

I. INTRODUCTORY

1. Though the fact of the growth to full nationhood of the self-governing members of the British Commonwealth of Nations lies behind the Statute of Westminster, its adoption should not be occasion for raising the question of the general constitutional status of New Zealand. That status—full nationhood—is settled. More than twenty years ago the Imperial Conference of 1926 was merely *describing* the status which the Dominions had reached after their long and steady growth to full self-governing nationhood in the historic section known as the “ Balfour Report ” which stated :

They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.

2. That description records the practical independence of the members of the Commonwealth and sets out their recognition of their interdependence and hence their desire to remain freely associated. New Zealand has for long taken an independent and fully sovereign part in British Commonwealth and in international affairs. At the same time we have maintained our intimate association with the United Kingdom and with the other members of the Commonwealth. Not only the day-to-day actions of the Government and the attitude of New Zealanders to the two Great Wars, but also the actions of private individuals and groups, show that this recognition of independence and interdependence is part of our national way of thinking and feeling. No definitions or statutes can affect this practical position : they cannot take away New Zealand’s independent status, nor can they reduce our desire to remain associated with our friends and kinsmen.

3. It is, however, a frequent occurrence—especially in countries which share the British legal tradition—that contemporary legal forms lag behind the actual facts. Often this does not matter ; but from time to time it is necessary to bring the law up to date—not to alter the contemporary state of affairs, but merely to ensure that the law more accurately describes it. The British Commonwealth representatives (for the most part experts in the law) who met in 1929 at the “ Conference on the Operation of Dominion Legislation ” found such a situation and attempted to deal with it. The Imperial Conference of 1926 had noted that the individual members of the Commonwealth were autonomous communities, equal in status and in no way subordinate one to another. But the law was eighty or more years behind the times. The Conference