Norfolk Island Governance Committee - Compiled Agreement Log

As edited for distribution

The Minister for Territories, the Hon Kristy McBain MP, established the Norfolk Island Governance Committee (NIGC) in October 2023 to design and deliver governance solutions that best met the needs of the Norfolk Island community and its service-delivery partners. In November 2024, the Minister announced the establishment of a new model of governance for Norfolk Island, informed by advice provided to her by the NIGC. Throughout 2025 and 2026, the NIGC worked to finalise the details of this new model of governance. This Compiled Agreement Log captures all matters to which the NIGC agreed during this period.

The NIGC terminated on 17 October, ahead of planned elections for a new Norfolk Island governance body, the Transition Assembly.

Matters to which the NIGC agreed

Proposed Model
1. Policy: - Establish Norfolk Island's new governing body, the Norfolk Island Assembly, which will work in partnership with the Australian Government to provide for the peace, order and good government of Norfolk Island within the limits prescribed within the governing legislation.
2. Policy: - 2.1. The Assembly will have the power to do all things necessary or convenient for the peace, order and good government of Norfolk Island. 2.2. The Assembly will have law-making authority - beyond traditional 'local government' responsibilities. For example, the Assembly will be able to make laws and exercise powers about independently delivering local and state type services unless the powers are prescribed under the schedule. 2.3. Assembly responsibilities and powers will be determined by this Act, with certain functions reserved for the Commonwealth Minister as prescribed by schedule. 2.4. The Assembly will have, within these responsibilities and powers, the power to create new laws that could replace Norfolk Island Continued Laws and existing Ordinances. 2.5. The Assembly and Commonwealth Minister will need to work together as each new law is being developed, to ensure no unintended consequences/gaps will arise with the repeal and replacement of continued laws and that all relevant delegations, powers and responsibilities are appropriately covered in the replacement law. The Assembly will then request the Commonwealth to repeal (by the Governor-General) Norfolk Island Continued Laws and existing Ordinances being replaced by the new Assembly laws
3. This Enabling Legislation will establish: - The Norfolk Island Assembly: A representative democratic Assembly, defining the constitution, powers, and responsibilities of elected members. It should enable substantial strategic decision-making, discretion, and political judgment.
4. This Enabling Legislation will establish: - The Norfolk Island Administration: An impartial and separate Public Service that implements government laws or policies, with limited discretion, focusing on operational and procedural matters. 4.1. The Norfolk Island Assembly will establish details on the operations of the Norfolk Island Administration by separate enactment by the Assembly.
5. Norfolk Island Assembly: - The Assembly is a body politic with perpetual succession by the name of the Norfolk Island Assembly, has a common seal, and may sue and be sued in that name.
6. These recommendations are for an enabling law, to establish a system of representative democratic government in Norfolk Island, and for related purposes.
7. Powers of the Assembly: - 7.1. The Assembly has the power to do anything that is necessary or convenient for the peace, order, and good government of Norfolk Island. 7.2. When exercising a power, the Assembly must have regard to Norfolk Island traditions and custom.
8. Governance principles: - To ensure the system of governance on Norfolk Island is accountable, effective and sustainable, it is required that anyone who is performing a responsibility in the Assembly, must do so in accordance with the following governance principles: 8.1. Transparent and effective processes, and decision-making in the interests of the Norfolk Island community 8.2. Sustainable development and management of assets and infrastructure, and delivery of effective services 8.3. Democratic representation, social inclusion, and inclusive and meaningful community engagement 8.4. Good governance of, and by, the Assembly 8.5. Ethical and legal behaviour of elected members and elected members' advisors, and 8.6. Preservation of and respect for, the Norfolk Island traditions and customs.
9. Collaboration with the Australian Government: - 9.1. The Assembly may exercise its powers by cooperating with one or more State or Territory governments or the Commonwealth Government to conduct a joint government activity (training and capacity building support, providing a service, or operating a facility or site, etc.). 9.2. The Assembly may exercise a power in another government's area for the purposes of a joint government activity, in the way agreed by the governments.
10. Except for law making powers the Assembly may, by resolution delegate its powers, duties or functions to an Assembly committee, CEO of the public service, a public service officer or any other person/body prescribed by regulation, except for where expressly prohibited from delegation in this or another law.
Membership and elections
11. The Assembly has four-year fixed terms.
12. The Assembly must consist of five members.
13. A member of the Assembly vacates the office if they: 13.1. cease to be a person who is an Australian citizen. 13.2. fail to attend the Assembly for three consecutive meetings of the Assembly without the permission of the Presiding Officer. 13.3. cease to be entitled, or qualified to become entitled, to vote at elections of members of the Assembly or eligible to run.

OFFICIAL

14. A member of the Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Commonwealth or the Assembly under which goods or services are to be supplied to the Commonwealth or the Assembly must not take part in a discussion of a matter, or vote on a question, in the Assembly where the matter or question relates directly or indirectly to that contract.
15. Any question concerning the application of this section will be decided by the Presiding Officer, and a contravention of that section does not affect the validity of anything done by the Assembly.

Responsibilities of elected members

16. Responsibility of elected Members are to:
    - 16.1. Represent the current and future interests of all the residents of Norfolk Island.
    - 16.2. Ensure the Assembly discharges its responsibilities under the Act to be economically and socially responsible, including maintaining a balanced budget, maintaining Norfolk Island's assets and providing services to the community.
    - 16.3. Comply with all the laws that apply to Norfolk Island.
    - 16.4. Provide high-quality leadership to the administration of Norfolk Island, and to the community.
    - 16.5. Participate in Assembly meetings, policy development and decision making for the benefit of Norfolk Island.
    - 16.6. Work with the Australian Government and be accountable to the Assembly and the community of Norfolk Island for their performance in the Administration of Norfolk Island.
    - 16.7. Abide by the Code of conduct.

Personal Liability

17. A member of the Assembly acting under the authority of this legislation is not personally liable for any act or omission done honestly and without recklessness in the performance or purported performance of their duties or functions under this law.
18. The Assembly may indemnify or provide legal assistance to a person who is the subject of a claim or legal proceeding arising from the performance of their duties, provided that the act or omission in question was undertaken in good faith and within the scope of their authority.

Presiding Officer

19. A t the first meeting of the Assembly held after a general election, the members present must, before proceeding to the despatch of any other business, elect one of their number to be Presiding Officer, and another of their number to be Deputy Presiding Officer, of the Assembly.
20. In the event of a vacancy occurring in the office of Presiding Officer or Deputy Presiding Officer, the members present at the next meeting of the Assembly after the vacancy occurs must, before proceeding to the despatch of any other business, elect one of their number to be Presiding Officer or Deputy Presiding Officer, as the case may be.
21. A person who is elected to the office of Presiding Officer or Deputy Presiding Officer holds office until:
    - 21.1. the Assembly first meets after a general election of the Assembly that takes place after their election under this section,
    - 21.2. they resign their office,
    - 21.3. they cease to be a member of the Assembly otherwise than by reason of the dissolution of the Assembly; or
    - 21.4. not less than 3 members of the Assembly vote in favour of their removal from office, whichever first happens.
22. A person who ceases to hold office as Presiding Officer or Deputy Presiding Officer is not ineligible for re-election to that office purely because of ceasing to hold those offices.

Role of the Presiding Officer

23. The presiding member has the following responsibilities:
    - 23.1. leading and managing meetings of the Assembly at which the presiding member is the chair, including managing the conduct of the participants at the meetings,
    - 23.2. leading, managing, and providing strategic direction to, the Chief Executive Officer in order to achieve the high-quality administration of the public service,
    - 23.3. conducting a performance appraisal of the chief executive officer, at least annually, in the way that is decided by the Assembly.

Resignation

24. A member of the Assembly may resign their office by writing to the Presiding Officer or Deputy Presiding Officer.
25. Where a vacancy occurs in the office of a member of the Assembly:
26. Category 1 - Within 3 months of a general election – the next person in line is elected unless the next person resigns immediately or there is no next person – is then treated as category 2.
27. Category 2 - Between 3 months and 3 years 9 months before the next general election – there is a new election.
28. Category 3 - From 3 months before the next general election – the vacancy stands until the election.

Assembly Meetings

29. At a meeting of the Assembly, 4 members constitutes a quorum.
30. Questions arising at a meeting of the Assembly must be decided by a majority of the votes of the members present and voting.
31. Assembly Meeting Procedure rules: -
    - 31.1. The Minister may issue interim meeting procedure rules for the Assembly that detail how Assembly and committee meetings are to be conducted.
    - 31.2. As a minimum the meeting procedure rules must include:
        - 31.2.1. How the meeting is to be conducted
        - 31.2.2. How and when the meeting is to be recorded
        - 31.2.3. How and when a meeting may be 'closed' to the public
        - 31.2.4. Disciplinary action that may be taken by the Chair/presiding member during the meeting for disruptive behaviour of a member
        - 31.2.5. Action that may be taken by the chair/presiding member during the meeting for disruptive behaviour of a member of the public
    - 31.3. The Assembly must abide by the interim meeting procedure rules from the first meeting after the Assembly is elected, until the Assembly has endorsed alternative meeting procedures for the Assembly
    - 31.4. As soon as possible after the first meeting of the Assembly after an election, the Assembly must either endorse the interim meeting procedures or cause to be drafted new meeting procedures for the Assembly to endorse.
    - 31.5. The Assembly may amend the endorsed meeting procedures from time to time.
    - 31.6. Amendments must be endorsed by 80% or more majority.
    - 31.7. The Assembly must publish the endorsed meeting procedures, and must publish amended meeting procedures.
32. The Assembly must meet at least once every 2 months.

Dissolution of the Assembly

33. The Minister may take remedial action: -
    - 33.1. If the NI Assembly is not performing their responsibilities properly in accordance with the governance principles.
    - 33.2. If the Assembly is not complying with other laws applying to the Assembly.
    - 33.3. If the Assembly is not complying with one of the financial responsibility rules.
34. Remedial actions may include:
    - 34.1. Appointing an advisor to build the NI Assembly's capacity to perform its responsibilities or comply with relevant laws.

34.2. Appointing a Financial Controller to address financial concerns.
35. The Minister may dissolve the Assembly only: - 35.1. As an action of last resort and 35.1.1. If remedial actions have been tried or are considered insufficient due to the level of concern. 35.1.2. If the dissolution is in the public interest, with specific consideration of the public interest of Norfolk Island residents.
36. If the Minister dissolves the NI Assembly, the Minister will appoint an interim administrator to act in place of the Assembly until the conclusion of a fresh election of members to be held on a stated date.
37. The interim administrator has all the responsibilities of the Assembly and the Presiding Member unless limited under item 39 below.
38. The Minister may limit the responsibilities and powers of the interim administrator.
39. A new election must be initiated, not earlier than 36 days, nor later than 90 days, of the dissolution of the NI Assembly.
40. A new elected body then has the full term of 4 years.
Law-making power of the Assembly
41. Subject to this Law, the Assembly has the power to make laws for the peace, order and good government of the Territory.
42. The power of the Assembly in relation to the making of laws does not extend to the making of laws: - 42.1. authorizing the acquisition of property otherwise than on just terms. 42.2. Containing an anti-competitive provision unless the Assembly has complied with the procedures prescribed by regulation for the review of anti-competitive provisions. 42.3. In respect of matters contained in Schedule 1 without the approval of the Minister.
Norfolk Island laws
43. If there is an inconsistency between a Norfolk Island law and a law made by the Commonwealth, the law made by the Commonwealth prevails to the extent of the inconsistency.
Law making process and Commencement
44. The Assembly may decide its own process for making a law to the extent that it is not inconsistent with the *Legislation Act 2003* (Cth) or the requirements below.: 44.1. The Assembly makes a law by passing a resolution to make the law. 44.2. If a new law is made by the Assembly and there is an existing law previously made by the Assembly about the same matter that would be inconsistent with the new law, the Assembly must amend or repeal the existing law so there is no inconsistency. 44.3. The Assembly must ensure its laws are drafted in compliance with the guidelines issued by the Commonwealth Office of Parliamentary Counsel. 44.4. The Assembly must undertake public consultation before making a new law or amending or repealing an existing law.
45. The Assembly must advise the public that a Norfolk Island law has been made or amended or repealed by publishing a notice of making, repealing or amending the law, in the Norfolk Island Government Gazette and on the Assembly's website.
46. The notice must be published within 1 month after the day the law is made/repealed/amended.
47. As soon as practicable after the notice is published, the Assembly must ensure a copy of the law may be inspected and purchased by the public at the Assembly's public office.
48. A register of laws must be kept in a way to be prescribed by regulation and must be available for the public to inspect at the Assembly's public office.
49. Notice of the making of every law made under this Part must be published in the Norfolk Island Government Gazette, and a law must, unless the contrary intention appears in the law, come into operation on the date of publication of the notice.
Suspension and Revocation of Norfolk Island laws
50. The Minister may suspend or revoke a Norfolk Island law if they reasonably believe the law is contrary to any other Norfolk Island or Commonwealth Law, or inconsistent with the Governance Principles.
51. Revocation or suspension is by way of gazette notice.
52. If the Minister suspends a Norfolk Island law, that law stops having effect for the period stated in the gazette notice.
53. If the Minister revokes the Norfolk Island law, that law is taken to never have had effect.
54. The Assembly is not liable for any loss or expense incurred by a person because a Norfolk Island law is suspended or revoked.
55. A decision of the Minister under this section is not subject to appeal.
56. If a Norfolk Island law has been suspended or revoked, that law may be amended or remade so that it: - 56.1. is no longer contrary to any other Norfolk Island or Commonwealth Law; or 56.2. is no longer inconsistent with the Governance Principles.
57. If the Minister suspends or revokes a law, the Minister must provide a public statement of reasons for the suspension or revocation, that includes details that the Assembly may reference to amend or remake the law so that it is no longer contrary to any other Norfolk Island or Commonwealth law or inconsistent with the Governance Principles.
Public Account and Expenditure
58. Public monies will be available for the purposes of the government of Norfolk Island
59. The monies of the Public Account of Norfolk Island must not be issued or expended except as authorised by enactment.
60. The Commonwealth Finance Minister may, on behalf of the Commonwealth, out of moneys appropriated by the Parliament for the purpose, lend money to the Assembly or to an Assembly authority at such rates of interest and on such other terms and conditions as they determine.
61. The accounts of the Assembly will, notwithstanding any enactment, be subject to inspection and audit by the Auditor-General for the Commonwealth.
Review, Oversight, Accountability, and Integrity mechanisms
62. The Assembly must establish or adopt an independent framework with power and authority to investigate allegations of improper or corrupt conduct, misconduct and maladministration of the Assembly, Assembly members and officers of the Administration.