

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS

PRESS RELEASE 589#

**MAX WALLACE :
FIJI IS MORE CONSTITUTIONALLY DEMOCRATIC THAN NZ OR, IN
PRACTICE, - AUSTRALIA**

FOCUS: NZ Outflanked By Fiji

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 by Max Wallace, **WRITING FOR LA RAISON MAGAZINE**

It is paradoxical that Fiji is more constitutionally democratic than New Zealand. (or Australia)

Firstly, what I mean is that no New Zealand-born citizen can hold the office of head of state. That status and power is retained in New Zealand by the hereditary British monarch who is simultaneously the Supreme Governor of the Church of England in England.

Fiji, by contrast, has a citizen as head of state, the president, appointed by the Parliament.

Second, like England, New Zealand does not have a written constitution. Nor, to our knowledge, has there ever been a case where the Supreme or High Courts have said unequivocally that there is a constitutional separation of church and state in New Zealand.

Fiji introduced a new Constitution on September 6 2013 which separates church and state. Section 4 of the constitution states that in the Republic of Fiji 'Religious belief is personal' and 'Religion and the State are separate'.

But this is in a nation where religious identification is very high. According to the 2007 census, 33 per cent of the population are Methodist, 28 per cent Hindu, 20 per cent other Christian, nine per cent Catholic, 6 per cent Muslim. Just under 1 per cent stated they had no religion.

New Zealand, on the other hand, is about 43 per cent Christian with 38 per cent having no religion. According to the 2013 census, 263,517 Māori, 46.3 per cent, have no religious belief.

If the ongoing decline of Christianity and the ongoing rise of those with no religion continues, it is only a matter of time before non-religious citizens outnumber religious citizens in New Zealand. Of those religious citizens, only about five per cent, we understand, attend church regularly.

It is commonly understood that if churches play no part in parliamentary lawmaking and there is no one 'established' church, that is, a church that is legislatively identified with the nation, as is the case in England, then there is a separation of church and state.

We say this perceived separation in New Zealand is not good enough.

It is contradictory for New Zealand to have a Bill of Rights that proclaims citizens' equality, while equality before the law for non-religious citizens is apparently denied in these ways.

In Fiji, the 2014 election was the opportunity for those who disagreed with Prime Minister Bainimarama to refuse to elect him as a response to the constitutional changes in Fiji. The result was that he was elected with a clear majority. The basic structure of a secular representative democracy is there. Now they have to make it work.

So, religion still plays a significant role constitutionally in New Zealand with the Supreme Governor of the Church of England in England as head of state, and through a lack of constitutional separation of church and state.

All this while becoming increasingly secular in the cultural sense, whereas in Fiji, impartial secular government has been achieved while the vast majority of the population is religious.

Until New Zealand becomes a republic with a constitutional separation of church and state like Fiji, its secularism will remain more apparent than real, even though at the next census, it is likely non-religious citizens will outnumber religious citizens.

- Max Wallace is a council member of the New Zealand Association of Rationalists and Humanists. This article was first published in the March 2015 issue of the French magazine La Raison.

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