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COCOS (KEELING) ISLANDS SELF-DETERMINATION
(CONSEQUENTIAL AMENDMENTS) BILL 1984

Date Introduced: 9 May 1984
House: House of Representatives
Presented by: Hon. T. Uren, Minister for Territories and Local Government

Short Digest of Bill

Purpose

To amend Commonwealth legislation, including electoral and social security legislation, following the decision of the people of the Cocos Islands to integrate with Australia. The islands will become a district of the Northern Territory for electoral purposes.

Background

The Cocos Islands became part of the British Dominions in 1857. The land above high-water mark was granted in perpetuity to the Clunies-Ross family in 1886. In 1955 a British Act transferred the islands to Australia. The Cocos (Keeling) Islands Act 1955 (Cth.) was enacted to accept the islands as a Territory. In 1978, the Australian Government purchased almost all the land of the Islands, becoming the owner of the land as well as the sovereign government. The Government has since leased the islands to the residents for a nominal rent.

Section 122 of the Constitution gives the Australian Government legislative power in respect of territories, not restricted to the enumerated subject-matters of section 51. The power extends to laws for the representation of the Territory. Commonwealth electoral representation for the Cocos (Keeling) Islands separately would result in a very small electorate, while inclusion in the A.C.T. may contravene the detailed specification of the A.C.T.'s territory in s.125 of the Constitution. The Bill would include the Cocos (Keeling) Islands as an electoral District of the Northern Territory.

For the purposes of Part VI of the National Health Act, dealing with the registration and activities of medical and hospital benefit organizations, the Cocos (Keeling) Islands are to be deemed part of Western Australia. The Bill amends several Acts dealing with social security and
Medicare, including the Cocos (Keeling) Islands as part of Australia for these purposes.

The Australian Government has had legislative capacity in respect of the Cocos (Keeling) Islands since 1955. However section 10 of the Cocos (Keeling) Islands Act 1955 (Cth.) provided that no Commonwealth Law would apply in the Territory unless specifically expressed to do so. The Bill amends social security etc. legislation for its future application in the Cocos (Keeling) Islands.

Main Provisions

The Bill would commence with Royal Assent, except that clauses 23 to 27, which extends the Social Security Act 1947 to the Cocos (Keeling) Islands and treats the islands as part of Australia rather than an external Territory, is deemed to apply from 6 April 1984, the date of the plebiscite which decided upon integration with Australia.

Amendments in Parts IV and V to the Health Insurance Act 1973 and the National Health Act 1953 respectively treat the Cocos (Keeling) Islands as part of Australia and extend the legislation to the Islands. In the latter case, the Territory is to be deemed part of Western Australia, and special nurse registration requirements are permitted.

The Commonwealth Electoral Act 1918 is extended to the Territory. The Cocos Territory is to be one District of the Northern Territory Division, and appointment of an Assistant Divisional Returning Officer is authorized (clauses 3-7). The voters of the Territory are excluded from the Northern Territory electorate for the purposes of the Northern Territory (Self-Government) Act 1978 (clauses 21 and 22).

The jurisdiction of the Commonwealth Grants Commission is extended to inquiries and reports on Commonwealth financial assistance to the Cocos (Keeling) Islands Territory (clauses 8-10).

For further information, if required, contact:

Law & Government Group
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