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**JOINT STANDING COMMITTEE ON THE NATIONAL
CAPITAL AND EXTERNAL TERRITORIES**

**Inquiry into Governance in the Indian Ocean Territories
12 November 2015**

**AMENDED TRANSCRIPT
and
SUPPLEMENTARY ANSWERS TO COMMITTEE'S QUESTIONS**

Scanned copies of amended pages 9, 11 and 13 of transcript of proceedings on 12 November 2015 is attached along with a scanned copy of a media release to which reference is made in the following pages.

**Brian Lacy
2 December 2015**

Leave is sought to provide the following supplementary answers to questions that Members of the Committee asked of me in the course of the hearing on 12 November 2015.

Question:

What is the expectation or the understanding of residents about the role of the Administrator in the hierarchy? Say they have a problem. What is their understanding of the powers and functions of the Administrator?

[Senator Gallagher, Transcript page 10:1]

I have given an answer of in transcript based on complaints and inquiries from residents about services and other matters during my tenure. No doubt the Minister's Media Release announcing my appointment as Administrator would have played some part in the residents' expectation and understanding about the Administrator's role also. A scanned copy of the Minister's media release is attached.

Question:

Do you also subscribe to the view that the Administrator's role should be just empowered within the elements of the 1968 administrations?

[Chair (Hon Mr Luke Simpkin MP), Transcript page 10:5]

I have set out in my written submission the source of the Administrator's functions and powers. In order to perform those functions and exercise the powers the public administration in the territories and their budgets ought to come under the control of the Administrator. In this regard I refer to the recommendations I have proposed on page 5 and paragraphs 13, 14 and 15 of my written submissions.

Question:

In the areas where the Commonwealth has responsibility, where there is a well delineated line – I note Mr Stanhope makes some comments in his submission about aged care, which is a Commonwealth responsibility. How is that managed on island?

[Senator Gallagher, Transcript page 12: 2 ff.]

In answering this question in the hearing I have indicated that HACC services were provided under agreement. There was no Service Delivery Arrangement for HACC services as such. I did however visit the Western Australian Government

agency responsible for HACC services in Perth seeking its advice on delivery of HACC services. My recollection is that officers from the agency visited Christmas Island after my representations and gave public presentations. Subsequently, in consultation with the Health Consultative Group and Serco I arranged for “meals on wheels” and transportation for medicals for the elderly on Christmas Island. Serco donated and delivered the meals to residents from food that was surplus to its requirements. I also made representations to the Department through its officers on Christmas Island about modifying its housing stock to accommodate the elderly and the infirm who were occupying Commonwealth housing.

Question:

Who has more power on the island: you or the CEO of the Council?

[Acting Chair (Hon Bronwyn Bishop MP), Transcript page 13:

As the Committee would appreciate the Administrator and the local government have different functions and roles. As a general rule however, there may be duplication of some functions. The scope of the function of local government is not limited by reason only that the Government of the State may perform functions of a like nature. The Council is the democratically elected representative of the local residents. The Administrator is the representative of the Minister and an advocate for the people of the Territory as Commonwealth constituents.

As to the issue of power I note that under the *Local Government Act 1995 (WA)* a council may be suspended by the Minister and dismissed by the Governor. By virtue of s8G of the *Christmas Island Act 1958*, if a power is vested in the Minister or the Governor of Western Australia by a WA law in force in the Territories, the power is vested in the Commonwealth Minister responsible for Indian Ocean Territories. The Commonwealth Minister’s power is delegable. It would seem to follow that the Administrator has more power than the Council CEO.

Brian Lacy



THE HON BRENDAN O'CONNOR MINISTER FOR HOME AFFAIRS

MEDIA RELEASE

Friday 18 September 2009

ADMINISTRATOR FOR CHRISTMAS ISLAND AND THE COCOS (KEELING) ISLANDS APPOINTED

Minister for Home Affairs Brendan O'Connor today announced that Brian Lacy would be appointed as Administrator of Christmas Island and the Cocos (Keeling) Islands.

Brian James (BJ) Lacy is a Senior Deputy President of the Australian Industrial Relations Commission and has a distinguished career in both private and public service.

"Mr Lacy will bring a wealth of experience to the role of Administrator and is well-known and respected on the islands" Mr O'Connor said.

"The Administrator is my representative in the Indian Ocean Territories and has an important role representing the Australian Government."

Mr Lacy's initial priorities will be:

- long term economic and environmental sustainability
- promoting social cohesion in Christmas Island and the Cocos (Keeling) Islands
- building capacity of local governments and organisations
- advocating on behalf of the Christmas Island and Cocos (Keeling) Islands community.
- maximising opportunities and managing the challenges for Christmas Island community from immigration activity

"The Government is committed to working with the islands towards an economically, environmentally and culturally sustainable future and Mr Lacy will be an important part of that process." I am confident that Mr Lacy will make a valuable contribution to these Australian Territories."

"I am honoured by my appointment to this role and I am looking forward to working with the communities of Christmas and Cocos (Keeling) Islands towards the long term prosperity of the Indian Ocean Territories," said Mr Lacy.

Mr Lacy was appointed by the Governor-General on 17 September and will take up his position on Christmas Island on 5 October. A short biography of Mr Lacy is included below.

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Brian James (BJ) Lacy

Mr Lacy is a Senior Deputy President of the Australian Industrial Relations Commission. He has had a distinguished career in Industrial Relations, including government and statutory appointments. Mr Lacy holds qualifications in commerce, management and law and was a member of the Victorian Bar until 2001. Mr Lacy's role with Australian Industrial Relations Commission has regularly taken him to Christmas Island, where he is well-known in the local community.