

Roberts, 2016a

Story: Referendums

Page 6. Citizens-initiated referendums

1993
2013
Referenda

In 1992 the National government introduced the Citizens Initiated Referenda Bill to Parliament. The bill was passed the following year, with the Citizens Initiated Referenda Act 1993 becoming operational in early 1994.

The act permits citizens-initiated referendums (CIR) to be held on questions that receive, via signed petitions, the support of at least 10% of registered electors in a 12-month period. This is a very high hurdle. More than 3.5 million people were enrolled to vote in 2017, requiring a CIR during the subsequent term of Parliament to gain the signed support of more than 350,000 people. What is more, by law the organisers of a CIR petition can spend no more than \$50,000 promoting their petition and gathering signatures.

Direct democracy or populism?

By 2013 only five questions had received enough support to trigger a citizens-initiated referendum. All were about highly emotive, populist topics:

- maintaining 'the number of professional firefighters employed full time in New Zealand'
- reducing 'the size of the House of Representatives'
- reforming the criminal justice system by 'imposing minimum sentences and hard labour'
- whether corporal punishment 'as a part of good parental correction [should] be a criminal offence in New Zealand'
- support for sale of government assets.

Hens, flags and referendums

Many proposals to hold a CIR failed to get off the ground because they could not get enough support; petitions to hold referendums on the topics subsequently lapsed. Petitions that failed to achieve the requisite level of support included prohibiting the production of eggs from battery hens; legalising voluntary euthanasia; spending at least 7% of GDP on government

Each of the first four CIRs received overwhelming support for their propositions – 87.8%, 81.5%, 91.8% and 87.9%, respectively. The first CIR – the firefighters' referendum – was held on 2 December 1995. It was not held in conjunction with a general election, and only 27% of enrolled electors cast a vote. The next two referendums – on the size of the House of Representatives and on the criminal justice system – were held together with the 1999 general election, and the turnout for both questions was 84.8% (the turnout in the general election). As a result, when the fourth CIR, about the legality of corporal punishment of children, was held separately from a general election, the government decided to make it a postal ballot. The turnout was still comparatively low – 56.1% of enrolled

health services; replacing the country's flag; and deciding whether New Zealand should 'adopt direct democracy by binding referendum'.

voters took part – but more than twice that for the first CIR.

The fifth CIR, on asset sales, was held in late 2013. It was also separate from an election and was made a postal ballot. 67.3% of those who voted did not support asset sales.

CIRs are not binding on New Zealand governments; the result of each referendum was largely ignored. The New Zealand Fire Service was restructured (indeed, it had been by the time the first CIR was held in 1995), the number of MPs was not reduced to 99, hard labour did not become part of the prison regime, the so-called 'anti-smacking' legislation was not repealed, and asset sales proceeded.

Here's to you, Mrs Robertson

Two of the five CIRs were closely associated with individual citizens. Margaret Robertson – a 'battling Karori grandmother'¹ – started the 1997–98 petition promoting a referendum on a proposal to reduce the size of the House of Representatives. Norm Withers of Christchurch initiated the petition for a referendum on violent crime after his mother was beaten while working in his shop. By May 1999 he had gathered enough signatures for a referendum to be held.

How relevant are CIRs in New Zealand?

CIRs are an integral part of the political landscape in places as diverse as California and Switzerland. However, the evidence from New Zealand is that grafting a foreign concept such as CIRs onto the country's existing constitutional tree has not borne fruit.

New Zealand's CIRs are non-binding. Both the proponents and opponents of citizen-initiated questions are restricted in promoting their views by exceptionally low spending caps. If this situation continues (and there is no strong push for change in this regard), it is likely that these referendums will remain little more than emotive sideshows to the realities of government and politics in New Zealand.

Footnotes:

1. Stephen Church, 'Crime and punishment: the referenda to reform the criminal justice system and reduce the size of Parliament.' In *Left turn: the New Zealand general election of 1999*, edited by Jonathan Boston and others. Wellington: Victoria University Press, 2000, p. 189.

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