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Christmas Island: A question of self-determination

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Christmas Island
A question of self-determination

A thesis submitted in the fulfilment of a
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DECLARATION OF AUTHORSHIP

I declare that this Research Project is my own and contains work which has not previously been submitted for a degree at any tertiary education institution.

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February 2019
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I am here now at the completion of my thesis because of their support!
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Disclosure

From 2009 to 2016 I was Chief Executive Officer (CEO) at the Shire of Christmas Island. I received financial support from the Shire from the commencement of my study until October 2016. I also received funding from the University of Notre Dame Australia’s Research Office for the purpose of my final thesis sub-editing cost.
Abstract

The notion of self-determination for Christmas Island has been considered for many years. There have been a range of reports, studies, inquiries and indeed protests (on the Island and in Canberra) over the years that have failed to provide a solution which is satisfactory to residents of Christmas Island and Australia’s Commonwealth Government. Accordingly, the purpose of this thesis is to explore and investigate the possibilities and options of the Territory of Christmas Island:

   a) becoming an autonomous self-governing region (Parliamentary Legislative Assembly);

   b) being incorporated into the legislative arrangements of West Australia (WA) or Northern Territory (NT);

   c) developing an alternative mixed delivery model of governance, incorporating elements from the above options (such as an ‘internal territory arrangement’); or

   d) maintaining the status quo.

The thesis will discuss and examine the principles of democratic governance, including responsible government and representative democracy. It will also consider the unique history, culture and demography of Christmas Island, as well as the financial arrangements underpinning the existing governance model. It will discuss land tenure and asset ownership, which are both contentious issues on the island. Finally, the various future governance options will be examined, with a view to considering whether how effectively they might work within the Christmas Island context. The thesis utilises a range of reports and submissions made on the issue during parliamentary inquiries, as well as contemporary literature on self-determination and governance.
CHRISTMAS ISLAND: A QUESTION OF SELF-DETERMINATION

INTRODUCTION

Christmas Island is a non-self-governing external territory of Australia. The island was transferred from British control as the British Straits Settlement (Singapore), to Australia in 1958 but the islanders were never consulted about the transfer of sovereignty or the governance model that applied at that time. The current model of limited self-governance has been in operation since the recommendations of the Islands in the Sun Parliamentary Inquiry Report in the early 1990s and the subsequent promulgation of the Shire of Christmas Island as a local government entity in July 1992. Accordingly, there is a need to examine whether these governance arrangements on the island meet and embody democratic principles. There is also a need to better understand how services and facilities are delivered on Christmas Island and whether there are alternative forms of governance which would be more democratic, and better at meeting the aspirations of Christmas Islanders. The project is significant because Christmas Island’s governance has never been benchmarked against principles of democratic representation. The island’s case for self-determination has never been considered, and there has never been a referendum on the island regarding their form of government.

The thesis will therefore measure Christmas Island’s governance arrangements through the lens of democratic governance, drawing on principles of representation, federalism and electoral democracy. The project will also examine Christmas Island’s case for self-determination, by examining the island’s historical development and demographic composition, and how it differs from mainland Australia. The findings of the study may also have significant implications for other jurisdictions which are similar to Christmas Island, including islands in the South Pacific and further afield.
Introduction

There is no *a priori* assumption on the part of the author about the optimal governance model that should apply to meet the needs of Christmas Islanders. This thesis examines the current model and its strengths and weaknesses. It then examines other potential models and considers practical issues which may arise in their implementation. This analysis is undertaken within a framework of representative democracy (that includes the concepts of deliberative, sovereignty and autonomy), responsible government, self-determination and federalism. Any realistic and viable options are for the Christmas Island community to consider.

Research Question and context

The purpose of this thesis is to explore and investigate the governance possibilities and options of the Territory of Christmas Island:

a) becoming an autonomous self-governing region (Parliamentary Legislative Assembly);

b) being incorporated into the legislative arrangements of West Australia (WA) or Northern Territory (NT);

c) developing an alternative mixed delivery model of governance, incorporating elements from the above options (such as an ‘internal territory arrangement’); or

d) maintaining the status quo.

In considering the above options, the purpose of the research must be clearly linked to research questions that will provide a response to the stated outcomes of the study as follow:

- Does the governance model for Christmas Island embody commonly held democratic principles?
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- Do Christmas Islanders have a case for self-determination, given the history and culture on the island?
- What alternative models of governance could be considered for the island?

It is anticipated that the study outcome will therefore inform Christmas Islanders regarding the nature of their future possible governance arrangements.

Research Design

The concepts of praxis and phronesis are critical to the research design and methodology in this thesis. The term or notion of praxis is the practical application of theory in a chosen field of study. That is, praxis refers to the act of transforming the theoretical outcomes of any research into the action required as a result of the theoretical research or investigation. The term phronesis signifies practical wisdom, good judgement and intelligent virtue and was a term that first appeared in early Greek philosophy.

As Bent Flyvbjerg notes in his article *A Perestroikan Straw Man Answers Back*, the principal objective for phronetic political science is to perform analyses and derive interpretations of the status of values and interests in politics and administration aimed at praxis. Phronesis is problem driven, not methodology driven and provides a way to analyse relations of power and to evaluate these results in relation to specific groups and interests. Phronesis focuses on analysing problems within a framework that deals with deliberation, judgement and praxis.\(^1\) In this regard the objective of this study is to explore those theoretical possibilities of self-determination which can be applied practically, where the community can decide

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how they govern themselves with a model they have considered and chosen themselves. In other words, the project links theoretical notions of self-determination with the reality of Christmas Islanders wanting some form of meaningful consultation (referendum) to be undertaken as a means of realising this outcome. Flyvbjerg also argues that we must effectively and dialogically communicate the results of our research to our fellow citizens and carefully listen to their feedback.\(^2\) That is why the options regarding Christmas Island governance should be put to residents of the island before any decision is made.

The design and methodology of the thesis is therefore integral to the outcome of the study; it is essential that the process is first undertaken within a framework that examines the democratic concepts of representative democracy, responsible government, self-determination and federalism as applied to Christmas Island. This includes highlighting current (and past) applied governance arrangements which are unaccountable through a lack of consultation with the community and demonstrating how this has led to demands for self-determination, or at the very least demands to be heard with regard to how they are governed. The problem which will be extrapolated is the lack of representative democracy and responsible government; the community are not only denied the right to vote in the way they are governed but also the principle of responsible government that applies to the rest of Australia.

The overall approach and rationale of the study is to also gather and interpret quantitative data and information to examine not only the issues directly related to Christmas Island, but also other Australian and/or overseas examples. In their

\(^2\) Flyvbjerg, 413.
publication *Australian Public Policy: Theory and Practice*, Maddison and Denniss define quantitative research as a process of inquiry into the quantitative elements of an issue or problem.\(^3\) Within this project, a quantitative research approach is used to generate numerical statistics, such as that from the 2016 Australian Bureau of Statistics (ABS), that can be translated into relevant and usable data to inform the study. This data analysis will be supplemented through consideration and analysis of previous reports/inquiries/studies, together with the available literature. In this regard the design of the research study employs data collection and analysis, along with consideration of primary sources emanating from all levels of government. In the first instance, the numerous Commonwealth Joint Standing Committee on the National Capital and External Territories (JSCNET) inquiries over a period of years provide a wealth of information regarding the way in which governance on the island is viewed by decision-makers in Canberra, and residents on the island. In doing so, it became evident that there was a lack of progress regarding the implementation of the many recommendations contained within these previous reports, studies and submissions. In addition, current data from the Australian Bureau of Statistics (ABS) was useful particularly to Chapter Three of the study. Other relevant academic (including peer reviewed) literature dealing with the broader subjects of governance and democracy in the Australian context was utilised where appropriate to the thesis chapters. While there is a strong focus on the use of governance and democracy literature in the study, given the purpose of the thesis, other literature that provided factual information on the social, cultural and historical background of the Island as well as environmental and financial factors was also researched and utilized.

Introduction

**Thesis outline**

Chapter One will discuss the notion of democratic governance that is central to the subject regarding the consideration of self-determination and the subsequent models of self-autonomy that would/could be implemented. That is, the key notions of democratic governance, such as responsible government and representative (and deliberative) democracy as well as sovereignty and autonomy, in the context of federalism and the Australian Constitution are important to the discussion of the study thesis.

To understand fully (or as much as possible) the notion of self-determination that Christmas Islanders have long harboured, Chapter Two will discuss the brief historical habitation and settlement of the island. In this regard, the geographical and economic importance of Christmas Island has also played a significant role in shaping its social history that drove (and continues to drive) the notion of self-determination. The very isolation of Christmas Island has also enhanced its rich diverse environmental significance. Accordingly, consideration of the historical and geographical background will encompass the social, economic and environmental history of the island.

Chapter Three discusses the demographic cultural and social nature of the island’s people not only a sociological perspective but also the perspective of how the economic conditions shaped the demographic environment of the island. Most importantly, it is necessary to consider how any proposed changes to the governance and legislative arrangement for Christmas Islanders will influence the social fabric of the community. This social fabric manifests itself in the economic social conditions, such as cost of living and wage parity that in turn shape the cultural attitude of the islanders, given the historical ‘colonial’ conditions they endured after colonisation of the island in the late nineteenth century owing to the discovery of phosphate.
Chapter Four will explore in more detail the governance and legislative arrangements relevant to the current situation on Christmas Island as well as the various models for consideration and application to its future governance. In particular, a strong focus will be maintained on the current WA applied legislation arrangements to the island through the ‘Service Delivery Agreements’ (SDAs) with the Federal Government that occurred without direct consultation with the community. Further, it is explained how this governance arrangement also disenfranchises the Christmas Island population from voting in the West Australian electoral process although the WA-based legislation enacted by the WA Parliament is still applied. This chapter will therefore discuss the current governance structure on Christmas Island, Federalism and the status of the island as a non-self-governing external territory and explore the notion of self-determination and its application to the final study outcome.

Chapter Five is an important component of the study, given the current financial dependency of the Territory of Christmas Island on the Commonwealth and the Island’s own means of raising enough revenue to meet its expenditure requirements. Accordingly, the chapter will discuss the financial arrangements and funding dependency for the administration of Christmas Island that are currently the responsibility of the Commonwealth Department of Infrastructure Regional Development and Cities (DIRDC). The Department administers its operations financially from offices on Christmas Island (that also serve Cocos Keeling Islands) as the ‘Indian Ocean Territories Administration’ and they also have an office located in Perth WA with the head office being located in Canberra. The Shire of Christmas Island receives operational financial grants from the Commonwealth by way of the WA-administered Grants Commission process that applies normally to all WA State-based local government authorities. Funding for capital grant projects that are normally directly available to mainland state-based local government authorities are considered under the ‘state-type grant’ process that requires assessment approval by
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the Commonwealth. Previously, this assessment process also included the relevant WA State Government agency; however, in 2014 this arrangement was changed so that now any such consideration is by the Commonwealth directly.

Chapter Six will discuss the current land tenure and asset ownership arrangements on the island, especially in defining the ownership and responsibility of various government agencies. In this regard, there are clear synergies between other chapters in the study where, for example, the vesting of religious sites and its infrastructure on the island require ownership identification and funding maintenance. The current ‘Land Disposal Policy’ of the Commonwealth is both cumbersome and erratically implemented, depending on influencing circumstances such as financial availability and commitment by the Commonwealth to projects intended for the use of the land and/or the political will and commitment by Canberra to any project requiring land availability.

Chapter Seven comprises the thesis summary and recommendations of the study that can be eventually presented to the community of the island. The conclusion will summarise the historical, geographical, political, governance, legislative, social, economic and environmental factors of Christmas Island that are integral to the context of considering self-determination. The recommendations will provide optional self-determination models for consideration as outlined in the Introduction that are based on the research that the study has analysed.
Figure 1