

3094

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

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.

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.

Dione Barron
Auckland
New Zealand

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 10:08 p.m.
Subject: My submission

3006

I think any constitutional review should be by public vote and I also think ANY referendum should be binding otherwise it is a waste of money and we have already wasted enough on the referendums we have had in NZ which, in spite of huge majorities opposing what we were voting for, or against, nothing was changed. Do you call that democracy?

I think MP's should be reduced to 99 as an absolute maximum. For a country our size the number of MP's we have is excessive.

Maori seats should definitely be abolished. After all, aren't we all New Zealanders? I was born here nearly 76 years ago and I now feel like a second rate citizen.

I think the Maori roll should be abolished.

I think local Government should not have Maori seats allocated as a right.

I believe the Treaty of Waitangi has no role in our future constitutional arrangement. The changes which were made in the 1970's and 1980's make it unrecognisable as the Treaty which was signed in 1840.

I would like our country to BECOME a democracy again although we seem to be getting further and further away from that.

Thank you.

Margaret Barron.

2891

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 1:14 p.m.
Subject: CAP Submission

Good morning.

I would like to state my opposition to this constitutional review. I received a reply to an email from Bill English and Pita Sharples together and read many interesting things about what was being done and taken to the public but which public, and when? Most people, probably over 95% I have spoken with or have been around when others have, know nothing about this constitution so where are all the opportunities I read about in my letter from those 2 MP's?

I quote, " Discussion documents, legislative Select Committee processes and referenda are all tools for providing New Zealanders with opportunities to express their opinion on issues." Where does one find these? I know because we get the NZCPR newsletter weekly but those who don't, and they are the majority, know nothing about what is going on, it appears quite secretly. And what is the use of a referendum which is not binding? All the referenda we have had to date have had huge majorities but if it isn't what the Powers that Be (the Govt. and Maori Elite especially) want, it doesn't change.

Unless it is a BINDING referendum it is just a waste of money and it is certainly not democratic, and neither is our Government. It is all about Power, Politics, and Money.

However, I am making my submission that I do not think we need a change to our constitution.

Thank you.

Margaret Barron.

3779.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 9:56 p.m.

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

Full Names: Peter Alexander Barron Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Dunedin Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 1. Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?

It should be one of the cornerstones of the constitution - The Maori version of the Treaty should be the official version

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

Absolutely - without the Treaty there can be no country as we know it. The Treaty is the foundation stone on which present day New Zealand stands

Submitted on the 23 July 2013 at 21:55

3779a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 10:34 p.m.

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

Full Names: Peter Alexander Barron Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Dunedin Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1.How many members of Parliament should we have? Why?

As at present. Feels like the right balance to population

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

4 years. 3 years is too short for stability and for effective government as it really just over 2 years when one considers the time taken for installation of a new government after an election and the run-up period to an election

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

It should be set out as a mandated date in the constitution. It is an anachronism and an affront to the democratic process that the government of the day should have the power to determine the date of an election to its own political advantage

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

In terms of general electorates there should be a primary consideration of equality of number of electors. However this should also be balanced by geographical size so that there is a limit to the physical size of an electorate even if this means a lower number of electors.

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

In a general electorate the MP should remain in Parliament as an MP as they have been personally elected. If the MP is a list MP they should be forced to quit as an MP as their right to be an MP is solely determined by the electoral support for the political party that they represent. To remove them simply means they are replaced by the next member on the list and proportionality is maintained

Submitted on the 23 July 2013 at 22:33

37796

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 10:45 p.m.

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

Full Names: Peter Alexander Barron Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Dunedin Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: Does the Bill of
Rights Act protect your rights enough? Why?

The principles of the Bill of Rights do protect my rights but that is undermined by the ability of Parliament to interpret the Act especially as we only have a one level Parliament with no upper house

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

Encompass the Bill of Rights in a written constitution that can only be amended by a binding citizens referendum with a high threshold of approval (75%)

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

Absolutely - to remove any ability for political or self-interest groups to amend or alter the Bill of Rights

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

The Courts - the Courts are independent - Parliament is a political process that is controlled by the Government of the day

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

Submitted on the 23 July 2013 at 22:45

3779.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 10:54 p.m.

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

Full Names: Peter Alexander Barron Organisation Name: Email: | iz
Phone: -- Postal AddressA: Postal AddressB: Postal City:
Dunedin Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1.Do you think our constitution should be written in a single document? Why?

Yes. To remove any ambiguity and to set out clearly and explicitly and unambiguously what our constitutional rights are.

2.Do you think our constitution should have a higher legal status than other laws (supreme law)?
Why?

Absolutely and categorically - the constitution should be above the realm of Parliament and therefore removed from their power to interpret, alter or amend it

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

Only the Courts because they are provide an independent not as political oversight

Submitted on the 23 July 2013 at 22:53

3779d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 12:19 p.m.

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

Full Names: Peter Alexander Barron Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Dunedin Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1.What are your aspirations for Aotearoa New Zealand?

A stable, open, multi-lingual, multi-cultural country that firmly recognises Maori as Tangata Whenua. A country that retains the monarchy and is part of the Commonwealth - not as a reflection of the past but as a vision of the future

A country that recognises through its constitution by incorporating the Treaty of Waitangi (Maori version) that we are guardians of our land and our culture for future generations.

A country that is part of the global community and behaves as such whilst maintaining an independence of spirit and action.

A country that is prepared to lead by example.

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

True democracy is a fragile flower that demands participation by its citizens. In order for citizens to participate they require knowledge (meaning education in civics), they require respect (meaning that participatory democracy is more than simply collecting a vote), and most importantly they require real power that is above the self-interest of party politics. I strongly favour strengthening our law making/political decision making process by reserving key constitutionally mandated decision making to binding citizen referenda.

Certainly MMP has brought about major positive changes to the political decision-making process but with the absence of an oversight second-house and/or a written constitution and supreme law then as a nation we remain very vulnerable. The key vulnerability remains that our single-house Parliamentary system is essentially an adversarial system where we are simply expected to trust the system and those who work within in. Any study of history reveals that trust in those in power to act ultimately outside of their own self-interest is a misplaced trust and is one that needs constitutional safeguards. Put very simply to trust politicians to act outside of their own or their party allegiances is like asking the blind to lead the blind.

Submitted on the 24 July 2013 at 12:18

3779e

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 10:14 p.m.

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

Full Names: Peter Alexander Barron Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Dunedin Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: 1.How should Māori views be represented in Parliament?

I am comfortable with the present reservation of seats for Maori Electorates

2.How could Māori electoral participation be improved?

Electoral participation in Maori or General seats is an implicit obligation of living in a democracy - participation is in large part determined by the response and relevance of those elected - if representation is not reflective of the community or the community does not feel that it is listened to or is ignored then we cannot expect participation - so ultimately it is our elected representatives, both individually and collectively, who determine participation rates

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

"What is good for the goose is good for the gander" - local government process should be a mirror of central government

Submitted on the 23 July 2013 at 22:14

2864

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 11:54 a.m.
Subject: CAP Submission

Why the Maori parliamentary seats should be abolished.

All citizens of New Zealand should have equal rights, responsibilities and opportunities. That is what Maori were offered by the Crown in the Treaty of Watangi. The present day Maori Seats are an insult and a 'guilt trip' for Maori New Zealanders - those who can claim to be Maori, but feel they are NEW ZEALANDERS - citizens with equal rights, responsibilities and opportunities, no more and no less than any other citizen. Under MMP the Maori Seats have empowered Maori radicals to have a disproportionate political influence. The New Zealand people helped South Africa rid itself of apartheid. It is time for New Zealand to do the same for itself. Abolishing the Maori Seats would be a sound step in this direction. This could also be the first step in Central Government returning from a political party dictatorship, once more to democracy.
Selwyn Barron.

1370

From: Jim Barrowclough
To: <Constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:35 a.m.
Subject: Submission

New Zealand does not need a written Constitution - we have managed quite well in the past without a written constitution and I object to have any reference to an artificial Treaty which has absolutely no reference at all to the original Treaty of Waitangi and signed by practically all the Maori chiefs in NZ. What right has anyone to include the Treaty of Waitangi in a constitution when it is not the treaty that was signed in 1840 and which so many people think this suggested Treaty is.

I strongly object to any signed Constitution and especially any reference to the Treaty of Waitangi and in particular a wrongful Treaty, now or in the future.

Jim Barrowclough

I auranga
Ph.
Mobile
Email

2423

From: Barry and Juliet
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:04 a.m.
Subject: CAP Submission

I've always maintained for as long as we have this awful "Treaty of Waitangi" the country will never be completely united, the "Maori Seats" entrenched in law are an anachronism that should be turfed out along with the "Treaty" and replaced with a proper "Bill of Rights". So abolish the whole mess.

3995

From: "Bill & Shirley Barry" ·
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 11:03 p.m.
Subject: "CAP submission";

from: William (Bill) and Shirley Barry

Tauranga :
phone:
email:

Dear Sirs,

We feel very strongly regarding this review and make our Submission, as follows,

1. SIZE OF PARLIAMENT;

New Zealand has only a relatively small population and a maximum of 99 MPs with more elected and less list would cope well and hopefully be more economical

2. LENGTH OF TERM;

A four year term would give the government more of a chance to enable their policies to show real results, and the election date should remain flexible.

3. ELECTORATES;

With 99 seats we consider that there should be a minimum of 75 general electorate seats giving more direct representation and the balance (24) list seats, the Maori seats being disestablished as they are a relic of the past and no longer really relevant. Even with all the recent advertising it would appear that there will probably not be much of an increase in the Maori roll and those who do vote are in the minority. We are not racially biased and are more than happy to vote for a competent Maori candidate on the general roll. The size of the electorates would need to be rationalised in line with these changes.

Electoral integrity legislation should be re-introduced to eliminate "party hopping".

4. WRITTEN CONSTITUTION and CHANGES

New Zealand's current constitutional arrangements have served us very well and **MUST** be retained to safeguard the current flexibility and elected parliamentary sovereignty. Any major constitutional change **MUST** be done democratically, through a binding public referendum!

5. TREATY OF WAITANGI;

Being of mature years we can clearly recall a much more tolerant racial atmosphere in New Zealand in the past, compared with that which we experience today and it will become much worse as unrealistic expectations continue to be promulgated. We are well aware that there have been major injustices perpetrated against the Maori in the early days of our history and consider that more priority should be given to the Waitangi Tribunal settling all remaining **LEGITIMATE** grievances ASAP with all airy fairy claims being declined and all settlements being full and final. We need to bring this long drawn out and divisive saga to a fair and tidy conclusion then abolish the Tribunal, and also remove any laws, references or representation, which establish or promote racial distinction or division (despite the ire of the minority of radicals on both sides, which will settle down) so we can all work together to realise the incredible potential inherent in this country.

Yours Sincerely
Bill and Shirley Barry

1724

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/06/2013 2:36 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: David M J Barry Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Hastings Postal Region: Hawkes Bay Postal Post Code: Postal Country: New Zealand
Submission: My aspiration for Aotearoa New Zealand is that all of our people live in a society where
Inequity, (the presence of systematic disparities in those things we need for a full healthy and
satisfying life), is abolished. These disparities include education,
housing, employment, health and life expectancy. I think this aspiration is in accordance with the
"Universal Declaration of Human Rights" promulgated by the United Nations and signed
by New Zealand 1947-8.

It seems to me that over the last thirty years successive governments have regarded majority rule as
a licence to disregard issues of fairness and justice as long as electoral popularity is maintained.

It is possible that a formal written Constitution embodying the Universal Declaration of Human
Rights, would encourage our Governments in future to pay more attention to the need for justice and
fairness for all our people. I favour a written constitution; it
should be a living document subject to regular review say every ten years.

As well as the UDHR other important National documents such as the Treaty of Waitangi and various
acts of the NZ parliament relating to the constitution need to be incorporated-so long as they are
consistent with UDHR.

Interpretations of the NZ constitution where there are doubts should be by our highest court.

The introduction of a written constitution and any changes to it should be by a very large majority of
the parliament-perhaps 80% and preceded by extensive public consultation.

Thank you for the opportunity of commenting

Sent on the 29 June 2013 at 14:35

1314

Tauranga

16 May 2013

The Constitutional Advisory Panel

c/- Ministry of Justice

DX SX 10088

Wellington

My submission regarding the NZ
Constitutional Review is that I wish to
see no change to New Zealand's unwritten
constitution. This has served us well
since the 1852 New Zealand Constitutional
Act was passed, our founding document.
There should never be a race-based
Constitution.

One nation, Equality for all.

Signed (Mrs Kathleen Bridget Baxter)

2155

From: Steve Barter
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:36 a.m.
Subject: CAP Submission

I wish to submit for the abolition of the Maori seats. They are fundamentally and inherently unjust and divisive. Their original purpose has long been achieved and they are now counter-productive. When the seats were established there was clearly a Maori population that needed assistance and the seats have played a significant role of which New Zealand should be proud. There is clearly a Maori consciousness which thrives for all of Maori origin and that is to our great fortune. However that consciousness is maintained for the most part by people who are clearly as much of European origin as Maori. Once New Zealand moved to the current electoral system of proportional representation there is no justification for one group to have special status of this sort and it is contradictory to the fundamental principle of proportional representation. The idea that Maori rights will dwindle is nonsensical given the protections and settlements obtained under the Treaty of Waitangi, and that any idea that Maori need the protection of this separatism is demeaning to Maori on the face of it. Maori (whatever that now truly means) are clearly capable of managing their destiny without this crutch and in all likelihood it is an impediment.

Stephen Barter

1027

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 11:39 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Norm Bartlett Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post Code. Postal Country: New Zealand
Submission: Have not given it a great deal of thought although one thing I don't want is the treaty of
Waitangi being used in anyway in any constitution we may enact. There would a grievance industry
set up overnight to give Maori first class rights with the rest
of the country as second class citizens- rather like the situation in Australia.

Sent on the 4 June 2013 at 11:38

2694

Submission for the Constitution Conversation

Your name:

RACHAEL BARTLETT

Name of the organisation you represent (if applicable):

AMNESTY INTERNATIONAL

Postal address or email address:

PARAPARAUMU
NEW ZEALAND.

SUBMISSION: I'VE BEEN A HUMAN RIGHTS ACTIVIST FOR MORE THAN 10 YEARS WITH AMNESTY INTERNATIONAL. THAT ENGAGEMENT HAS CONVINCED ME THAT THE BEST GUARANTEES TO PROGRESSING AND PROTECTING HUMAN RIGHTS IS WHEN LEGAL OBLIGATIONS ON GOVERNMENTS EXIST. IT'S WHY I STRONGLY URGE FOR THE INCLUSION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE NEW ZEALAND BILL OF RIGHTS ACT AS BEST PROTECTION TO ENSURE ALL OUR RIGHTS ARE PROTECTED TODAY AND TOMORROW. IN ADDITION TO THIS I URGE FOR THE ENTRENCHMENT OF THE BILL OF RIGHTS ACT, FOR JUDGES TO HAVE THE POWER TO PROVIDE REMEDIES; AND → P TO

(CONT'D).

- RATIFICATION OF THE OPTIONAL PROTOCOL TO THE ICESCR, INCLUDING OPTING INTO ITS INQUIRY AND INTER-STATE MECHANISMS.
- THE ESTABLISHMENT OF A HUMAN RIGHTS SELECT COMMITTEE, AND INCREASED ACCOUNTABILITY AROUND SELECT COMMITTEES TO ENSURE THAT HUMAN RIGHTS ISSUES ARE NOTICED AND TAKEN SERIOUSLY.
- THE REQUIREMENT OF ALL LEVELS OF GOVERNMENT TO TAKE HUMAN RIGHTS ISSUES A MAIN STREAMING RIGHTS THROUGH THEIR DECISION AND POLICY MAKING.
- INCREASED HUMAN RIGHTS EDUCATION INITIATIVE TO INCREASE PUBLIC AWARENESS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

REGARDS.

RICHARD A. BARTLETT.

20th APRIL 2013

Constitutional Advisory Panel

Dear Sir/Madam,

Papamoa

My submission regarding the N.Z. Constitutional Review is that I want no change to New Zealand's unwritten constitution, it has served us well since the 1852 N.Z. Constitutional act was passed, our founding document.

It may require some alterations in the future, but not a race based constitution.

Equality for all one people one nation.

Yours Sincerely

Jason C. Bailey

4271

From: Hotmail
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:20 p.m.
Subject: Submission for Constitutional Review - Te Tiriti o Waitangi

Dear Panel,

I apologise to email two submissions, the first sent to the above email address at 11.10 am, 30th July, 2013. Unfortunately I found some mistakes and undeleted extraneous material. I trust you are able to delete the first draft and accept this submission instead.

Many thanks,
Andrew Barton

Submission for Constitutional Review

Tena ra koutou,

No Te Tairawhiti au
Ko Tiritiri te maunga,
Ko Waimata te awa,
Ko Herald te waka,
Ko Te Wiremu/Henry Williams te Tupuna
Ko Jill raua ko Hugh nga matua,
Ko Andrew William Barton ahau

Mihi nui ki a koutou, nga Rangatira o tenei take nunui.

Preamble

The Maori text, te Tiriti o Waitangi, is the only version cited in this submission.

Please note...recommended questions requested for the submission will be answered at the conclusion of this text.

Introduction

This submission will focus on the implications of the original intentions of te Tiriti o Waitangi upon the constitutional review process and requests that a more inclusive and constructive review be commissioned. A review that honours the original bi-constitutional agreement between Governance/Kawanatanga and Chieftainship/Tino Rangatiratanga and gives all peoples equal rights and responsibilities to participate within the exercise.

Aotearoa/New Zealand's upcoming review of constitutional arrangements presents an historic opportunity to collectively consider and re-affirm the values and principles of our national identity and the mechanisms by which they are implemented and governed.

One of the most significant constitutional aspects, to be considered, is te Tiriti o Waitangi. This agreement, forged between Britain and Maori Chiefs, is the foundation upon which our sovereign identity stands. All constitutional arrangements to be considered within the review, derive from this agreement.

In order to effectively assess the treaty's future constitutional role, we need to reflect upon the original intentions.

According to a Waitangi Tribunal report, delivered in August 2010, the mediator and translator of the te Tiriti o Waitangi, Henry Williams, envisaged the treaty to be a partnership of authority.

Tribunal historian, Samuel Carpenter, suggests, in Wai 1040/A17, that Henry intended both authoritative practices, Governance/Kawanatanga and Chieftainship/Tino Rangatiratanga, to operate side by side.

He, along with several other Pakeha and Maori individuals, negotiated an agreement giving the Queen rights to create and enact law - Kawanatanga - and 500 chiefs continuing rights of tikanga tuku

iho - Tino Rangatiratanga.

According to the original intentions of our founding constitutional document, the nation state of Aotearoa/New Zealand is established upon a unique partnership between two completely different socio-political modalities of authority.

This submission proposes that the two opposing modalities, Kawanatanga and Tino Rangatiratanga are respective representations of constitutional practice and definitions of sovereignty.

Aside from the official definition of 'treaty', as, 'a formally concluded and ratified agreement between two states', an objective assessment of Kawanatanga and Tino Rangatiratanga, would suggest that they both have equal but opposing 'weight' of constitutional authority. Two supporting examples are:-

A) - Kawanatanga is a constitutional mechanism that centralises legal decision making within a house of legislature and protects public through law enforcement agencies.

Tino Rangatiratanga is a chiefly representative of mana; recognised by the group as the embodiment and protector of tikanga for a particular sub-tribe/hapu.

These two authoritative practices help facilitate the wellbeing and protection of society using completely different but complimentary functions.

B) - Both partners were reliant on the good will and services of each other during negotiations.

The Crown required:-

chiefly authorisation to establish rights of Kawanatanga and thereby authorize Governance over their Pakeha subject, and to annex New Zealand and claim sovereignty - according to contemporary Western European definitions.

Maori Chiefs required:-

the Crown to strengthen their national status, Tino Rangatiratanga, within the community of international nation states, and;

the Crown to recognize sovereign rights of Chiefly Mana over their communities, land and possessions.

Te Tiriti o Waitangi, therefore, ratified equal bi-constitutional authority in the establishment of this nation state.

In commissioning an inclusive and robust constitutional review of te Tiriti o Waitangi, this submission proposes two things:-

1. Full recognition of treaty constitutional partners and the establishment of a central commission that is inclusive of both modalities/hybridity. (Please refer to Paul Meredith's presentation to Te Oru Rangahau Maori Research and Development Conference, 1998, for overview of hybridity).

2. A central commission that gives all peoples equal rights and responsibilities of reflection, engagement and envisaging of the future constitutional role of te Tiriti o Waitangi.

As a Government media statement announced 8th December, 2010;

'...we are keen to stimulate debate, hear the public's views and consider whether any aspects require change'.

A review of constitutional arrangements is a conversation of identity. A conversation that all peoples of this land are invited to attend.

With the Treaty being central to the review, all peoples of Aotearoa/New Zealand need to have equal participatory rights of review thereof.

Question One - after inclusive and objective consideration of te Tiriti o Waitangi, I would request that the Te Tiriti o Waitangi be either:-

a) given fundamental recognition as a bi-constitutional document for all peoples of Aotearoa/New Zealand, or;

b) replaced with an agreement with equal or better constitutional function.

Question Two - that, if the treaty was to remain as our fundamental constitutional document, then te Tiriti o Waitangi be reaffirmed as our Written Constitutional Charter for all peoples of Aotearoa/New

Zealand.

No reira tena koutou katoa

Andrew Barton

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

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.

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.

Kay Barton
Christchurch
New Zealand

1561

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 9:32 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roy William Barton Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Dargaville Postal Region:
Northland Postal Post Code: Postal Country: New Zealand Submission: 1 NZ should be a
Republic

2 Re. MMP - reduce the 5% threshold down to 2%

3 Entend max term of Govt to 4 years

Sent on the 25 June 2013 at 09:30

Name Tyrone Barugh

E-mail

Your submission.

I support a transition to a New Zealand Head of State and would like the Constitutional Advisory Panel to consider the issue. My submission sets out three broad areas of reasoning why:

I am disappointed that this country does not have a head of state that is relevant to its identity as a culture and as a state. Queen Elizabeth represents the UK firstly - she lives in England and most of the work she does relates to British lawmaking and the British constitution. Queen Elizabeth is not effective at communicating our independence and importance to the world. An ailing and English Queen cannot accompany members of the government (even in a figurehead role) on trade missions. Her tenure for life is one barrier to her fully representing Aotearoa. That she is an Englishwoman is of course the other.

Secondly, the Queen does not perform her constitutional role in a way that a New Zealander could not. Governors-General exercise the reserve powers (and they exercise them sparingly), so it's untrue to say that the Monarchy is an essential check on Prime Ministerial and Government power. Previous crises throughout the Commonwealth (Gough and Whitlam for example) indicate that it is domestic institutions that resolve constitutional crises, not the Queen as an external mediator as Monarchist groups often claim.

One argument is that major constitutional changes should not be carried out lightly and without practically compelling reasons. I concede that there isn't really a pragmatic imperative to change. However there are principle-based reasons and making a change because of these is legitimate. Refusing to do so would entrench a massive status quo bias that would cripple constitutional reform or even investigative efforts such as this Panel.

Thirdly, the Queen's position is fundamentally contrary to principles like democracy and equality which New Zealanders almost universally support. A baby New Zealander could never grow up as a royal (unless by marriage). Just as outrageously, none of Aotearoa's tangata whenua will be able to be the Head of State so long as we retain the Monarchy (unless someone relatively close to the throne has children with a Maori). That's pretty shit, right? Also, just the unfairness of one person irrespective of where they come from being chosen as Head of State.

I want the Panel to report on the Head of State issue. I ask you to engage with each argument and test it for consistency with the really important principles which we care about as a country. The arguments in favour of retaining the Monarchy after Queen Elizabeth's eventual death aren't strong enough to dismiss this idea at first instance without at least raising the question in your report.

Regards,

Tyrone

1051

From: Helena Barwick <
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 3:19 p.m.
Subject: CAP Submission
Attachments: Constitutional review 2012.docx

Attached is my submission.
Thank you.
Helena Barwick

Aspirations

What are your aspirations for Aotearoa New Zealand?

My aspirations are:

- for a country that has the smallest possible gap between the haves and the have nots
- for a country that values its Maori heritage, people, language and culture
- for a country that is inclusive, diverse and respectful of difference
- for a country which recognises the importance of work or other meaningful activity in the lives of its people
- for a country where people can speak freely and without fear.

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

Our democratic system is far from perfect but it is a great deal better and more reflective of the views our citizens than are those of many other countries.

MMP is a significant advance on the previous system. I support the adoption of all the Electoral Commission's recommendations in their report on their review of MMP.

New Zealand's constitution

Our constitution in a single document?

No, I do not support our constitution being a single document.

My reason is that I believe the debates that are required to determine how the components of our constitutional arrangements work are healthy and need to be aired from time to time. Constitutional arrangements may need to change through time and so long as the principles and founding elements are clear I support this evolutionary process.

Our constitution above other laws (supreme law)?

Yes, I believe the constitutional arrangements should take precedence. Other laws can be changed fairly readily and in my view this would create a threat to the supremacy of the constitutional arrangements.

Who is to decide if legislation is consistent with the constitution?

I would prefer that only the courts could decide if legislation is consistent with the constitution. I am not confident that parliament is always able to see the bigger picture or to take the longer view. I would be concerned that parliament may act from expediency.

The Bill of Rights

I have limited knowledge of the Bill of Rights. I consider myself to be well protected under it but I am not an individual or part of a group that has experienced, or been fearful of, a breach of rights.

Intuitively I believe the Bill of Rights should have a high status in law and I would be uncomfortable

with parliament being able to decide whether or not other laws are consistent with the Bill of Rights

Treaty of Waitangi

The role of the Treaty of Waitangi in our constitution.

My understanding is that the Treaty is the founding document of our country. I would like to see it as a fundamental element of our constitutional arrangements.

We have seen much progress in the last 30 years in recognising the value of Maori culture, heritage and people to New Zealand. This would not have happened without the Treaty which laid the groundwork for the ongoing relationship between Maori and those who arrived in New Zealand later. We must keep this agreement at the heart of our constitution.

The Treaty as a formal part of the constitution?

Yes, I would like to see the Treaty as a formal part of our constitutional arrangements.

My reasons are that I see the Treaty as a formal agreement between my forebears and the forebears of my Maori friends and colleagues. I would like us to keep our word on behalf of my ancestors.

I have expressed in my aspirations a desire to see the smallest possible gap between the rich and the poor in New Zealand. I am aware that, like indigenous people around the world, Maori have not benefitted from colonisation. I am of the view that there are wrongs (mostly unintentional) to be addressed and that the greatest hope of doing that in a just and respectful way is through honouring the Treaty and placing it at the heart of our constitutional arrangements.

Maori views in parliament

Māori views be represented in Parliament?

This is a decision for Maori I think.

That said, I support dedicated Maori seats being retained and Maori having the choice, as they do now, about whether to be on the Maori roll or the general roll.

Māori electoral participation be improved?

This is a matter for Maori.

Māori views and perspectives in local government?

I am unhappy with the opportunities for formal Maori participation in local government. I would like to see dedicated Maori seats at all levels of local government decision-making.

Electoral matters

As I said previously, I support all the recommendations of the Electoral Commission's Review of MMP.

How many members of Parliament.

Between 80-100.

While the Electoral Commission did not recommend a reduction in the size of Parliament, I struggle with the number of members of parliament we have per head of population compared with other similar democracies.

How long should the term of Parliament be.

I think the term of parliament should be 4 years. I believe this would allow time for better law making and reduce the impact of the activities in any election year which seem to be focused on garnering support and securing votes.

How should the election date be decided.

I am satisfied with the system in place at present.

Factors in determining the size and number of electorates

I do not have an opinion on this. I am reasonably happy with my understanding of how it is done at present .

If a member of Parliament parts ways with their party

I do not believe that a list MP should be entitled to remain in parliament if they part ways with their party. However, an electorate MP, chosen by the electorate should be able to remain an MP even if they part ways with their party.

My rationale is that people give their party vote to the party whose policies they support. The list MPs are brought into parliament specifically to advance those policies. An electorate MP is voted in for a number of reasons including, but not solely because of, their party allegiance. In my view should an electorate MP part ways with the party he or she should be allow to remain in parliament for the rest of the term and the electorate will make its own judgment after that time.

Helena Barwick

4 June 2013

784

Omotomau

27.4.13.

Constitutional Advisory Panel

Submission re Constitutional Review.

I am strongly opposed to changes
to New Zealand's unwritten
constitution, unless it is fairly
dealt with by way of a referendum.

Frances Bacher.

279

From: "Francie Basher"
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 1:47 p.m.
Subject: constitotion conversation

I have been a National party supporter for 40 years, but am now very concerned about some of the party's policies.

The current one which is already causing a lot of angst in the community is the proposal of creating a constitution for our country. I have read that there is a Govt. financed advisory group travelling throughout N.Z. but where is it?

Surely such a major, far reaching document could not be put into place without New Zealanders' input. I would have thought the very least would be the holding of a referendum..

My advice is to allow more time to educate the people and take heed of your constituents.

Frances Therese Basher

Quick Submission

2671

Dec 16/7/13

Your name:

G. Baslin

Name of the organisation you represent (if applicable):

Postal address or email address:

Tauranga.

There is no such thing
as Maoris, we are all
N.Zealanders.

I used to support John
Key but no more.

Forgot the Treaty of
Waitangi - that was long
ago - its not O.K. for now.

We dont need Maoris in
parliament - there is none
around. - We are all inter
married.

We dont need M.M.P.
Just cut the Numbers down.

Privacy and Confidentiality

Your personal information will be held in accordance with the Privacy Act 1993. This Act outlines the requirements for transparent collection, ethical use and secure storage of personal information.

The personal information you provide in this submission form will be used for the purposes of the Consideration of Constitutional Issues only.

**You can also make a submission online
at www.ourconstitution.org.nz**

1494

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 5:50 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: SUBMISSION TO THE CONSTITUTIONREVIEW.pdf

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

Full Names: Raymond George Bassett Organisation Name: Personal Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Coromandel Postal Post Code: Postal Country:
New Zealand Submission: Submission Upload: SUBMISSION TO THE CONSTITUTION
REVIEW.pdf

Sent on the 20 June 2013 at 17:50

SUBMISSION TO THE CONSTITUTION REVIEW

From. RAYMOND GEORGE BASSETT

SUBMISSION:

Since the early 1800 's New Zealand's population has been increased by the arrival of immigrants from many other societies and the births of children in this country. As a result we have a diverse selection of citizens who call this country home. I would venture to say that the greatest proportion of the countries citizens have been born here which gives them an equal common interest in how the country is governed. A country is made up of all of its citizens who have a right to be here. The Government should represent all of its citizens without favour to any one race or cultural group over another. There have now been many generations in which the contributing cultures should have had time to meld into one common New Zealand culture.

The Treaty of Waitangi provided the framework for the Maori people and the early European settlers to become common citizens in this country. The Treaty has generally achieved this purpose and as such has become unnecessary in modern times. The third article of the treaty states that all people would become equal subjects under British law. It effectively established the concept of one people, one country and one law.

For New Zealand to progress as a harmonious society the whole nation needs to finally grasp this concept. The country needs to move forward in a united way with a common law for all its people. The people of this country are its citizens who are united by a common bond in that they all rightfully live in this country. The Government of the day should fairly represent all citizens and citizenship should be the main criteria when considering laws and the way we all live together harmoniously.

New Zealand already has a workable set of statutes and precedents that determine how we are to be governed which defines our informal constitution. As an elected democracy our Government determines how the country is ruled. The government is elected by the people and is therefore accountable to its citizens and society as a whole. At this point in time there is no pressing need for a formal written constitution. A formal constitution now would be too prescriptive and probably too biased towards its author's ideological thoughts. A constitution would take the power away from the citizens and their elected government and put it in the hands of the judiciary. Under the present situation it is the citizens who can censor the government at election time. Our citizens must be allowed to retain this right and privilege. This country does not need a constitution.

Page2

There is no need to enshrine the Treaty of Waitangi into legislation as the Treaty has already been a part in all the laws that have been enacted. The Treaty, when taken literally, has been a good basis for the development of our nation thus far. It created the concept of a united people under a common law.

However the so called principles of the Treaty have been instrumental in the provision of policies that have caused dissention in the country and are providing privileged rulings in favour of one minority group, the Maori. These principles are not part of the treaty, are not clearly defined, are open to interpretation and are constantly being reviewed and re defined to suit the needs of the claimant parties at the time. The Treaty of Waitangi was a good simple document that was designed to meet the needs at the time and as such has served the nation well. It is the interpretations that give cause for alarm. The laws of the country must be for the good of all the citizens and must never favour one sub group over another

To facilitate the formation of a united nation it is time to do away with any separate representation accorded the Maori people. At some point in the past this was deemed to be necessary and desirable but now the need cannot be justified. Now Maori citizens can and do freely participate in the governance of the country. They can vote and be a representative for election to any governing body in the country. Maori interests and lobby groups have the same abilities and access to lobby government departments and local bodies on an equal footing to all other groupings in society.

As a country we should immediately or for the 2017 general election move to:

1. Integrate the Maori electoral roll into the general electoral roll thus creating a single electoral roll for the country.
2. Abolish the Maori seats entirely.
3. Settle any existing outstanding claims that are before the Waitangi Tribunal and as these are full and final settlements dis-establish the Waitangi Tribunal and put a stop to the ongoing claiming process.
4. Remove any and all separate and exclusive Maori representation from local bodies.
5. Remove any clauses relating to the Treaty of Waitangi, Principles of the TOW, and separate treatment of Maori from all statutes and local body bylaws.

FURTHER ELECTORAL MATTERS>

1. My preference is for the size of Parliament to be reduced to 100 members in line with the results of a previous referendum.
2. The parliamentary term should probably be up to 4 years. This would create time for meaningful policies to be formulated and settled in before a change of administration occurred. It would also allow time to slow down the passage of legislation through the house and allow a longer middle section of stability and sanity before the members move into election mode.

Page 3

3. When the parliamentary representatives have been nominated and sponsored by a party, if they subsequently leave the party for any reason during the parliamentary term they should also leave parliament. They could simply be replaced by the next member on the party list even if they were an electorate elected candidate. They gained the position through being associated with the party and the party has the right to replace them with another person of party choice to maintain proportionality. I see no need for a by election and would see the same practice applying in the case of the death of a member.
4. The New Zealand bill of rights should be extended to allow for the provision of the sanctity of property rights and the sanctity of contract law.

IN CONCLUSION:

There is no need for a written constitution.

Governments should represent their citizens fairly.

Separate representation and special privilege laws are neither needed or desirable for Maori or any other race.

Remove all reference to race based privilege from our existing laws and bylaws.

We need to become truly one people, one nation with one law for all.

2224

From: "Ken Bassham"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 2:15 p.m.
Subject: CAP Submission

I feel that the Maori seats should be abolished and that all seats in parliament should be by election only and the list system abolished.

Ken Bassham

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 4:56 p.m.
Attachments: The ConstitutionConversation.docx

5322

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

Full Names: Alice Bates Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: The Constitution Conversation.docx

Submitted on the 30 July 2013 at 16:55

Submission to 'The Constitution Conversation'

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

In the future I would like to see the Treaty of Waitangi upheld in our constitution (whether this be written or not) as a document that day to day New Zealanders truly understand the importance of. From my schooling experience (1997-2010) I was taught very little about the Treaty and it was not until University study in Law, History and Māori Studies that I began to understand the importance of our founding document. It is only through education that people of all races will come to understand the importance of upholding the principles established in the Treaty. The Treaty represents a covenant between two peoples, the spirit of which was made in good faith and should still serve to symbolise the importance of people of different ethnic origin working together.

Currently I think that many New Zealanders do not understand the value and importance that the Treaty of Waitangi holds for us as a nation. There needs to be an attempt at educating the public regarding the Treaty's important constitutional status that goes even further than receiving a focus in New Zealand's schooling system. An attempt at normalising discussion around the Treaty at an everyday level ought to be made. Perhaps a documentary series or more online resources would help bring middle New Zealand to form an understanding, and opinion, of the Treaty that is founded in informed knowledge. After having studied the Treaty for three years in a variety of subject disciplines I am constantly astounded as to how so many New Zealanders pass comment and judgment on the Treaty without understanding, or even making an attempt to understand, the legal, political, social, cultural and historical context of the document.

What is more, grievances that have arisen from Treaty breaches are still felt by a significant portion of New Zealand society. On the other hand, many New Zealanders do not appear to see the impacts of these Treaty breaches because they do not seem to affect their own communities. It seems as though people do not understand that there are present issues that are directly attributable to the failure of adhering to the Treaty of Waitangi. I would also argue that the Treaty is relevant to all New Zealanders as there are clearly problems in the wider community, that no matter if we are individually removed from, we are still part of as citizens of New Zealand.

The spirit of Waitangi is something that I wish my future ancestors to be proud of and I hope that in time the Treaty of Waitangi will be accorded the position it deserves in the fabric of New Zealand society.

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

I do not think that the Treaty should be made a formal part of the constitution because there

is too much controversy surrounding the document's interpretation. Nonetheless, the Treaty is of considerable relevance and as such I believe that a set of Treaty principles should be codified. In this way Māori and the Crown would have a single document upon which to base future relationships. A codification of the Treaty principles would establish a reference point for all decisions and the obligations on both parties would be clear. I feel that the Treaty principles should form some formal part of New Zealand's future constitution because the current status of the Treaty lacks any real weight. The principles should guide all Acts of Parliament as well as all documents, procedures and customs of constitutional significance as it was the Treaty that signalled the birth of modern New Zealand.

2233

From: "Ken Batkin"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 1:36 p.m.
Subject: CAP Submission

One country for all.

Maori people are being elected on normal seats which means that they are being over represented in comparison to other ethnic groups.

Maori seats must go.

2374

From: Bert Batley
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:08 p.m.
Subject: CAP Submission

Abolish the maori seats!

183

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 11:25 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Charmaine Batt Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Whats this really about, why are
you after submission for the constitution when we have one. are you seeking independence from what
we already have if so, we already have that INDEPENDENCE in the 1835/ you have that or the
Treaty of Waitangi or the Declaration
of independence 1835.

Sent on the 10 April 2013 at 11:24

183a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 21/07/2013 12:34 p.m.

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

Full Names: Charmaine Faith Batt Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: I would like the constitution to stay as it is. I do not believe that a quick,"and it
is quick", conversation on the constitution is really enough to then, change it.

As a nation, we have enough issue to deal with, in terms of legality of Government: as in where does
our government really stand in terms of the Declaration of Independence 1835, in terms of
Sovereignty. and then the Treaty of Waitangi.

We have yet to acknowledge the Rights of the Indigenous Peoples of New Zealand, than to try and
throw another bit of legislation into the works, which will throw New Zealand backwards another
Hundred Years.

Thank you for reading my Submission.

Yours Sincerely

Charmaine Faith Batt

Submitted on the 21 July 2013 at 12:32

183 b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 21/07/2013 12:36 p.m.
Attachments: I would like the constitution to stay as it is.docx

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

Full Names: Charmaine Faith Batt Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: I would like the constitution to stay as it is.docx

Submitted on the 21 July 2013 at 12:35

I would like the constitution to stay as it is. I do not believe that a quick, "and it is quick", conversation on the constitution is really enough to then, change it.

As a nation, we have enough issue to deal with, in terms of legality of Government: as in where does our government really stand in terms of the Declaration of Independence 1835, in terms of Sovereignty. and then the Treaty of Waitangi.

We have yet to acknowledge the Rights of the Indigenous Peoples of New Zealand, than to try and throw another bit of legislation into the works, which will throw New Zealand backwards another Hundred Years.

Thank you for reading my Submission.

Yours Sincerely

Charmaine Faith Batt

3025

www.newzealand.govt.nz

Our constitution is the set of rules that determines how this country is governed and how we all live together.



Tell us your aspirations for our country and let us know what's important to you about how this country is run:

Our NZ Bill of Rights must include "social, cultural and economic rights" as other democratic countries have done.

You can find out more about the Constitution Conversation and make a fuller submission online at www.ourconstitution.org.nz

Secretariat
Constitutional Advisory Panel
C/o Ministry of Justice
DX SX 10088
Wellington

Name(s):

W. Batterbee

Email or postal Address:

Waikanae

☐ Tick box to receive regular updates by email

6088.1

2415

From: "Les Baty"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 7:46 a.m.
Subject: CAP Submission

It is Time the Maori seats were abolished.

There are now no full blooded Maoris left in New Zealand.

and most would be 50% or less, you could argue that we do really have full integration.

There a few radicals who want New Zealand to split. It is time to move on.

I wonder what Nelson Mandela would think? He spent 26 Years in Prison trying to stop the ideas that New Zealand is now trying to embrace.

Regards

Les Baty

2657

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 11:06 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Susan Elizabeth Baty Organisation Name: Private Submission Email:
Phone: Postal Address Postal
AddressB: Postal City: Palmerston North Postal Region: Manawatu Postal Post Code:
Postal Country: New Zealand Submission: My Comments are on Electoral Issues.

I would like to see the term of MPs and City Councillors increased from three to four or five years.

For City Councillors only I would like to see a maximum of three terms only then they have to retire.

I was elected as a first term City Councillor in 2110. Prior to my election I was a Project Manager, Operations Manager and had managed up to a 100 staff. So understood budgets governance etc before getting elected to council.

My first year of council was getting up to speed with all the previous approved strategies, District Plan and Bylaws and many other areas that council cover. Also understanding the annual plan process.

The second year is understanding the 10 year plan process.

I am now in my third year and finally feel I can really add value and now the election process has started again and in three months we will have a new council and we will no doubt have to go back and redebate strategies etc thus holding up progress and rushing through decisions.

This also puts pressure on the management staff getting new councillors up to speed and working with a new council. Each new council brings a new dynamic to the table. Too much time is spent on updating strategies instead of implementing them.

Three years is too short. The minimum should be four.

My reasons for fixed terms are:

Some councillors lose their passion and are only there for a topup to super or salary. Its there hobby not a passion. Others get too old and become ineffective. e.g go to sleep in meetings and not understanding what agenda items they are up to. They should retire but they keep standing.

Also some councillors find once they are in the role it's not what they really want. If they know the term is 4 or 5 years they may resign earlier if they now the role is for a longer period.

More interest will be taken in standing for local bodies as there will be more vacant positions for people to get on council, thus encouraging more diversity. This may also increase voter turnout because a greater cross section of the community will be represented.

575

From: Jason Bavage
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 20/04/2013 6:16 p.m.

My submission regarding the NZ constitutional review is that i want no change to new zealand's unwritten constitution it has served us well since the 1852 nz constitutional act was passed, our founding document. it may require some alterations in the future, but not a race based constitution.

575a

From: Jason Bavage
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 20/04/2013 6:18 p.m.

My submission regarding the NZ constitutional review is that i want no change to new zealand's unwritten constitution it has served us well since the 1852 nz constitutional act was passed, our founding document. it may require some alterations in the future, but not a race based constitution.

694

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 7:21 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan William Bawden Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellingtonm Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: The treaty of Waitangi is not a relevent document for a constitution.

Both Pakeka and Mario arrived at different times in this locality and both have equal claims to history.

It is interesting only Mario history seems to be acceptable, which is highly suspect (nothing written) and without evidence!

It is time to treat people without predudice. There were just as many injustices done to pakeka and others like the chinese as there were to so-called Mario.

Sent on the 29 April 2013 at 19:20

4759

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:10 p.m.

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

Full Names: Rosemary Baxter Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: 1 Postal Region: Canterbury Postal
Post Code: Postal Country: New Zealand Submission: I believe that The Treaty of
Waitangi is not fully honoured. Recent events eg sale of State Owned Assets and Sale of Farmland
are legally questionable as well as disrespectful to both our European and Maori ancestors.

Submitted on the 31 July 2013 at 15:09

From: Charles Baycroft <[redacted]>
To: <constitutionalreview@justice.govt.nz>
CC: <[redacted]>
Date: 3/07/2013 10:00 AM
Subject: CAP Submission

2065

Dear Sir or Madam

I understand that the issue of special Maori seats is under review and that submissions are being accepted.

It is my opinion that these Maori seats should be abolished.

This opinion is not motivated by racism or any prejudice against Maori. In fact it is the complete opposite.

I believe that the continuance of special policies and privileges based on racial ancestry is a perpetuation of an untrue and outdated prejudice against people who are not white anglo-saxons. What is being perpetuated is the erroneous belief that these people with darker skins are more primitive and therefore inferior to their fair skinned brothers and sisters and therefore incapable of functioning effectively in civilized society.

This is an unfounded and totally untrue assumption. The genes that determine skin colour have been proven to be related to the climate and other particulars of the natural environment in which different races lived and evolved. In hotter climates high levels of UV radiation tended to degrade folate and darker pigmentation in the skin was an advantage. Here is the science.

Human skin pigmentation as an adaptation to UV radiation

1. Nina G.

Jablonski<<http://www.pnas.org/search?author1=Nina+G.+Jablonski&sortspec=date&submit=Submit>>

1 <<http://www.pnas.org/content/107/suppl.2/8962.abstract#corresp-1>> and

2. George

Chaplin<<http://www.pnas.org/search?author1=George+Chaplin&sortspec=date&submit=Submit>>

Author Affiliations <<http://www.pnas.org/content/107/suppl.2/8962.abstract#>>
Abstract

Human skin pigmentation is the product of two clines produced by natural selection to adjust levels of constitutive pigmentation to levels of UV radiation (UVR). One cline was generated by high UVR near the equator and led to the evolution of dark, photoprotective, eumelanin-rich pigmentation. The other was produced by the requirement for UVB photons to sustain cutaneous photosynthesis of vitamin D3 in low-UVB environments, and resulted in the evolution of depigmented skin. As hominins dispersed outside of the tropics, they experienced different intensities and seasonal mixtures of UVA and UVB. Extreme UVA throughout the year and two equinoctial peaks of UVB prevail within the tropics. Under these conditions, the primary selective pressure was to protect folate by maintaining dark pigmentation. Photolysis of folate and its main serum form of 5-methylhydrofolate is caused by UVR and by reactive oxygen species generated by UVA. Competition for folate between the needs for cell division, DNA repair, and melanogenesis is severe under stressful, high-UVR conditions and is exacerbated by dietary insufficiency. Outside of tropical latitudes, UVB levels are generally low and peak only once during the year. The populations exhibiting maximally depigmented skin are those inhabiting environments with the lowest annual and summer peak levels of UVB. Development of facultative pigmentation (tanning) was important to populations settling between roughly 23° and 46° , where levels of UVB

The Human Foot is a Masterpiece of Engineering and a Work of Art
Leonardo Da Vinci

4788¹⁴

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:48 p.m.
Attachments: Constitutional reviewsubmission.docx

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

Full Names: Grant Bayldon Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Constitutional review submission.docx

Submitted on the 31 July 2013 at 15:47

Constitutional review submission

Grant Bayldon 30th July 2013

Thank you for considering my submission, which is as follows:

1. A reinforced Bill of Rights

Power to repeal or change the Bill of Rights

Basic human rights only have the protection of an act of parliament that can be repealed or altered by a simple parliamentary majority. I believe there should be a process where the Bill of Rights is entrenched, requiring further consideration and some sort of reference back to the people prior to doing away with or changing it.

Power to breach the Bill of Rights

As we have seen recently, the Bill of Rights only requires a report to be produced on a breach by parliament, it does not actually constrain the ability to breach it. In my view this arrangement puts too much power into the hands of the government of the day, which could easily be abused. This is especially the case for the rights of minorities which can currently easily be taken away under by a simple parliamentary majority.

I would like to see the Bill of Rights made supreme as part of a written constitution, with the courts having the power to review legislation that clearly breaches it, and to provide remedies.

For this to work we would need to review our system for appointment of judges to ensure this process could not become politicised in future. While the USA is a bad example of this at work, in most countries it works well with a non political judiciary.

We would also need strengthened legislation around section 7 reporting on compliance with the Bill of Rights, such as requiring reasons to be given for the assessment.

2. Protection of economic, social & cultural rights

Economic, social & cultural rights

The Universal Declaration of Human Rights includes not just the rights like freedom from torture or arbitrary detention (civil & political rights), but also the right to realisation of the economic, social and cultural rights indispensable for this dignity (Article 22) and the right to a basic standard of living including food, clothing, housing and medical care (Article 25).

We've already signed up to the internationally

New Zealand has signed up to uphold these rights internationally, not only in the Universal Declaration but also in other agreements (most notably the International Covenant we signed in 1978), but has never put them back into our own Bill of Rights or other laws.

They're not just aspirational

Recognising these rights wouldn't set mandatory standards that the government could never meet, because internationally the law that's built up around these rights is that they are based on 'progressive realisation'. This means that while the govt can't do everything, it would need to:

- be reasonable given the resources available,
- be consistent,
- and not lurch backwards

Essentially it keeps us heading in the right direction. In fact, there's no reason that a much poorer country than New Zealand can't take the same step (some have), because it's about the direction of travel, consistency and reasonableness, rather than guaranteed standards.

The advantages of recognising economic, social & cultural rights

What's been shown in overseas examples is that including economic, social & cultural human rights in law leads to

- Better & more consistent law making
- More consistent policies
- Better monitoring, & effective action when things do go wrong

...but it doesn't necessarily lead to more government spending. If we want to live in a decent country, this would be a fine next step.

3. A human rights select committee

Widely used internationally

Human rights parliamentary committees are used in many other developed countries, such as Australia and the UK.

Role

There is an important role to play in scrutinising legislation as to its fit not only with our Bill of Rights but also our international obligations.

Importance

Protecting human rights is a vital role of our parliament. For this reason, a select committee with experience in this area is an important part of the parliamentary process. What could be more important?

4. A four year parliamentary term

Planning ahead

It's more important than ever to take a long-term view; depleting resources and climate change are evidence of this. However, the current 3 year term is I believe the shortest in the world, encouraging short-term approaches.

Legislative programmes

Laws take time to get through a democratic system, and we have seen that rushing them leads to poor quality laws. The simple difficulty of delivering a legislative programme within a 3 year term leads to far more bills being rushed through under urgency than should be.

Executive programmes

3 years is also an extremely short time period for reform or changes brought about at executive level. Rushing changes through has not served us well here either.

Democratic choice

A short term of parliament is in my view less not more democratic. As voters we simply haven't had time see the impact of policies and laws properly unfold by the time the next election rolls around. More time between elections would give us the chance to make more informed decisions.

732

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/05/2013 2:57 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: JILL MARIE BAYLIS Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: declaration of equality

Sent on the 3 May 2013 at 14:56

3700

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/07/2013 3:05 p.m.
Attachments: Constitutional Review July2013.doc

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

Full Names: Harry Gordon Bayliss Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: New Plymouth Postal Region: Taranaki Postal Post Code: Postal Country:
New Zealand Submission: Submission Upload: Constitutional Review July 2013.doc

Submitted on the 19 July 2013 at 15:04

Constitutional Review Submission

Harry Bayliss

My submission will be brief and to the point. I believe there is no compelling evidence to support any change to the basis of our current constitutional environment at this time. I believe over the next 20 years, there may be reason to reconsider this situation but at this point in time I would not support any change.

I will give three key reasons for my view.

1. Over the last 30 years and particularly the last 5 years, the Waitangi Tribunal Settlement process has had a fundamental impact on the underlying development of this nation. And the completion of this process will have an even greater impact. While I am not an expert in the area, I am seeing evidence in my own area of the change in perspective post settlement, compared to prior to settlement. Increasingly Maori in general and Iwi in particular are looking forward to a developing future as opposed to looking back at the negatives of history.

Over the next 20 years I believe that this will lead to a materially different dynamic in terms of our societal structure with Maori enterprise have a material impact on our economic growth and development over and above the role that Maori will continue to carry out as Tangata Whenua. I am hoping that our society as a whole will recognise this as a real positive and the portion of our society which have been less that supportive of the process, will develop a pride in the way have addressed our nations historic failings.

My key point here is that in, for example, 20 years (and yes it may take this length of time) we may be in a much better position as a nation to reconsider what form our constitution should take.

2. Any material change to the current situation at this point is likely to lead to widening divisions of sentiment, within our society. The option of putting all our Constitutional powers in a single document, would by definition be fraught with political tensions as different factions attempt to maximise their respective positions. A single document, while simple and logical in concept, would significantly constrain the nations ability to evolve in a constitutional sense, as has indeed been witnessed over the last 50 years.
3. To be absolutely frank, there are issues that, in my view, needs significantly greater focus at this point in time than a full on Constitutional Review. We have significant disparity in social outcomes from different sections and geographies within our community and we need to focus on ensuring that we understand how these disparities have developed, and how our community can develop mechanisms to reduce these divisions for benefit of us all.

I hope that this simple submission is of assistance.

1578

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 4:21 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Loris Bayly Organisation Name: na Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Matamata
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand Submission:
1. The law should be equal to/for all New Zealanders.

2. There should be NO segregation between New Zealanders.

3. There should be NO reference to the Treaty of Waitangi in the New Zealand constitution.

4. There should not be any preference between races in NZ. It should be a level playing field for everyone.

5. There should not be any requirement for the allocation of Maori seats in parliament or on any council, or on any board or separate rights for Maori in any kind of representation.

6. There needs to be fair and open dialogue and representation, No discrimination or favouritism to any one based on the colour of their skin.

7. That is it for now

Sent on the 25 June 2013 at 16:19

1578a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 3:13 p.m.
Attachments: Constitution ReviewSubmission.docx

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

Full Names: Loris Bayly Organisation Name: NA Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Matamata
Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: Constitution Review Submission.docx

Submitted on the 25 July 2013 at 15:12

Submission for the Constitution Review Panel

1. I think that the number of members of parliament should be no more than 99
2. The parliamentary term should be 4 years, not 3.
3. The election date should stay flexible to minimise electioneering.
4. There should not be any Maori electorates.
5. The parliamentary Maori seats need to be abolished.
6. The Treaty should not have any principles, references or acknowledgements in a New Zealand Constitution.
7. I think that our current constitutional documents are very suitable for NZ and we do NOT need a 'constitution'.
8. Any and all constitutional changes should at all times be subjected to public referendum.

Xec 18.7.13

3029

SUBMISSION ON NZ CONSTITUTION

Our current system of governing laws incorporating a collection of written Statutes, Conventions and Common Law Rights overseen by our elected Members of Parliament can keep us very up-to-date. We do Not need a written constitution, this can create more problems than it solves. E.g. The American gun laws.

A functioning democracy requires the active participation of its citizens in public debate. Without this, democracy becomes ineffectual and becomes the preserve of a small, select political elite.

Even now we have reports, (from the Law Society) that there have been a recent series of acts that have allowed the executive to use regulations to override Parliament and that a number of bills formally declared by the Attorney General, and have been enacted, are in breach of the Bill of Rights.

We also have, for our population, more than enough seats in Parliament. In fact we don't need any Race Based electorates, or seats in Central or Local governments. We are One People.

My grandchildren returning home from school relate to me a **very different history** from what I was taught in the 1950's. The Treaty of Waitangi Act of 1975 uses different wording from the **original Treaty signed on the 4th of February 1840** and why is this **re-written Treaty** being taken as correct for current Tribunal Settlements? This is deceptive. It is NOT the signed Treaty and it is not democracy.

Race and Cultural identity cannot be included as a status in any proposed Constitution. Bi-culturist ideals are fast becoming a festering sore among the Citizens of New Zealand and are creating an un-democratic system for us. If any Treaty concepts are to be included they must be from the Original SIGNED 1840 Treaty of Waitangi with the interpretations of the day and NOT 20th Century interpretations. Both our major parties, Labour and National have, and are being totally dishonest with the New Zealand citizens in order to stay in power. (Refer to paragraphs 2 & 3.) I am aware of a growing dissatisfaction in those with whom I associate.

Yours truly,

Edward F. Bealing

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 14/07/2013 1:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Treaty Constitution.doc

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

Full Names: Edward Francis Bealino Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Auckland Postal Post
Code: Postal Country: New Zealand Submission: SUBMISSION ON NZ
CONSTITUTION

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Yours truly,

Edward F. Bealing.

Submission Upload: Treaty Constitution.doc

Sent on the 14 July 2013 at 13:27

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Yours truly,

Edward F. Bealing.

2400

From: "Frederick & Elizabeth Bealing"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 6:08 a.m.
Subject: CAP Submission

Abolished

4427

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:55 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Sjoerd Bearda Organisation Name: . Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Waihou Postal Region: Matamata-Piako Postal Post Code: Postal Country: New
Zealand Submission: No special treatment for Maori, they are just another group of New
Zealanders. Remove Maori seats from parliament.

Treaty of Waitangi to be removed from any part of the constitution, it is an agreement between The
long dead Queen Victoria and a race of people who no longer exist, as there are no Maori left, only
part Maori, who have lots of European, Asian ancestry. All
New Zealanders should be equal in law, have exactly the same rights as every other New Zealander.

Submitted on the 31 July 2013 at 09:49

3882

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 5:17 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names:	Keith Beautrais	Organisation Name:	Email:	Phone:
Postal AddressA:		Postal AddressB:		Postal City:
Wanganui	Postal Region: Wanganui	Postal Post Code:		Postal Country: New Zealand

Submission: I want a constitution that acknowledges a basic set of freedoms, rights and responsibilities of all New Zealanders regardless of race, gender, or religion.

I want the head of state to be a New Zealander so I totally reject the concept of the Crown. I think the Head of State should have the same role as the Governor General except she or he should be elected by the New Zealand public and not be the representative of a foreign monarch.

Crown assets should be renamed the Commonwealth of New Zealand.

The Treaty of Waitangi, and its ill-defined principles, should not be part of the constitution as it represents a 19th Century reality of Crown and Indigenous people defined by race. Race is a 19th century concept and it is not valid as a basis for rights and privileges in our future.

The right to own land in New Zealand should be restricted to New Zealand citizens and residents as part of the constitution.

I am happy with a unicameral government elected on a three year cycle but I would like the executive powers of cabinet to be better circumscribed. There must be strong independent oversight of state data collection in the 21st century.

Submitted on the 24 July 2013 at 10:59

1369

From: "Colin Beck"
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:35 a.m.
Subject: CAP Submission

Submissions from Colin Beck

Havelock North

Telephone

To the <<http://www.cap.govt.nz>> Constitutional Advisory Panel Committee

The background of the revisionists CAP personnel removes all doubt they were selected for their known views on the Constitution compatible with part Maori specifications and their bid for bi-culturalist power sponsored by the Maori- National Party government'. Their selection was in all probability recommended by Pita Sharples and Bill English. The CAP panel has a disproportionate number of part Maori, where they are given number status of five equal with the Europeans. The quota should be approx. 8 Europeans and 2 part Maori.

The part Maori panel selection are well known for their radical views

It comes down to the reason for this Constitutional conversation and the extravagant allowance of \$4 million for the proponents but nothing for those opposing the "conversation" who have to finance their own expenses.

An opposing organisation has been formed viz the peoples 'Independent Constitutional Review' panel and they are concerned that no one is asking pertinent questions of the Committee and this is in part due to the fact that the review panel is closeted mainly with part Maori beneficiary groups at maraes. These Maori meetings have been frequent, but general public meetings not so frequent? - about 5 in total. The "press: have taken little interest which can possibly be attributed to the fact the Con. Con. Committee are adopting a policy of stealth similar to that of the Foreshore and Seabed repeal where the proponents adopted a policy of silence.

I cannot recount any public meeting in Hawkes Bay . A local Hastings "freeby" newspaper featured one insertion of a 1/3 page advertisement. Most of the written explanation was "concealed" by black letters super imposed on a dark blue base .

Most of us are querulous as to the reason for wanting to impose a constitution on us all when the current model is working well. Why should New Zealanders want a change when a radical group of part Maori are pressing us to accept a Constitution which is bi cultural and favours their minute group for the foreseeable future . The remainder of about 85 per cent of New Zealanders would be reduced to SECOND CLASS STATUS. The radical part Maori group pursuing this model of course want the Treaty of Waitangi to be enacted as law in which part Maori would be able to interpret to mean anything that suits them. The Treaty is not a legal document and was used by the early settlers in an endeavour to install peace in a country which had seen many thousands of Maori slaughtered in the 'musket' wars (Maori on Maori) and was in danger of wiping out the Maori race.

Ridiculous dubious grievance claims are currently in the pipeline aided and abetted by the Waitangi Tribunal which is redundant and should be abolished before it wrecks the country. Full and final settlements can mean you can claim again and again

I and my wide circle of friends are deeply indebted to the N.Z. Centre of Political Research who are currently pursuing a policy of racial equality in an endeavour to rid this country from being the last bastion globally to shelter racism, in direct opposition to the Constitution Conversation and the National Party who are endeavouring to entrench a reverse apartheid state through a new written treaty based constitution.

Colin Beck- Havelock North

~~1369~~ 1369a.

From: "Colin Beck" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:35 a.m.
Subject: CAP Submission

I am emphatically opposed to any form of racism particularly when it gives New Zealand the unenviable title of harbouring a haven of separatism where race is factor in determining who can stand for a particular designated electorate. For Maori (part) only part Maori

Is eligible to be enrolled as a voter and the seven parliamentary seats are reserved for them. Interestingly for the remaining 114 seats race does not apply nor does it matter what race the voters are aligned with.

Colin Beck Havelock North

13696

From: "Colin Beck"
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 8:33 a.m.
Subject: FW: CAP Submission

I have not received confirmation of receipt of this submission. On (or about) 4 July I sent a supplementary e/mail submission which you promptly acknowledged but nothing for the 16 June. Please advise

Colin Beck

From: Colin Beck [mailto:
Sent: Sunday, 16 June 2013 11:33 a.m.
To: constitutionalreview@justice.govt.nz
Subject: CAP Submission

Submissions from Colin Beck : Havelock North Telephone
E/mail

To the Constitutional Advisory Panel <<http://www.cap.govt.nz>> Committee

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Colin Beck- Havelock North

1829

Katikati
B O P

16 June 2014

Submissions,
Secretariat
Constitutional Advisory Panel
C/- Ministry of Justice
DXSX 10088 Wellington

Dear Sirs,

My submission regarding the NZ Constitutional Review is that I want no change to New Zealand's unwritten constitution it has served us well since the 1852 NZ Constitutional Act was passed. It may require some alterations in the future, but not a race based Constitution. Equality for all, One People One Nation!

How many true full blooded Maoris are there left in New Zealand? Do the current living ones deny all their Pakeha blood and all the good things that have happened to New Zealand in the past 161 years? Where would the many Maoris on Welfare get their livelihood from if it wasn't for the Pakeha working and supplying the taxes? Don't tell me they would work the land if they had it, as any land when you drive thru the countryside left to grow gorse and such like is always Maori land.

Yours sincerely

1427

From: William Beckett
To: "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.gov...
Date: 18/06/2013 3:36 p.m.
Subject: One law,one people

Dear panel, a suggested submission - New Zealand does not need a written constitution and I strongly oppose any legislation or reference to the Treaty of Waitangi should one be drafted now or in the future. I am speaking on behalf of my whole Family, 7 people. The Bible also states that any Country that is divided will never succeed . A Party that is based on colour alone is apartied and should be illegal,what would happen if somebody started an all white Party, that would put the cat among the pigeons ,also have the majority of voters. The Treaty is out dated,enough is enough. NZ Mp's in Parliament are really weak. Maori MP's should be in Parliament but in their district they represent all race or colour, but not as a Maori party based on colour alone. Thanking you.
William Beckett.

142/10a

TAURANGA
17-6-2013

Dear Panel,

I am writing this to say how disturbed I feel about our little country were it is heading today.

New Zealand does ^{not} need a written constitution and my family and I strongly oppose any legislation or reference to the Treaty of Waitangi, should one be drafted now or in the future.

Also the Treaty today we feel should be completely closed for ever, enough is enough, other people here are struggling to survive also, and no help for them anywhere.

Today the Maori Party is based on colour, which is called Apartheid, should not be allowed at all.

I believe a Maori person can enter Parliament if he or she stands in their own district who will serve everybody in that area no matter of colour or creed, as long as they will work for everybody with education, living standards, health and safety.

That's what I believe in, I will vote for anybody who will fight for everybody and for a better future.

Please don't let us be divided.

The Bible says If a country is divided, it will never succeed.

One country One People.

Thanking you.

William Beckett

1389

From: William Beckett
To: <ConstitutionalReview@justice.govt.nz>, <review@justice.govt.NZ>
Date: 17/06/2013 12:37 p.m.
Subject: One Country one people.

New Zealand does not need a written constitution and me and My Family strongly oppose any legislation or reference to the Treaty of Waitangi should

One be drafted now or in the future.

I'm writing this as a very concerned citizen on behalf of my Family of 7.

Billy Beckett.

19/4

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 6:45 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robert Neil Bedford Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: I would like New zealand run by new zealanders and all of us to be equal.

I mean not get special treatment and rights just because your new zealand skin is brown. I was born here as were my parents and some of my grand parents just like them, but I get no special loans or a special department just for my skin colour. If I wanted to create a Rugby team made up only of members of my skin colour and ethintisity I would be called a racist.

My aspirations are that New Zealand be a country of equal rights for all citizens. Not as in the book Animal Farm where some are more equal than others.

Thank you for your time.

Sent on the 10 April 2013 at 18:44

4435

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 4:35 p.m.
Subject: CAP Submission

Tax payers should NOT fund housing for Maori. This proposal is again race based legislation that is demoralising NZ citizens, and estranging us all to our country and nation. Martin Beech ;
Havelock Nth.

2606

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 6:13 p.m.
Subject: CAP Submission

My submission is that maori seats have to be ABOLISHED. They are racist. Martin Beech

3553

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 13/07/2013 2:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Andrew Alexander Beer Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Waiuku Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: - We don't need a constitutional change. The current set up is fine as it is.

- We don't need the "Treaty of Waitangi" written into everything that we do.

- We don't need a country that has Maori on one side and everyone else on the other side, i.e. we don't want a racially divided county.

- We need everyone in NZ to be treated the same (and feel equal), regardless of their race. We need a country where all NZer's are treated the same under the law.

- We should not have seperate Maori seats in parliament and local government. People should be picked on merit, not on race. That is apartheid.

PLEASE DO NOT MAKE NEW ZEALAND A RACIALLY DIVIDED COUNTRY !!!

Sent on the 13 July 2013 at 14:59

NELSON

SECRETARIAT

CONSTITUTIONAL ADVISORY PANEL

MINISTRY OF JUSTICE.

23/6/13.

SUBMISSION - "NZ CONSTITUTION"

HELEN BEERE.

It is a welcome invitation for the New Zealand public to be involved with the idea of a New Zealand written constitution.

The three month time frame offered for public input, however, appears manifestly inadequate if such a written constitution is to include the makeup of Parliament, perhaps with an upper house; and general citizens' rights that will be relevant for future generations.

There has been little publicity to encourage public input, and publicity in regional newspapers appears confined to columnists' comments and letters-to-the-editor.

A consistent tone from these commentators has been that the constitutional "conversation" is narrowly focused on application of the Treaty of Waitangi and that compilers of this constitution concept are weighted toward a Maori point of view.

Whether these perceptions are accurate or not it is of course vital that an undertaking of this kind is seen to be genuine and wide ranging.

The gap in information and lack of public discussion suggests this concept has neither credentials nor enough terms of reference to enable a constitution.

Is it rather then, that we are at this stage looking at adjustment of current common law to encompass developing interpretations of the Treaty of Waitangi?

As it could be said there are different viewpoints on the Treaty's significance for every historian who has studied it, should we not tread lightly in translating into law the viewpoint of Geoffrey Palmer's study?

Might it be wise to consider how a 19th century Governor was intending the Treaty, coming as he did from a society that had been performing sophisticated property transactions for many centuries.

HELEN BEERE

NELSON

1778 A

14/6/13.

Right Honourable John Key
Prime Minister
PARLIAMENT.

Dear Mr Key :

It is good that the New Zealand public is being invited to offer input into the idea of a written constitution.

There has however been little publicity for something this important. If this idea is to be taken seriously enough for the public to engage with it, in the short time frame given of three months, I think we could have expected more publicity in Nelson, for instance, than one notice in the newspaper, the notice also being ungrammatical and therefore ambiguous.

Enclosed is a comment from a writer to the Nelson Mail newspaper, who appears to be taking it seriously. I think his comments require addressing.

The issue of a written constitution is a huge undertaking and New Zealand people need to be confident it is being tackled in an open and honest manner.

An inadequate public advertisement and unrefuted claims of rigged deals do not give that confidence.

Yours sincerely

Helen Beere.

c.c. The Hon. David Shearer, Leader of Opposition
Secretariat, Constitutional Advisory Panel.

(1778)

The submitter included the following published material which was removed for copyright reasons:

- **Unknown Newspaper** – *'Muzzled at a meeting in an unconstitutional way'*, by J. M. Lincolne.

2889

From: "Kay Beetham" <kay.beetham@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 10:50 a.m.
Subject: CAP Submission

Dear Sir/Madam,

Maori seats must be abolished in the New Zealand Government and in all District Councils for us to move forward as a united country. Originally in the late 1800's 4 Maori seats were created to give Maori a vote in Parliament before universal suffrage came to New Zealand at which stage the Maori seats were to be abolished. Unfortunately, successive weak Governments have failed to abolish the Maori seats leading to the divided nation we have to-day.

All Maori seats do in this modern world is to entrench the Apartheid State we have in New Zealand, preference given to one race over all other races. We are meant to be a modern democracy made up of many citizens from different races and religion, where preferential treatment of one race is undemocratic and abhorrent, just as it was in South Africa. To move forward as a modern country all Maori seats must be abolished.

The Treaty of Waitangi (the correct and original one) gave all Maori equal citizenship under the Sovereignty of the British Empire, NOT preferential treatment. By not abolishing Maori (race based seats) in Government and on District Councils, New Zealand is taking a very backward step leading to an entrenched Apartheid State and Anarchy.

What has happened to the statement made by Captain Hobson after signing the Treaty of Waitangi that we are all now one people?

Yours sincerely

Kay T. Beetham

2889a

From: "Kay Beetham"
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 9:53 a.m.
Subject: CAP Submission
Attachments: 29 July 2013.docx

Dear Sir/Madam

Please find attached my submission for the Constitutional Advisory Panel, which I preferred to do in letter form.

Yours sincerely

Kay T. Beetham

29 July 2013

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

Dear Sir/Madam

One of my first aspirations is that New Zealand should be officially called New Zealand as it has always been in the past, not Aotearoa New Zealand and we need to go back to the First Past the Post system for voting. I firmly believe that MMP is not serving our country at all well as we have too many party list Members of Parliament that do not have to answer to an electorate, only to their party leader.

MMP has not served New Zealand well as we have too many Members of Parliament vote against what the majority of New Zealanders want because they do not answer to an electorate. Also too many list members of Parliament get appointed to ministerial role with dire consequences, as again they are not answerable to an electorate. As it is we have far too many Members of Parliament for the population of New Zealand and they all cost taxpayers money. Maori seats need to be abolished, leaving 113 seats in Parliament, which I believe would be adequate.

I firmly believe we should keep the term of 3 years because if we are not happy with the Government in power we can have our say in the ballot box. The election date should be flexible. We have to be careful about calculating the size of the electorates because the population of Auckland is expanding so rapidly. Rural areas which provide much of the overseas income through agriculture, forestry and aquaculture must not be forgotten. Also the South Island needs to be adequately represented as they provide most of our power with their dams and have a big tourist industry.

As I have already stated the Maori seats need to be abolished along with the Maori electoral role. As long as these race based seats and this race based electoral role remain in New Zealand it definitely makes us an Apartheid nation. All New Zealanders want equality under the law with no race-based preferential treatment. We definitely do not want race based representation in Councils or any other institutions. I repeat this separate representation definitely makes us an Apartheid nation, undemocratic and abhorrent just as it was in South Africa. Maori seats should have been abolished in 1893 when universal suffrage extended voting rights to all new Zealanders.

The Treaty of Waitangi has no place in our constitution, nor do we need a written constitution. The Treaty of Waitangi was signed in 1840 as Britain's reluctant response to pleas by Maori chiefs to rescue tribes from a culture of cannibalism, slavery and inter-tribal warfare that had wiped out about a third of their race by 1840. The Treaty was a simple and straight forward agreement by which the chiefs agreed to pass the sovereignty of New Zealand to Queen Victoria in return for

protection and rights as British subjects as well as being guaranteed possession of whatever lands they were currently holding by long use, conquest or otherwise. By the Treaty every Maori, including slaves, gained a prize unheard of for native people at that time: full and equal citizenship of the world's largest and most benign empire. The Treaty has served its purpose and has no place in modern New Zealand. The so called "Principles of the Treaty", taken from a twisted version of the treaty needs to be removed from all present legislation.

New Zealand does not need a written Constitution. We need to retain our present flexible Constitutional arrangements with the ultimate law-making power held by elected Members of Parliament under a First Past the Post voting system where members of Parliament are held accountable to their electorate. We need to retain Parliamentary Sovereignty at all costs.

I firmly believe that to move forward as a modern successful democracy we need to have Parliament enact the Declaration of Equality. Any constitutional change should not be dictated by Members of Parliament, particularly List M.P.'s as they are not answerable to any electorate, but subjected to a public referendum and the public must be fully informed of whatever the change may be. I have found most of the people I have spoken to had not been informed about the Constitutional Conversation. This is poor management and public relations by our present Government.

If the so called Treaty were enshrined in a new written constitution, it would be a death blow to democracy in New Zealand. We would definitely be enshrined into an Apartheid State.

Yours sincerely
Kay T. Beetham

Gisborne

2889b

From: "Kay Beetham"
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 9:53 a.m.
Subject: CAP Submission
Attachments: 29 July 2013.docx

Dear Sir/Madam

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which I preferred to do in letter form.

Yours sincerely

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29 July 2013

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Secretariat, Constitutional Advisory Panel
C/o Ministry of justice
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