed the finances of the Council as required by the *Local Government Act 1993* (NSW) (NI) (the **LG Act**).
2. the governing body of the Council has complied with its obligations under the LG Act relating to effective financial and asset management.

The Commissioner's specific Terms of Reference are available on the Inquiry website [https://www.regional.gov.au/territories/norfolk\\_island/public-inquiry-nirc/](https://www.regional.gov.au/territories/norfolk_island/public-inquiry-nirc/)

#### How will the Inquiry will be conducted?

The Inquiry will examine documents relevant to the Terms of Reference.

It will also call for members of the public to provide information relevant to the Terms of Reference by making a submission to the Inquiry. The Inquiry will endeavour to investigate any matters brought to its attention that are relevant to the Terms of Reference.

The Commissioner and the members of the team assisting her will be available to meet with the community, the councillors, Council staff, the administrator of the Council and interested persons during a visit to Norfolk Island between 13-15 April 2021. The initial meetings are not part of the formal hearing process but provide an opportunity to meet with the Commissioner and the Inquiry team and to raise issues that people consider the Inquiry should consider as it addresses the Terms of Reference.

Information about the visit is available on the Inquiry website [https://www.regional.gov.au/territories/norfolk\\_island/public-inquiry-nirc/](https://www.regional.gov.au/territories/norfolk_island/public-inquiry-nirc/)

In due course the Inquiry will hold a series of formal public hearings to take evidence from witnesses relevant to the matters identified in the Terms of Reference. People who are required to give evidence may request to be legally represented at the hearing.

#### Key timeframes

On 9 April 2021, the Inquiry will call for members of the public who want to provide information relevant to the Terms of Reference to make a submission to the Inquiry. Anyone who wants to make a submission will need to do so by 7 May 2021.

The Commissioner and members of the team assisting her will visit Norfolk Island between 13 and 15 April 2021 to hold community meetings. Registration for these community meetings close on 6 April 2021 and are subject to capacity availability.

In due course, and in advance of any public hearings, the Inquiry will require the Council and relevant persons to produce documents.



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Public hearings, where witnesses are called and examined by Counsel Assisting the Commissioner, will be held on Norfolk Island in the week commencing 31 May 2021.

Counsel Assisting the Inquiry will make written submissions about findings that should be made based on the evidence presented at the Inquiry. All relevant parties, particularly those about whom adverse findings might be made, will be entitled to make submissions in response.

The final report by the Commissioner is expected to be completed approximately 3 months after the visit to Norfolk Island in April, although this will depend on the required information being provided to the Inquiry within specified timeframes.

### **What information will be made available to the public?**

The Inquiry is a public inquiry. Its hearings will be open to the public, and the transcript of each day's proceedings will be published on the Inquiry website. Documents tendered at the public hearings may also be made available on the Inquiry website.

An information paper will be published prior to the Commissioner's visit to the Island on 13 April 2021 to help anyone who wants to provide relevant information to make a submission to the Inquiry. The information paper will provide guidance on how to make a submission and the formal Inquiry process.

A witness paper will be provided to those people who are called as witnesses to inform them of the process of appearing as a witness to the Inquiry.



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### Questions and Answers

#### Terms of Reference

##### **What documents will the Inquiry be examining?**

The Inquiry will principally examine documents held by the Norfolk Island Regional Council.

##### **Are there any matters that the Inquiry will not cover?**

The scope of the Inquiry is limited by the published Terms of Reference. The Commissioner's findings will therefore be limited to those matters identified in the Terms of Reference.

This means that the Commissioner will not be making comments or findings regarding issues such as whether the Council should or should not have been suspended, whether an administrator should or should not have been appointed, how Norfolk Island should be governed into the future, whether or not the current governance arrangements are appropriate for the Island, or whether service arrangements for the Island are appropriate.

These are all matters outside of the Terms of Reference and they will not be the subject to any findings or recommendations by the Commissioner.

#### Submissions

##### **Can anyone make a submission?**

Yes. The Inquiry will accept submissions from any person with relevant information who can assist the Commissioner in addressing the Terms of Reference for the Inquiry.

##### **What if I need more time to make a submission?**

People who believe they are unable to meet the specified timeframe should contact the Inquiry Secretariat at [NIRCPublicinquiry@infrastructure.gov.au](mailto:NIRCPublicinquiry@infrastructure.gov.au). The Inquiry will consider requests for an extension of time on a case-by-case basis.

##### **Can I ask for my submission to not be made available to others?**

Yes you can; however, if your submission makes comment on specific persons and they are not provided an opportunity to respond, that part of your submission is not likely to be of assistance to the Inquiry or the Commissioner when it comes to making findings.

##### **Will submissions containing information relating to the conduct of another person be made public?**

Submissions that contain information relating to the conduct of another person will not be made available unless the content of the submission bears directly upon the Terms of Reference and, even then, only if any the person who is the subject of the information is afforded an opportunity to respond.

The Inquiry will, at all times, afford procedural fairness to all persons about whom adverse findings may be made. A person who makes an allegation about another person can expect to have that allegation tested by both Counsel Assisting and the legal representatives for the person concerned.



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### **How long should a submission be?**

Submissions can be as short or long as a person chooses but should be relevant to the Terms of Reference for the Inquiry.

More information about the Inquiry processes will be made available on 9 April 2021 when submissions are formally called for. The call for public submissions will include release of an Information Paper.

### **Giving Evidence to the Inquiry**

#### **What is the best way people can have a say and provide information to the Inquiry?**

The public submission process is the best way to provide information to the Inquiry. Additionally, you can register of the community meetings between 13-15 April 2021. Due to room capacity, you must register to attend a session. To register your interest please email:

[NIRCPublicinquiry@infrastructure.gov.au](mailto:NIRCPublicinquiry@infrastructure.gov.au) by 6 April 2021.

#### **Can I ask for a private meeting with the Inquiry team?**

Yes. It may be possible for people to provide information to Inquiry staff on a confidential basis in the week of 13-15 April 2021. If there is a matter that can only be raised confidentially, please let us know by e-mail at [NIRCPublicinquiry@infrastructure.gov.au](mailto:NIRCPublicinquiry@infrastructure.gov.au).

#### **What if I am not called as a witness but I want to provide evidence?**

Counsel Assisting the Inquiry is tasked with making decisions about who will be called to give oral evidence at the Inquiry's public hearings. Other evidence can be provided by making a written submission.

#### **If I am called as a witness should I have legal representation?**

This is a matter for each individual but if a person wants legal representation they should make their own arrangements.

#### **Am I compelled to attend a hearing if I am called as a witness?**

People who are to be called to give evidence will typically be required to do so under a summons to attend the Inquiry and give oral evidence. If you are served with a summons to give evidence, you are required to attend the Inquiry. For that reason, we suggest that if you receive a summons to give evidence or produce documents, you should get your own legal advice.

#### **What happens if I am not available on the day I am called?**

The Inquiry will seek to call people to give evidence on days that are convenient to them and their legal representatives. However, given the limited time available for public hearings, we cannot guarantee that will always be the case. If you are affected in this way, you will need to get legal advice.