

**The Republican Movement  
of Aotearoa New Zealand**



**April 2008**

**Submission to UnitedFuture**

**Re: 'Stepping Forward'  
Policy discussion paper on  
New Zealand's national identity**

## **Introduction**

The Republican Movement's submission relates specifically to **Issue 1 of the policy discussion document**:

*"As part of our national identity, should New Zealand move to become a republic with a written, entrenched constitution?"*

The Republican Movement submits that New Zealand should become a republic to affirm our unique national identity.

## **Why we support a republic**

A republic is an important step in affirming the national identity of New Zealand. We believe there are three key reasons for creating a New Zealand republic:

### **1. A New Zealand republic means a New Zealand head of state**

New Zealand is an independent, sovereign country, and yet does not have a head of state of its own. Currently, we have a head of state that can only represent a token link to our history as a colony of Britain. New Zealanders with British ancestry do not need token links to their history, any more than Dutch, German, or Japanese New Zealanders need such links.

The Governor-General is *de facto* head of state. Creating a republic is an important but legally simple change, which at the very least will involve reforming the office of Governor-General into a proper head of state. Doing so would symbolically bring the head of state home to our place – New Zealand.

### **2. A republic affirms New Zealand's nationhood**

Electing our own head of state is a simple step and an important one because it fosters a sense of nationhood. New Zealand republicanism is an affirmation of civic nationalism - the ideas and values that bind us together.

New Zealanders believe in political appointment on merit, not birth. The monarchy discriminates on the basis of gender, religion, birth, and nationality. Such discrimination goes against the basis of New Zealand's nationhood, which emphasises egalitarianism.

How we see ourselves in the world is crucial to New Zealand's success in an increasingly global world. Our current constitutional arrangements cause confusion overseas as to whether New Zealand is a colony, or part of Australia: a republic will signal our independence to the world, and is an expression of confidence in New Zealand.

### **3. A republic means a democratic, accountable safeguard**

The head of state should be a constitutional safeguard. The Sovereign and Governor-General are not able to act as such safeguards. The Governor-General is unable to resolve constitutional crises because the Prime Minister

holds the power to dismiss and replace them, and the monarch will never get involved in New Zealand politics, choosing to remain "above politics".

A republic would create a head of state that could act in times of constitutional crises. Such a head of state works as a much better restraint on the power of the executive - the Prime Minister and Cabinet.

With a republic the role of the head of state will be clearer. It would add certainty to grey areas in our constitution. It would also emphasise accountability, which is not the case with the status quo. Monarchy represents the belief that the authority of government devolves from a single individual (the Sovereign). Republicanism is based on the principle that the authority of government is gained through the consent of the governed.

## **The Treaty of Waitangi and a republic**

The Treaty, as the founding document of New Zealand, is an agreement between Maori Rangatira (Chiefs) and the British Crown. New Zealand adopted the Statute of Westminster in 1947, which created the New Zealand Crown separately from the British Crown, and thus one party to the Treaty changed. Monarchist League Chairman Professor Noel Cox has previously stated:

*"In strict legal terms, if New Zealand became a republic tomorrow it would make no difference to the Treaty of Waitangi."*

Professors Jock Brookfield and Bruce Harris support this view. Crucially, there is support within Maoridom for this position also – most notably from Moana Jackson and Labour MP Shane Jones.

Simply put, if New Zealand were to become a republic, the responsibilities of the New Zealand Crown would be transferred to the new New Zealand head of state. Responsibility for the Treaty would rest where it has always rested – with the New Zealand Government. Maori have long petitioned the Crown for redress over the Treaty - the monarchy perpetuates the myth that "the Crown" protects Maori (and Pakeha) interests under the Treaty of Waitangi.

## **A written constitution**

The Republican Movement submits that, while we have no policy on whether New Zealand should adopt a written constitution (that is, an entrenched single constitutional document) in order to become a republic, adopting a written constitution does not preclude nor necessarily lead to a republic either.

New Zealand does not need to adopt a written constitution to become a republic. The State of Israel - which is also a former British possession of the Westminster parliamentary tradition and a proportionally elected single-chamber parliament - is a republic without a written constitution. By a simple majority of votes the Knesset can amend the Basic Law of Israel, the skeletal framework of Israel's constitution.

The Irish Free State had no written constitution from its creation in 1922 until 1937, when it adopted a written constitution. Ireland did not, despite creating an office of President in 1937, abolish the monarchy until 1949.

Both of these examples show that a written constitution does not lead to a republic and is not required in order to achieve one. It is more likely that a republic will lead to a written constitution than a written constitution lead to a republic. It is legally simpler to create a republic than a written constitution. Because a republic would clarify the head of state's position, it is a prerequisite for any constitution. Jim Bolger originally raised the republic debate out of fear that the Governor-General would have to use their reserve powers more often under MMP. Bolger argued it would be better if the office was democratically accountable, which the Sovereign and Governor-General currently are not. This is a more pressing constitutional issue than a written constitution.

## **Public education**

The Republican Movement is dedicated to providing relevant and reliable information in the republic debate. We agree that the need for public education on New Zealand's constitution is crucial. We often encounter considerable ignorance regarding New Zealand's constitutional arrangements. Such education needs to be determined at the curriculum level, with civics forming an integral part of high school student's education.

Public education and awareness is also important for any referendum process reforming New Zealand's head of state. The Republican Movement notes that one way this could be achieved would be to follow the Australian precedent from the 1999 republic referendum. In that instance both a "Yes" and "No" committee, comprising of members appointed from both sides, were granted equal amounts of public funding to put their case.

## **The Commonwealth**

As a republic, New Zealand would remain part of the Commonwealth as a practical and useful link to our past. During the 1999 republic referendum campaign in Australia, supporters of the monarchy claimed that Australia's membership of the Commonwealth would be threatened if Australia became a republic. In response to these claims, the then Secretary-General of the Commonwealth of Nations, Chief Emeka Anaouku, issued a statement clarifying the situation:

*"Let me make it absolutely clear that, whatever the outcome of the referendum, there is no question of Australia's membership of the Commonwealth being in doubt."*

Additionally, the majority of members of the modern Commonwealth are republics. Only a minority (16) retain the Queen as their head of state.

## **Model of a republic**

As with a written constitution, the Republican Movement has no position on the model of a New Zealand republic. We generally believe, however, that the New Zealand public are most likely to support a parliamentary republic; a republic with a head of state holding similar powers and functions to that of the Governor-General. Such an office would be comparable to the Presidents of Ireland or Germany in their

ceremonial and constitutional functions. We note that Keith Locke's Bill could achieve this end.

## **Paths to creating a republic**

There are multiple paths to creating a New Zealand republic. Some legal academics believe it would be possible to create a republic simply by an Act of Parliament, others argue that could be illegal. The Republican Movement considers this option to be undesirable and open to legal challenge, and is committed to winning a referendum to establish a republic. However, we understand a significant period of public discussion must precede any referendum. What is required in any of the paths to a republic is a public inquiry, open to submissions from all sides of the debate. We note that this was an effective means of articulating the options for electoral reform during the 1980s, and came before significant public discussion on the issue, and the referendums of the mid-90s.

In addition to a public inquiry, we think there are three potential paths to a republic:

### **1. *Elect the Governor-General***

When New Zealand's first constitutional enactment - the New Zealand Constitution Act 1852 - was drafted, the office of Governor was to be elected. The Colonial Office removed this provision, fearing it might lead to a lack of control over the colony for London. Sir George Grey proposed election of the office by parliament again in 1877. Today, both Papua New Guinea and the Solomon Islands elect their Governors-General by a vote of parliament. The proposed republican constitution of the Solomon Islands suggests that the new president will be elected in the same manner. As mentioned above, the Republic of Ireland adopted a republican constitution by referendum in 1937, before the abolition of the monarchy in 1949 by an Act of Parliament.

One possible path for New Zealand would be to hold a referendum on whether we should elect our Governors-General (and how) before the next Governor-General is due to be appointed in 2011, and then when the Queen's reign ends, hold another referendum on whether New Zealand should become a republic. This would be a gradual evolution, in line with the general development of New Zealand's constitution.

### **2. *Keith Locke's Head of state (Referenda) Bill***

Green MP Keith Locke has a members' Bill in the ballot which proposes a referendum be held with three options:

- The status quo (monarchy);
- A republic with a head of state elected by two-thirds of parliament;
- A republic with a head of state directly elected.

If none of these options wins a majority of votes at the first referendum, a second run-off referendum will be held between the two highest-ranking options. If the status quo achieves more than 50% of the vote, then no second referendum will be held.

This process is similar to the two-stage process used in the electoral reform process of the early 1990s, and would be familiar to New Zealanders. The problem with this, however, is that it could over-complicate the process.

The Bill makes it explicit that the new head of state is to have the same powers and be governed by the same conventions as the Governor-General. The Bill also states that the Treaty of Waitangi is to be regarded as if the Act has not been passed.

### **3. A constitutional convention**

Former Labour Prime Minister Mike Moore has proposed that an elected constitutional convention be held. The convention would deal with a range of constitutional issues, including a republic. The Republican Movement welcomes this initiative, as public discussion of the issue is crucial to winning support for a republic. Should the convention recommend a republic (and the specific model of a republic) then a referendum should be held.

We note that the process leading up to the 1999 republic referendum in Australia was similar to the one proposed by Mike Moore. However, internal politicking over the model of the republic proposed – there was serious division amongst republicans between supporters of a directly elected president and a president elected by parliament – led to the defeat of the republic referendum in 1999. There is potential for this to occur in New Zealand also.

## **Support for a republic**

The New Zealand Election Study is the most comprehensive and accurate survey available on support for a republic. The survey is conducted every election year, following the general election. The table below shows the results of the last four studies:

Year (surveyed)	<b>Favour a republic</b>	Favour retaining Queen	Don't know
1996 (4,118)	<b>35.4%</b>	52.1%	13.7%
1999 (1,471)	<b>28.1%</b>	62.2%	9.7%
2002 (4,859)	<b>31.3%</b>	51.2%	17.5%
2005 (2,792)	<b>33.9%</b>	48.7%	17.1%

These statistics show a gradual increase in support for a republic since 1999, with a greater decline in support for the monarchy, which peaked in 1999 (this peak is probably an anomaly because of the failure of the Australian republic referendum in November 1999, the survey being undertaken in December 1999). Crucially, the 2005 survey shows that over 17% of New Zealanders are undecided on the issue, a figure that has increased substantially since 1999. Moreover, less than half New Zealanders now support the monarchy.

The results also show significant support amongst women and Maori for a republic, despite long-held assumptions that the opposite is true. Support is stronger amongst voters of the centre than the far-left or far-right, although the Green Party records significant support for a republic.

A recent poll of just under 1,000 voters, commissioned by the Republican Movement and undertaken by an independent polling company, asked whether New Zealanders would support the monarchy once the Queen's reign ends.

The poll found support for the monarchy was only 43%, while support for a republic was around 41%, within the margin of error of 3.3%. Interestingly, a poll the previous month asked voters about their support for the "Queen as head of state", which found 66% of respondents favoured the status quo. This result shows the significant good feeling towards the Queen does not necessarily transfer to her son.

## **Conclusion**

A New Zealand republic is a key aspect in advancing New Zealand's national identity. We welcome United Future's initiative in this regard. As we have seen, there are multiple issues to confront, but none of these issues are insurmountable, nor necessarily need to be answered as part of a process of creating a republic.

The Republican Movement strongly encourages UnitedFuture to adopt a policy of supporting a public inquiry on republicanism, and then a referendum on a republic. We believe New Zealand should become a republic, and that the best process for creating a republic is by referendum.

As noted above, support for the monarchy has consistently fallen over the last 10 years. It is likely this trend will continue as the end of the Queen's reign draws nearer, and to fall significantly once Prince Charles becomes King. The minds of New Zealanders will therefore become increasingly focussed on the issue, and so it is important that our elected representatives show vision and leadership on this crucial issue.