



Inquiry into New Zealand becoming an independent republic

Report of the committee on the inquiry into New Zealand becoming an independent republic

Youth Parliament 2000

Benjamin Naylor
Chairperson

29 August 2000

Recommendation

The committee on the inquiry into New Zealand becoming an independent republic has conducted an inquiry into New Zealand becoming an independent republic and recommends that the Youth Parliament 2000 take note of its report.

Introduction

From our inquiry, we wish to draw the attention of the Youth Parliament 2000 to the following issues. We state at the outset that we have not attempted to reach a final conclusion on the question of whether New Zealand should become a republic. We do not consider that it is appropriate for us as Members of Parliament to express our personal opinions on such a matter. Instead, we have focussed on issues that would arise if New Zealand were to consider becoming a republic and on how we consider the House should respond to such issues.

Legally possible for New Zealand to become a republic

It is clear to us that it is legally possible for New Zealand to undertake the constitutional changes that would be necessary if we were to become a republic. There is some debate as to the most effective and appropriate way for this legal change to be undertaken, a debate that we consider would be best resolved if and when a particular model of republicanism is to be chosen for New Zealand. However, other issues arise when the question of whether New Zealand ought to become a republic is considered. We discuss these issues below.

Addressing issues arising from the Treaty of Waitangi

We consider that, before New Zealand can move towards becoming a republic, issues arising in respect of the Treaty of Waitangi (the Treaty) must first be addressed. In our opinion, the Treaty is a partnership between Crown and Māori. If the constitutional nature of one of the partners to the Treaty, the Crown, is to be fundamentally altered, the constitutional status of the Treaty will therefore be affected. Consequently, we consider that the constitutional status of the Treaty must be defined before any change is made to the legal nature of the Crown and before the wider republican debate can properly be embarked upon. We would like to see this issue debated more widely in New Zealand society.

Mandate for change must come from the New Zealand public

We strongly believe that it is not for Parliament to decide whether New Zealand should become a republic. This is a decision that has to be made by all the voters of New Zealand. We consider that a decision about such a fundamental part of New Zealand's constitutional framework must be endorsed by at least a majority of voters. We consider that there is also a case for such a decision needing the endorsement of two-thirds, or even three-quarters, of all voters.

If change is called for, Parliament should instigate referenda

The New Zealand public has not indicated that it considers constitutional change to be a high priority. We consider that Parliament should follow where the public leads on this matter and, accordingly, we do not consider it is appropriate for Parliament to force public debate on the question of whether New Zealand should become a republic. Likewise, Parliament ought not to embark upon the cost of an education campaign until such a time as a significant part of the New Zealand public calls for urgent debate on this matter.

However, if there is a significant groundswell of opinion on the republican debate, indicating the need for some resolution, then we recommend that Parliament legislate to provide for two referenda of all New Zealand voters to take place. As mentioned above, we consider that Parliament should consider whether these referenda should be endorsed by two-thirds, or even three-quarters, of all voters. We note that one indication of a groundswell of opinion would be a Citizens Initiated Referendum, relating to any concept relevant to New Zealand becoming a republic.

We believe it is important for the question of what model of republicanism New Zealand should adopt to be kept separate from the question of whether New Zealand should become a republic. Accordingly, the first referendum should address the question of which model of republicanism New Zealand ought to adopt by offering a range of options from which to choose. The second referendum should then put the favoured model up against the present constitutional system and ask voters to choose between the two.

If Parliament does legislate to provide for such referenda, we believe it is important at that stage for public money to be set aside to educate voters fully and impartially about the options they are being asked to choose between.

Conclusion

It is clear to us that it is legally possible for New Zealand to undertake the constitutional changes that would be necessary if we were to become a republic. However, we consider that the constitutional status of the Treaty must be addressed before the wider republican debate can properly be embarked upon. We also strongly believe that it is the voters of New Zealand who must decide whether New Zealand should become a republic, not Parliament alone. If the New Zealand public indicates that it considers the republican debate to be a high priority, then we recommend that Parliament legislate to provide for two referenda of all New Zealand voters to take place.

For the interest of the Youth Parliament, we note the personal opinions of members of the committee on the question of whether New Zealand should become a republic or remain a monarchy. Of the 12 members of the committee, six support a republic and six support the existing constitutional system.

APPENDIX

Approach to this inquiry

We met on 28 and 29 August 2000 to consider the inquiry into New Zealand becoming an independent republic. Evidence was heard from the following submitters:

David Guerin, Republican Movement of Aotearoa New Zealand
Matthew Norman, Monarchist League
Moana Jackson, Māori Legal Services
Alastair Cameron, Tutor in Public Law, Victoria University of Wellington
Nic Best, Student, Victoria University of Wellington
Jordan Carter, Student, Victoria University of Wellington

Committee members

Benjamin Naylor (Chairperson)
Jason Belworthy
Finlay Bird
Christopher Bishop
Anna Harris
Anita Lala
Kiersten Leslie
Michael Mabbett
Jerome Mahutoho
Tim Moore
Campbell Myers
Matthew Alexander Rea