

revoked. Section 8, which also dealt with the Constitution Act of Australia, provided with respect to New Zealand that—

Nothing in this Act shall be deemed to confer any power to repeal or alter . . . the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

This section, and section 7 in respect of Canada, were inserted at the request of the Canadian, Australian, and New Zealand Governments for the reasons indicated in the introductory notes. There is no necessity for New Zealand, with its unitary constitution, to retain the restrictions which the dominions with Federal constitutions such as Canada and Australia, regard as essential for the protection of State rights; but, since this particular restriction has been provided for in section 8 of the Statute of Westminster, it is necessary to request the United Kingdom Parliament to pass a further statute—the New Zealand Constitution Amendment Act, which is set out in the Schedule to the New Zealand Constitution Amendment (Request and Consent) Bill. The effect of section 8 is to preserve the restrictions on the amendment of the Constitution Acts of 1852 and 1857 as they existed in 1931, when the Statute of Westminster was enacted. In 1931 the power of the New Zealand Parliament to amend its Constitution was limited. Certain sections “entrenched” by the Constitution Act, 1852, remained entrenched by the Constitution Amendment Act, 1857, and can be amended or repealed only by an Act of the United Kingdom Parliament. It is of the essence of the enjoyment of full self-government that we in New Zealand should have full power to deal with our Constitution.

33. It seems appropriate, therefore, that this opportunity should be taken to remove all restrictions on the legislative competence of the New Zealand Parliament and with this in mind it is proposed that the draft Bill set out in the Schedule to the New Zealand Constitution Amendment (Request and Consent) Bill be submitted to the United Kingdom Parliament for enactment.

V. CONCLUSION

34. In sum, the adoption of the Statute and the enactment by the United Kingdom Parliament of the New Zealand Constitution (Amendment) Bill will give the New Zealand Parliament full legislative capacity and free it from the legislative restrictions imposed by certain United Kingdom statutes; it will bring New Zealand into line with the other Dominions; and it will clarify New Zealand’s international status in the eyes of foreign countries.