



**Inquiry into whether New Zealand should become a
republic**

Report of the Justice and Electoral Committee

Youth Parliament 2004

Jeremy Moller

Chairperson

17 August 2004

Recommendation

The Justice and Electoral Committee has conducted an inquiry into whether New Zealand should become a republic and recommends that the Youth Parliament 2004 take note of its report.

Introduction

Republicanism has not been a major political issue in New Zealand. There are several reasons for this. Firstly, New Zealand has enjoyed stable government under its present system, thus, there has been no crisis event that has led the people of New Zealand, or its governments, to raise and seriously debate the possibility of New Zealand becoming a republic. In colloquial terms ‘it ain’t broke, so there is no need to fix it’.

Secondly, where matters of concern have arisen, when things do seem to be ‘broke’, New Zealand governments have approached the issues and addressed them in practical ways. Such moves have resulted in the replacement of the British honours system, changes to the oaths of allegiance, and the abolition of appeals to the Privy Council, and consequent establishment of a New Zealand Supreme Court. This, again, has deferred the need for New Zealand to seriously debate the issue.

Should New Zealand become a republic?

Most of us believe that New Zealand should become a republic, however, most of us believe that New Zealand should continue moving towards this reality in a measured, practical and informed way. New Zealand has been described as following a path of “republicanism by stealth”¹ and that in effect New Zealand is already a “de facto republic”.² This has occurred as a result of New Zealand desiring and embracing the positive aspects of republicanism, our independence and the establishment of our own unique identity, without yet finding it necessary or desirable to make the significant final leap of replacing the British monarchy as our head of state.

Most of us are comfortable with New Zealand continuing down this path, addressing issues as they arise and dealing with them. Matters of identity, such as whether we should change our flag, are in a way simple, as they are relatively plain and easily debateable. When the New Zealand public is ready and willing to make such a change the process will likely be quick, straight forward and achievable in relative isolation from the greater republican debate.

¹ Radio New Zealand, ‘Govt. Accused Of Republicanism By Stealth’, *Radio New Zealand Newswire*, 19 February, 2004, 07:41.

² F. M. Brookfield, ‘Republican New Zealand: Legal Aspects and Consequences’, *New Zealand Law Review*, 1995, p. 310.

Other issues, such as the place and status of the Treaty of Waitangi or the powers of the head of state in a new republic or constitution, are far more difficult and will take greater consideration before the options and implications can be assessed. It is right, therefore, that we continue to make changes where and when there is a clear public will and when the issues have been given due consideration.

The Treaty of Waitangi's role in a new constitution

Most of us believe that the Treaty of Waitangi has a place in any new constitution. Establishing what this place should be is beyond the scope of this inquiry. We of us would like to note, however, that the treaty's place and authority in New Zealand has changed dramatically in its 160 year history, that it continues to evolve and that it will be some time yet before the treaty settlement process is completed and society's understanding and view of the treaty has matured and coalesced. Some of us feel that the completion of treaty settlements is an essential step towards becoming a republic.

The treaty will become a major issue and stumbling block in any discussion of the nature of a New Zealand republic and until New Zealand society's opinion of the treaty has coalesced significantly such a debate will be divisive, fractious and best avoided. For this reason most of us recommend a more measured and cautious approach to the eventual reality of a New Zealand republic and the inclusion of the Treaty of Waitangi into a written constitution.

Serious reform or minor alteration?

Most of us believe that a major reform of New Zealand's unwritten constitution and system of government is unnecessary. We are concerned about the nature of the role and the appointment process of any replacement to the office of the Governor-General and are uncertain as to whether an alteration of this office is possible without a significant impact on our constitution and system of government. We note that this issue has been a major factor in the rejection of republicanism in Australia. We recommend caution in this area of reform and some of us consider that the wisest move would be to wait and observe the impact of such changes in Australia before we embark on a similar course here.

New Zealand's place in the world

We agree that consideration must be given to the impact, if any, in the area of international relations that would arise if New Zealand were to become a republic.

Appendix

Approach to this Inquiry

We met on 16 and 17 August 2004 to inquire into whether New Zealand should become a republic. Our inquiry took 2 hours and 41 minutes. Evidence was heard from:

Mai Chen, Chen Palmer & Partners, Constitutional Lawyer
Lewis Holden, The Republican Movement of Aotearoa New Zealand
Fleur Fitzsimmons and Camilla Belich, New Zealand University Students Association
Louise Rockliff, The Monarchist League of New Zealand
Lana Simmons-Donaldson

Committee members

Jeremy Moller (Chairperson)
Emily Quested
Emma Kuperus
Isla McKechnie
Jeremy Purton
Jordan King
Lafoaluga Tapaleao
Megan McCrea
Nicole Mathewson
Nirupa George
Ramon Olsen
Robyn Zwaan
Rowan Manhire-Heath
Sam Kidd
Supriya Singh

Evidence and advice received

We considered the following evidence and advice during this inquiry:

- Brief from the Parliamentary Library Research Staff, 29 July 2004.