



GOVERNMENT OF NORFOLK ISLAND

GENERAL ASSEMBLY PAPER

GENERAL ASSEMBLY MEETING: 22 August 2026

NOTICE PAPER ITEM:

3. NORFOLK ISLAND LAWS

3.1 Government of Norfolk Island Referendum Law 2026

Purpose:

To consider and adopt the Government of Norfolk Island Referendum Law 2026, being a Law made pursuant to the Governance Charter to provide a mechanism through which the will of electors may be ascertained and expressed by referendum on questions, proposals, Laws and other matters submitted in accordance with the Governance Charter and applicable decision-making pathways. The Law is intended to give practical effect to the Charter's direct-democracy framework and the authority for Laws giving effect to the will of the General Assembly and electors.

Motion

That the General Assembly adopt the Government of Norfolk Island Referendum Law 2026, attached as Annexure A, as a Law providing for the ascertainment and expression of the will of electors on questions, proposals, Laws and other matters submitted in accordance with the Governance Charter and applicable decision-making pathways.

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. The Charter further authorises the making of Laws to give effect to that will, including where appropriate through referenda.

The Government of Norfolk Island Referendum Law 2026 provides the framework necessary for the conduct of referenda. It establishes procedures for the initiation, administration, conduct, supervision, certification and declaration of referendum outcomes and provides a transparent and consistent mechanism through which the will of electors may be ascertained and expressed.

The Law recognises that referenda may be initiated in several ways, including by direction of the Government of Norfolk Island, by resolution following progression through the required Charter pathways, or, where authorised by the Charter,

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through a qualifying request by electors. The Law also establishes safeguards intended to ensure integrity, transparency, public participation and administrative certainty.

The Law provides for contemporary voting methods appropriate to Norfolk Island's circumstances, including polling-place voting, absentee voting, postal voting and online or digital voting where approved by the Returning Officer. It also enables one or more questions to be submitted at a single referendum and provides flexibility to accommodate future administrative developments.

Norfolk Island's circumstances also create practical challenges for traditional forms of direct democracy. While the General Assembly remains the principal institution through which the will of the people is expressed, it is not always practicable for the entire electorate to be physically present and participate in deliberations. The Norfolk Island community includes eligible electors residing temporarily or permanently outside Norfolk Island, together with persons who may be unable to attend Assembly proceedings because of employment, education, health, family or other reasons. The Law therefore provides a practical mechanism through which the broader electorate may participate directly in decisions requiring an expression of public will and enables voting thresholds established under the Governance Charter to be ascertained in a transparent, accessible and administratively workable manner.

The Government of Norfolk Island Referendum Law 2026 is the first substantive Law proposed under the Governance Charter framework. Particular attention has therefore been given to constitutional consistency, procedural clarity and administrative operability. The draft has undergone legal review and revision, including consideration of issues relating to public notification, electoral administration, referendum procedures, absentee voting arrangements and consistency with the Governance Charter. The House considers that these reviews have strengthened the Law and improved its practical operation.

The Law has not been developed from first principles. Rather, it draws substantially upon the referendum machinery and electoral procedures previously enacted and utilised by the former Norfolk Island Legislative Assembly and adapts those provisions to operate within the constitutional framework established by the Governance Charter. This approach preserves continuity where existing provisions remain fit for purpose while modernising the framework to reflect the current governance architecture, contemporary electoral practice and the inclusion of online and digital voting arrangements.

The House also recognises that this Law is being adopted at an early stage in the development of the Government of Norfolk Island's law-making framework. As additional Laws are enacted, consideration may need to be given to the development of an Interpretation Act or similar instrument establishing standard rules of interpretation, common definitions, law-making conventions and administrative provisions applicable across the broader body of GNI Laws.

At present, however, the body of enacted Laws remains limited. Accordingly, this Law has been drafted so that its authorities, definitions, procedures and interpretative provisions are linked directly to and derive their meaning from the Governance Charter itself. This approach promotes constitutional consistency and avoids unnecessary complexity while the body of Laws operating under the Governance Charter remains in its formative stages.

The House further recognises that referendum mechanisms provide an objective and transparent means of ascertaining the views of the Norfolk Island community on matters of public importance. In circumstances where decisions, policies, proposals or administrative arrangements may affect Norfolk Island, a referendum

provides a structured democratic process through which the views of electors may be formally identified and recorded. The Law therefore contributes not only to democratic participation, but also to improved decision-making by providing a clear and reliable mechanism for determining the actual will of the community rather than relying solely upon consultation processes, submissions, surveys, stakeholder engagement or representative opinion. It also provides a means through which public authorities, service providers and other entities involved in the administration of Norfolk Island may obtain an accurate and demonstrable understanding of community views on matters affecting the Island. The House considers that this strengthens transparency, accountability and confidence in decisions affecting the Norfolk Island community.

The purpose of the Law is not to alter the constitutional hierarchy established by the Governance Charter. Rather, it operates within that framework and gives practical effect to the Charter's direct-democracy objectives by establishing a clear process through which the will of electors may be sought, recorded and expressed.

The House considers that the enactment of a referendum Law is an important step in the continuing development of accountable, participatory and transparent democratic institutions for Norfolk Island.

Outcome Sought

That the General Assembly adopt the Government of Norfolk Island Referendum Law 2026.

The Law will establish a clear and consistent framework for the conduct of referenda and provide a lawful mechanism through which the will of electors may be formally ascertained and expressed in accordance with the Governance Charter. It will also demonstrate the practical operation of the Charter's law-making framework and provide an important foundation for the future development of Laws made under the Governance Charter.

Impact Assessment

- Environmental Sustainability

No direct environmental impacts have been identified.

- Social Sustainability

The Law strengthens opportunities for democratic participation by enabling electors to directly express their views on matters referred to referendum. It supports transparency, civic engagement and community involvement in public decision-making processes.

The Law also recognises the practical realities of a geographically dispersed community. By providing for absentee, postal, online and digital voting arrangements, the Law improves opportunities for participation by electors who may be temporarily absent from Norfolk Island or otherwise unable to attend meetings in person. This assists in ensuring that the expression of public will is not limited solely to those physically present at a particular time or place.

The Law provides a mechanism through which public authorities, service providers and other entities engaged in the administration of Norfolk Island may obtain an accurate and transparent understanding of community views on matters of significance.

Unlike consultation processes, which often measure participation, feedback or stakeholder opinion, a referendum provides a formal and measurable expression of the collective will of electors. This enables community sentiment to be ascertained with a higher degree of certainty and transparency, consistent with the Governance Charter's principles of direct democracy and popular participation.

- **Economic Sustainability**

The conduct of referenda will require administrative resources, electoral administration, voting infrastructure and public information processes. The availability of digital and online voting mechanisms may assist in improving accessibility while reducing future administrative costs.

- **Cultural Sustainability**

The Law supports Norfolk Island's long tradition of participatory government and provides a mechanism through which the community may collectively express its views on matters affecting its future. It also preserves and modernises democratic procedures previously operating under the former Norfolk Island Legislative Assembly framework.

- **Governance & Constitutional Sustainability**

The Law gives practical effect to the Charter's democratic principles by providing a structured, transparent and accountable referendum process. It reinforces procedural certainty while preserving the constitutional hierarchy established by the Governance Charter.

The Law represents an important milestone in the development of Norfolk Island's modern law-making framework, being the first substantive Law adopted under the authority of the Governance Charter and demonstrating the practical operation of the Charter's law-making provisions.

The Law also strengthens democratic legitimacy by providing a formal mechanism through which the views of electors may be directly ascertained and recorded. Referenda provide a stronger evidentiary basis for decision-making and may assist public authorities, service providers and other entities involved in Norfolk Island affairs to better understand the actual will of the community when considering matters affecting Norfolk Islanders. By providing an objective mechanism for measuring public will, the Law complements rather than replaces consultation, engagement and deliberative processes established elsewhere in the Governance Charter.

The Law complements the General Assembly rather than replacing it. It provides an additional democratic mechanism through which matters may be submitted to the electorate where broader participation is desirable or where practical considerations make it difficult to ascertain the will of the community solely through attendance at a General Assembly meeting. In doing so, it supports the Charter's objective of ensuring that democratic participation remains accessible to the widest possible proportion of the Norfolk Island electorate.

The Law has been drafted to operate directly within the constitutional framework established by the Governance Charter. Definitions, authorities, powers and procedures are expressly linked to the Charter rather than relying upon a separate Interpretation Act. This approach is appropriate while the body of GNI Laws remains relatively small and assists in ensuring constitutional consistency during the early stages of law-making under the Charter.

As additional Laws are enacted, the House may consider the development of a Norfolk Island Interpretation Act or similar law-making framework to provide common definitions, interpretative principles, drafting conventions and administrative provisions applicable across the broader body of GNI Laws. Such an instrument may improve consistency across GNI Laws and reduce duplication as the body of Laws operating under the Governance Charter expands and matures. This Law does not depend upon the existence of such an Act and is intended to operate effectively within the present Charter framework.

Resolution

That the General Assembly:

1. 1. adopts the Government of Norfolk Island Referendum Law 2026 attached as Annexure A;
2. notes that the Law is made under the authority provided by the Governance Charter for Laws giving effect to and ascertaining the will of the General Assembly and electors;
3. notes that the Law establishes procedures for the initiation, conduct, administration, certification and declaration of referenda conducted under the Governance Charter;
4. notes that the Law substantially adapts and modernises referendum machinery and electoral procedures previously enacted and utilised under the former Norfolk Island Legislative Assembly framework while updating those provisions to reflect the Governance Charter and contemporary voting methods;
5. recognises that the Law provides a transparent, objective and measurable process by which the collective will of electors may be formally ascertained and recorded on matters of public importance;
6. notes that the Law assists in ensuring that democratic participation remains practicable and accessible to the widest possible proportion of the Norfolk Island electorate, including electors who may be temporarily or permanently outside Norfolk Island or otherwise unable to attend General Assembly proceedings in person;
7. recognises that referendum processes may assist public authorities, service providers and other entities involved in the administration of Norfolk Island affairs to better understand community views and the demonstrated will of electors on matters affecting Norfolk Island;
8. notes that, unlike consultation processes, submissions, surveys or stakeholder engagement mechanisms, referenda provide a formal democratic mechanism through which the collective will of electors may be measured and expressed with a high degree of certainty and transparency;
9. notes that the Law has undergone legal review and revision and has been drafted to operate directly within the constitutional framework established by the Governance Charter;

10. notes that while future development of a Norfolk Island Interpretation Act or similar law-making framework may be appropriate as the body of GNI Laws expands, this Law has been drafted so that its authorities, powers, definitions and procedures derive directly from and remain consistent with the Governance Charter;
11. affirms that referenda conducted under the Law shall operate subject to the Constitution, the Governance Charter and any applicable decision-making pathway established under those instruments; and
12. authorises incorporation of the Law into the published Laws of the Government of Norfolk Island.

Moved: Chief Magistrate, Peter Christian Bailey

Voting: Adjudicated by Returning Officer

Date: 11 August 2026