



GOVERNMENT OF NORFOLK ISLAND

MOTION PAPER

GENERAL ASSEMBLY MEETING: 30 May 2026

MOTION # 7: CONCEPT PAPER for Community Consultation – Norfolk Island Referendum Law

Purpose:

This Concept Paper is presented to begin community consultation on whether Norfolk Island should establish a modern Referendum Law supporting direct democratic decision-making through the General Assembly framework.

The consultation also considers whether elements of Norfolk Island's former Referendum Act should inform any future framework.

The purpose of consultation is to hear community views, expectations, concerns, and safeguards before any proposal is drafted or considered by the General Assembly.

Rationale:

Direct democracy has long formed part of Norfolk Island's political culture and community expectations.

Prior to 2015, Norfolk Island operated under a Referendum Act that allowed the community to formally express its position on major governance and constitutional matters. Following changes to Norfolk Island's governance arrangements in 2015, the former Referendum Act was repealed and Norfolk Island no longer retained a formal mechanism through which the community could directly express consent on major constitutional or governance questions.

Norfolk Island has a long tradition of community participation and direct democratic expectation. Many significant decisions affecting the Island have historically been viewed as matters requiring direct community involvement.

The Governance Charter & Operational Manual 2026 reaffirms:

- the constitutional continuity of the Norfolk Island people;
- the principle of popular sovereignty;
- the importance of direct democracy; and
- the requirement that major constitutional decisions must involve community endorsement.

This proposal is intended to explore whether Norfolk Island should now re-establish a modern Referendum Law to give practical effect to these principles.

The Governance Charter re-establishes direct democracy as a foundational principle and recognises categories of decisions requiring community endorsement. This consultation asks whether a Referendum Law should provide a formal mechanism to support those principles.

Referendums are not tools for division, confusion, or rushed decision-making. The enabling law would need clear safeguards, fair procedures, proper public information requirements, and confidence in the integrity of the process.

This consultation is to allow the Norfolk Island community to help shape whether a Referendum Law should proceed and, if so, what principles and safeguards should guide it.

What is a Referendum Law?

A Referendum Law is a framework that sets out how important public questions may be put directly to the people for decision.

Such laws commonly deal with matters including:

- who may vote;
- how referendum questions are proposed;
- when a referendum must occur;
- voting procedures;
- public information requirements;
- counting and declaration of results; and
- what level of support is required for a proposal to pass.

Referendums are commonly used for major constitutional or public questions where governments consider direct public endorsement appropriate.

Why Consider a Referendum Law Now?

The Governance Charter establishes a decision-making hierarchy that recognises some matters as requiring direct community endorsement through the General Assembly framework.

A Referendum Law could help:

- provide certainty around how major community votes are conducted;
- support constitutional modernisation processes;
- ensure constitutional changes cannot occur without public consent;
- strengthen transparency and accountability;
- provide lawful and orderly pathways for major public decisions; and
- reinforce confidence in the role of the General Assembly and The House.

A formal referendum framework may also assist Norfolk Island in demonstrating transparent democratic processes in regional and international settings.

Referendum mechanisms are commonly used internationally where communities seek transparent, participatory, and legitimate decision-making on important public questions.

What Could a Norfolk Island Referendum Law Do?

At this early stage, the proposal being explored is that a Norfolk Island Referendum Law could potentially:

- establish clear rules for community referendums;
- identify matters requiring mandatory community endorsement;
- define matters where community consultation voting may occur;
- provide procedures for calling and conducting referendums;
- establish public information and consultation requirements before voting occurs;
- establish safeguards ensuring referendum processes remain fair, informed, and free from undue influence;
- provide safeguards against misleading or unclear referendum questions;
- whether referendum outcomes relating to constitutional matters should be binding upon The House and the Government of Norfolk Island; and
- ensure referendum results are formally recorded and publicly available.

Possible Approaches

At this stage, several possible approaches are being considered:

Option 1 – Restore and Modernise the Former Referendum Act

This approach would revive elements of the former Norfolk Island Referendum Act while updating procedures and aligning the framework with the Governance Charter.

Option 2 – Develop a New Referendum Law

This approach would create a new referendum framework specifically designed around the Governance Charter and modern General Assembly processes.

Option 3 – Hybrid Model

This approach could retain elements of the former Act while incorporating modern safeguards, updated procedures, and the Charter's decision-making framework.

Governance and Accountability

A key principle of any proposed Referendum Law is that referendum processes must be fair, transparent, and trusted by the community.

Issues requiring consultation include:

- who may initiate a referendum;
- what matters should require mandatory public voting;
- voting eligibility;
- minimum voting thresholds;
- public information requirements;
- independent oversight and counting procedures;
- dispute resolution processes; and
- how referendum outcomes are formally recognised.

Community Questions and Concerns

Community feedback is being sought on questions including:

- Should Norfolk Island re-establish a formal Referendum Law?
- What types of decisions should require direct community voting?
- What safeguards should apply?
- What level of public support should be required before a referendum proceeds?
- Should constitutional amendments require mandatory referendum approval?
- How should referendum questions be developed and explained?
- What concerns would need to be addressed before any future proposal proceeds?

The Government also welcomes broader community ideas about how direct democracy should operate into the future.

Consultation Principle

This paper seeks community discussion only. No Referendum Law is proposed for adoption at this stage and no referendum framework has been determined.

Any future proposal would return separately to the General Assembly for consideration.

Next Steps

This paper is released for public consultation only.

Following consultation:

- submissions and feedback will be reviewed;
- further community discussions may occur;
- possible referendum models and safeguards may be refined; and
- any future proposal would return to the General Assembly for separate consideration and decision.

No Referendum Law will be established unless and until a future proposal is formally considered and supported through the General Assembly process.

Invitation for Community Feedback

The Government of Norfolk Island invites all members of the Norfolk Island community to participate respectfully and constructively in this consultation process.

This discussion is ultimately about how Norfolk Island wishes to make important collective decisions into the future and how community consent, participation, and direct democracy should continue to operate.

Submissions can be made through the website link at www.govni.org or by email to: **contact@govni.org** or in person at the Hub, Norfolk Mall.

Feedback will remain open until 30 June 2026 and an update following community response will be tabled at the 11 July 2026 General Assembly to inform further development, or not.

Moved: Chief Magistrate, Peter Christian Bailey

Voting: Adjudicated by Returning Officer