

Submission of the Republican Movement to the Justice and Electoral Select Committee

On the Lawyers and Conveyancers Amendment Bill

1. This is the submission of the Republican Movement of Aotearoa New Zealand to the Justice and Electoral Select Committee on the Lawyers and Conveyancers Amendment Bill.
2. The Republican Movement of Aotearoa New Zealand Inc is an incorporated society representing New Zealanders from all walks of life and all political and ethnic backgrounds that support a New Zealand republic with an independent head of state.
3. This submission is presented by LJ Holden, chair of the Republican Movement. He wishes to appear before the select committee.
4. The Republican Movement opposes the restoration to the title "Queen's Counsel" for senior lawyers.
5. The Republican Movement opposes the restoration for the same reasons we supported the creation of the title "Senior Counsel": the current title reflects the reality that senior lawyers do not serve the Queen, and are meant to be independent of the government.
6. The Republican Movement submits that this change is driven by colonial cringe: the thought of a title claimed by New Zealand for itself is somehow inferior to a title bestowed upon us a British colony; that by mentioning our absentee head of state our lawyers will somehow be better respected.
7. The move back to Queen's Counsel suggests an underlying view about New Zealand and its future; it indicates to the world that despite growing republican sentiment we are unable to shape our own destiny at even the most basic level as what we call our senior lawyers.
8. In other countries that follow the British common law as their legal system use the title "Senior Counsel", is widespread: all the states of Australia, most provinces of Canada, Hong Kong, the Republic of Ireland, South Africa, Kenya, Singapore, Guyana and Trinidad and Tobago all use the title. In addition, "Queen's Counsel" has been replaced in India, Bangladesh, Sri Lanka and Nigeria with various local titles.
9. Only New Zealand, the United Kingdom and a handful of Caribbean states will use "Queen's Counsel"
10. The Queen is now 84. Once the Queen's reign ends, Prince Charles may become king. Newly appointed Queen's Counsel would be titled "King's Counsel".
11. New Zealand would then have three titles for senior lawyers: QC, KC and SC. This would be nonsensical.