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Lawyers and Notary Public

# Referenda: Having dogs and getting to bark too!

Politicians are not cheap, so why do we have to do their job too?

Every three years or so, we get to vote for Members of the House of Representatives (currently 122 of them!). From those Members, our Government is formed. The House of Representatives and our Sovereign (represented by the Governor-General) form Parliament. Parliament makes laws and tries to hold the Government to account for its actions.

Essentially, in our democracy we elect our representatives to do the things we would rather not do and, well, seeing how hard it usually is for 122 people to agree on things, we'd rather not have to do that with four million or so of us. It can be unpleasant and most of us would rather just get on with our real lives. The election process is not inexpensive and, as we all know to our cost, neither is Parliament.

## Direct Democracy

However, every now and again, we get the opportunity to exercise **direct democracy** by formally expressing a preference about an issue through a referendum. Referenda are not uncommon and various countries engage in this practice – some enthusiastically. In New Zealand, some local authorities use them to make, or, at least, justify, decisions.

## How to do one?

The Citizens Initiated Referenda Act 1993 provides the mechanism by which non-binding polls can be held on any topic. All that needs to happen is that a referendum proposal is submitted to the Clerk of the House of Representatives. The draft wording of that proposal is advertised and final wording determined. Answers to the proposal have to be one of two options (say, **yes** or **no**). The promoter then has to collect the signatures (and full names and residential addresses) of at least 10 per cent of registered electors (that's now about 300,000 people) within 12 months. The Governor-General must then set a date to hold the referendum.

You may recall being polled about the number of professional firefighters in 1995, the number of members of the House of Representatives in 1999, the focus of justice system reform in 1999 and smacking and good parental correction in 2009. You may even be looking forward to pending referenda about citizens' referenda being binding and about increases to adult minimum wages.

As well as such citizen initiatives, the Government too can initiate referenda. Such referenda have included our voting system in 1992 and again in 1993 and compulsory retirement savings in 1997. The Government now intends to pass new legislation providing for yet another referendum (to be held with next year's general election) about our preferred voting system – MMP or an alternative and, if so, what alternative? This referendum will be indicative only but may lead to a further (and probably binding) referendum in 2014.

## Good idea?

So, is it a good idea that an issue, that on one hand, is so important as to justify the (not inexpensive) polling of the people must, on the other hand, be reduced down to a few unqualified options? Usually, the answers you get depend on the question that's asked. And, is it a good idea to let such important issues be decided by (possibly) a great many uninformed (or unable to be informed) voters? And how good is it if referenda are able to be used by elected representatives to avoid exercising the responsibility we gave them in the first place? I expect elected leaders to lead and not just jostle their way to the front of the biggest crowd.

Regardless, whether you have a view **of don't vote, it only encourages them or stand up and be counted**, you should be pleased (and not take for granted) that you have frequent opportunities to actively participate in our democracy.



## GARRY ANDERSON

Partner

BA, LLB(Hons)

Garry has practiced in leading national law firms in New Zealand and Australia.

Garry advises private and public sector entities about a wide range of activities.

[garry.anderson@abmm.co.nz](mailto:garry.anderson@abmm.co.nz)  
06 759 5310

**If you would like further information on any of the topics in this article, please contact the writer.**

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9 Vivian Street  
PO Box 738, New Plymouth 4340

P 06 757 5183  
F 06 757 4605

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