

2405

From: Leonard Bakkenes
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 6:47 a.m.
Subject: CAP Submission

Based on my equality principles I submit that the Maori Seats are abolished.

We are one nation with one race only, the human race and should be governed by one general elected parliament.

Please refrain from creating seperatism, it will only end up in tears.

Prior to John Key being elected to lead the National one of his or National's promises was to abolish the Maori Seats.

This was obviously a bit of politiking as he did an about turn but it showed clearly through the number of votes he/they received that the people of NZ supported the abolition .

Will democracy and common sense survive?

Leonard Bakkenes

Waikato

2052'

From: pete balchen ·
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 8:52 p.m.
Subject: CAP Submission

I think the Maori seats should be abolished.

3745

From: Heidi Bale ·
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 22/07/2013 7:02 p.m.
Subject: Submission to the Constitutional Conversation
Attachments: Submission to the ConstitutionalAdvisory Panel 30062013 Heidi Bale.pdf

Hi,

Please find attached. I would appreciate acknowledgement that this has been received ok at your end.

Kind regards,

Heidi Bale

Submission made to the Constitutional Advisory Panel New Zealand | July 2013

If Parliament moves to codify a constitution for New Zealand it must not include any reference to the Treaty of Waitangi.

This is because the Treaty is not taken literally as a document. It has been interpreted by the courts which have discovered 'principles.' These principles have become instituted in governance on an ad hoc basis by their insertion in statute, by example in the Resource Management Act. At present the Treaty does not enjoy 'direct legal effect.'¹ To enjoy this status it requires codification.

Given that the Treaty has been taken as 'a living document,' meaning that it has been subject to 're-interpretation'² many times since the 1970s by the academics, jurists, politicians and iwi who have participated in the discovery of 'co-governance,' this revisionist interpretation will have institutional force and determine how the codified reference to Treaty is understood, and exercised.

The principle of 'co-governance' is fraudulent. The Treaty did not state that we are 'two people,' it stated 'Kotahitanga,' we are one: diverse peoples now unified by the acceptance of one over-arching rule, 'Sovereignty.'

Indeed, to date, we are one people as New Zealanders. We share the same rights as citizens before the law.

However, once the concept of co-governance and other principles discovered by the courts become codified by making reference to the Treaty in a written constitution, we will officially be two peoples. The Treaty 'principle' of co-governance will become enforceable by the courts.³ The judiciary will supercede the executive in this.

Unfortunately, we will not be two peoples living harmoniously alongside each other sharing equitable, though differing rights, as so many who are interested in this issue assert. We will have one class determined by ancestry, able to exercise a new body of rights defined by themselves, and according to their spiritual beliefs, as they are expressed and then asserted within the domain of the courts; and, by the courts then made binding on the executive branch of government.⁴ This thought and these aspirations will be empowered by exclusive institutions, but now, with the ability to impose the power of this thought on the 'other' with the legal force of the State, by making reference to the Constitution.

This is akin to implementing Sharia law in New Zealand. Sharia law is a moral and religious code that is uncontested by those who disagree with its principles or with its enforcement. This undoubtedly will raise incredulous smiles in those readers who believe no New Zealander has anything to fear from the

¹Matthew S R Palmer, *The Treaty of Waitangi in New Zealand's Law and Constitution*, Victoria University Press 2008, P.24

² ibid, P.24

³ ibid, P.25

⁴ ibid, P.25

Treaty of Waitangi. And, as a document taken literally, no New Zealander does. But the point has been made earlier that the Treaty has not been taken literally since re-interpretation began in the 1970s.

If the Treaty were to be elevated to the status of Supreme law by inserting it into the New Zealand Bill of Rights Act 1990, and decreeing that the Bill of Rights be codified as Supreme law, then the majority of New Zealander's who currently hold back the push for separatism by their ability to elect governments that listen to the public's overwhelming wish to be a nation with one set of rights for all, then the idea that the outcome will resemble Islamic Fundamentalism is not without basis.

Every New Zealander who cannot reasonably claim enough Maori heritage – and in most cases – none at all, will be now subject to the aspirations – whatever they may come to be – of those who can present the correct DNA. Every New Zealander including many of those who *can* claim Maori heritage, but who lack the right connections to the empowered sections of Maoridom, will now be unable to have their views heard on an equal footing due to their economic, their ethnic, or even, their political lack. Those who are not wealthy, who are not politically or culturally connected, who cannot assert the importance of what lies in their bones, will now lose arguments that today would have some power of merit.

Codifying the supremacy of Maori 'rights' is to ensure that merit is overshadowed by birth.

To codify in a written New Zealand Constitution the Treaty of Waitangi will irrevocably divide our nation, not due to the flaws of the founding document, but due to the flaws of those who wish to disempower others so as to empower themselves. The fault of this does not originate with, nor lie solely with Maoridom. It has its genesis with academia and some of the impetus is implicit in UN Agenda 21.

Any written constitution must make a clean slate with its subjects. No reference at all to race, heritage, the prominence of any spiritual belief over another, nor any economic situation can be mentioned. To mention any of these is to open the gates to the subversion of the only principle that can keep New Zealand a peaceful and hopefully, a prosperous nation: that we are one people with the same rights and the same ideals.

End

3745a

From: Heidi Bale

To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>

Date: 23/07/2013 7:40 p.m.

Subject: CAP submission

Attachments: Submission to the ConstitutionalAdvisory Panel 30062013 Heidi Bale.pdf

Submission made to the Constitutional Advisory Panel New Zealand | July 2013

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End

5204

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 11:48 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Ric Balfour Email: Postal AddressA:
Postal City: Postal Region: Bay of Plenty Postal Post Code: Postal Country:
New Zealand Submission: I believe, New Zealanders of all backgrounds, having founded and
developed our society in equality, fairness, and comradeship, oppose any laws which establish or
promote racial distinction or division. There shall be one law for all.

I therefore absolutely reject any reference to the Treaty of Waitangi or its principles in any
constitutional document.

Submitted on the 10 June 2013 at 17:07

2484

From: Ball Dr Ian
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:52 a.m.
Subject: CAP Submission

Dear Committee,

If my attendance in person would be beneficial to the fair findings of this committee please advise me and I will attend and present these matters personally.

However:

It has been a source of personal and sad despair over the past years to see the insidious increasing of apartheid policies creeping in to New Zealand society.

NZ once prided itself on making a stand against apartheid in South Africa and now, within a few short years our government is passing more and more unwarranted and unsubstantiated in truth racial based Maori claims which are paid for against money earning NZ society.

The Maoris did not know a written language and what do we see now - government funded Maori language week. That is a ridiculous and wasteful expenditure matter without even considering the Maori race based seats.

European precedents clearly show the impossibility to fairly pay compensation for events arising from historical national events such payment being made many years after the events. Should UK citizens be paying the Greeks, Romans, Angles, Saxons or any of a multitude of other historical conquerors and whose present day descendants are many generations removed from these matters. It would be impossible as well as ridiculous to even attempt such actions and yet similar events are happening here in New Zealand.

Furthermore all historical claims require to be ruled inappropriate should adequate consideration be given to prior residents, the Mori Oris in residence prior to the Maoris - clearly a higher priority.

THE RACIAL BASED MAORI SEATS NEED TO BE ABOLISHED FOR EVER IN OUR DEMOCRACY AS THERE IS NO PLACE FOR PRIVILEGES AND FAVOURS, GIFTS AND WELFARE SUPPORT TO EVER BE BASED ON RACIAL OR RELIGIOUS BELIEFS AND ANCESTRY OF ANY ONE RACE BASED OR RELIGIOUS BASED GROUP IN OUR FREE AND DEMOCRATIC NON APARTHEID SOCIETY REGARDLESS OF ANY PREVIOUS ARGUMENTS.

Please be sure to make your findings carefully and truthfully as the recipients of recent such treatment will present unproven and selective evidence as to why they should continue while most NZ citizens can clearly recall South Africa problems and the universally accepted need for the abolition of all racial based favoured treatments in every country.

It is reasonable and sensible to make provision within a fair solution to this problem for all Maori owned properties as provided by the Crown over years past to be nationalised and such ownership and benefits arising to be shared fairly between all NZ citizens in an attempt to make right the problem and reduce the unfair taxation privileges the Maoris receive and the taxpayer pays for and all without the public being adequately informed as to these things..

Yours sincerely

Dr Ian Ball PhD

Auckland.

2565

From: "Geoff Ball"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 2:35 p.m.
Subject: CAP Submission

Maori Seats should have been abolished years ago. Aren't we all supposed to be living as one people?

Geoff Ball.

603

From:
To: <constitutionalreview@justice.govt.nz>
Date: 22/04/2013 1:50 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: sidney E Ball Organisation Name: Email: : Phone:
Postal AddressA: Postal AddressB:
Postal City: Stanmore bay Postal Region: Auckland Postal Post Code: Postal Country:
New Zealand Submission: moari seats should only by voting by the public they have many
supporters now. they are the richest group in new zealand by far.that is the only democratic way it is
bad to treat them as different from other new zealanders.

Sent on the 22 April 2013 at 13:49

5230

Monday 29th July 2013.

Commission
Constitution Review Committee
New Zealand Parliament
Wellington.

RECEIVED

05 AUG 2013

The Commissioners,

I don't see any need to
view New Zealand's present "unwritten
constitution" as it seems to be adequate.
Parliament was able to pass legislation that
thought about The Waitangi Tribunal and pass
its laws its findings, under
the present arrangements, so there's no need
change what's working well.
I oppose any change to the present arrangements.

B A Bellamy

Tauranga South
Tauranga

937

From: Queenie Ballance
To: <constitutionalreview@justice.govt.nz>
Date: 28/05/2013 4:23 p.m.
Subject: submission on constitutional review

Below are my brief comments on questions raised in the Constitutional Review conversation.

NZ Constitutional Conversation

May 2013

Questions:

A. What are your aspirations for Aotearoa New Zealand?

A united country where there is no racial prejudice and we look forward as an ethnically diverse nation, and not back to the past.

B. How do you want our country to be run in the future?

Democratically, with everyone voting and participating as is their right. An independent head of state – be in the royal family or other.

Questions:

1. Do you think our constitution should be written in a single document? Why?

No I think the present system with the constitution covered by various legislative measures can evolve whereas a written document is immediately dated and open to contention.

2. Do you think our constitution should have a higher legal status than other laws (supreme law)? Why? I think the present system with separation of power, is quite satisfactory

3. Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?

the courts to prevent political interference.

4. Does the Bill of Rights Act protect your rights enough? Why?

Probably not – does not cover land and environmental rights and public v. private rights

5. What other things could be done to protect rights?

The Act could be entrenched

6. Do you think the Act should have a higher legal status than other laws (supreme law)? Why?

No

7. Who should have the power to decide whether legislation is

consistent with the Act: Parliament or the Courts? Why?

The courts to avoid it becoming a political issue.

8. What additional rights, if any, could be added to the Act? Why?

See question 4

9. Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?

The 2 treaty texts should be recognized and that interpretation of wording develops and changes. Treaty could be basis of 'respectful relationships and enduring good faith' between parties as encouraged by court to allow us to move forward rather than looking back all the time. We must work towards being a multi-cultural society.

10. Do you think that the Treaty should be made a formal part of the constitution? Why?

11. How should Māori views be represented in Parliament?

This needs to be decided by discussion with Maori who can decide whether to continue with Maori seats per se or encourage the development of a Maori party

12. How could Māori electoral participation be improved?

As with everyone on the electoral roll, it is a personal responsibility and needs education and attitude change.

13. How should Māori views and perspectives be represented in local government?

14. How many members of Parliament should we have? Why?

I support for having more MPs . This would give a choice of a better quality cabinet with more expertise, would also allow the Select Committee system to function well. It would also give better local representation. The present parliamentary system is inefficient, it should sit for longer periods of the year.

15. How long should the term of Parliament be? Why

I support a four year term, with longer periods of parliament sitting during the year. Three years means too much time is spent electioneering. There should be a set date for the general election so there is not political manipulation.

16. How should the election date be decided? Why?

See above question 15, date of election should be fixed in constitution and entrenched

17. What factors should be taken into account when the size and number of electorates are decided? Why?

The physical size and population, with flexibility. Some electorates eg South Island being one electorate for Maori is of concern.

18. What should happen if a member of Parliament parts ways with the party from which he or she was elected? Why?

If a list member resigns from his party, s/he must leave parliament and should not be replaced by another list member. A constituent member has an obligation not to resign

5025

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:56 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Hinengaro Patricia Ballantyne Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Rotorua
Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: Kia ora, as I understand there is nothing wrong with abiding by the principals of Te Tiriti o Waitangi, This agreement was between two people, The Crown which to my way of thinking is all who came to these shores under them and New Zealanders who at that

time were the Maori People of this land, why fix something that isn't broken, as I don't want to delve deeply into this issue, this is all I have to say, Kia ora naku noa HP Ballantyne

Submitted on the 24 June 2013 at 15:23

1288

Golden Bay

4 June, 2013

Submissions
Secretariat, Constitutional Advisory Panel
C/o Ministry of Justice
DX SX10088
Wellington

Dear Secretariat,

Herewith my submission on the Constitutional Review.

1. Aspirations for Aotearoa New Zealand

My thoughts in this regard are similar to the ideas written into the constitution of Finland. Their constitution has a focus on human rights and social justice, expressed in their document as:

“The constitution shall guarantee the inviolability of human dignity and the freedom and rights of the individual and promote justice in society”

Also, as a nation Finland identifies its responsibility to contribute to international rights and peace as:

“Finland participates in international co-operation for the protection of peace and human rights and for the development of society”

In terms of democracy I support parliament as a fundamental component of a representative democracy, stated in the constitution of Finland as:

“The powers of the State in Finland are vested in the people, who are represented by the parliament. Democracy entails the right of the individual to participate in and influence the development of society and his or her living conditions”

2. Written constitution

I submit that we should have a written constitution.

Why:

Most nations have chosen to have a written document that states their values and wishes as a people.

For New Zealand this might provide a much clearer understanding of the relationship between the citizen and the state. This would be in marked contrast to the present situation where many people do not know that we have a constitution. This lack of knowledge is in part because the constitution is fragmented across various documents and conventions.

A written constitution would also be a sound basis and focus for teaching children and adults about our constitutional beliefs, rights and constraints.

Lawyer Mai Chen suggests that NZ will eventually enact a constitution that will “redistribute power from the executive and parliament to the judiciary” (*NZ Herald*, 1 April 2005). She follows the view of Geoffrey Palmer that in New Zealand, without a second house, the Cabinet has ‘unbridled power’. Chen says that a written constitution would identify our “core rights and values”. Legislation thought to be inconsistent with the rights and values of the constitution could be challenged in the courts and would be struck down if determined to be ‘unconstitutional’. I agree with Chen in this regard.

I submit that the constitution should have the status of supreme law. This would provide the protections and controls that all have agreed to in adopting the constitution.

Why

The courts should have the power to decide if legislation is consistent with the constitution. This provides citizens with further representation, knowledgeable evaluation, and influence over parliament.

Constitutional lawyer Geoffrey Palmer has written that “most countries...have constitutions where the basic rules cannot be altered easily” but in New Zealand the “Constitution Act...is a simple statute [that] can be amended easily anytime by parliament” without input from the electorate or judiciary (Palmer, *Nelson Mail*, 17 April, 2013, p. 11). Such changes do happen, and for this reason Palmer says “the time has arrived to consider a written constitution that cannot be easily altered, that is a species of superior law”.

3. The Bill of Rights

I submit that the Bill of Rights should be incorporated into the constitution. Also, attention must be given to areas of rights that may not be identified in the present Bill of Rights.

Why?

The constitution should cover all of the fundamental matters involved in the relationship between the people and the state.

The Ministry of Justice notes that New Zealand has ratified “seven core international human rights instruments”. These include civil and political rights, racial discrimination, children’s rights, discrimination against women and disability rights. A written constitution would be a way to set out our position on human rights in a form that is readily accessible.

I submit that there is a pressing need for the constitution to state a clear position on children's rights.

Why?

International comparisons by the United Nations show that NZ has a very poor record in caring for children. A constitution could identify what we see as children's rights in areas such as housing, health, education and safety.

I submit that the constitution should also include a commitment to caring for the environment and for action on climate change as an essential part of our commitment to children.

Why?

Our failure to act on global warming is a matter of intergenerational injustice (James Hansen, 2011, *Storms of my grandchildren*). Bronwyn Hayward in her book *Children, citizenship and environment* suggests that we should teach children the idea of citizenship as "connectedness and mutual interdependence" (2012, p.152). Hayward also sees a need to "encourage thinking beyond self interest" if we are to solve complex environmental problems. A constitution could be written to reflect these ideas.

4. The Treaty of Waitangi

I submit that the Treaty should be incorporated into the constitution as a core part of our constitutional arrangements.

Why?

At present the *Cabinet Manual* states that the NZ constitution "is to be found in formal legal documents, in decisions of the courts and in practices". The *Cabinet Manual* states that the NZ constitution "increasingly reflects the fact that the Treaty of Waitangi is regarded as a founding document of government in New Zealand".

In an article on the Treaty in New Zealand law Janine Hayward (1997, *Waitangi Tribunal*) notes that Justice Richardson (1987 Court of Appeal) said "the Treaty must be viewed as a solemn compact between two identified parties, the Crown and Maori, through which the colonisation of New Zealand became possible". In their discussions on the New Zealand constitution the Society of Friends have taken a 'Treaty based approach' (2011, *Resource booklet for Quaker discussions*). They say that the Treaty is "a matter of simple justice, fair dealing and keeping our word" (p. 18). The New Zealand Catholic Bishops Conference (1995) said "In the Treaty of Waitangi we find the moral basis for our presence in Aotearoa New Zealand".

Lawyer Mai Chen anticipates that opposition to the Treaty may create significant problems for the development of new constitutional arrangements. Nevertheless, I submit in support of the Quaker position that "we do not want our nation founded on the injustice resulting from breaking the Treaty [we made] with the indigenous peoples..." (*Society of Friends, Review of constitutional arrangements: A Treaty based approach*, nd, p. 19).

I submit that the constitution provide for the protection of minority groups from the power of a majority view.

Why?

Under a heading 'Individuals, autonomy and majority rule' the Cabinet Manual refers to the Citizens Initiated Referenda Act 1993. The Manual says that "a balance has to be struck between majority power and minority right" and that we must recognise those values that are "basic in our society" including "ideas of fairness and justice". The majority will not always have its way. This is an important idea that should be included in a written constitution, especially in regard to protection of the Treaty.

5. Electoral matters

I submit my support for the recommendations of the Electoral Commission report of 2012.

Why?

The review of MMP by the Electoral Commission in 2012 considered the Royal Commission on the Electoral System report of 1986. The Electoral Commission's Report (2012) was also informed by the referendum on MMP and by public submissions. The Electoral Commission's report recommended a reduction of the threshold for party entry to parliament and the abolition of the coat-tailing provision whereby winning one seat allowed entry to parliament of others of that party based on percentage of the vote. I support both of these recommendations.

6. Other issues

Under this heading I submit on two issues.

(a) Public service television.

I submit that the constitution should provide explicit provision for the promotion of an informed and knowledgeable citizenship and that this should include a public service television channel as an essential component of a free press.

Why?

Communications researcher Robert McChesney (2004, *The problem of the media*) notes that the American constitution makes two provisions regarding the media.

First, the constitution identifies a time-limited copyright as a means to recognise the "public good nature of media property" while allowing for authors or inventors to benefit from their work (p.25).

Second, the constitution guarantees the right of freedom of the press. From early days this was seen as "protection against elite rule" and was meant to act against the possibility that "private interests [might] rule the press" (p. 29). Such protection was seen as essential for a democracy. Further, the constitution intended that the state be "active" in this regard so that the public had the "right to hear a variety of voices and properly digest their message [which is] the central platform of a democracy" (p.29).

On this basis McChesney says that a democracy requires “a well funded...non profit and non commercial media sector, as well as a more competitive and decentralised commercial sector” (p. 11).

A free press, therefore, should include options that are free of information that is shaped by commercial and private interests.

Almost all developed countries provide a public service television channel. New Zealand does not.

This means that New Zealand television only exposes our children and adult citizens to the values and preferences of commerce, private interests and the market. There is no ‘choice’ in this regard for New Zealand citizens, yet this is a choice that most other countries identify as of fundamental importance for democracy. If we are to claim to have a free press in New Zealand then we need a public service television channel that offers information and entertainment that is not under the control and influence of commercial or private interests.

Both the Labour and National political parties require state owned television to operate on a commercial for profit basis. This has seen the elimination from state owned television of public broadcasting values and the deletion of documentary and public affairs programmes that would offer a critical examination of political, economic and social issues (see chapters in Laurence Simmons, 2007, *Speaking truth to power*).

The news on state owned television in New Zealand is ‘proudly brought’ to us by a commercial sponsor and is tabloid in style, providing an emphasis on crime and ‘exclusive’ stories with many breaks for advertising. Such commercial control over the media, says Robert McChesney (1997, *Corporate media and the threat to democracy*), represents a threat to democracy by creating a “weak political culture that makes depolitization, apathy and selfishness rational choices for the citizenry” (p. 7). Perhaps this has contributed to the fact that the Constitutional Review Panel has found it difficult to recruit interest in its work. But in any case, the lack of a public service television channel is a very significant problem for New Zealand culture, society and democracy.

(b) Climate change.

I submit that the constitution should provide an explicit statement on the role of the state in the protection of all citizens and that this must include the requirement for action to protect all people from the known dangers of climate change.

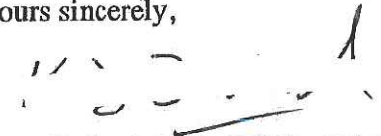
Why?

Since 1958 the US National Oceanic Atmospheric Administration working in collaboration with the Scripps Institution of Oceanography have measured the level of carbon dioxide in the atmosphere using monitoring stations on a Hawaiian volcano. Measures made in May 2013 showed that “[f]or the first time in human history, the concentration of climate-warming carbon dioxide has passed the milestone level of 400 parts per million” (Carrington, 2013 *Guardian*, 10 May). Bob Watson, a former chair of the International Panel on Climate Change (IPCC) stated that this increase, which reaches a level of CO₂ not seen for several million years, will result in “an

increase in surface temperature of 3C-5C compared to pre-industrial times", creating a climate in which humans cannot survive (Carrington, 2013).

There is, therefore, a need for our constitution to identify the safety of the planet's climate as an absolute necessity for all life forms and a responsibility of all people and governments.

Yours sincerely,


K. D. Ballard, PhD, PGDip. Ed. Psych, Dip. Tchg.
Emeritus Professor of Education,
University of Otago

1973

Golden Bay

7 June 2013

Submissions
Secretariat, Constitutional Advisory Panel
C/o Ministry of Justice
DX SX10088
Wellington

Dear Secretariat,

Herewith my submission on the Constitutional Review.

Written Constitution

I submit that there should be one written statement that contains all current documentation that makes up the Constitution.

Why:

As one statement the constitution will be more accessible to New Zealanders of any age. All can then access knowledge about our agreed expectations of living in New Zealand. For young people this gives them a sense of belonging and recognition of community and shared values. Further, for people from other countries who come to New Zealand either as visitors or to become citizens they will have access to information on the nature of New Zealand society and its government and the expectations and values that are part of living in the community of New Zealand.

The Bill of Rights

I submit that the Bill of Rights should form one of the documents to be included in a written Constitution. As such I consider the Constitution should have a higher status than other laws.

Why?

The Constitution, by having a higher status than other laws, will reflect the community's expectations regarding the basic values and safeguards regarding human and civil rights. The Courts should have the power to decide whether legislation is consistent with the Constitution. It is appropriate that the Courts do this as they are expected to be free of political influence, are not influenced by business interests and are expected to remain stable and impartial.

Treaty of Waitangi

I submit that the Treaty should be made a formal part of the Constitution.

Why?

As stated in the Submission Guide "The Treaty is generally regarded as New Zealand's founding document and influences the relationship between the Crown and Maori."

By being a formal part of the Constitution we will be saying that the Treaty is honoured by all New Zealanders. As the founding document of New Zealand the Treaty should be given the highest possible status in our constitution.

Other Issues:

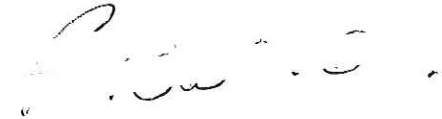
The future of Aotearoa

Our children and their children will inherit the ideas and values that we put in place.
We are now challenged by what we have inherited – what will they inherit?

My deepest concern is health, welfare and education for children and those caring for them. I hope the statement that is developed will reflect ways of considering the needs of all people living in New Zealand with the aim of ensuring adults and children do not live in poverty.

A further concern is for the land, water and climate that sustain us as a nation. We must act in ways that ensure that the environment we depend on will be cared for on behalf of future generations.

Yours Sincerely,



Pat Ballard, BEd, Dip Tchg.

C662

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:19 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Duncan Ballinger Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Christchurch Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: I think that Maori seats should
be abolished because there are plenty of Maori in Parliament that are not on the Maori seats. Thus
the 'inequity' rationale for affirmative action is no longer present.

I prefer the current unwritten constitutional arrangement for its flexibility. It has not given rise to many problems, and any constitutional matters that are viewed disfavouredly by the public can be easily fixed by existing processes.

However, if a written constitution is to be favoured, some thought should go in to giving this constitution a name that resonates with New Zealanders. Calling it 'the constitution' makes such a document seem esoteric, legalistic and inaccessible. My suggestion is 'manawa whenua' which means wellspring or the heart of the land. This term has a nice ring to it and acknowledges the role of Maori.

I would not favour inclusion of the Treaty of Waitangi in any form into a written constitution. Empowering the Courts, for instance, to strike down legislation inconsistent with the Treaty could be a troubling hinderance on New Zealand's development. The current approach strikes the right balance to Treaty issues by recognising a serious commitment by government to acknowledge the Treaty principles when it can whilst acknowledging that the duties of the Crown are not endless and that the interests of New Zealanders collectively are more important in the modern society.

Another qualm I would have with including the Treaty more formally in our constitutional arrangements is that it is not clear who benefits from Treaty settlements and reparations. There are no pure or half-blood Maori any more. So the concept of Maori as a distinct racial group is somewhat arbitrary and meaningless. The alternative is for what is Maoridom to be culturally defined, but this again is arbitrary because it connotes a choice to be Maori.

Submitted on the 31 July 2013 at 13:19

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:45 p.m.

4517

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Audrey Banach-Salas and Michael Koefman Organisation Name:
AINZI/independent voices on a democratic republic Email: Phone:
Postal AddressA: Postal AddressB:
Cashmere Postal City: Christchurch Postal Region: Canterbury Postal Post Code:
Postal Country: New Zealand Submission: As a supporter of Amnesty International, I write to add
my voice in support of its submission to the current constitutional conversation.

PLEASE NOTE: The above is covered in full for the main body of this submission, though near the end we digress.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice— an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty. This does not mean the government should dictate to the reserve bank. Policy from parliament and oversight of said policy should be the mechanism behind achieving this.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Separately from this, though related, I believe that a constitution being above the law and shaping our democracy into a democratic republic is of vital importance to our society. Majoritarian tyranny springs to mind when I picture a democracy in the future with politicians and much of the population ignoring BORA with impunity. A democratic republic is the only form of government which ensures people's rights, particularly minority groups' rights, are upheld. I support the idea of a Supreme Court with the capacity to ensure the constitution is upheld, but fear it would fall into a partisan gridlock much like in the USA. To ensure this doesn't happen, I would like to see Supreme Court appointees made, not by one governing figure, but by many - be it through the house or direct democracy and other such methods.

Thanks for your time and effort.

Yours Faithfully,

Audrey Banach-Salas and Michael Koefman

Submitted on the 31 July 2013 at 22:45

398

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 8:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Robert Banaks Organisation Name: Email:
Phone Postal AddressA: Postal AddressL: Postal City: .
Postal Region: Auc Postal Post Code Postal Country: New Zealand
Submission: that we are all considered to be

New Zealanders and not maori and pakeha

Sent on the 15 April 2013 at 20:51

24333

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 8:37 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Rachel Bantfield Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: I would like to see the New Zealand Bill of
Rights Act incorporate all economic, social and cultural rights.

Furthermore, I believe that for our rights to be properly protected we need the Bill of Rights Act to be entrenched.

The New Zealand Bill of Rights Act should also include the power for judges to provide remedies.

Lastly, New Zealand should ratify the Optional Protocol to the ICESCR, including the important inter-state mechanisms and inquiry process.

These steps would ensure the real protection of the rights of New Zealanders and ensure that New Zealand takes its place among leaders of rights protection around the world.

Submitted on the 31 July 2013 at 08:36

3794¹

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 10:55 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Barbara Organisation Name: Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Postal Region: South Auckland
Postal Post Code: Postal Country: New Zealand Submission: Aspirations For New
Zealand:

That NZ is a nation that stands up for TRUTH, RIGHTEOUSNESS & FREEDOM

That NZ Honors GOD the CREATOR of the Universe.

That NZ has righteous men & women of God as leaders in the Parliament of NZ

That NZ honors & upholds BIBLICAL MARRIAGE; FAMILY & Parents rights & responsibility to raise their children.

That NZ upholds Judeo-Christian Faith, Laws & Morals.

That NZ stands with & supports the nation of ISRAEL & her right to exist & prosper as a democratic nation.

Submitted on the 24 July 2013 at 10:54

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 7:47 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Anna Barber Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I'm a single mum of a 10yo boy with diagnosis of ODD, ADHD and anxiety. For a long time he only had an ODD diagnosis and with this we were eligible for nothing. since he was diagnosed with ADHD as well his meds are funded and people in general are more accepting of his needs. however getting access to school support is ridiculous and we have been declined numerous times and had to work around the system to get him any support in school which is always short lived and requires going back into fight mode on a regular basis. I want more recognition for people with psychological disabilities, recognition of all diagnosis. security for children that they get the support they need at school without having to jump through hoops to get it and for schools to have the support they need to keep these children in school and support their right to an education. Too many children are stood down and excluded simply because they don't get the support they should in a timely manner instead they are left to swim alone and only get adhoc support when others are recognised as being at risk while a child with a visual disability is far more likely to get dedicated ongoing support (though that can be a hoop jumping experience too!). There is also a huge gap in advocacy for parents like me, in fact I can't find an advocate at all and could of really done with one in some emotionally trying times.

Submitted on the 26 July 2013 at 07:46

1441

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 6:41 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Tara RerePueherangi Barber Organisation Name: Email Address:
Phone: Postal AddressA: Postal
AddressB: Postal City: Tokoroa Postal Region: South Waikato Postal Post Code:
Postal Country: New Zealand Submission: Do you think our constitution should be written in a
single document? Yes. Why? To many documents causes to many confusions. There must be one
document for all to follow. In saying that, it needs to be clear and precise because we know how
stupid some
people can be when it comes to interpretation. NO LOOPHOLES FOR GOODNESS SAKES!!!

Do you think our constitution should have a higher legal status than other laws (supreme law)? Yes.
Why? Because laws in our country are a joke and depending on status would depend on what
sentence you will receive. All Blacks who have charges of violence against
them are sentenced differently to someone else who would commit the same offence. The current
laws allow the judge to hand down sentencing to what he believes is fit and if the constitution over
rides those laws, these sort of favouritism will not and cannot
occur.

Who should have the power to decide whether legislation is consistent with the constitution:
Parliament or the Courts? Both. Why? There needs to be some form of accountability by both parties
and this cant happen if one party has complete control

Sent on the 18 June 2013 at 18:40

144/a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 7:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Tara RerePueherangi Organisation Name: Email Address:
Phone: Postal AddressA: Postal
AddressB: Postal City: Tokoroa Postal Region: South Waikato Postal Post Code:
Postal Country: New Zealand Submission: Thinking of the future, what role do you think the
Treaty of Waitangi could have in our constitution?

I believe that the Treaty of Waitangi has a significant role in the constitution. It is the founding document of New Zealand and if this is not incorporated into the constitution then there is also no part for the Crown to play so we must remove them as well.

Regardless of the injustices that occurred due to the signing of the Treaty, you can not have one without the other. If you intend to keep one party, you must keep the other.

Do you think that the Treaty should be made a formal part of the constitution? Yes.

Why? We are currently a parliamentary democracy and if we remove both we then become a republic state.

Sent on the 18 June 2013 at 19:00

167

From:
To: <constitutionaireview@justice.govt.nz>
Date: 9/04/2013 9:39 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Leanne Bardwell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Postal Region: Otago Postal Post Code: Postal Country: New Zealand
Submission: Qu1- I think our constitution should be written into one document as it would be easier for all to interpret ,read and follow as we should be all as one as New Zealanders regardless of our backgrounds . However this document should respectfully recognise the wonderful wealth of blended cultures that make up New Zealand and which we should all be proud of. We do need to face the future together as one united people to make it the best for everyone and having this document in one would be a start to helping this happen.

Qu2- Yes the constitution should have a higher status than supreme law as this is set down by the people themselves and their elected government of the time so should not be open to interpretation of individuals in the legal system . Maybe it should be reviewed from time to time and within a set time frame to

reflect the changing landscape of our society and the world we live in. What was set down in 1860 may not be pertinent today.

Qu 3 The courts should ultimately decide as I would hope they were politically neutral and therefore make an unbiased assessment of legislation vs the constitution and to ultimately protect our constitution .

Sent on the 9 April 2013 at 21:39

3601

From: Maria Bargh
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 15/07/2013 4:06 p.m.
Subject: CAP Submission
Attachments: Submission to CAP MBargh.docx

Kia ora

Just realised I attached the wrong submission document yesterday- can you please replace it with the one attached.

Thank you!

Nga mihi

maria

Submission to the Constitutional Advisory Panel

Name: Dr Maria Bargh

Postal or Email Address:

Date: 14 July 2013

Overview

I believe that the Consideration of Constitutional Issues has been constrained by its overly narrow terms of reference and the inherently political nature of its origin.

I recommend that the public be engaged in a more wide-ranging constitutional discussion that addresses fundamental issues such as the values that ought to underpin our constitution.

I also recommend that, in any case, the Treaty of Waitangi be recognized as a central component of our constitution and that, until better mechanisms are established for Māori representation, the Māori seats in Parliament are retained and entrenched, and the establishment of Māori wards continues to be encouraged at the local government level.

Narrow Terms of Reference

There is a pressing need for constitutional reform in Aotearoa. However, the terms of reference for the Consideration of Constitutional Issues are too narrow to allow for any issues to be addressed that could lead to effective constitutional reform. The terms of reference focus on specific mechanical issues relating to our existing constitutional institutions. This assumes that the basic structures of our current constitution work well, provide for effective accountability and participation in the exercise of public power, and reflect values that are appropriate for Aotearoa in the 21st century and beyond.

A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

The Consideration of Constitutional Issues is also constrained because it has been established as an inherently political process. The entire process originated from the confidence and supply agreement between the Māori Party and the National Party. The terms of reference are coloured by the political imperatives that drive each of those parties. Those parties have a vested interest in portraying this process as a success. Other political parties have an incentive to paint the process as a failure. These issues are simply too important to be politicized in this way or to be controlled by politicians and political processes.

A non-politicized process of constitutional reform should be undertaken.

Maintenance of Basic Constitutional Protections for Māori

While the Consideration of Constitutional Issues is too constrained to lead to effective constitutional change, it is vital that basic constitutional protections for Māori are not eroded as a result of this process. The Treaty of Waitangi ought to be recognized as a central part of our constitutional arrangements that speaks to the exercise of public power in Aotearoa. The Māori seats in Parliament may be only a minimal form of Māori representation but they must be retained and entrenched until better mechanisms are established. Similarly, Māori wards should continue to be encouraged at the local government level.

3556.

From: "francesbarker" <francesbarker@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 13/07/2013 5:19 p.m.
Subject: CAP Submission

Time to abolish Maori Seats
Frances Barker

2581

From: "francesbarker"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 3:44 p.m.
Subject: CAP Submission

2581

ConstitutionalReview - CAP Submission

From: "francesbarker"
To: <constitutionalreview@justice.govt.nz>
Date: 13/07/2013 5:19 p.m.
Subject: CAP Submission

Time to abolish Maori Seats
Frances Barker

4265

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:10 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Ian Percival Barker Organisation Name: Self Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Nelson. Postal Region: Nelson Postal Post Code: Postal Country: New Zealand
Submission: I do not want the modern interpretation of the Treaty of Waitangi to be included or
enshrined in any NZ Constitution.

I believe the Kohimarama rununga discussions in 1860 superseded the 1840 treaty. The ambiguities of the 1840 document vanished with the extensive debate and resolutions passed at Kohimarama.

As a consequence I submit that all NZ people should enjoy equal opportunities and treatment.

To achieve this there should be no race based parliamentary seats. All government expenditure should be excluded from race based projects or systems.

I believe the NZ constitution should have a preamble which states in these words or similar:-

"We the people of New Zealand acknowledge injustices of the past and pledge to work together as one people enjoying equal rights to benefit all New Zealanders."

Ian Percival Barker

30 July 2013.

Submitted on the 30 July 2013 at 21:09

1263

From: Jean Barker
To: <constitutionalreview@justice.govt.nz>
Date: 11/06/2013 10:26 a.m.
Subject: CAP submission

~~Please take notice of the many N.Zers who want this lovely country to progress and NOT fall apart.~~

We want ONE law for all.

I have known some wonderful Maori people and feel they can stand for any seat in Parliament or on local bodies so do not need race based seats.

It is time the Waitangi Tribunal was abolished and let us be ONE happy country.

I am a third generation N>Zer and in my late 80's and want my family and their children to grow up in a happy environment where we are one people - all New Zealanders.

Thankyou

Jean Barker
Tauranga

2070

From: Mike Barker <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:07 a.m.
Subject: CAP Submission

*I believe the Maori seats are past their use by date and should be abolished.

Michael M D Barker

*

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|

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2070a.

From: Mike Barke
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:08 a.m.
Subject: CAP Submission

*Dear Sirs.

I am firmly of the opinion that the Maori seats are decades beyond their use by date and should be abolished.

Sincerely

Michael M D Barker

*

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f
f
St

2919.

S Barter.

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/07/2013 3:33 p.m.
Subject: CAP Submission

I personally feel that Maori seats should be abolished and everyone treated the same. Same goes for male/female seats. Everyone should stand on their own merit.

Attention: - This message and any attached files may contain confidential and privileged information. If you have received this message in error please notify the sender immediately and delete all copies of the message and attachments. You are not authorized to use, disseminate, or reproduce any files or content. Any comments or opinions expressed in this message are those of the individual sender NOT Barfoot & Thompson.

6 July

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:40 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Wanda Barker Organisation Name: Writer Email:
Phone: Postal AddressA: New Zealand Postal AddressB: Postal
City: Postal Region: waikato Postal Post Code: Postal Country: New Zealand
Submission: I conclude that my right to be here is dependant upon Te Tiriti O Waitangi and would like to see that as Aotearoa's founding document.

We have a beautiful country, with a suspect pristine image, although it is largely unspoiled and sometimes intermittently protected, it is currently under much threat from industrial and agricultural exploitation and climate change.

I would like us to argue for the rights and wellbeing of our shared species and environments; that we have written into our constitution our responsibilities as Kaitiaki for the protection of our lands, oceans, habitats now and for our grandchildren's futures.

We should be establishing meaningful enviromental protections, they must be written into our constitution. Those protections form a large part of our national identity and pride. Sustainable industry, agriculture and power generation would then be calculated against those protections.

this is the legacy I want to leave for my children, grandchildren and generations to come.

thank you for the opportunity to submit.

Wanda Barker Raglan.

Submitted on the 31 July 2013 at 14:40

773

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/05/2013 5:33 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Debbie Barlow Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Stratford Postal Region: Taranaki Postal Post Code: Postal Country: New Zealand
Submission: There seems to be no way for the general public to control what actually happens to our country.

Politicians and the Government as a whole can do what they want and make laws and legislation to suit themselves, companies or overseas interests with little or no benefit to the public as a whole.

We have people living in poverty when they are in full time work.

Our children are starving, have 3rd world diseases and little or no clothing.

Shops are allowed to sell drugs over the counter. Our youth are having to work for practically nothing.

Our country and now our super fund is being sold out from under us and exploited and there is absolutely no benefit for the people of Aotearoa NZ.

Not even Maori are getting listened too.

The wages advertised for a job should be after tax not before tax, this is very misleading.

There needs to be specifics back in the law too, not guidelines.

In Switzerland they have a 100 day rule.

This is where the Government can make a law or legislation and after 100 days if the public don't like it they can submit a referendum. 300,000 signatures are needed and it is binding. Not a Citizens Initiated Referendum but a Citizens Referendum.

This gives the public more control over Government and Politicians.

The people can take back control before we have nothing left.

Sent on the 7 May 2013 at 17:31

3877

From: Paul Barlow
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 25/07/2013 1:48 p.m.
Subject: CAP Submission

Please accept this email as my formal submission.

I limit my comments to race based issues in New Zealand.

1. Maori Electoral Role.

This should be abolished. All New Zealand Citizens should be on a single electoral role.

2. Maori Seats in Parliament.

These should be abolished immediately. Reservation of seats in Parliament is a form of apartheid and is an insult to many New Zealanders.

3. Maori Seats in Local Government

These should be abolished. Individuals must be elected freely, on merit, not on the basis of their race.

4. Maori Television.

This should not be funded by taxpayers.

5. Government Departments specifically dealing with "Maori Issues"

ALL departments should be abolished.

6. Official Documentation/Letterheads/Signs

"Maori" text should be removed from all of the above. A written Maori language does not exist. The text used is simply a European interpretation set down by various, mainly obscure religious zealots.

Thank you.

Paul Barlow. J. Coromandel Township,

Sent from my iPad

3570

From: "Ray Barlow"
To: <constitutionalreview@justice.govt.nz>
Date: 14/07/2013 5:10 p.m.
Subject: CAP Submission

Please Find herunder my submissions on the Constitutional Review, I do not wish to present my submission in person

The Size of Parliament

I submit that 'the size of Parliament be restricted to 99 members.'

The Size and number of electorates, and method for calculating size.

I submit that 'All seats should be electorate seats'

Should The Maori electoral option (separate Maori Roll) be retained or abolished?

I submit 'the Maori Electoral option be abolished'.

Should the parliamentary Maori seats be retained or abolished?

I submit 'they be abolished'

Should Maori local government seats be retained or abolished?

I submit 'they be abolished'.

Should the Treaty of Waitangi have a more central role in our constitutional arrangements?

I submit 'the Treaty of Waitangi should have no role in our future constitutional arrangements.

Should New Zealand retain our present flexible constitutional arrangements with the ultimate law making power held by Members of Parliament or should a new written constitution, which gives ultimate power to judges, be introduced?

I submit ' A written constitution is neither necessary nor advantageous and must be avoided at all costs'.

Should the Declaration of Equality be enacted by Parliament?

I submit that the Declaration of Equality be enacted by Parliament.

Should Constitutional change be dictated by MPs or subjected to a public referendum?

I submit ' any proposed constitutional change must be subject to a referendum'

Ray Barlow

New Plymouth

Tel

Mob

347

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 2:12 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
http://www.ourconstitution.org.nz/ form submission

Sent from The Constitution Conversation #link:http://www.ourconstitution.org.nz/.

Full Names: Gerard Barnao Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: One country. One people. One language...English. One law
applied evenhandedly to all. No favouritism because of race or religion. Absolutely no reference to the
Treaty of Waitangi. It has destroyed New Zealand. It is racist and has created apartheid. Get
rid of it. Migrants must conform to our laws and customs, not the other way round. Remove the Maori
seats from parliament as they are racist. Any political party based on race (we already have two of
them) must NOT be allowed. Minorities (race, religion, sexual
persuasion etc.) must not be allowed to dictate to the majority. Return democracy to this country.
Have binding referendums on major issues. Return New Zealand to being a country of equality, not a
country of inequality that it has become.

Sent on the 13 April 2013 at 22:51

4365

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:04 a.m.
Attachments: Submission to CAP.docx

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Joshua Barnard Organisation Name: Email: REDACTED
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga Moana Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: Submission
Upload: Submission to CAP.docx

Submitted on the 31 July 2013 at 10:04

Submission to the Constitutional Advisory Panel

Name:

Organisation (if applicable):

Postal or Email Address:

Date:

Overview

I/We believe that the Consideration of Constitutional Issues has been constrained by its overly narrow terms of reference and the inherently political nature of its origin.

I/We recommend that the public be engaged in a more wide-ranging constitutional discussion that addresses fundamental issues such as the values that ought to underpin our constitution.

I/We also recommend that, in any case, the Treaty of Waitangi be recognized as a central component of our constitution and that, until better mechanisms are established for Māori representation, the Māori seats in Parliament are retained and entrenched, and the establishment of Māori wards continues to be encouraged at the local government level.

Narrow Terms of Reference

There is a pressing need for constitutional reform in Aotearoa. However, the terms of reference for the Consideration of Constitutional Issues are too narrow to allow for any issues to be addressed that could lead to effective constitutional reform. The terms of reference focus on specific mechanical issues relating to our existing constitutional institutions. This assumes that the basic structures of our current constitution work well, provide for effective accountability and participation in the exercise of public power, and reflect values that are appropriate for Aotearoa in the 21st century and beyond.

A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

The Consideration of Constitutional Issues is also constrained because it has been established as an inherently political process. The entire process originated from the confidence and supply agreement between the Māori Party and the National Party. The terms of reference are coloured by the political imperatives that drive each of those parties. Those parties have a vested interest in portraying this process as a success. Other political parties have an incentive to paint the process as a failure. These issues are simply too important to be politicized in this way or to be controlled by politicians and political processes.

A non-politicized process of constitutional reform should be undertaken.

Maintenance of Basic Constitutional Protections for Māori

While the Consideration of Constitutional Issues is too constrained to lead to effective constitutional change, it is vital that basic constitutional protections for Māori are not eroded as a result of this process. The Treaty of Waitangi ought to be recognized as a central part of our constitutional arrangements that speaks to the exercise of public power in Aotearoa. The Māori seats in Parliament may be only a minimal form of Māori representation but they must be retained and entrenched until better mechanisms are established. Similarly, Māori wards should continue to be encouraged at the local government level.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 9:46 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission
Attachments: ConsitutionalSubmission_AlexBarnes.docx

1999

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Alexander Louis Barnes Organisation Name: Email:
Phone Postal AddressA: Postal AddressB: Postal
City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: ConsitutionalSubmission_AlexBarnes.docx

Sent on the 30 June 2013 at 21:45

1999

Alex Barnes

30.06.13

Wellington

**Constitutional Advisory Panel Submission
Individual Submission**

Tēnā koutou katoa—greetings to you all,

Thank you for considering my individual submission regarding the constitution. Below are my responses to some of the key questions the advisory panel has posed to the general public.

What are your aspirations for Aotearoa New Zealand?

My aspiration for Aotearoa New Zealand is that there are honourable and just relationships amongst all New Zealanders. These relationships must be based on the aspirations and intent of the Treaty of Waitangi¹. In my experience, the Treaty provides a forward thinking framework, unique to Aotearoa New Zealand, for relationship advancement, and power sharing between the Crown (representing all non-Māori citizens), and Tangata Whenua (diverse iwi and hapū).

As part of a just and honourable future based on the Treaty, I believe the Crown and Tangata Whenua need to engage in a longer, more nuanced, and in-depth conversation to develop a values-based Treaty based constitution.

¹ I use Treaty and the Treaty of Waitangi interchangeably to refer to te Tiriti o Waitangi (the Treaty in the Māori language).

As a Pākehā New Zealander I am surprised by how little many of my non-Māori peers know about the Treaty (its intent, the difference between the English and Māori texts, its potential for collaboration and innovation). I strongly believe this situation presents opportunities and threats to healthy intercultural relationships in the 21st Century. Firstly, the *opportunities* lie in non-Māori becoming more conscious of how the Treaty can promote and underpin potential positive relationships with Tangata Whenua. These relationships could be further enhanced to ensure mutual benefits and social inclusion for all New Zealanders, based on our unique heritage and ways of seeing and interpreting the world.

Secondly, the *threat* lies in a restricted conversation, or no conversation at all about the Treaty, which would mean New Zealanders miss an important opportunity to bust myths around the Treaty (i.e. “the Māori grievance train”, “the Treaty has nothing to do with me”, “it’s an out-dated relic”). As citizens of Aotearoa New Zealand we have the potential to find areas of cultural and political commonalities and differences, which can enrich the cultural relations and decision-making between all New Zealanders.

How do you want our country to be run in the future?

I want our country to be run in a way that reflects te Tiriti o Waitangi. I am not naïve in assuming this aspiration is straight forward or easy-it is difficult work, but honourable work, which when done well (with accountable and transparent policy, processes and practices) has multiple benefits economically, politically, socially, culturally and environmentally.

Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?

I believe the Treaty is the founding document of our country. The Treaty provided the framework for an ongoing relationship between Māori and the many whom came to settle here. Any future constitution needs to develop from the starting point of this document.

As a Pākehā New Zealander, the Treaty has allowed my family to settle in this land, and contribute as a citizen to New Zealand's economic, social and cultural life. I strongly believe that the Treaty needs to be the foundation for our constitution.

He Whakaputanga (the Declaration of Independence) and te Tiriti o Waitangi provide the fundamentals for governing in this country. Any further constitution needs to develop from the starting point of these two political agreements.

Do you think the Treaty should be made a part of our constitution? Why?

Yes I do believe it should be part of our constitution-for the following reasons, some of which I have already outlined:

- The entire process for determining our constitution needs to be based on the Treaty-rather than trying to fit the Treaty into an existing constitutional framework, based only on Eurocentric notions of law making and government.
- As Pākehā I understand that te Tiriti o Waitangi provided for the establishment of a government which allowed my people/me to come here.
- It's important to our status as non-Māori and for good governance that the Treaty is the basis for our constitution.

- The Treaty of Waitangi benefits all New Zealanders and enriches us as a country. These benefits arise through innovative ways of addressing political, institutional and environmental and economic issues. Therefore I believe it should be central to the constitution.
- The Treaty is the foundation document of our nation, therefore the constitution needs to reflect this.
- The Treaty provides a basis for honourable and just relationships between Māori and all other New Zealanders.
- Since attending a Treaty course/workshop facilitated by the Treaty Resource Centre, I have recognized how important the Treaty is in making fair, equitable and relevant decisions.
- Finally, our country has made a Statement of Support for the United Nations Declaration on the Rights of Indigenous Peoples. If we are going to live up to that commitment it is essential that we honour the Treaty relationship between the crown and diverse Māori.

Thank you for considering my individual submission, and for making the time and creating the space for citizen participation on these important governance issues. I look forward to hearing more about the panel's deliberations and recommendations.

3946

timeforchange.co.nz submissions - 2

Name: Ernest James [Jim] Barnes

E-mail:

Your submission: After 173 years of being part of the British Empire and then the British Commonwealth then just The Commonwealth it truly is time for the debate 'Should NZ become a republic.

I say yes for the following reasons

The country we call home has come along way since 1840 even in my life time . I was born in 1947 , 90 % of exports went to Britain , we were the farm of Britain in those days. Now I would think Britain wouldn't come in the top 10 of our exports / imports. So trade is no longer a reason to keep the British Royal family

I served in the RNZAF during the Vietnam war, tell the soldiers /airmen /sailors who served in that war they were fighting for the Queen. They went for various reasons but service to a Queen half way around the world wasn't one . They went for adventure, to serve NZ , to oppose Communism , to learn a trade just like I did.

Back in the 1960's NZ 's population was Maori , European , "a hand full of 'others' [Chinese / Indian. Fast forward to 2013, 1/2 the population of Auckland is non European , walk down Queen street and you will see what I mean ,Its a United Nations

Just because John Key doesn't want a Republic of New Zealand doesn't mean we all want to retain the British Royal family.

Not Helen Clark John Key , Russel Norman or anyone else up in Parliament will decide which way will go ,No way ,only the people of NZ will by the only way possible by the VOTE just like we always do.

Not to include the subject of Republic of NZ in the Constitutional Conversation is an insult to New Zealand , Shame on those who opposed the idea. Let the people decide .

Kind regards
Jim Barnes

5050

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:10 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Emma Barnes Email: Postal AddressA:
Postal AddressB: Postal City: Wellington Postal Post Code:
Postal Country: New Zealand Submission: So my opinion is that Te Tiriti is a foundational document of New Zealand and if we do not incorporate it into our constitution I think we are doing a great disservice to Maori and Tau Iwi relations in New Zealand.

We have systematically denied Maori their rights for decades and the reparations we have made thus far barely go towards covering the intense damage we have done as colonisers. To disregard a document signed by Maori as an agreement about settling in New Zealand

just seems a gross oversight.

Though I am Tau Iwi I want to make it clear that I believe Maori should be able to continue to have the right to rangatiratanga and that we should incorporate more of that into our systems rather than less.

I see the future of New Zealand being a place where Maori have more agency and control of their lives and do not represent the poorest, most incarcerated and generally the most disadvantaged in our society and I think to do that we need to accept Te Tiriti

as a formal part of the constitution.

Submitted on the 19 June 2013 at 21:27

268

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 8:40 a.m.
Subject: CAP submission

New Zealand needs stricter laws against animal cruelty with longer sentences. A recent case shows an Auckland man beating his dog and only getting a six month jail sentence (link below). The damage done to one life is more significant than six months of restricted living for the offender's life.

People come out free to repeat the offence or do the same to a person.

New Zealand was the first to start the equal rights movement for women to vote. I believe we should be the first to make the movement on equal punishment for cruelty against animals as though offenders were already doing it to people.

As statistics show offenders for cruelty towards animals are often gateway behaviours for violence against people.

I would like to see New Zealand showing it's value for all life by punishing the offender for their crime not their victim.

Sincerely Ngaruawahia Woman
Kia Barnes

Reference to case mentioned above.
<http://news.msn.co.nz/nationalnews/8640168/man-jailed-for-viciously-beating-dog>

1545

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/06/2013 1:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Sarah Barnett Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: The Treaty of Waitangi should be a major
part of our constitution.

Regards,

Sarah

Sent on the 24 June 2013 at 13:50

ConstitutionalReview - <http://www.ourconstitution.org.nz/> form submission

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 1:13 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

1041

Sent from The Constitution Conversation.

Full Names: Kirstyn Barnett

Organisation

Name:

Email:

Phone:

**Postal
AddressA:**

**Postal
AddressB:**

Postal City: Woodend

Postal Region: North Canterbury

**Postal Post
Code:**

**Postal
Country:** New Zealand

Submission: I believe an electoral term should be four years to enable government to implement policy properly and to lessen the time taken for electioneering. The elected government has the mandate of the people to proceed in the way it has illustrated through its campaign, and three years is too short to enable policy to be fully implemented and have proper effect. This can lead to hasty decision-making and retrospective dismantling of legislation.

I believe there should be no Maori seats in Parliament and all representatives should be subject to the same election process to enter Parliament. I would ask if Parliament is supposed to be representative of the people, why are 55% of MPs not women and should there therefore be "Women's Seats" to redress this?

I believe Maori have their own processes for choosing national and regional representatives, and the government can consult extensively with those representatives. The ethnic mix of New Zealand is changing dramatically, and I believe each party needs to form a policy to appeal to those voters and ensure a widespread knowledge base in

its ranks.

I believe if a member cannot work with the party for whom they were elected, they should resign their seat in Parliament and legislation should be brought in to ensure this happens. Joining/forming a new party without losing their seat should only be possible in election year.

Sent on the 4 June 2013 at 13:10

2075.1

From: John Barney <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 6:56 a.m.
Subject: CAP Submission

All Maori seats must be abolished.

Are we one people or not?

John Barney

2861

From: "Ian & Dorothy Barns" <
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 9:52 a.m.
Subject: CAP Submission

I believe that the Maori seats should be abolished given that there is more than one Maori party for people to choose from and that like every other person in this country if they want candidates from the Maori Parties to be a legitimate part of our Government then they have the capacity to do so. It should not be legislated that they have automatic rights to Government.

ConstitutionalReview - The form on your contact page has just been submitted

From:

To: <constitutionalreview@justice.govt.nz>

Date: 19/02/2013 10:45 a.m.

Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel.

Contact Dominic Baron

Name:

Phone:

Email _____

Comment: To give us true democracy it is essential for us to wrest back our sovereignty that has been usurped for so long by "parliament". Let us start with veto referendums so that we can strike down unwanted and unnecessary laws before they are implemented.

Sign Up For Yes
Updates:

Sent on the 19 February 2013 at 10:44

19a

From: constitutionalreview@justice.govt.nz
To: [<constitutionalreview@justice.govt.nz>](mailto:constitutionalreview@justice.govt.nz)
Date: 20/04/2013 8:45 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Dominic Paul Baron Organisation Name: Email:
Phone: Postal Address:
Postal AddressB: Postal City: Postal Region: Wellington Postal
Post Code: Postal Country: New Zealand Submission: We do *not* have a constitution.
To prove that all I need to do is to ask this question:

"When did the people of New Zealand grant themselves their first democratic constitution?"

The answer is simply: "Not yet." Therefore we need to create our first democratic constitution from the foundations up.

The model that I use as my inspiration is the Constitution of the Swiss Confederation.

From that model I take on board the basic democratic principle that all constitutional matters, without exception, *must* be decided by the people. For example: the Swiss people revised their Federal Constitution in the final years of last century, formally ratifying it in a referendum on 18th April 1999.

No 'assembly' ratified it, only the people could do this because the most important democratic provision within that constitution requires that *any* proposed amendment to itself *has* to be submitted to a referendum of the people for their approval or rejection.

It goes without saying that in the absence of any constitution, the 'constitutional rights' of the people of New Zealand are non-existent, and at present only the ruling 'parliamentary' dictatorship decides what are the 'rights' that the people of New Zealand may or may not enjoy.

Now is the time for the people of New Zealand to seize back their sovereignty from the usurping 'parliament' and proceed to construct their first democratic constitution.

And these are the three foundation principles that will ensure the legitimacy of our first democratic constitution:

1] As already mentioned: all proposed amendments to the constitution must be decided by mandatory

referendums. Additionally, all proposals to join supra-national organisations or to adopt international treaty obligations must likewise be subject to mandatory referendums of the people.

2] All legislation approved by any assembly must be subject to a veto referendum when 50,000 validated electors have demanded this within 100 days of that proposed legislation's approval.

3] New legislation may be proposed in initiatives that have received the validated signatures of 100,000 electors collected within 18 months.

The results of *all* referendums are binding upon the assemblies and governments of the day.

Sent on the 20 April 2013 at 20:44

196.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 2:22 p.m.
Attachments: Our_first_Democratic_Constitution.docx

Sent from The Constitution Conversation [#link:http://www.ourconstitution.org.nz/](http://www.ourconstitution.org.nz/).

Full Names: Dominic Paul Baron Organisation Name: Email: 5
Phone: Postal AddressA:
Postal AddressB: Silverstream Postal City: Postal Region: Wellington Postal
Post Code: Postal Country: New Zealand Submission: Submission Upload:
Our_first_Democratic_Constitution.docx

Submitted on the 30 July 2013 at 14:21

The People of New Zealand must create their first Democratic Constitution.

Introduction

More and more of us have smart 'phones. Already smart homes and smart cars exist and will eventually become standard in advanced and civilised nations. These are the product of smart technologies that are redefining and integrating our human societies into highly sophisticated communities in whose management and regulation all of us have a basic and sovereign interest. It is precisely this management and regulation that is the job of our political systems.

However, when we examine our existing political systems all vestiges of smartness disappear. Instead we have antiquated and dilapidated arrangements that are mired in an 18th Century view of politics and society. Nothing epitomises this outlook more succinctly than the deep devotion to the opinions of the 18th Century political theorist Edmund Burke by "think tanks" such as the Maxim Institute – which believe themselves to be the intellectual powerhouses for fostering changes to our political systems.

I have taken the list of eight questions asked by Geoffrey Palmer on the EmpowerNZ web-site as the basis for my views, whilst strongly disagreeing with most of his statements.

1. What is the purpose of a constitution?

The basic purpose of a legitimate constitution is to set down the rules by which the rules of the nation that ratifies that constitution are to be legitimately made.

2. What is the problem?

We do **not** have a constitution, let alone a legitimate one, despite rather strident assertions to the contrary. This contention is very clearly proven by this question: "When did the people of New Zealand grant themselves their first democratic constitution?" The answer is obviously "Never."

The basic fact is that our nation that calls itself New Zealand has not yet granted itself its first legitimate democratic constitution.

A legitimate democratic constitution for a nation state is one that asserts unequivocally that sovereignty over that nation state and over all of its institutions rests inalienably and forever with the people of that nation state. And further: that that constitution has been ratified democratically by the people in a referendum as the founding document of their nation state.

These essential basic rules follow:

1. A nation's constitution is legitimate only if it has as its primary rule that it can only be ratified and modified by the democratically expressed will of the members of that nation;
2. The nation's constitution has been ratified by the nation's people as the founding document of their nation in a referendum of the nation's people;
3. The nation's constitution can only be modified by the nation's people in referendums of the nation's people;
4. The results of all referendums are binding and cannot be struck down by any assemblies, courts, or governments set up under the nation's constitution.

3. What about the Constitution Act?

It has absolutely no legitimacy as it has never been ratified by the people of New Zealand in a referendum. It will be instantly replaced when the people of New Zealand ratify their first democratic constitution.

Because of its intrinsic legitimacy, through being ratified by referendums of the people of New Zealand, our first democratic constitution will be entrenched and stand supreme above all executive, judicial, and legislative arrangements defined within it. Who or what will be the head of state is of minor importance.

4. Where is our constitutional framework described?

Nowhere, because this is precisely the task that lies before us. It will be the function of a Constitutional Convention to create and describe the framework of our first legitimate constitution.

5. What are the key elements of our constitutional framework to be?

Because it will stand guard over all aspects of the governance of our nation, the founding cornerstones of our first national democratic constitution must be these:

1. Proclaiming the Inalienable Sovereignty of the People of New Zealand;
2. Requiring the ratification of our constitution by referendum;
3. Defining all referendums to be intrinsically binding upon all institutions of the nation;
4. Entrenching the three basic rights of democratic law-making by referendum, namely:
 - Initiative – The right of 100,000 electors to initiate new laws;
 - Recall – The right of 50,000 electors to recall elected administrators;
 - Veto – The right of 50,000 electors to veto laws approved by assemblies.
5. Any amendments to the rights of citizens to be subject to mandatory referendums;
6. Any international treaty commitments to be subject to mandatory referendums.

6. What is the constitutional position of the Treaty of Waitangi?

The Treaty of Waitangi will be formally embedded into the preamble to our first democratic constitution to recognise its direct influence on the legitimacy of our new constitution.

7. What is the constitutional review process?

As the terms of reference specifically include the matter of a Written Constitution, that is the primary focus of this response.

8. What do you expect the review will deliver?

All or nothing.

All, if recognition finally dawns that what we currently have is a system that belongs to the age of the horse and cart and forelock-tugging serfs totally controlled by a tiny élite of a self-selected class. I would want to see a groundswell of public opinion seeking to wrest their Sovereignty over the process of law-making back out of the hands of that self-selected class and lodged instead firmly under the control of our first legitimate democratic constitution.

Nothing, if the process merely tinkers with footling issues such as who or what might be the head of state, -- what methods should be used for elections, and a refusal even to consider making all referendums binding.

19c

From: <website@cap.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 2/19/2013 10:45 a.m.
Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel #link:<http://www.cap.govt.nz/>.

Contact Name: Dominic Baron Phone: Email:
Comment: To give us true democracy it is essential for
us to wrest back our sovereignty that has been usurped for so long by "parliament". Let us
start with veto referendums so that we can strike down unwanted and unnecessary laws before they
are implemented.

Sign Up For Updates: Yes

Sent on the 19 February 2013 at 10:44

4052"

From: Hugh Barr
To: <constitutionalreview@justice.govt.nz>, Hugh Barr <
Date: 29/07/2013 3:02 p.m.
Subject: My submission on the Constitutional Review
Attachments: Hugh Barr submission Constitution Advisory jack-up 29July 2013.doc

Attached Hugh Barr

--
Hugh Barr,

Wellington
Tel/Fax
Email:

29 July 2013

constitutionalreview@justice.govt.nz

Submission on the National & Maori Parties Constitution Review

This is my personal submission. I am a natural-born New Zealander. My parents on my father's side came to New Zealand about 1887, emigrating from Aberdeen, as Presbyterian clerics. On my mother's side, she and her parents emigrated from England in 1924.

Re the main questions:

- 1 **Size of Parliament: Increase the size:** This would allow for better review by parliamentary select committees of new legislation, and should give better legislation, by having a more thorough assessment by Parliament
- 2 **Length of the Parliamentary term: Stay the same – three years.** Given the contempt with which the National party treats the democratic process, of which this racist fascist one-sided review is a prime example, even three years is too long. Immense damage to New Zealand's capability and standard of living can be done to the country within three years. Note what happened when the ACT party took over the Labour Party in 1984. And in John Key selling the nation's electricity generators to foreigners in the present government, coupled with legislation allowing him to spy on New Zealanders via the GCSB. Even three years is too long!
- 3 **Size and number of electorates: 1: The Maori seats should be abolished.** With MMP those with a Maori ancestor, have representation in the party lists. At present they have over-representation, because they have a racist right to stand in the Maori seats. The 1986 Royal Commission on the Electoral system, that ushered in MMP, saw that this would happen, and recommended that the Maori seats should be abolished.

However, Maori racist nation that we are, this sensible recommendation was not taken up by Jim Bolger's 1993 National Government. There are also rorts in the Electoral Law, where size of electorates depend on the populations being equal in each electorate (plus or minus 10% wriggle-room), whereas the size of seats should be determined to have equal numbers of voters. The Maori electorates gain most from this corruption, and, by design, have only two thirds of the number of voters of a general electorate seat. So they give 50% more representation per vote over the non-racist General Electoreates.

Then the Statistics Department thought up a new rort, by assigning a proportion of those in the census who said they did not know whether they had a Maori ancestor, as being on the Maori Roll. How they would ever migrate to the Maori Roll, where one has to guarantee one has a Maori ancestor, was not explained by our racist statisticians. Similar illegal fudging goes on with those that say they "won't say". If people won't say, the racist Statistics Department should have better things to do than to second guess them, for its own racist purposes.

This has meant that, since 1997, there has been one more Maori seat than there would otherwise be. It is time these racist rorts were removed from our elections, This is best

done by removing the Maori seats altogether, as recommended by the Royal Commission.

Having Maori seats also means that they are very large, with little effective way of talking to the MP. This reason alone seems a major reason why people registered on the Maori roll have been leaving it. The other reasons, that it allowed the racist Maori Party to be represented in Parliament in 2005-11. And for Hone Harawira to have a safe seat in Northern Maori (Te Tai Tokerau). These are not valid reasons to keep the Maori seats.

2 Have more general electorates: By law the number of Electorate seats is controlled by the number of electorate seats in the South Island, currently set at 16. The South Island population, (rather than the number of voters in the South Island) is then divided by 16, to give the average population, N per seat. The North Island population is then divided by N, and "rounded" to give the number of North Island electorate seats, say n. Total electorate seats are then 16 + n plus the number of Maori seats – if any.

This are presently 70 electorate seats, 16 South Island, seven Maori, and 57 North Island seats. The 120 nominal seats in Parliament has an additional 50 seats, at present, to allow proportionality balancing to allow the smaller parties to balance their percentage of the vote with list MPs, which is the fundamental requirement of MMP – representation of each qualifying party up to its party vote as a proportion of the total party vote.

Having more electorate seats would require increasing the number of "balancing" list seats to ensure that the number of MPs was proportional to their total vote, and so have a representative parliament. Increasing electorate seats is readily achieved by increasing the number of electorate seats in the South Island, and consequently increasing the number of balancing additional list seats, to allow flexibility for achieving proportionality of the vote.

Abolishing the seven Maori seats would allow two additional electorate seats in the South Island, and about five more in the North Island.

4 Electoral integrity legislation, Maori electorates including the Maori electoral option – abolish the Maori seats:

Abolishing the Maori seats gets round all the palaver about how they are racially defined and how they threaten democracy by giving people on the Maori Roll, much smaller numbers of voters than those in General Electorates. **With one action we would rid ourselves of this institutionalised Maori supremacist racism, that is against the democratic process, and against MMP.**

5 Maori electoral participation:

Abolish the racist Maori seats. Would greatly reduce Maori supremacist racism opportunities in New Zealand.

6 Maori seats in Parliament and Local Govt:

Abolish both. They are a Gerrymander, a rort against democracy. Why should one-sixteenth Maori have special privileges when the purpose of the Treaty of Waitangi was to make us all one people, in terms of rights. Eg Article 3 of the Treaty. There is non justification for especially Maori seats in local body elections, just as there is non justification for them in national elections. Anyone can stand in local body elections. Election is on what the voters consider the best candidate.

7 No role of the Treaty of Waitangi:

There is no role for the Treaty of Waitangi in a New Zealand Constitution. The purpose of Te Tiriti, the Maori translation of Lord Normandy's instructions, the Treaty that the Maori Chiefs signed, was to transfer sovereignty to the British Crown (Article 1). That Treaty we now know, was translated from what has been called the Littlewood Treaty, which was re-discovered only in 1993. Yet when people looked, it was also in the US Archives, because the US Consul in Russell had requested a copy, so the US would understand what was going on.

By signing, the Chiefs ceded what sovereignty they had, to the British, which made New Zealand their colony, and subject to British laws, and the British queen. In return, the British maintained law and order, stopped the inter-tribal musket warfare that had wiped out tribes without muskets, removed slavery, allowing many slaves taken in the musket wars to go free, and introduced peace to the country. The northern tribes preferred the British because they had seen first hand with the French, that they were far more ruthless than the British, in responding to tribal treachery.

8 No written constitution:

There is absolutely no need for a written constitution for New Zealand. Any written constitution would put un-elected judges in charge of the country, not the MPs we elect at election time. **Any move to introduce a written constitution should only proceed if a national referendum, with a two-thirds majority of votes cast, agreed to it.**

We can already see how disastrous that will be. The whole of the foreshore and seabed ownership debacle was started by Chief Justice Sian Alias, who decided that Maori should own the foreshore and seabed, and then proceeded to hand this area to them. Her decision depended on the so-called "Principle" of "partnership", which is an aberration of the mind of former Chief Justice Sir Robin Cooke.

Judges have played a traitorous role in New Zealand politics, no more so than the late Chief Justice Robin Cooke, who invented the so called Principles of the Treaty of Waitangi, including the so-called "Principle of Partnership". No democracy can function as a democracy if an elite group is going to be "in partnership" with that Government. The group "in partnership" is the de facto government, whether it be judges, Maori tribal leaders, or the wealthy, as probably with the National Party.

Arrogant and corrupt judges are the last people we want running the country, any more than having arrogant and corrupt people who claim to have a Maori ancestor. Such people, as shown in the biased debates held at Te Papa on whether or not we should have a written constitution, appear to have a belief that somehow the non-Maori population be required to be slaves to them, and that much of the wealth created by us will be theirs.

A proposal to introduce a written constitution is a large step towards a dictatorship, and is likely to lead to civil war, to retain New Zealand as a democracy. No constitution should enshrine the Treaty of Waitangi. This document was to set New Zealand up as a British Colony. This was done and law and order introduced, slavery abolished, and the benefits of western civilisation made available to all New Zealanders.

New Zealand has now become an independent nation, that plays its role in the world community. We have moved on from colonial times. I do not want to see New Zealand fall back to embraced feudalism, the chiefly and kingly system that both Britain and Maoridom have passed on from. It's time to embrace democracy, and remove all mention of the Treaty and its non-existent "principles" from our laws. The Treaty achieved its purpose in 1840, when New Zealand became a British colony, and all the slavery and inter-tribal warfare was stopped.

I also support the Independent Declaration of Equality. Namely:

2. DECLARATION OF EQUALITY

It is utterly out of the question that our constitution should recognise and enforce racial distinction and condemn our country forever to a future of racial division. But if the Treaty gets into our constitution - in any way at all - that is what will happen. We must stop the Maori Supremacists entrenching their hold over our country. We must change New Zealand's course.

We, New Zealanders, having founded our society in the equality of comradeship, and living here at home in the land we have made, utterly oppose any laws which establish or promote racial distinction or division. There shall be one law for all. We have had enough of official and legal racism. We do not request the following items, we demand them:

- ***We refuse to accept any reference to the Treaty of Waitangi or its non-existent principles in any constitutional document.***
- ***We require that such references be removed from all existing legislation.***
- ***We require that race-based Parliamentary seats be abolished.***
- ***We require that race-based representation on local bodies be abolished.***
- ***We require that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished.***

And we pledge ourselves to oppose and resist all those of whatever rank or degree who, whether by force or the devious processes of the law, attempt to impose the fetters of racial inequality on the free citizens of New Zealand.

I have no faith that the totally biased Advisory Panel, set up to oversee this process is fair or capable. I find it difficult to imagine a more compromised group of biased individuals, whose past behaviour will pre-determine them being prejudiced towards a Maori Apartheid state. Bill English, John Key and Associate Minister of Maori Affairs Christopher Finlayson, have betrayed New Zealand by agreeing to such an unbalanced Panel. The Panel too has already proved its unbalanced status by carrying out almost no public consultation with the non-Maori public. This whole process is treasonable.

I request to be heard in support of this submission.

Dr Hugh Barr

4954

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 11:54 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Christopher Barradale Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: We have a perfect constitution right now that has served us well. We need no written constitution; certainly not one based on false premises that Maori are equal partners with the Crown

Submitted on the 26 July 2013 at 11:54

1335

From: <website@cap.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 10:44 a.m.
Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel #link:<http://www.cap.govt.nz/>.

Contact Name: Peter Hemara Barrett Phone: Email:

Comment: Dont you think it would be appropriate to give a background history of the NZ Constitution Act of 1846 and 1852 after all there has been a large influx of immigrants to this country since 1986 who probably dont know the proper lawful and legal history of this country and coming from ethnic backgrounds other than english are unfamiliar with the common law.

Sent on the 29 April 2013 at 10:44

5081

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:30 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Trevor Noel Barrett Email Address: Postal AddressA:
Postal AddressB: Postal City: Hamilton Postal Region:
Waikato Postal Post Code: Postal Country: New Zealand Submission: I have one
issue in my submission. I do not want the Treaty of Waitangi to have any mention whatsoever in the
treaty. I do not believe it has any relevance in our constitution for the future of all New Zealanders.

The treaty was Britain's reluctant response to pleas by Maori chiefs to rescue the tribes from a culture
of cannibalism, slavery and inter-tribal warfare.

The treaty was a simple agreement by which the chiefs agreed to pass the sovereignty of NZ to the
Queen in return for the protection and rights as British subjects and being guaranteed possession of
whatever lands they were currently holding by conquest or

otherwise, giving them full and EQUAL citizenship of the worlds largest and most benign empire.

As a European New Zealander I am in EXACTLY the same constitutional position as a Hawaiki Maori
settler under the Crown. I am NOT in partnership with the crown and neither are Maori. This is a 1975
'invention'.

It is extremely important that all new Zealanders go forward under the new constitution in the spirit of
the treaty which Hobson so succinctly put when he shook each Chiefs hand at the signing at
Waitangi. "We are now one people".

The Treaty is an historical document of its time and has no relevance today and certainly no
relevance in the equal citizenship of New Zealand's future.

Submitted on the 17 June 2013 at 16:01