



## GOVERNMENT OF NORFOLK ISLAND

# MOTION PAPER

**GENERAL ASSEMBLY MEETING:** 30 May 2026

**MOTION # 4: Establishment of Select Committee – Constitutional Modernisation (1838 Constitution)**

**Attachments: Attachment A – Terms of Reference: Select Committee on Modernisation (1838 Constitution)**

### **Purpose:**

To establish a Select Committee to lead a community-based constitutional modernisation process for Norfolk Island, ensuring the continuing constitutional foundations of the 1838 Constitution remain practical, relevant, and capable of supporting future generations.

This process shall support constitutional continuity, direct democracy, community participation, and the orderly development of Norfolk Island's future governance arrangements.

### **Motion:**

That the General Assembly establishes the Select Committee on Constitutional Modernisation in accordance with Attachment A – Terms of Reference: Select Committee on Constitutional Modernisation (1838 Constitution), to lead community consultation, constitutional review, and recommendations for the future development of Norfolk Island's constitutional and governance arrangements.

### **Rationale:**

The Government of Norfolk Island recognises that the 1838 Constitution forms part of the continuing constitutional identity, governance traditions, and political development of the Norfolk Island people.

The purpose of constitutional modernisation is not to replace that foundation, but to ensure it remains capable of serving future generations.

This motion begins a process through which the Norfolk Island community may consider what kind of institutions, protections, rights, and governance arrangements are needed for the future — while preserving the principles of constitutional continuity, direct democracy, and community consent.

Constitutional modernisation is therefore not simply legal review; it is community design. It is an opportunity for Norfolk Islanders to help shape how future governance works, how authority is exercised, and how the Island protects its people, culture, land, and identity.

The review process is also intended to provide an opportunity for the community to consider whether additional constitutional protections are required in areas such as civic

rights, institutional independence, transparency in public decision-making, and matters affecting Norfolk Island's long-term governance interests.

The review process may also consider how constitutional arrangements support future opportunity, youth participation, cultural continuity, environmental stewardship, economic resilience, and Norfolk Island's long-term place within the Pacific region.

The proposed Terms of Reference provide for:

- community consultation and participation;
- receipt of submissions from residents, organisations, and advisory bodies;
- consideration of governance structures and institutional development consistent with constitutional continuity, direct democracy, and public accountability;
- transparent reporting and public engagement processes; and
- development of recommendations for consideration by the General Assembly.

Prior to consideration by the General Assembly, the draft Terms of Reference were released for public review in accordance with the Governance Charter consultation principles.

The Government of Norfolk Island recognises that constitutional development is a matter of significant public importance and that any future constitutional amendments or reforms must remain subject to community endorsement through the General Assembly process.

#### **Outcome Sought:**

Formal establishment of the Select Committee on Constitutional Modernisation and commencement of a structured community process for constitutional renewal, future governance development, and constitutional modernisation.

#### **Impact Assessment:**

The establishment of the Select Committee supports transparent constitutional development, structured public consultation, institutional continuity, and community participation in future governance arrangements.

The Committee itself will not possess authority to amend constitutional arrangements independently. Any future constitutional recommendations or proposed amendments arising from the Committee process shall remain subject to the decision-making and endorsement requirements established under the Governance Charter and General Assembly framework.

#### **Resolution:**

**The General Assembly establishes the Select Committee on Constitutional Modernisation and adopts Attachment A – Terms of Reference: Select Committee on Constitutional Modernisation (1838 Constitution), authorising commencement of the constitutional modernisation process.**

**Moved:** Chief Magistrate, Peter Christian Bailey

**Voting:** Adjudicated by Returning Officer

## ATTACHMENT A

### TERMS OF REFERENCE: SELECT COMMITTEE ON CONSTITUTIONAL MODERNISATION (1838 CONSTITUTION)

#### Establishment

The General Assembly establishes the Select Committee on Constitutional Modernisation to oversee community consultation and prepare recommendations for the modernisation of the 1838 Constitution.

The Committee is established under the Governance Charter & Operational Manual 2026 and operates within the principles of constitutional continuity, direct democracy, and public participation recognised by the Government of Norfolk Island.

#### Purpose

The purpose of the Committee is to work with the Norfolk Island community to consider how the 1838 Constitution may be updated for modern governance while preserving the constitutional foundations and identity of Norfolk Island.

The Committee's work should support:

- transparent and accountable governance;
- effective public administration;
- strong community participation in decision-making;
- constitutional protections that preserve civic rights, democratic participation, and institutional integrity; and
- the continuing principle that authority rests with the people of Norfolk Island through the General Assembly.

#### Committee Membership

The Committee shall consist of:

- a Chair appointed by the Government of Norfolk Island; and
- up to six additional members appointed for their experience, knowledge, or community contribution.

Where practicable, representation from recognised advisory bodies may be included.

The Committee may invite advisers or persons with specialist knowledge to assist where required.

Expressions of interest from members of the Norfolk Island community wishing to participate on the Committee will be invited publicly.

#### Functions of the Committee

The Committee shall:

- review the 1838 Constitution and related constitutional practices;
- consider constitutional arrangements that strengthen local accountability, community participation, intergenerational stewardship, and future opportunity for Norfolk Island;
- identify areas requiring clarification, updating, or further development;
- seek community views on constitutional and governance matters;
- receive written submissions from residents, organisations, and advisory bodies;
- consider governance arrangements that strengthen direct democracy, accountability, institutional independence, and effective administration;
- consider the inclusion of rights and protections appropriate to a modern constitutional framework, including consideration of a Bill of Rights or constitutional rights protections for Norfolk Island;
- consider safeguards that preserve the independence of elected representatives and protect public decision-making processes from improper influence or

- lobbying;
- review areas where constitutional or governance arrangements may require further clarification in relation to Norfolk Island’s continuing sovereignty and jurisdictional interests, including matters affecting land, heritage, border control, customs, quarantine, and nationally administered areas; and
- prepare recommendations for consideration by the General Assembly.

### **Community Consultation**

The Committee shall carry out consultation in a manner that allows meaningful public participation.

Consultation may include:

- public meetings;
- workshops;
- written submissions; and
- publication of discussion or review papers where appropriate.

The Committee shall provide updates to the General Assembly during the consultation process.

### **Advisory Input**

The Committee will seek input from the advisory bodies recognised in the Governance Charter including:

- Norfolk Island Law Association;
- Council of Elders;
- Norfolk Island People for Democracy; and
- Youth Stewardship Forum.

### **Transparency**

The Committee shall conduct its work openly where practicable.

This includes:

- publishing notices of consultation activities;
- maintaining records of submissions and meetings;
- reporting progress to the General Assembly; and
- making final reports publicly available.

### **Conflict of Interest**

Committee members shall disclose any personal, financial, or organisational interests that may influence their participation in Committee matters.

Any declared conflicts shall be recorded.

### **Reporting**

The Committee shall:

1. provide an interim report outlining consultation activities, emerging themes, and proposed constitutional workstreams;
2. develop and publish a Constitutional Modernisation Plan identifying review stages, consultation processes, drafting pathways, and future community endorsement requirements; and
3. provide a final report containing recommendations, supporting reasons, and proposed future pathways.

### **Records**

Committee Membership Appointments shall be recorded in the public record.

All submissions, reports, correspondence, and records created or received by the Committee shall form part of the official records of the Government of Norfolk Island.

Copies of official materials shall be provided to the Clerk for recordkeeping purposes.

### **Decision Status**

Any proposed constitutional amendments or reforms arising from the Committee process shall be treated as Category A Constitutional Decisions under the Governance Charter and shall require consideration and endorsement through the General Assembly process.

### **Duration**

The Committee shall provide:

- an interim report within four weeks of establishment;
- a Constitutional Modernisation Plan within three months, and
- a final report within twelve months unless extended by resolution of the General Assembly.

Terms of Reference adopted by resolution of the General Assembly on **30 May 2026**.