



GOVERNMENT OF NORFOLK ISLAND

GENERAL ASSEMBLY MEETING: 10 October 2026 NOTICE PAPER ITEM:

2. GOVERNANCE CHARTER AMENDMENTS

2.1 Statement of Constitutional Position – Recognition of Norfolk Island's Land, Waters and Natural Resources

Purpose:

To seek endorsement of a new *Statement of Constitutional Position – Recognition of Norfolk Island's Land, Waters and Natural Resources*, to be inserted in **Part A – Constitutional Foundations** of the *Governance Charter & Operational Manual 2026*, immediately following the existing Statement of Constitutional Position concerning the Pitcairn–Norfolk Island People and their enduring relationship with their homeland.

The proposed Statement records the Government of Norfolk Island's recognition of the enduring relationship of the Pitcairn–Norfolk Island People with Norfolk Island, its surrounding seas and natural resources, and preserves the constitutional position of Norfolk Island in relation to decisions affecting those lands, waters and resources.

Motion:

That the General Assembly endorse the proposed *Statement of Constitutional Position – Recognition of Norfolk Island's Land, Waters and Natural Resources*, attached as Annexure A, for insertion in **Part A – Constitutional Foundations** of the *Governance Charter & Operational Manual 2026*.

Consideration:

Clause 7 of the Governance Charter provides that the Charter may be amended by resolution of the House, with formal endorsement by the people also required where an amendment affects constitutional authority, sovereignty, institutional structure or rights.

The proposed Statement concerns matters extending to self-determination, stewardship of land and sea, natural resources and Norfolk Island's position concerning its surrounding maritime area. The House therefore considers it

appropriate that the Statement be presented to the General Assembly for formal endorsement before incorporation into the Charter.

The proposed Statement is consistent with the existing Statements of Constitutional Position contained within the Charter, including the recognition of the Pitcairn–Norfolk Island People as the continuing constitutional community from whom the authority of Government is derived and the recognition of their enduring relationship with their homeland, including stewardship of land and sea.

The Statement also places on the contemporary constitutional record a position with an established history in Norfolk Island.

On 30 October 2016, the Norfolk Island Council of Elders, through its then President Albert F. Buffett, formally recorded its position concerning the Exclusive Economic Zone surrounding Norfolk Island and Article 1 of the International Covenant on Civil and Political Rights, including the principle that peoples may freely dispose of their natural wealth and resources.

That position was subsequently brought again into public discussion before the General Assembly on 22 August 2026 during consideration of the proposed expansion of the Norfolk Marine Park.

The Government of Norfolk Island's 2026 consideration of the Marine Park proposal has similarly recorded that participation by GNI, the General Assembly or members of the Norfolk Island community in Commonwealth consultation is not to be interpreted as acceptance of Commonwealth title, jurisdiction or control, or as prejudicing any position concerning Norfolk Island's territorial sea, surrounding maritime area, continental shelf, natural resources, self-determination or constitutional status.

The proposed Statement brings these principles together within the Charter in a form intended to endure beyond the present Marine Park process.

It is proposed that the Statement be inserted in **Part A – Constitutional Foundations**, immediately following the existing Statement of Constitutional Position concerning the Pitcairn–Norfolk Island People and their enduring relationship with their homeland. This placement connects the Statement directly with the Charter's existing recognition of the constitutional community and its relationship with Norfolk Island as its homeland.

Outcome Sought

That the General Assembly endorses the insertion of the proposed *Statement of Constitutional Position – Recognition of Norfolk Island's Land, Waters and Natural Resources* into **Part A – Constitutional Foundations** of the *Governance Charter & Operational Manual 2026*, immediately following the existing Statement of Constitutional Position concerning the Pitcairn–Norfolk Island People and their enduring relationship with their homeland.

Following endorsement by the General Assembly and the required resolution of the House, the Statement will form part of the Governance Charter, be entered in the official Charter amendment record, and be incorporated into the next consolidated edition.

Impact Assessment

Environmental Sustainability

The Statement recognises responsible stewardship and intergenerational protection of Norfolk Island's land, waters and natural resources. It does not prescribe a particular environmental management regime or determine the outcome of any present or future conservation proposal.

Social Sustainability

The Statement preserves the ability of the Norfolk Island community to participate meaningfully in decisions affecting resources of long-term importance to the Island and future generations.

Economic Sustainability

The Statement does not establish or authorise any resource use. It preserves consideration of Norfolk Island's present and future economic interests in its land, waters and natural resources.

Cultural Sustainability

The Statement recognises the enduring relationship of the Pitcairn–Norfolk Island People with their homeland and surrounding seas and the cultural and intergenerational responsibilities associated with their stewardship.

Governance & Constitutional Sustainability

The Statement strengthens the Charter's record of Norfolk Island's constitutional position concerning land, waters and natural resources and provides guidance for future engagement with external governments and authorities.

It preserves Norfolk Island's position without determining competing jurisdictional claims and does not prevent continued peaceful engagement, cooperation or evidence-based environmental management.

Resolution

That the General Assembly:

1. endorses the proposed Statement of Constitutional Position – Recognition of Norfolk Island's Land, Waters and Natural Resources, attached as Annexure A;
2. approves its insertion into Part A – Constitutional Foundations of the Governance Charter & Operational Manual 2026, immediately following the existing Statement of Constitutional Position concerning the Pitcairn–Norfolk Island People and their enduring relationship with their homeland;
3. acknowledges the formal position recorded by the Norfolk Island Council of Elders on 30 October 2016 concerning the Exclusive Economic Zone surrounding Norfolk Island and Article 1 of the International Covenant on Civil and Political Rights, and its subsequent reaffirmation in public discussion before the General Assembly on 22 August 2026;
4. affirms that the Statement records and preserves the constitutional position of the Government of Norfolk Island concerning Norfolk Island's land, surrounding waters and natural resources, without purporting to finally determine competing claims of title or jurisdiction;
5. confirms that participation by the Government of Norfolk Island, the General Assembly or members of the Norfolk Island community in external consultation, administrative, regulatory or conservation processes does not, of itself, constitute acceptance of any claim to title, jurisdiction or control or prejudice Norfolk Island's constitutional position;
6. confirms that, following endorsement by the General Assembly and the resolution of the House required under clause 7 of the Governance Charter, the Statement will form part of Part A – Constitutional Foundations; and
7. authorises the amendment to be recorded in the official Charter amendment record and incorporated into the next consolidated edition of the Governance Charter & Operational Manual 2026.

Moved: Chief Magistrate, Peter Christian Bailey

Date: 10 October 2026

Annexure A: Statement of Constitutional Position – Recognition of Norfolk Island's Land, Waters and Natural Resources.

ANNEXURE A: PROPOSED ADDITION TO THE GOVERNANCE CHARTER & OPERATIONAL MANUAL 2026

PART A – CONSTITUTIONAL FOUNDATIONS

Insert after the existing Statement of Constitutional Position concerning the Pitcairn–Norfolk Island People and their enduring relationship with their homeland:

STATEMENT OF CONSTITUTIONAL POSITION

Recognition of Norfolk Island's Land, Waters and Natural Resources

The Government of Norfolk Island recognises the enduring relationship of the Pitcairn–Norfolk Island People with Norfolk Island, its surrounding seas and natural resources as an integral part of their constitutional, cultural and economic continuity.

That relationship includes responsibilities of stewardship and the right of the people to participate meaningfully in decisions concerning the conservation, use and future management of the land, waters and natural resources upon which the community and future generations depend.

The Government further recognises the longstanding position advanced by representatives and institutions of the Norfolk Island people that decisions concerning the Island's surrounding maritime area and natural resources engage questions of self-determination, constitutional status and the right of a people to their natural wealth and resources.

In particular, the Government acknowledges the formal position recorded by the Norfolk Island Council of Elders on 30 October 2016 concerning the Exclusive Economic Zone surrounding Norfolk Island and Article 1 of the International Covenant on Civil and Political Rights, and its subsequent reaffirmation in public discussion before the General Assembly on 22 August 2026.

Consistent with the principles of this Charter, participation by the Government of Norfolk Island, the General Assembly or the people of Norfolk Island in any external administrative, regulatory, conservation or consultation process concerning Norfolk Island's land, territorial sea, surrounding maritime area, continental shelf or natural resources does not, of itself, constitute acceptance of any claim to title, jurisdiction or control, nor prejudice any existing or future position concerning Norfolk Island's constitutional status, self-determination or rights and interests in those areas and resources.

The Government of Norfolk Island affirms its responsibility to safeguard those interests through peaceful engagement, evidence-based conservation, responsible stewardship and dialogue with Australia and other relevant authorities, while preserving the capacity of the Norfolk Island people to determine their position through their own democratic institutions.

Nothing in this Statement purports to finally determine competing claims concerning maritime title or jurisdiction. Its purpose is to record and preserve the constitutional position of the Government of Norfolk Island and to ensure that participation in external processes is not interpreted as acquiescence in, or waiver of, matters that remain the subject of constitutional or legal consideration.