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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*  
**Doctor of Philosophy**



School of Arts and Sciences  
Fremantle Campus  
February 2019

## 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.

Kelvin Matthews

February 2019

## ACKNOWLEDGEMENTS

I must express my special thanks and appreciation to my beloved wife, Neung for her continued support and encouragement during the long and arduous process of completing my thesis. Without this encouragement and support I would have faltered on many occasions.

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

## Contents

<b>Declaration of Authorship .....</b>	<b>i</b>
<b>Acknowledgements .....</b>	<b>ii</b>
<b>Contents.. .....</b>	<b>iii</b>
<b>Lists of Figures and Tables .....</b>	<b>v</b>
List of Figures .....	v
List of Tables .....	xii
<b>Disclosure .....</b>	<b>xiii</b>
<b>Abstract .....</b>	<b>xiv</b>
<b>Introduction .....</b>	<b>1</b>
<b>Chapter 1: The Notion of Democratic Governance .....</b>	<b>10</b>
Current Governance Arrangements on Christmas Island .....	10
Representative Democracy and Responsible Government.....	11
Australia’s Federal System of Government .....	31
<b>Chapter 2: Historical Background.....</b>	<b>40</b>
The Early Years.....	40
Colony Establishment.....	43
Island Occupation.. .....	61
Post Second World War... .....	67
Transfer of Sovereignty to Australia.....	73
The Modern Era.....	84
Chapter Summary.....	114
<b>Chapter 3: Social and Cultural Demography.....</b>	<b>116</b>
Chinese Community .....	125
Malay Community .....	142
European (and others) Community.... ..	151
Chapter Summary.....	158
<b>Chapter 4: Governance and Legislative Arrangements .....</b>	<b>163</b>
The Notion of Self-Determination .....	164
Governance and legislative arrangements in the non-self-governing external Indian Ocean Territories.....	178
Governance and legislative arrangements in the non-self-governing external Territory of Norfolk Island .....	199
Governance and legislative arrangements in the self-governing mainland internal territories of the Northern Territory and the Australian Capital Territory .....	214
Governance and Legislative arrangements of Lord Howe Island.....	223

Governance and legislative arrangements of Nauru, Cook Islands and Niue .....	227
Chapter Summary.....	234
<b>Chapter 5: Financial and Funding Dependency .....</b>	<b>242</b>
Funding Allocation... ..	243
Funding Dependency... ..	258
Chapter Summary.....	270
<b>Chapter 6: Land Tenure and Asset Ownership .....</b>	<b>271</b>
Land Tenure.....	271
Asset Ownership... ..	283
Chapter Summary.....	291
<b>Chapter 7: Part One – Future Direction .....</b>	<b>294</b>
The self-determination options .....	298
United Nations Free Association .....	298
Incorporation with Western Australia .....	315
Incorporation with the Northern Territory .....	328
Other Governance Models.....	335
<b>Chapter 7: Part Two - Thesis Summary.....</b>	<b>352</b>
The self-determination options summary.....	355
<b>References.....</b>	<b>361</b>
<b>Glossary.....</b>	<b>378</b>

# Lists of Figures and Tables

## List of Figures

1. Figure 1 – Google map depicting location of Christmas Island in the Indian Ocean – page 3.
2. Figure 2.1 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale– published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 26). Depicts photograph of ceremonial lowering of the flag at evening by District Officer McFall’s boatman (Din) accompanied by young friend (Basil Murphy). The District Officer was referred to by the Asian population as ‘Tai Jin’ (big boss), which accounts for the name of the District Officer’s residence ‘Tai Jin House’. Photograph taken around 1916.
3. Figure 2.2 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 31). Depicts District Officer McFall at his residence (Tai Jin House) with the proclamation annexation board at the top of the residence. Photograph taken around 1908.
4. Figures 2.3 and 2.4 – Golden Leaves – A History of Chinese Cemeteries on Christmas Island – Boobook Editions, Sydney, 2008 (pages 13 & 14). Depicts the first Chinese coolie village built at Flying Fish Cove, which was over crowded and unsanitary. Photograph taken circa 1908.
5. Figures 2.5 and 2.6 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale– published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (pages 65 and 52). Figure 2.5 shows a company of Sikh policemen known as ‘*Jagas*’ who were engaged as watchmen and sentries since the turn of the 20<sup>th</sup> century on the Island. This photograph was taken at a formal parade outside the Sikh residences. Figure 2.6 depicts the Island Manager at the time (Mr Viven) between two Sikh *Jaga* watchmen in the Settlement area near the sentry box. Both photographs are circa 1930.

6. Figure 2.7 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 56).  
Photograph shows a group of coolies after a day’s work, freshly bathed and after change of clothes, sitting on steps of their residence circa 1910 (note hairstyle of wearing ‘que’ or pigtail).
7. Figure 2.8 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 59). Depicts group photograph of *Mandors* and other senior Chinese circa 1915 that has the first Coolie Labour Contractor Ong Sam Leong (seated at the right of the photograph wearing a white pith European-style helmet) with his eldest son (Ong Boon Tat), who was to eventually succeed his father as labour contractor, also in the photograph.
8. Figure 2.9 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 142). The bungalow occupied by the Jackson family circa 1919 that was a typical European residence on the Island at that time at Flying Fish Cove. The residence was a spacious, well kept home in the tradition of the colonial style at the time – note the Sikh *Jaga* on sentry duty outside the residence.
9. Figure 2.10 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 30). This photograph shows a European family on the deck of the first Islander ship service to Christmas Island circa 1915.
10. Figure 2.11 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 23). This early photograph shows coolies digging for phosphate under Mandor supervision using the *chankul* (hoe) and basket circa 1906.
11. Figure 2.12 – Golden Leaves – A History of Chinese Cemeteries on Christmas Island – BooBook Editions, Sydney, 2008 (page 19). Coolie worker clearing and preparing ground still using only a *chankul* circa 1949.



12. Figure 2.13 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 87). Laying railway tracks across the jungle plateau of Christmas Island using coolie labour circa 1915.
13. Figure 2.14 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 48). This photograph is of the first train locomotive on Christmas Island. It was a ‘Saddle Tank Engine’ style locomotive built in New York, and it arrived on Christmas Island in 1914.
14. Figure 2.15 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 186). The photographs in Figure 2.15 and Figure 2.16 are among only a few known images of the Japanese occupation of Christmas Island that appeared in the ‘Photo News Weekly’, a Japanese language magazine distributed in the Japanese-occupied territories. This particular photograph is of Japanese officers addressing the local island workforce at Settlement circa March 1942 shortly after occupation.
15. Figure 2.16 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 186). As above, this photograph is of Japanese troops celebrating the occupation of Christmas Island, taken in the phosphate quarry circa 1942; the photograph notes the troops shouting ‘banzai’.
16. Figure 2.17 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 81). Photograph shows the new Incline from the old powerhouse at Settlement that was completed circa 1953 allowing the transport of phosphate and vehicle access by clearance along the paved areas between the tracks. Prior to this construction, it was a major logistical excursion to reach from the bottom of the Incline at Settlement to the top at

Drumsite. Eventually, the Incline was replaced by Murray Road when the downhill conveyor system was completed.

17. Figure 2.18 – We Were The Christmas Islanders – reminiscences and recollections of the people of an isolated island – Margaret Neale, Jan Adams – published by Bruce Neale and printed by Watson Ferguson Canberra, 1988 (page 120). The new downhill conveyor system replaced the Incline and phosphate could now be lowered at a much faster rate; circa 1960. Note the newly constructed Murray Road in the photograph that allowed vehicle access between the Settlement and top of the escarpment.
18. Figure 2.19 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 85). The raising of the Australian flag for the first time at Smith Point on 1 October 1958.
19. Figure 2.20 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 75). Photograph of the memorial plaque in memory of the soldiers murdered at Smith Point by some members of the Sikh police force. The plaque was erected in 1983 at the 25<sup>th</sup> anniversary of Australian sovereignty on Christmas Island.
20. Figure 2.21 – Union of Christmas Island Workers – Les Waters – Allen and Unwin – Sydney – 1983 (page 97). Protest march by mine workers outside the offices of the British Phosphate Commissioners after the sacking of Teo Boon How, circa 1974.
21. Figure 2.22 – Union of Christmas Island Workers – Les Waters – Allen and Unwin – Sydney – 1983 (page 134). Photograph of UCIW members Zainal and Sam Chettri at the hunger strike protest outside the old Parliament House in Canberra circa 1979.
22. Figure 2.23 – Union of Christmas Island Workers – Les Waters – Allen and Unwin – Sydney – 1983 (page 123). Photograph shows Bob Hawke, who was

then President of the ACTU, addressing a rally of workers with Gordon Bennett at the Christmas Island airport circa 1979.

23. Figure 2.24 – Union of Christmas Island Workers – Les Waters – Allen and Unwin – Sydney – 1983 (page 123). Photograph of Bob Hawke at welcoming party hosted by the UCIW on his visit to the Island in 1979. On either side of Bob Hawke are Gordon Bennett (left) and Teo Boon How.
24. Figure 2.25 – Tai Ko Seng; Gordon Bennett of Christmas Island – Cyril Ayris – PK Print Pty Ltd – Hamilton Hill WA, 1993 (page 77). Photograph of Gordon Bennett in deep discussion with local resident listening to his concerns about the pressure at the time by the Australian Government to resettle locals to the mainland.
25. Figure 2.26 – Tai Ko Seng; Gordon Bennett of Christmas Island – Cyril Ayris – PK Print Pty Ltd – Hamilton Hill WA, 1993 (page 262). Photograph of Gordon Bennett’s Memorial erected by the local residents in a mark of respect for the affection in which he was held. He was colloquially known as *Tai Ko Seng*.
26. Figure 3.1– Local Planning Strategy – Shire of Christmas Island and GHD consultants 2012 (page 13). Map of Christmas Island depicting land planning zones and detailed insert of main settlement built area on the North East point of Christmas Island. The Local Planning Strategy provides a study of the local planning strategies to address future growth in the economic, social, environmental and planning governance context.
27. Figure 3.2 – Local Planning Strategy – Shire of Christmas Island and GHD consultants 2012 (page 18). A pictorial view of the majority of the residential built areas of habitation located on the North West point of Christmas Island from Territory Day Park with the Malay Kampong in the foreground, the Harbour, Settlement and Silver City (on the hill). The Local Planning Strategy provides a study of the local planning strategies to address future growth in the economic, social, environmental and planning governance context.

28. Figure 3.3 – Golden Leaves – A History of Chinese Cemeteries on Christmas Island’ – BooBook Editions, Sydney, 2008 (page 26). Depicts the ‘All Souls Coolies Memorial’ at the Chinese Gaze Road cemetery on Christmas Island that was erected in 1971 in memory of the early Chinese workers who were buried at the various Chinese cemeteries around the Island. The Sun emblem on the Coolies Memorial symbolises the infinite and eternal cycle of life that is also a motif for benevolent brotherhood societies, such as the ‘Hung Men’, who actively supported their members.
29. Figure 3.4 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale– published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 21). Depicts photograph of patients recovering from beri-beri on the verandah of the hospital at Phosphate Hill, circa 1914, noting most of the patients are coolies with no shirts.
30. Figure 3.5 – Shire of Christmas Island Local Planning Strategy 2012. Depicts South Point Temple that is the Temple used for the annual ‘Kang Tian Tai Di’ (God’s Birthday) Festival.
31. Figure 3.6 – Shire of Christmas Island Our Future: Community Strategic Plan 2011 to 2021. Depicts photograph of the Chinese Literary Association building that also houses the heritage museum on Gaze Road, Christmas Island.
32. Figure 3.7 – Shire of Christmas Island Our Future: Community Strategic Plan 2011 to 2021. Depicts external view of the Malay Mosque at Kampong and internal view at prayer time.
33. Figure 3.8 – Shire of Christmas Island Our Future: Community Strategic Plan 2011 to 2021. Photograph depicts the celebrations at Kampong for Hari Raya Aidilfitri.
34. Figure 3.9 – Suffering Through Strength – The Men Who Made Christmas Island – John Hunt, Blue Star Print, Canberra ACT, 2011 (page 152). Depicts traditional Malay family costume circa 1920s.

35. Figure 3.10 – Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 35). Depicts Straits Settlement Government District Officer McFall with ‘companion’ circa 1913.
36. Figure 4.1 – Current Christmas Island Flag.
37. Figure 4.2 - Christmas Island – The Early Years 1888 to 1958 – Jane Adams & Margaret Neale, – published by Bruce Neale and printed by Watson Ferguson Canberra, 1993 (page 85). The raising of the Australian flag for the first time at Smith Point on 1 October 1958.
38. Figure 4.3 – Norfolk Island Annual Report 2013–14 – Administration of Norfolk Island – Kingston Norfolk Island – November 2014. The Annual Report of the Norfolk Island Assembly managed by the Norfolk Island administration providing audited details of functions, revenue and expenditure for the 2013–2014 year.
39. Figure 4.4 – Point of Order – The Legislative Assembly of the Northern Territory 1974 – 1994. Dean Jaensch and Deborah Wade Marshall – North Australia Research Unit Australian National University – Darwin 1994.
40. Figure 4.5 –Australian Capital Territory (Self Government) Act 1988 – Commonwealth of Australia – Canberra – 1988.
41. Figure 4.6 – Christmas Island Act, No. 41 of 1958 (Acceptance) – Commonwealth of Australia – Canberra – 1987.
42. Figure 4.7 – Christmas Island (Request and Consent) Act, No. 102 of 1957 – Commonwealth of Australia – Canberra – 1987.
43. Figure 6.1 – Land tenure and uses on Christmas Island – Christmas Island National Park Management Plan 2014 to 2024 – Director of National Parks – Commonwealth of Australia – Canberra – 2014 (page 15).
44. Figure 6.2 – Local Planning Strategy – Shire of Christmas Island and GHD consultants 2012 (page 18). A statistical map of land use on Christmas Island. Source: Shire of Christmas Island Local Planning Strategy 2012.

45. Figure 6.3 – Early Surveyors’ Map of the Flying Fish Cove Area Circa 1920.  
Source: Shire of Christmas Island Archival Records.
46. Figure 6.4 – Local Planning Strategy – Shire of Christmas Island and GHD consultants 2012 (page 28). Christmas Island Port depicting conveyor and cantilever loading infrastructure.
47. Figure 6.5 – Disused Mining Locomotive that was used by Christmas Island Phosphates when transporting phosphate from South Point to the ‘dryers’ for loading on ships (page 2). Source: Shire of Christmas Island Local Planning Strategy 2012.
48. Figure 6.6 – Maintenance works of North South Baseline Road undertaken by the Shire. Source: Shire of Christmas Island 2014–15 Annual Report (page xii).

### **List of Tables**

1. Table 3.1: ABS 2016 Census Data.
2. Table 5.1: Indian Ocean Territories Health Service 2015–2016 Budget data (page 5).
3. Table 5.2: Department of Infrastructure and Regional Development, Indian Ocean Territories Budget Summary at 31 May 2015 (page 11).
4. Table 5.3: Indian Ocean Territories 2014–2015, 2015–2016, 2016–2017, 2017–2018 and 2018–2019 Budget Estimates Forecast (page 12).
5. Table 6.1: Shire of Christmas Island Road Expenditure and Projections – Shire of Christmas Island Asset Register 2012 (page 2).

## **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?

- 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.<sup>1</sup> 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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<sup>1</sup> Bent Flyvbjerg. 'A Perestroikan Straw Man Answers Back: David Laitin and Phronetic Political Science' (Politics and Society, Vol. 32, No. 3, University of Oxford – Said Business School, 2004), 406 - 407.

## Introduction

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.<sup>2</sup> 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

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<sup>2</sup>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.<sup>3</sup> 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.

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<sup>3</sup> Sarah Maddison and Richard Denniss, *'Australian Public Policy: Theory and Practice' – Second Edition*, (Cambridge University Press, Sydney, 2014), 213.

## 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

## Introduction

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