GOVERNMENT OF
NORFOLK ISLAND

22 October 2026

The Hon Kristy McBain MP
Minister for Regional Development, Local Government and Territories
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

By email to: Minister.Mcbain@MO.regional.gov.au
Kristy.McBain.MP@aph.gov.au

Dear Minister,

Re: Proposed sale of Norfolk Island land for unpaid rates

I write on behalf of the Government of Norfolk Island to request your immediate intervention to pause the Norfolk Island Regional Council's proposed sale of land for unpaid rates.

The current notice identifies 23 parcels, with combined arrears of $184,079.51 as at 01 September 2026. The debts range from $4,525.94 to $15,432.13. A forced sale would be irreversible. It must not proceed while serious questions remain about the fairness and proportionality of the rating system, the value of the affected land and the continuing absence of elected representation within the Council imposing and enforcing these charges.

Norfolk Island has now been without elected local government representation for five years. During that time, decisions affecting homes, inherited land and the future ownership of the Island have been made by appointed administrators. Permitting those arrangements to culminate in the forced transfer of Norfolk Island land would establish a deeply troubling precedent.

Land on Norfolk Island is not simply a financial asset. It carries family history, cultural identity and an enduring connection between generations. For many families, retaining land is part of retaining a place in their homeland. Its forced sale for a comparatively modest debt cannot be treated as an ordinary municipal recovery action.

The present system did not arise from a decision of Norfolk Island's former elected legislature. It was introduced following the removal of self-government and under replacement governance arrangements that required the Council to raise prescribed amounts through rates. Earlier community discussions about local revenue had recognised the circumstances of landholders who may hold valuable land but have limited income, and the need for hardship protection, rebates and genuine consultation.

Community concern has been sustained since the system was introduced. The published record contains repeated objections concerning affordability, inherited land, escalating charges, valuation methods, consultation and cultural continuity. Collective action has included a petition of 232 people in 2017; a protest register recording 262 people in 2018 and a petition presented to you in 2022 containing 535 signatures and representing 832 portions. While these activities occurred at different times and cannot be combined as a count of individual objectors, they demonstrate that the concern is neither recent nor isolated.

Enforcement has nevertheless continued to escalate. By December 2022, debts affecting 106 rateable portions and totalling approximately $320,000 had reportedly been referred to mercantile agents. Court recovery followed. The proposed sale of land is the most severe step yet under a system that remains contested and whose future is unresolved.

Section 713 of the Local Government Act 1993, as applied to Norfolk Island, provides that a council may sell land in the prescribed circumstances. Sale is discretionary, not mandatory. That discretion must be exercised with proper regard to Norfolk Island's circumstances and the consequences for affected families and the wider community.

The present notice does not identify the market value of the listed parcels. Some may be worth many times the amount owed. No sale ought to proceed without establishing those values and determining whether permanently dispossessing a landholder is proportionate to the debt being recovered.

This question cannot be separated from the wider pressure on Norfolk Island's limited supply of homes and land. External demand has contributed to rising prices and reduced the ability of local families to acquire or retain property. A rating system that increases the cost of holding inherited land, and then exposes that land to forced sale, compounds that pressure. Once transferred, the loss may never be reversed.

The revenue model itself remains unsettled. Since its introduction, it has moved through levy-based charges, category rates and valuation-based rates, expanded into numerous subcategories and been accompanied by separate waste charges and changing hardship and debt-recovery policies. In 2024, the Commonwealth-established Norfolk Island Governance Committee proposed replacing land rates with household and business-premises levies, citing affordability, fairness, economic conditions and community need.

GNI does not endorse that process or the proposed Transition Assembly. The recommendation is relevant, however, because it confirms that the present rating model is not inevitable and that its suitability remains in question. It would be unjust to allow permanent land losses under a system that may yet be replaced.

GNI therefore asks you to:

1. use every lawful ministerial and Commonwealth mechanism available to pause the proposed sales before any land is transferred;

2. require the market value and relevant circumstances of every listed parcel to be established and assessed against the debt owed;

3. commission a review of the fairness and suitability of the present rating and enforcement system for Norfolk Island, including its treatment of inherited land and people with limited income; and

4. require less severe revenue and debt-recovery options to be considered before any further sale process is authorised.

A pause would not extinguish the debts or prevent reasonable recovery action. It would provide the time necessary to determine whether forced sale is fair, proportionate and compatible with Norfolk Island's cultural, social and economic circumstances.

It would also be a practical act of good faith toward a community that has been denied elected representation within its Regional Council since 2021. Administrative appointment cannot be allowed to become the accepted substitute for democratic consent, particularly where the consequence may be the permanent loss of Norfolk Island land.

We ask you to consider the oversight provisions of the applied Local Government Act 1993, including sections 438A and 23A, together with every other power available under Commonwealth and Norfolk Island law, and to advise urgently what action you will take.

This letter will be made public so that the Norfolk Island community has a clear record of the position advanced on its behalf by its elected GNI representatives.
Yours sincerely,



Peter Christian Bailey
Chief Magistrate
Government of Norfolk Island

cc:
Senator David Pocock, Australian Parliament
Ms Fiona McKergow, Administrator of Norfolk Island
Mr Scott Mason, Lead Administrator, Norfolk Island Regional Council
Mr Gary Mottau, Financial Administrator, Norfolk Island Regional Council