



GOVERNMENT OF NORFOLK ISLAND

GENERAL ASSEMBLY PAPER

GENERAL ASSEMBLY MEETING: 22 August 2026

NOTICE PAPER ITEM:

2. GOVERNANCE CHARTER AMENDMENTS

2.1 Referendum Enabling Clause

Purpose:

To seek approval of an amendment to the Governance Charter & Operational Manual 2026 establishing an express constitutional authority for the will of the General Assembly to be expressed, given effect and implemented through Laws made for that purpose, including where appropriate through a referendum process.

Motion

That the Governance Charter & Operational Manual 2026 be amended by inserting a new clause entitled "Referendum Enabling Clause" in the form set out in Annexure A.

Rationale

The Governance Charter establishes the General Assembly as the principal institution through which the people of Norfolk Island collectively exercise direct democracy and express their will.

While the Charter establishes mechanisms for deliberation, participation and decision-making through the General Assembly, it does not presently contain an express constitutional authority enabling the will of the General Assembly to be formally expressed, given effect and implemented through Laws made for that purpose.

The proposed amendment addresses that omission by establishing a general enabling power permitting Laws to be made giving effect to the will of the General Assembly. The amendment further confirms that such Laws may include provision for the conduct of referenda where appropriate. Referenda are therefore recognised as one authorised mechanism through which the will of the General Assembly may be expressed, without limiting the ability of future Laws to provide for other lawful mechanisms consistent with the Charter.

The amendment does not itself establish a referendum system, prescribe referendum procedures, determine eligibility requirements, create voting thresholds or regulate the conduct of any particular referendum. Those matters remain to be addressed through separate Laws enacted under the authority of the Charter, including the proposed Norfolk Island Referendum Law 2026.

The proposed clause is facilitative rather than transformative. It is intended to provide constitutional certainty and legal authority for future Laws that may be required to give effect to decisions of the General Assembly. It does not alter the substantive powers, rights, responsibilities, institutions or constitutional hierarchy otherwise established by the Charter except to the limited extent necessary to authorise the making of such Laws.

The House considers that the amendment will strengthen the constitutional framework of the Charter by providing a clear legal foundation through which the collective will of the Norfolk Island community may be expressed and implemented in accordance with democratic principles and the rule of law.

Outcome Sought

That the General Assembly approve the insertion of the proposed clause into the Governance Charter & Operational Manual 2026.

The amendment will establish an express constitutional authority for Laws giving effect to the will of the General Assembly while preserving the existing constitutional structure, powers and principles of the Charter. It will also provide a clear constitutional basis for the proposed Norfolk Island Referendum Law and any future Laws enacted for similar purposes.

Impact Assessment

- Environmental Sustainability

No direct environmental impacts have been identified.

- Social Sustainability

The amendment strengthens democratic participation by establishing a clear constitutional authority through which the views and decisions of the Norfolk Island community may be formally expressed and implemented.

- Economic Sustainability

No direct financial impact arises from this amendment. Any future costs associated with a referendum or similar process would arise only where a Law enacted under the authority of this clause provides for such a process.

- Cultural Sustainability

The amendment supports the continued development of Norfolk Island's model of direct democracy and strengthens mechanisms through which the Norfolk Island community may collectively express its views on matters affecting its future.

- Governance & Constitutional Sustainability

The amendment strengthens constitutional certainty by providing a clear authority for Laws giving effect to the will of the General Assembly.

The clause improves legal clarity while maintaining the existing constitutional hierarchy established by the Governance Charter. It creates no new substantive rights or powers beyond those necessary to authorise the making of Laws for the purposes specified in the clause

Resolution

That the General Assembly:

1. approves the amendment to the Governance Charter & Operational Manual 2026 set out in Annexure A;
2. adopts the clause entitled "Referendum Enabling Clause";
3. authorises incorporation of the amendment into the consolidated Governance Charter & Operational Manual 2026;
4. notes that the amendment establishes a constitutional authority for Laws giving effect to the will of the General Assembly;
5. notes that the amendment authorises, but does not require, Laws providing for referenda or other lawful mechanisms through which the will of the General Assembly may be expressed; and
6. notes that the amendment does not alter the substantive powers, rights, duties or constitutional limitations otherwise established by the Governance Charter..

Moved: Chief Magistrate, Peter Christian Bailey

Voting: Adjudicated by Returning Officer

Date: 11 August 2026