

3859

From: "Carol" <
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 8:26 a.m.
Subject: Proposed Constitutional Review Submission

To whom it may concern with regards to the proposed Constitution review.

I strongly oppose this review for the following reasons;

1/. This review has been set up with government funding of some \$4,000,000 since an agreement with the Maori Party for a coalition Government in 2008.

This is something that the vast majority of New Zealanders never knew about and even fewer understood what it could mean.

2/. Before the referendum can be held the constitutional review panel must be reconstituted to have a better balanced representation of informed and wise personnel.

3/. The membership of which must be well publicised. The panel of people selected to consider /develop this constitution is very heavily biased towards the more radical Maori demands. The make up of the panel cannot be considered democratic or in any way balanced to get a fair composite assessment of the wishes and aspirations of all New Zealanders.

4/. The so called consultation process with a true cross section of New Zealand society just has not happened. The majority of the consultation has been with a heavy bias towards a constitution favouring a bi-racial [Maori / Pakeha] set up where all, or most, things Maori have preference over all others and would be enforced by a 'modern understanding' of the Waitangi Treaty which is very different to what was understood and agreed on in 1840 and reiterated by the Maori signatories in their meeting at Kohimaramara in 1860.

5/. These consultative meetings have been little known to most New Zealanders and have only been promulgated to those who would tend to agree with the biased constitutional review panel. To say that this review has been truly representative of the views of a wide range of NZ citizens is a lie, it has not happened!

6/. A real fact is that the Maori people today have a majority of blood lines other than Maori. This percentage is as high as 2/3rds on average which means that 2/3rds of their wish to exercise Maori Rangtiratanga is from forebears who were not Maori and that the compensations awarded so far may have been overstated perhaps by this same amount!

There are numerous privileges in assistance, taxation, education, health priorities and much more which are and have been ongoing help to Maori for a long time which is not available to others because of their race. This is tolerated, indeed welcomed by many non- Maori and is a great example of good will and a desire to help. This constitution will destroy most of that.

7/. If this constitution was made law in New Zealand as proposed in its present format then it will engender an ill feeling and prosper injustices which will make the Land Confiscations and inequities look like a happy Sunday picnic. It will cause a racial division that will muddy this country and its fair mindedness for the foreseeable future. The economic destruction and social disharmony will be ongoing for both maori, Pakeha and all others.

8/. There is a proposal that this constitution could be adopted by a simple majority in Parliament, or even a 75% majority is wrong. It could in no way

truly express the views of all the people. The correct and only honest way to have it approved with a substantial majority is by a referendum which can only be held after a proper information campaign is conducted throughout the country.

9/. Now a serious question ; Is this written constitution even necessary? Has not this country got along well and become the country that it is with a world wide recognition as a fair and desirable place to live, with a stable government, with a reasonable living standards and freedom for its people? It has evolved with our unwritten but understood constitution embodying English law, the Magna Carta , the Human Rights Act and law interpretation though case history over 160 years.? It should be left alone and not interfered with especially when it this review sets out to delete all this and have one part of our people divided and made dominant against all the others by racial delineation .

10/. Finally If our present unwritten constitution has flaws then consider this; so do the written constitutions of other countries. There is absolutely no reason to believe that any new and written constitution will be perfect and have no flaws either. We would exchange any known flaws for the unknown . Making changes to a written constitution is difficult or virtually impossible. Under our present rule of law our unwritten constitution can be and is changed to meet a changing world. It can take time and is not easy to do but at least it is answerable to the electorate. As a written constitution is above Parliament then it becomes unanswerable to the electorate. This would over ride our democracy which for all its faults serves us well enough.

Yours Sincerely,

Elizabeth Anne Begbie

Hamilton

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.

Maren Behrend
Auckland
New Zealand

4634²

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:30 p.m.

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

Full Names: Scott Ivan Behrnes Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: 1. My aspirations for Aotearoa New Zealand centre around our untapped
opportunity to take the lead in sustainable development and carbon neutral policies.

Global warming is no longer something that can be credibly denied, nor treated as just "an opportunity to move our orchards further south" (as our current Minister of Conservation recently remarked off the record after a presentation in Nelson). The effects of staying on our current fossil fuel dependant path are arguably leading us toward the most catastrophic development in human history. Yes this sounds overly dramatic, but the time frame requiring a global change away from fossil fuel dependency is rapidly approaching. See the link for an idea of the seriousness of this issue:

All the major and emerging environmental organisations in this country (WWF, Greenpeace, Forest & Bird, Generation Zero, 350) are turning their focus onto this global issue realising that local conservation and environmental debates actually pale in significance when compared to this issue.

Reference links:

WWF: <http://us2.campaign-archive2.com/?u=454983a59c1f5bd782af67b4b&id=c8895277ee>

Generation Zero: <http://generationzero.org.nz>

350: <http://www.1010global.org/nz>

New Zealand's current government is providing no leadership on this issue and, if anything, is doing everything in its power to ignore it and is well on it's way to destroying all vestiges of our 100% Pure marketing image internationally.

Reference links:

<http://www.theguardian.com/environment/planet-oz/2013/jul/29/hobbit-new-zealand-lord-of-the-rings->

middle-earth-oil-gas-drilling

<http://www.stuff.co.nz/dominion-post/news/politics/8896901/Time-for-ecological-revolution-academic>

For NZ to be internationally receiving an ironic "Colossal Fossil" award for the least political will to change at a UN climate talks is not something that our great grand children will respect our current generation(s) for.

It is now recognised that carbon neutral policies can be implemented with economic success across cultures and economies of widely differing wealth (content of presentation by Professor Peter Newman, Professor of Sustainability, Curtin University of Sustainability Policy CUSP to Engineers without Borders, Canterbury University, 30 July 2013).

If Aotearoa could take this opportunity to lead the world in carbon neutral policies I believe it would have unlimited positive spin offs for our economy, environment, future generations and, maybe most importantly, our national pride and identity.

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

In short, very differently to the way it is currently being run. I am 41 years old, I run my own business in the television industry, I am University educated with a Masters degree from Otago, I have lived abroad and worked for seven years in half a dozen countries ranging from Asia to the USA, from third world to first world. My partner is an engineer from Norway. We chose to live back here because of the access to the south islands still largely untouched outdoors, the relaxed life and my families six generations of history in this land. We both love Aotearoa but there has been a tide of change with the current Government in power.

My work takes me into the lives of New Zealanders of all cultures and social levels throughout the country. Disillusionment and powerlessness are the most commonly felt emotions when discussing our current democracy. Each day the media provides new political scandals, deceptions, and back room deals. Widespread protest marches and voicing of any opposing viewpoints lead to disdainful remarks by our elected leaders and the creation of 1984-like GCSB and anti-protest legislations. The powerlessness and mistrust felt by the majority towards the actions of the few in power is increasing by the day. People who would never normally discuss politics feel like they are being treated like medieval peasants and they are angry. Very angry. It is not a healthy community that feels that way and it is not necessary for a NZ government to follow policies that engender these feelings. Of course we can never expect all to agree but the current level of disagreement is going beyond any healthy democracy I have ever lived among.

Restoring faith in our democracy is my main wish for New Zealand's future. The damage that has been done will take a long time to heal and has shaken a lot of good people, Maori and Pakeha. Transparency in decision making, and engendering a feeling of power to the people on the decisions that effect them most. As with my national carbon neutral aspirations, national pride beyond the last All Blacks performance needs to return to this country.

Kind regards

Scott Behrnes

Christchurch

Submitted on the 31 July 2013 at 12:29

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:30 p.m.

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

Full Names: Scott Ivan Behrnes Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
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middle-earth-oil-gas-drilling

<http://www.stuff.co.nz/dominion-post/news/politics/8896901/Time-for-ecological-revolution-academic>

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Kind regards

Scott Behrnes

Christchurch

Submitted on the 31 July 2013 at 12:30

744

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/05/2013 7:44 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Desmond Belcher Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: 1.Land in New Zealand can only be owned by N.Z. citizens (either by
becoming an N.Z citizen or by birth).

2. On your discussion points...

A. Yes there should be a Constitution & it should be a single document, Why...as a black & white reference point...too many present laws are being "interpreted" by biased Judges/Politicians.

B. Yes see above comment, we have to have some sort of check on these self serving Judges/Politicians.

C.Judges/Politicians & if need be the people by referendum.

Sent on the 5 May 2013 at 07:43

4509

From: Avril Bell
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:15 p.m.
Subject: CAP Submission

I would like to see the Treaty as the foundation of the NZ constitution in some way - a complex issue I realise but crucial.

I would like to see Maori representation enshrined at both central and local government levels. I think the system we have now with the two rolls and Maori voters having regular choices about which roll to vote on is a good one.

I would like to see the parliamentary term lengthened to 4 years to give governments more time for policy development between election years. But I would like that change to be accompanied by two other changes 1. election funding of political parties should be capped so that the interests of the wealthy aren't over-represented as they are now; and 2. we need some kind of political checks and balances in our system. Cabinet has too much power - a second house? More aspects of political decision-making that need a larger majority of support? (like the GCSB Bill at the moment - that kind of thing shouldn't be able to pass on a single vote majority).

Avril Bell

Avril Bell

Auckland
NEW ZEALAND
Landline:
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4704

Maori Participation in Parliament

Alan Bell

Dunedin

This submission deals with the issue of Maori participation in Parliament looking at the historical background of Maori political involvement, the effects of MMP on Maori representation and the Maori seats in the House of Representatives. The reasons for and against the Maori seats are discussed along while considering the importance of Maori participation in order to outline the most beneficial way forward with regard to constitutional issues.

Historical Background

Historian Michael King stated that Maori and Pakeha in the early part of the twentieth century “were insulated from one another geographically, socially, and culturally.”¹ He stated that in 1850 Maori made up more than 50% of the total population but that this had reduced to only 5.6% by 1901.² This isolation was also present at a political level. Dedicated Maori electorates were first introduced in 1868 when a total of only 67 men of an estimated 38,540 exercised their right to vote.³ It should be noted that there were only four seats available under the Maori roll despite this seeing a gross under-representation in Parliament with regard to population.⁴ The result was that although Maori had a voice it carried little actual influence.

Sullivan writes that between 1951 and 1972 participation rates of Maori in general elections was extremely high likely reflecting the influence of T.W. Ratana on social welfare with the Ratana movement securing the four Maori seats for Labour.⁵ This was followed by declining rates with the rise of Maori political activism from 1975 onwards. The last 40 years has seen a significant push for Maori participation in Parliament and recognition of the issues afflicting Maori and redress for grievances through the Treaty Settlement process.

¹ Michael King *“Maori: A Photographic and Social History”* (Revised Edition, Reed Books, Auckland, 1996) at 195.

² King at 195.

³ Ann Sullivan, *“Maori Participation”* in Miller (ed) *NZ Government & Politics* (5th Edition, OUP, 2010) 538 at 538.

⁴ Mason Durie *“The Politics of Maori Self-Determination”* (OUP, 1998) at 97. On a population basis there should have been 14 or 15 Maori seats.

⁵ Sullivan at 538-39.

In recent years the issue of the Maori seats has been brought back into the spotlight due to the ACT party and National campaigning on a policy that would see the abolition of the seats. The MMP system has been instrumental in bringing about greater representation for Maori and it has been argued that the seats are no longer needed. It is necessary to consider what the seats mean, how Maori view them, and what the constitutional ramifications are for all New Zealanders.

Should Maori have special recognition?

One of the main arguments involving the abolition of the Maori seats is that it is a constitutional issue affecting the composition of the House of Representatives and therefore as it affects all New Zealanders then the entire population should decide the issue and not just Maori. This would mean a majority decision on an issue that considers the indigenous minority and their participation in political discourse.

The Waitangi Tribunal has ruled that under the Treaty of Waitangi “the Crown has an obligation to protect Maori rights to political representation by taking reasonable action in the prevailing circumstances.”⁶ Although the ruling focused on whether the funding and resources to advertise the Maori Electoral Option was adequate (and found it was not) it also considered the then recent Privy Council decision of *New Zealand Maori Council v Attorney-General* [1994] 1 NZLR 513 and discussed of the concept of rangatiratanga showing it still had room to develop.⁷ It was held that a right to Maori political representation was a Treaty right that the Crown was obligated to protect, particularly arising out of Article 3. While the Maori seats remain they will guarantee that this right is exercised however, there has long been dissatisfaction amongst Maori, many of whom felt that that Maori members (for the most part guaranteed to be with Labour) had “low levels of accountability back to the electorates.”⁸ The size of the electorates made it difficult to maintain the level of dialogue with constituents that could be had by those representing the localised general electorates. This remains a significant issue under MMP as I will discuss shortly.

The major opposition to the Maori seats is that there should not be representation based upon racial discrimination, that all votes should be equal. This of course is weighed against the

⁶ Waitangi Tribunal *The Maori Electoral Option Report* (Wai 413, 10 February 1994) 46pp.

⁷ Maori Law Review (Tom Bennion (ed), February 1994) at 3.

⁸ Durie at 98.

position of Maori as the indigenous people of Aotearoa and their relationship with the Crown under the Treaty of Waitangi. Dominic O'Sullivan describes the issue from another perspective: "The politics of indigeneity is not concerned with divisive racial policy. Maori want to be part of New Zealand. They do not seek separation, but inclusion on their own terms."⁹

With political representation recognised as a Treaty right there is a strong argument for a guaranteed voice for Maori in discourse regarding the future of the nation and particularly the interests of Maori.

Recognised by O'Sullivan is the historical context that has resulted in the position of Maori in society today. Injustices such as murder, land alienation and institutionalised racism may not adequately be addressed by settlements alone. Maori are over-represented in statistics regarding incarceration, poor education, poverty and health. The UN Committee on the Rights of the Child on consideration of the third and fourth periodic reports of New Zealand stated it "remains concerned at continuing manifestations of discrimination against the Maori population, including children, as evidenced by their unequal access to services"¹⁰ and recommended urgent action be taken to address disparities in access to services. The Expert Advisory Group on Solutions to Child Poverty reiterated that attention is needed to address issues of housing, health and education, and poverty specifically with regard to Maori.¹¹

In my opinion the position of Maori is directly attributable to the attitudes and actions of their colonial masters who were intent on immigrating to New Zealand and making use of its resources. Maori were victims of widespread injustice and the suffering of Maori was exacerbated by denying them full political participation and isolating them as a group in society. The UN report makes clear that discrimination is an ongoing problem that requires urgent attention. I believe that the unique position of Maori as the indigenous people of this country, along with their rights under the Treaty and the extended ill-treatment of the Maori people means that they do deserve special recognition at a political level. The question then is how to best guarantee political representation, accountability, and progress for all Maori within our constitutional framework.

⁹ Dominic O'Sullivan *"Beyond Biculturalism: The Politics of an Indigenous Minority"* (Huia Publishing, Wellington, 2007) at 105.

¹⁰ Committee on the Rights of the Child *"Consideration of Reports submitted by States Parties under Article 44 of the Convention"* (United Nations, GE.10-42974(E) 290610, 14 June 2010) at 24.

¹¹ http://www.occ.org.nz/publications/child_poverty (accessed 20/05/13 at 11:42)

The Royal Commission

The Royal Commission on the Electoral System¹² was formed in 1985 to look into the strengths and weaknesses of various possible electoral systems. It reported in 1985 and considered the issue of Maori representation in detail.¹³ This included consideration of the likely effects of an MMP electoral system on Maori representation and whether or not the Maori seats should be abolished. The Commission recognised the significance of the seats to Maori and that it goes “beyond the issue of political representation.”¹⁴ For many Maori the Maori seats are a physical manifestation of a Treaty right and one of the only real and tangible concessions made to their people. This has meant that Maori have strongly opposed the abolition of the seats and that many Maori who have chosen to go on the General roll continue to support the retention of the Maori seats.

The Commission found strengths and weaknesses in separate Maori seats stating that they guaranteed Maori a voice in Parliament and that due to the major parties contesting seats on both rolls they had to include Maori MPs in their parties. The major inherent flaw was considered to be that where the Maori seats brought members to represent Maori and their interests, the flipside was that the general seats represented non-Maori seats. The majority will always carry greater influence than the minority group and the result of this is that “Parliament’s overall record in dealing with Maori issues has been unsatisfactory.”¹⁵ An issue identified by the Commission was that the Maori seats at that time were virtually guaranteed to Labour so that under the FPP system there was little or no incentive to seriously contest the seats and prioritise Maori interests.

It was considered that a common roll would offer significant advantages to Maori in that without their vote being split they could wield greater influence in election results. Maori would make up a portion of the general electorate that no party could afford to ignore. All parties would therefore have to compete for the Maori vote in a more considered manner with greater focus on the issues facing Maori. However the Commission identified several disadvantages¹⁶ including the possibility that there may be no Maori elected, that those

¹² Royal Commission *Report on the Electoral System: Towards A Better Democracy* (December 1986).

¹³ Royal Commission at 81-114.

¹⁴ Royal Commission at 85.

¹⁵ Royal Commission at 91.

¹⁶ Royal Commission at 100.

elected may not belong to parties supported by Maori voters or be interested in Maori concerns, and that it would be very difficult to hold those members accountable directly to Maori for failure to adequately address Maori issues. Although it was accepted that a “reserved seats” system such as that in India may be appropriate the Commission focused mainly on representation under MMP.

MMP

Proportional representation was considered to be the best way to accommodate political participation by Maori at a level consistent with their population numbers as a proportion of the entire country. The Royal Commission recommended waiving the Party Vote threshold for Maori political parties in order to effectively retain the guarantee of Maori representation under the Maori seats. The obvious problem with this is that there may be considerable difficulty in defining what a Maori party is. In the end MMP was thought to be the best electoral system to give effect to Maori interests and participation in Parliament but the issue of separate seats was to be considered only if a switch to MMP had been approved.

The introduction of an MMP electoral system has had a huge effect on Maori representation in Parliament. One of the changes under the Electoral Act 1993 was to make the number of Maori seats proportionate to all other seats so that the more people enrolled on the Maori roll (and therefore less on the general roll) the more Maori seats there would be. Thus the fixed number of four would no longer apply. Despite the Waitangi Tribunal finding that too little resources were spent on the special Electoral Option period the number of seats was increased by one from four to five. It appeared evident that the Crown had not done enough to allow proper consideration of Maori electoral options. Durie states that the period “was an unnecessarily short time with minimal resources to conduct an effective campaign. At stake was the number of Maori seats.”¹⁷ The issue was taken to the High Court which was critical of the disadvantage to Maori but did not find against the government. Further appeals did not change the result and it was clear that many were cynical of the system and that “Maori discontent with the government’s attitude was increasing.”¹⁸

¹⁷ Durie at 99.

¹⁸ Margaret Mutu *“The State of Maori Rights”* (Huia Publishers, Wellington, 2008) at 16.

The 1996 election delivered 15 members to the House who claimed Maori descent out of 120 MPs. There was a marked change in the political outlook for Maori although Mutu argues that the success of Maoridom in the polls saw a massive backlash from non-Maori with public attacks increasing significantly in frequency and vehemence.¹⁹ The underlying racism against Maori was coming back into the spotlight.

MMP has seen the creation of the Maori Party and more recently the Mana movement who direct much of their policies towards Maori interests. The number of Maori electorates has risen to seven. Whether or not they should be retained has been a contentious issue and as Andrew Geddis points out the policies of political parties range across the entire spectrum between “unconditional support for their continued existence... to outright rejection of their place in New Zealand’s electoral framework.”²⁰

Much focus has been placed on “one law”, “one vote”, “one people” and so on to argue that representation based on racial considerations has no place in our modern society.

The Future

In March 2006 the UN Special Rapporteur issued a scathing report against New Zealand’s treatment of Maori.²¹ This raised constitutional issues on the relationship between Government and the Maori people and the recognised right of all people to self-determination.²² The issue of Maori participation in Parliament is of considerable significance, quite clearly to Maori, but also to the future of our country. I believe that Maori deserve special recognition of their status and that we as a nation must assume responsibility for the injustices of the past and also those that are ongoing. It is possible that abolishing the Maori seats could see more effective representation for Maori as currently the Maori electorates are huge meaning that engagement with members at a personal or local level is much less accessible than with other MPs. The MMP system allows Maori to have proportional representation and no party could afford to ignore the interests their interests.

There is however, the consideration of what the seats mean to Maori and the common view that they represent a real manifestation of a Treaty right, a realised promise, perhaps an act of goodwill. Until Maori have had the opportunity to fully consider all the implications of abolishing the Maori electorates I believe they should be retained. The issue goes directly to Maori participation in the political arena and must be considered by Maori as cultural influences come into play. The views of non-Maori New Zealanders are not irrelevant but it

¹⁹ Mutu at 55-56.

²⁰ Andrew Geddis. *Election Law Journal: Rules, Politics, and Policy*. 2006, 5(4): 347-371. doi:10.1089/elj.2006.5.347. Published in Volume: 5 Issue 4: October 26, 2006 at 351.

²¹ Rodolfo Stavenhagen *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People*. Mission to New Zealand. E/CN.4/2006/78/Add.3, 13 March 2006, Geneva, United Nations Human Rights Commission.

²² Mutu at 156.

is for Maori to decide. I believe that if fully informed it is possible that one day it may be seen as more beneficial for Maori to be on one common roll but it may also now be part of their identity under colonial rule that will not be addressed until they have equality.

4117

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 10:22 p.m.

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

Full Names: Christopher Bell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
London Postal Region: Greater London Postal Post Code: Postal Country: United
Kingdom Submission: I believe in one law for all in Aotearoa but the Waitangi tribunal and NZ
government need to thrash out the differences in translation between the 1840 Waitangi Treaty (Maori
vs English version) and who needs to compromise so that the translations finally
reciprocate in both languages.

The Privy council no longer exists in the UK but this is now the Supreme Court so they should be who
will make the final legal decision. This is part of the Pakehi / Maori Waitangi treaty and should be
upheld regardless of governance in New Zealand being independent.

The Queen and the commonwealth office still respect and recognise Maori through the Waitangi
treaty.

All other constitutional documents are quite modern and correct until challenged and therefore the
inclusion of these documents are fundamental to one law for all.

Submitted on the 29 July 2013 at 22:21

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 10:26 p.m.

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

Full Name: Christopher Bell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
London Postal Region: Greater London Postal Post Code: Postal Country: United
Kingdom Submission: I believe in one law for all in Aotearoa but the Waitangi tribunal and NZ
government need to thrash out the differences in translation between the 1840 Waitangi Treaty (Maori
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upheld regardless of governance in New Zealand being independent.

The Queen and the commonwealth office still respect and recognise Maori through the Waitangi
treaty.

All other constitutional documents are quite modern and correct until challenged and therefore the
inclusion of these documents are fundamental to one law for all.

Submitted on the 29 July 2013 at 22:24

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.

Elaine Bell
Hamilton
New Zealand

867

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/05/2013 6:26 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: jason bell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: 1) There is no role for it in a
constitution, maybe only to identify what maori are as a people and there culture.

2) NO, the treaty has no place in constitution, it is a 170 yr old document that has no relevance anymore in this day and age, and needs to be revisited, and start encompassing new zealanders as a whole, we are drifting away from a nation and becoming separate people, were as we should be becoming a whole, 1 nation, 1 people, its about time we all had the same rights, same rules.

Sent on the 18 May 2013 at 18:25

1333

From: J. Bell
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 14/06/2013 12:52 p.m.

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
J.Bell

Sent from my iPad

1976"

From: "John Bell" <
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 11:12 a.m.
Subject: Submission to the Constitution Conversation
Attachments: The Constitution Conversation_0.pdf

Thank you for the opportunity to make a submission to the consultation regarding New Zealand's constitutional and government institutions.

Please find my submission in the accompanying attachment.

Regards

John Bell

Address: , WAIMATE
E-ma

The Constitution Conversation

To: The Constitutional Advisory Panel

My submission addresses the following issues:

1. The parliamentary term
2. The electoral system
3. Ethnic representation in national and local body elections
4. The need for a new written constitution
5. The place of the Treaty of Waitangi and the "principles" of the treaty

The Parliamentary Term

Politicians and political parties seem almost universally to be of the view that no-one can govern the country as well as they can themselves. Once in office, political parties typically consider that it is in the country's best interests that they remain in office as long as possible and, to that end, usually spend the final year of each parliamentary term focussing on measures that will enhance their electoral prospects even when such measures are not in the country's best long-term interests. In the interests of good government, it would seem desirable to limit the frequency of pre-election years, hence to extend the parliamentary term beyond the current three years.

A five-year term would not appear to provide sufficient frequency of electoral scrutiny by the public, so I favour a **fouryear parliamentary term**.

I also favour moving to a **set date for parliamentary elections** so that, unless a government in office had to call an election as a result of losing its majority, no government in office could call an early election as an electoral tactic.

The electoral system

MMP has been endorsed via referendum as the preferred electoral system for New Zealand, but the current model warrants review and modification.

The application of the 5% threshold for gaining party seats needs to be reviewed. It seems inequitable that a party which gains only one electorate seat can then go on to have the benefit of additional party seats even if its party vote was only 2% or 3%, whereas a party that won 4.5% of the party vote but gained no electorate seat ends up with nothing.

Assuming the retention of 120 MPs, there is a case for reviewing the 60/60 split between electorate and party-list seats. Too many MPs do not have direct accountability to an electorate but, instead, owe their primary, even sole, loyalty to a political party. This does not seem consistent with the principle of true democracy. With only 60 electorates and most population growth in the North Island, some South Island electorate MPs find themselves serving an impossibly far-flung electorate. (e.g. Waitaki)

The incidence of "waka-jumping" and/or exclusion of a Member from his/her party also needs to be addressed. If an electorate MP leaves his/her party for whatever reason, he/she may properly remain in Parliament as the duly elected representative of an electorate. However, if a Member who won election to Parliament only via a party-list leaves his/her party for whatever reason, it seems difficult to justify that person's remaining in the role of a Member of Parliament.

I therefore favour:

1. an 80/40 (i.e. 2:1 ratio) split between electorate and party-list seats
2. retention of the 5% threshold for the allocation of party-list seats and its application across **all** such seats (i.e. removal of the provision for allocating party-list seats on the basis of winning an electorate seat)
3. immediate termination of the position of Member of Parliament of any party-list Member who, for whatever reason, leaves or is excluded from his/her party. That seat then to be available to the next-ranked person on that party's list.

Ethnic representation

The basis for electoral participation in New Zealand was established in the Treaty of Waitangi, Article 3 whereby all New Zealanders of whatever ethnicity were granted the same rights and responsibilities as British citizens. With the extension of the vote to women, that provision should now entitle all adult New Zealanders to the same enfranchisement for both local body and parliamentary elections.

The 19th century provision for separate Maori parliamentary seats was intended as a limited-term measure aimed at ensuring Maori participation.

New Zealand society in the 21st century has evolved into something far removed from that of the 19th century. There are no longer only two principal peoples (Maori and British) involved in the make-up of New Zealand society; people of part-Maori ethnicity are no longer an easily-identifiable separate entity and there is no reason to assume that being of part-Maori ethnicity should justify separate electoral entitlement any more than being of part-Pacific, part-Asian, part-African or part-Middle Eastern ethnicity. The mere fact of enabling people to be elected to parliament or a local body on the basis of ethnicity gives rise to the expectation that there might be regulatory or legislative provisions based on ethnicity. That notion led in Nazi Germany to the holocaust and in South Africa to apartheid and it was expressly ruled out by Article 3 of the Treaty of Waitangi.

The option of separate Maori representation is available in the context of local body government, and it is significant that in those communities where this option has been put to the vote, it has been rejected.

The time is long past when separate ethnic representation in parliamentary elections should also have been rejected.

The need for a new written constitution

It is of interest that this matter was addressed by an all-party Constitutional Arrangements Committee of Parliament in 2004 and that committee concluded that there is no need for change to the *status quo*.

New Zealand enjoys the great good fortune to have inherited British institutions of government and jurisprudence, institutions which have evolved over more than 1000 years. It is worthy of note that most nations which have not inherited British institutions and through them concepts of good government and jurisprudence that emerged in the Graeco-Roman world do not either enjoy the democracy, individual liberty and a good measure of freedom from corruption that we have come to expect.

Why, then, might it seem desirable to meddle with our institutions in 2013 when it did not seem desirable a mere 9 years ago?

The key to this question is that the current "conversation" arises from political not institutional considerations – it is the result of a political promise to the Maori Party.

So, why does the Maori Party seek a new written constitution at this time?

The reason for that is obvious. New Zealand continues to experience ongoing and increasing immigration from parts of the world that are neither Maori/Polynesian nor British, in other words by peoples whose forbears had nothing to do with the signing of the Treaty of Waitangi; hence, by people who cannot easily be made to feel guilt over alleged breaches of the treaty nor willingness to pay for the outcomes of modern creative interpretations of the treaty. "New" New Zealanders have come here to enjoy a free, democratic society where everyone has the same right to make a go of things regardless of gender, religious belief or ethnicity. It is reasonable to assume that, as the number of "new" New Zealanders grows, they will in the near future reflect on their own efforts, starting with nothing, to educate themselves, work hard, and establish themselves successfully in our communities, and will declare themselves opposed to the ongoing handing out of state-funded largesse on the basis of race and of endless relitigation of real or imagined grievances that, in most countries, would have long ago been consigned to history.

Before that can happen, the Maori Party and the interests it represents seeks to lock in preferences based on belonging in some undefined measure to one of the many ethnic groups that make up our society.

Some communities (e.g. The American Colonies at the conclusion of the War of Independence; France, after the Revolution of 1789) have found it necessary to formulate and establish their constitutional arrangements via a written constitution at a given moment in time. That is not New Zealand's situation in 2013. It is right and proper that there be ongoing review and adjustment of our systems of government and justice, and that process has been occurring successfully in New Zealand for over 150 years and before that in Britain for centuries.

The present "conversation" is merely a smokescreen aimed at minimising public focus on the principal intent behind any new written constitution – the locking in of provisions that would enable certain interest groups to be able to claim preference on the basis of race – forever!

I therefore agree with the parliamentary committee's 2004 conclusion that we do not need to establish a new written constitution.

The place of the Treaty of Waitangi and its "principles"

This issue is to be seen in the context of the durability of all treaties, a treaty being an agreement between two or more parties at a given moment in time and to address a situation concerning the parties at that moment in time.

Here are two examples:

At the conclusion of the Crimean War, Britain, France and the Ottoman Empire sought to contain Russia's expansionist ambitions via the Treaty of Paris (1856) which declared the Black Sea to be a demilitarised, neutral zone. Yet, only 14 years later, in 1870, Russia began re-establishing a naval presence in the Black Sea. By 1970, the Black Sea was a virtual Soviet military marina and neither Britain nor France would have dared try to enforce the provisions of the 1856 Treaty of Paris. That treaty fell into disuse, as all treaties do, once the circumstances of the signatories changed. It had served its purpose as a basis for peace in 1856, that and no more.

At the conclusion of World War II, it was apparent to Australia and New Zealand that Britain could no longer assure our defence and regional security; thus, both countries entered into a new alliance with the United States. The effective life of the ANZUS Treaty was no more than 40 years when the nuclear ships issue caused it to fall into disuse. But it had served its purpose at a given moment in time, when defence strategies needed to be re-aligned.

The Treaty of Waitangi, likewise, served its purpose at a given moment in time. By the late 1830's, it was obvious that serious issues needed resolution in New Zealand:

1. starting with sealers and whalers, there was a growing number of arrivals from a variety of countries and no authority in place to control their activities. Kororareka/Russell was known as the "hell-hole" of the Pacific.
2. via the musket wars, well-armed Maori tribes were inflicting a holocaust on their own race, and most tribes lived in mounting fear of attack, slavery or death
3. in the far north, Ngapuhi feared French retribution for their slaughter of the explorer Marion du Fresne and a number of his crew

There was obvious benefit to all concerned that Britain have sovereignty over New Zealand, and the Treaty of Waitangi was an agreement that enabled that to occur along with protection of Maori interests as more and more British settlers arrived. These settlers represented the most powerful and technologically advanced nation on earth at the time, and it was foreseeable that Maori would wish to participate in the society that British settlers would establish in this new land; accordingly, via a provision that was almost unique in the history of European colonisation, Maori were granted the rights of British citizens.

Like other treaties, the Treaty of Waitangi served its purpose in addressing a particular set of circumstances at a given moment in time.

Sooner or later, all treaties fall into disuse as the circumstances and interests of the signatories change. Starting in 1870, Russia started ignoring the provisions of the 1856 Treaty of Paris; it would be laughable if in 2013 Britain, France and Turkey made an issue of that. Starting in 1985, New Zealand declined to honour its commitments under the ANZUS Alliance; neither the United States nor Australia ever sought compensation and, at this very moment, New Zealand is involved in a military exercise in mainland USA. The Americans were miffed but got over it.

The Treaty of Waitangi has an undoubted important place in our history, but it is **not** a "living document". The circumstances of the parties who signed it are unrecognisable in 2013 cf. 1840. Indeed, almost all who now claim identity as "Maori" could equally claim identity as English, Irish, Welsh or Scottish. I recall a memorable TV debate early in the "foreshore and seabed" saga, when Maori claims were supported by an Englishman (Mike Smith), an Irishman (Steven O'Regan) and a Scot (John McEntee) – all purporting to be Maori. "The Treaty", which ought to have a revered place in our history, is now no more than a means whereby those who feel they might get away with it seek to extract privilege on the basis of race. Endless focus on grievances, real or imaginary, does nothing but hamper a people's progress and a document drawn up in haste in 1840 and over which there is still debate as to which is the correct version, is no basis for making decisions or allocating resources in the 21st century.

Which leaves the matter of the **principles** of the treaty and whether these, if definitively identified, should have a place in legislation or in any written constitution.

First, one needs to determine what these principles are.

What matters is not the creative views of 21st century High Court judges, but what was obviously in the minds of the people who composed and signed the treaty.

Fortunately, this information is available in the form of a brief drafted at the behest of the Marquess of Normanby, the Colonial Secretary in 1839. Having emphasised that New Zealand was not to become another penal colony, he defined William Hobson's task as "to treat with the aborigines of New Zealand in recognition of Her Majesty's sovereign authority over the whole or any part of those Islands which they may be willing to place under Her Majesty's dominion." The first and over-riding principle of the treaty was therefore to be that Britain would have sovereignty over New Zealand and the people living here. The treaty envisaged no partnership or shared governance; the prime purpose of the treaty was to be cession of sovereignty to the British Crown. Without that, the treaty would have no *raison d'être*.

The second clear intent of the 1840 signatories to the treaty was that Maori be able to continue following their own way of life and retain their own traditions in lands currently held by their tribe. There have been countless creative interpretations of this principle over the past 40 years all aimed at establishing modern-day privilege and preference for part-Maori New Zealanders, every such fabrication being in conflict with Articles 1 and 3 of the treaty.

Where the treaty's second principle addressed the 1840 circumstances of Maori, the third and final principle looked to the future, a future in which British settlers would bring the modern world and the institutions of British law and government to New Zealand. And this third principle was that, from the outset, all inhabitants of this new colony would have the **same** status in law – that of British citizens.

These, then are the obvious principles of the Treaty of Waitangi:

1. all New Zealanders are subject to the authority of the one government
2. Maori are free to retain their own language and traditions in their own communities
3. all New Zealanders have the same status in law

Sadly, the practice has developed in recent times of making outrageous claims aimed at further enrichment of the elites of Maori tribal authorities (e.g. the radio spectrum; the entire coastline and economic zone of New Zealand) all spuriously substantiated by reference to the Treaty of Waitangi or some undefined "principles". So terribly has this self-serving and rapacious activity besmirched the treaty's reputation that there can never now be any agreement as a nation over what the treaty meant or on what principles it was based. Any attempt now to refer to the treaty or its principles in legislation or any written constitution were one to be devised will do nothing other than heighten divisions and tensions that already exist as a result of preferences available on the basis of race to some but not to others.

What we need is legislation and regulations that respect the fact that we have one government for all, the same laws for all, the same rights for all regardless of when anyone's ancestors arrived in this country, and the freedom for all to maintain the languages and traditions of the societies from which their forebears came without seeking to impose those languages and traditions on others.

John Bell

Waimate

552

From:
To: <constitutionalreview@justice.govt.nz>
Date: 19/04/2013 9:08 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Janice Bell Organisation Name: N/A Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: I think NZ should have a fixed term 5-year electoral cycle and a written constitution.

Sent on the 19 April 2013 at 09:07

437

From: <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 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: Moana Bell Organisation Name: my whanau Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Raetihi
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: I want
for my tamariki and mokopuna a crime and predator free Aotearoa, make the laws protect us to the
full extent that should be afforded humanity. Im sick of the bloody perpetrators being protect by the
very laws that cast aside victims of every heinous
crime imaginable. Will a re-write of a constitution give us that security ???? thats my question. In fact
we need protecting from the very law makers, judges, all the fat cats in power today, greed,
dishonesty, and secret low morales trying to display to us
that they have our interests in hand. Todays clever technology is catching you all out. ASPIRATIONS
??? for New Zealand, will for me always be a dream never ever coming true.

Sent on the 16 April 2013 at 11:24

437a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 11:45 a.m.
Subject: <http://www.ourconstitution.org.nz/form submission>

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

Full Names: Moana Bell Organisation Name: mv whanau Email:
Phone: AddressA: Postal AddressB: Postal City:
Postal Region: Waimarino Postal Post Code: Postal Country: New Zealand
Submission: 1.How should Māori views be represented in Parliament?

2.How could Māori electoral participation be improved?

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

Maori views should be represented in Parliament with openness,honesty and absolute knowledge on what that person is talking about. The taake should always have been given to the people who put the mouth piece in house, for consultation and approval. Electoral participation is improving, all the modern media output is excellent and its working, keep that kaupapa going. Local government agencies are loaded with ignorant white middle class citizens - who cant see past their wallets and their brought and paid for wee patch of whenua - giving an aptitude test about the land they are standing on and a free lesson in humilty and correct history would be a start to putting forward effectively, maori views in such settings. The exsisting MOU's and partnership documents in my area, are working.....to a degree. However they are just the token consultation.

Sent on the 16 April 2013 at 11:44

4376

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 12:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Moana Bell Organisation Name: my whanau Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Waimarino Postal Post Code: Postal Country: New Zealand
Submission: 1.Do you think our constitution should be written in a single document? Why?

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

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

These are huge questions !! all i know is that we are still being governed under 18th century british statutes, laws, and attitudes. as much as it seems we have modern thinking and acting laws, im thinkinghang on the source of these laws from back in the day, were created with different mindsets, attitudes and gain. I like some of the korero in all of the key documents that are the unwritten constitution - putting the good ones into a single document sounds the go to me. A constitution could have higher legal status than other laws YES, because it would have been created by an input of many not a fewif we as newzealanders picked and choose from the exsisting documents what would be put into a written constitution, power to the people !!!

number 3 question is too loaded for me.....I pass

Sent on the 16 April 2013 at 12:02

1660

From:
To: <constitutionalreview@justice.govt.nz>
Date: 27/06/2013 11:03 a.m.
Subject: Submission

TO WHOM IT MAY CONCERN

Subject:- NEW ZEALAND CONSTITUTIONAL REVIEW

My submission in the debate regarding the review of the New Zealand Constitution toward a written Constitution is that,
no change is required.

The existing unwritten constitution has served all of New Zealand very well since the New Zealand Constitutional Act was passed into Law in 1852. Whilst it may have some short-comings, I am sure that some minor tweaking will overcome any difficulties.

I would hate to see any references to the Treaty of Waitangi, or any of its so called, unproven and debatable principles, included.

This could, through misinterpretations, accidental or contrived, lead to a race based Constitution.

Given the continuing diversity of various races making up New Zealand's population, this would be completely undesirable.

What our Country needs is all inclusive Law, and a sound future for all New Zealanders, regardless of ethnicity.

To put simply it means , EQUALITY, ONE PEOPLE , ONE NATION.

Norman William Bell

Papamoa

3592

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 15/07/2013 3:56 p.m.
Subject:
[http://www.ourconstitution.org.nz/ form submission](http://www.ourconstitution.org.nz/form_submission)

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

Full Names: Robert George Bell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Napier Postal Region: Hawkes Bay Postal Post Code: Postal Country: New
Zealand Submission: I am totally opposed to any sort of governance based on anything to do with
the "Treaty of Waitangi".

Sent on the 13 July 2013 at 14:33

407

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 10:20 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roger Bell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: There are real strengths in our constitution, which I value highly and which should not be discarded lightly. This is a reflection of our society.

Some people say that our constitutional arrangements are fragile. That is often a lead up to a proposal for change to entrench more provisions leading to greater rigidity.

Our system of government works to a large extent on the basis of huge trust in the organs of government. That works because of the democratic nature of our society and the the systems for elected representation. I endorse the provisions of the Electoral Act for entrenching regular democratic elections.

I approve the system of mixed member proportional representation, because of the diversity of representation in Parliament it gives us. A democratic Parliament with regular elections promotes accountability. That is assisted by institutions such as Official Information Act, Auditor-General, Ombudsman and Commissioner for the Environment.

I prefer parliamentary sovereignty to a system of judicial review of legislation - so as to shield judges from having to pass judgment on Parliament, to avoid politicising the judiciary, to prevent excessive legalism creeping in and to impress on Parliament that it carries ultimate responsibility for our laws.

I do not want an entrenched written constitution, because our present system allows changes to evolve over time without the difficulties faced in amending a written constitution.

We should be proud that we are able to govern ourselves without the need for the straitjacket of an entrenched constitution. Our system is more flexible and responsive. It works.

I appreciate that the panel will consider the place of the Treaty of Waitangi. Maori want it given greater status. The Treaty will always be an important document. It will be the platform for many arguments as to the standing of Maori as tangata whenua. But there is no need to entrench it into a written constitution. I have noted the changes in New Zealand since the mid-twentieth century on the place of Maori. Back then New Zealanders felt satisfied with the place of Maori. Those views are no longer accepted today. We have moved and views on the Treaty have changed over time. It is no more safe to assume that our current views on the Treaty will endure, than it was fifty or sixty years ago. By all means acknowledge the Treaty and allow the debate as to its relevance today to continue, but that does not require the Treaty to be entrenched.

As to monarchy/republic, I do not have strong views. There is a preference for our Head of State to be a New Zealander rather than someone overseas, but that need is largely met by New Zealand Governors-General. On the other hand, an elected head of state as

2352

From: "Warren Bell" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 8:30 p.m.
Subject: CAP Submission

Abolish all Maori seats one for all, all for one.

Regards Warren Bell

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.

Ann-Marie Bellinger
Palmerston North
New Zealand

1228

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 6:34 p.m.
Subject: CAP SUBMISSION

I am responding to the proposed Constitutional Review

I have copied out below the basic aims of many concerned New Zealanders.

My views are that I came to NZ as a child with my parents and an uncle as refugees almost 62 years ago. We came here leaving a country that had just been taken over by communists. We found freedom right here in this country and within 5 years we became NZ citizens. An honour that is still very much to the forefront of my mind. I later married a Kiwi and had 2 children who in turn have married Kiwis and have their own families.

I have had the privilege to have associated and have friends who are of Maori origin as well as others coming from different countries. I would be very upset to see our country establish or promote racial distinction or division within any cultural group as I think we work far better in a society which is based on the ethics mentioned below. These being equality, fairness and comradeship. We definitely need one law for all as if we're truly one people we need one law for all and not have complex and unfair rules to live by.

I completely agree with all the bullet points made below. One country, one people with the same rules applying to all. The motto – United we stand, divided we fall – is so true. This is a fantastic country with so much to offer and I hope that we can all enjoy, and work towards keeping it that way.

My people left their country because others came in to destroy and enslave people to an ideology that only helped a privileged few not the masses as people were led to believe. My folks and certainly I for one, am totally committed to a NZ that continues to be grounded in equality, fairness comradeship and one law for all.

Nickie Belworthy

We, New Zealanders of all backgrounds, having founded and developed our society in equality, fairness, and comradeship, oppose any laws which establish or promote racial distinction or division. There shall be one law for all.

- We reject any reference to the Treaty of Waitangi or its principles in any constitutional document.
- We ask that such references be removed from all existing legislation.
- We ask that race-based Parliamentary seats be abolished.
- We ask that race-based representation on local bodies be abolished.
- We ask that the Waitangi Tribunal, which has outlived its usefulness, be abolished.

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.

Emily Benefield
Lower Hutt
New Zealand

143

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 11:02 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Margaret Benham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New
Zealand Submission: What are your aspirations for Aotearoa New Zealand? To be one country
and multi-cultural instead of bi-cultural. Drop the Aotearoa from beginning of New Zealand.

Sent on the 9 April 2013 at 10:59

143a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 10:58 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Margaret Benham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New
Zealand Submission: How many MPs should we have? Based on Australia and the UK, we have
over twice as many MPs per capita. This is not necessary in a small country and is a big waste of tax
payer money which could be going into other services such as health, education or
rebuilding Christchurch e.g. giving people homes and toilets. 45 MPs would be a better number for
NZ.

How long should the term of Parliament be? Minimum of 4 years, 5 would be ideal. Interesting enough
in the UK there is no term and same in Australia, however traditionally the term is 5 years in Australia.
3 years is not long enough for government to make a
difference. The first year of term is generally discussing the preceding election, year 2 starting to
make changes and the third year gearing up for the next election. Sometimes changes are made too
quickly, due to the short term that parliament had, more
time needs to be spent on feasibility studies and decision making before major changes are
implemented – a term of 5 years would allow this.

How should the election date be decided? USA has a good system where it has a one week window 2-
8 November. I think it should be the same period each time so for the rest of the year people can get
on with their jobs. There is nothing worse than having an election
date sprung on you, it impacts everyone that has anything to do with it. People of NZ need
consistency.

Sent on the 9 April 2013 at 10:57

1436

From:
To: <constitutionaireview@justice.govt.nz>
Date: 9/04/2013 10:36 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Margaret Benham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New
Zealand Submission: I do not believe maori views should be represented in Parliament. We are a
multi-cultural country and everyone is equal. All cultures should be taken into account when making
decisions.

Sent on the 9 April 2013 at 10:36

143c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 10:34 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Margaret Benham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New
Zealand Submission: I strongly believe that the Treaty should not be part of the constitution. We are one country and should all abide by the same rules and have the same services provided - no matter what skin colour you have. I am a 40 year old white working female with no children of my own. I receive no special benefits, services, schooling, etc - this is unjust. How would maori people like it if everyone else had their own services that excluded maori?? It would be deemed racist - isn't that what they are being? As far as land goes, what was done - let the past go. Without the British coming here the Maoris either wouldn't exist now and / or they wouldn't have the work opportunities, social welfare, technology, houses and everything else that the British taught them how to do or supported them. If the Treaty is going to be part of the constitution then perhaps give Maori their own island and they can run their own government, then see how well they will do. I believe that everyone should be treated equally. Thanks.

Sent on the 9 April 2013 at 10:33

2617

From: Barben
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 4/07/2013 8:42 p.m.
Subject: CAP Submission

I would like the Maori seats Abolished,as I believe we should all be NZ 's one law for everyone,and no special treatment for anyone who happens to have a Maori ancestor,my own children have a Grt great father who is Maori,and they also believe in one law for everyone. Regards Barbara Bennett

Sent from my iPad

2118.

From: Gary Bennett <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 8:41 a.m.
Subject: CAP Submission

I believe in one New Zealand i dont believe we should have each others
views rammed down our throats by point scoring.

--

Regards

Gary

2876

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 3:39 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: June and Bob Bennett Organisation Name: National Party members Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Whitianga Postal Region: Coromandel Postal Post Code: Postal Country:
New Zealand Submission: We submit that there are no requirements for any changes to the
present Constitution! If it isn't broken do not fix it! We argue that It is working well and has done for
many years!

Sent on the 6 July 2013 at 15:38

1177

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 3:04 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Kieran Bennett Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: New Lynn Postal Post Code: Postal Country: New Zealand
Submission: My aspirations for New Zealand are simple.

I want New Zealand to be what it claims to be. A place where everyone is equal, a place where everyone can have a go and a place where all people have a voice.

I want to grow up in a New Zealand that is clean, green and will stay that way for many years to come.

I want to live in a New Zealand where I can do whatever my dreams may be without being crippled by debt or lack of resources.

I want to be a part of a New Zealand where major decisions are left to the public, not just to politicians.

I want to have a New Zealand where if I don't agree I have the right to get really angry about it and march down the street.

I want a New Zealand where the world will look at us as an example of social services. A place where there is little to no crime, simply because people have no reason to turn to it.

I want a New Zealand where we have all these things written down in one place, in one document that is above the Beehive and the courts.

A piece of paper constructed by the people that says

'this is how we do things here'.

I want a constitution.

Sent on the 8 June 2013 at 15:03

2926

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/07/2013 6:47 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Mark Bennett Organisation Name: Email Phone: ,
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The Treaty of Waitangi has no
place in our constitution and should form no part of the constitution. The constitution should be written
for all New Zealanders regardless of race or religion. The moment race or religion is deemed to be
part of the document,
separatism, privilege and lack of privilege become part of the document.

Maori need to be a vibrant part of New Zealand going forward, not constantly looking back fuelled by
self-seeking activists. Move forward as part of the greater good rather than the negative striving for
neverending reparation.

Also, it's time to acknowledge that Maori also have a European heritage and that it has had positive
outcomes on Maori who have embraced the world as it is today and intend to better New Zealand for
themselves and future generations.

Sent on the 8 July 2013 at 18:46

2569'

From: Mark Bennett
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 4/07/2013 2:47 p.m.
Subject: CAP Submission

Hello

I believe all Maori seats should be abolished immediately as they are separatist and create an unfair division in our country, based on race.

Race-based advantage in any form is wrong. We are a multi-cultural society and until all New Zealanders are treated equally this will continue to send the wrong message to Maori (that they are somehow different and unjustly privileged) and all other New Zealanders (that they are somehow different and unjustly disadvantaged).

All other New Zealanders line up with all other New Zealanders. Maori should do likewise.

It's about time that watered-down Maori blood stopped denying its European heritage, which in most cases makes up the vast majority of their heritage!

Regards

Mark Bennett (Maori, Te Arawa)

4 854

From: "Tom Bennion"
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:56 p.m.
Subject: Submission on constitutional review
Attachments: Submission - Constitutional Review.pdf

Submission attached

Tom Bennion

T H Bennion
Barristers & Solicitors

-- Resource Management Law -- Environmental Law -- Treaty of Waitangi Claims
-- Maori Land Law --

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Bennion Law

WELLINGTON

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BENNION LAW

BENNING LAW

31 July 2013

Constitutional Advisory Panel

Delivery by email

Ko nga rangatira, he mihi nui ki a koutou katoa.

Submission on Constitutional Reform 2013

1. I am a 49 year old husband and father of three children. I have been a practising lawyer for 25 years, specialising in Maori land and Treaty issues but also environmental law and public law. I have also been teaching environmental law at Victoria University Wellington, as a part time lecturer, for the last 13 years. I am author of a number of articles and texts on Maori land and property law.

Summary of submission

2. I have confined this submission to addressing what I consider to be the most urgent issue facing the New Zealand constitution in coming decades.
3. The impacts of climate change on the operation of civil society even in our developed nation are not well appreciated. I think that they will be profound, particularly in their impacts on individual rights and liberties that we currently enjoy. New Zealand needs the rights contained in the NZ Bill of Rights Act 1990 to become entrenched supreme law as a matter of urgency.
4. A related matter is that this supreme law should also include a reference to the importance to human wellbeing of a functioning natural environment. Given that this is a new area of constitutional development internationally and in New Zealand, the means of enforcement of that reference should be a matter for further discussion, with a statutorily mandated review after a decade. I support the submission by the Royal Forest and Bird that the wording used in South Africa is most appropriate to NZ conditions.¹

¹ http://www.forestandbird.org.nz/files/file/Submissions_2013/Constitutional%20review%20F&B%20submission%2018-06-2013.pdf

Thomas Bennion LLB(Hons)/BA

Background

5. In his 1974 book on environmental ethics, "Man's Responsibility for Nature", the Australian philosopher John Passmore examined whether existing ethics could deal with environmental issues or if a new ethics was needed. He used climate change as his extreme test case:²

We know at least this much, however. Men will need the biosphere. And it is sometimes suggested that our present level of industrial activity is so heating up the atmosphere that large parts of the earth's surface will – as a result of the melting of polar ice – eventually be rendered uninhabitable. So, it is concluded, we ought at once, for the sake of posterity, to reduce the level of that activity. The Royal Commission on Environmental Pollution [[UK] concluded that 'such eventualities are not only remote: they are conjectural'. But this case serves as a sort of touchstone, an extreme example both in its uncertainty and in the disastrousness of the consequences it envisages, were they to eventuate.

6. Could current ethics and civil society cope with what he considered would be its most stringent test? He concluded that while authoritarian rule might look attractive compared to the inevitably muddled and slow responses from a democratic state, there was no evidence that an authoritarian state would produce better outcomes for the average citizen.³ His analysis is currently being put to the test as we watch China's efforts to grapple with climate change, an effort which has been labelled 'authoritarian environmentalism'.⁴

Frying pan and fire

7. Given the delay in acting to reduce greenhouse gas emissions, in the coming 50 years New Zealand faces what could be termed a 'frying pan or fire' scenario.
8. The 'frying pan' arises if serious attempts are made to reduce emissions to levels that prevent the worst impacts of global warming. Radical reductions in emissions will be required throughout the economy. The Panel may be familiar with the curves produced in economic reports to explain the reductions required. The graphs below come from the 2009 Stern Economic Review on Climate Change commissioned by the UK Treasury. They are already dated, but give you an idea of the truly heroic year-on-year reductions in emissions which will be required. Stern calculates that these will require a significant drop in economic activity, in effect an extended recession. The state measures required to enforce these reductions will be as radical as the reductions targets themselves.

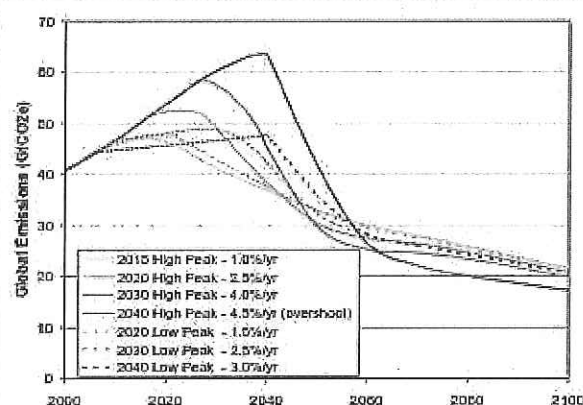
² Second edition page 82.

³ Second edition pages 99-100.

⁴ "Authoritarian environmentalism and China's response to climate change". Bruce Gilley in *Environmental Politics* Vol. 21, No. 2, March 2012, 287–307: http://www.web.pdx.edu/~gilleyb/Gilley_AuthoritarianEnvironmentalism.pdf.

Figure 3 Illustrative emissions paths to stabilise at 550ppm CO₂e.

The figure below shows six illustrative paths to stabilisation at 550ppm CO₂e. The rates of emissions cuts given in the legend are the maximum 10-year average rate of decline of global emissions. The figure shows that delaying emissions cuts (shifting the peak to the right) means that emissions must be reduced more rapidly to achieve the same stabilisation goal. The rate of emissions cuts is also very sensitive to the height of the peak. For example, if emissions peak at 48 GtCO₂ rather than 52 GtCO₂ in 2020, the rate of cuts is reduced from 2.5%/yr to 1.5%/yr.



Source: Reproduced by the Stern Review based on Meinshausen, M. (2006): 'What does a 2°C target mean for greenhouse gas concentrations? A brief analysis based on multi-gas emission pathways and several climate sensitivity uncertainty estimates', *Avoiding dangerous climate change*, in H.J. Schellnhuber et al. (eds.), Cambridge: Cambridge University Press, pp.265 - 280.

9. The 'fire' scenario is almost unimaginable, but on current trends is the mostly likely outcome.

10. The Stern Review in 2009 commented:⁵

Under a BAU scenario, the stock of greenhouse gases could more than treble by the end of the century, giving at least a 50% risk of exceeding 5°C global average temperature change during the following decades. This would take humans into unknown territory. An illustration of the scale of such an increase is that we are now only around 5°C warmer than in the last ice age. Such changes would transform the physical geography of the world. A radical change in the physical geography of the world must have powerful implications for the human geography - where people live, and how they live their lives.

Most formal modelling in the past has used as a starting point a scenario of 2-3°C warming. In this temperature range, the cost of climate change could be equivalent to a permanent loss of around 0-3% in global world output compared with what could have been achieved in a world without climate change. Developing countries will suffer even higher costs.

However, those earlier models were too optimistic about warming: more recent evidence indicates that temperature changes resulting from BAU trends in emissions may exceed 2-3°C by the end of this century. This increases the likelihood of a wider range of impacts than previously considered. Many of these impacts, such as abrupt and large-scale climate change,

⁵ http://webarchive.nationalarchives.gov.uk/20130129110402/http://www.hm-treasury.gov.uk/Executive_Summary.pdf.

are more difficult to quantify. With 5-6°C warming - which is a real possibility for the next century - existing models that include the risk of abrupt and large-scale climate change estimate an average 5-10% loss in global GDP, with poor countries suffering costs in excess of 10% of GDP. Further, there is some evidence of small but significant risks of temperature rises even above this range. Such temperature increases would take us into territory unknown to human experience and involve radical changes in the world around us.

11. The Council of Foreign Relations put it in June 2013:⁶

According to the American Meteorological Society, there is a 90 percent probability that global temperatures will rise by 3.5 to 7.4 degrees Celsius in less than one hundred years, with even greater increases over land and the poles.

12. A recent World Bank report argues that:

A world in which warming reaches 4°C above preindustrial levels (hereafter referred to as a 4°C world), would be one of unprecedented heat waves, severe drought, and major floods in many regions, with serious impacts on human systems, ecosystems, and associated services.

....
With pressures increasing as warming progresses toward 4°C and combining with non climate – related social, economic, and population stresses, the risk of crossing critical social system thresholds will grow. At such thresholds existing institutions that would have supported adaptation actions would likely become much less effective or even collapse.

Thus, given that uncertainty remains about the full nature and scale of impacts, there is also no certainty that adaptation to a 4°C world is possible. A 4°C world is likely to be one in which communities, cities and countries would experience severe disruptions, damage, and dislocation, with many of these risks spread unequally. It is likely that the poor will suffer most and the global community could become more fractured, and unequal than today.
(underlining added)

13. Note that these assessments have already surpassed the significant impacts on NZ expected by the International Panel on Climate Change in its 4th assessment report prepared in 2007.⁷

14. Given the emerging likelihood that society will react, but only very late, to the climate change threat, both frying pan and fire scenarios will most likely be in play.

15. Turning specifically to the NZ situation I consider that it does not take much foresight to suggest that significant challenges will arise from:

- Disaster recovery
- Public mitigation works
- Immigration (from the Pacific Islands in particular, but potentially further afield)
- Civil protest / tensions.

Disaster recovery

⁶ <http://www.cfr.org/climate-change/global-climate-change-regime/p21831>.

⁷ http://www.ipcc.ch/publications_and_data/ar4/wg2/en/ch11.html

16. The fact that after the first Canterbury earthquake, in which no loss of life occurred, Parliament rushed through legislation setting aside most elements of the rule of law in order to deal with the resulting property damage, is an indication of how easily future Parliament's may reach for similar tools in the face of other large scale natural disasters - droughts, floods in particular - which are expected to increase in severity and regularity in the next 30 years.

Public mitigation works

17. Related to this are the new powers Parliament will need to undertake mitigation works, for example, forced removals from coastal areas, new flood and inundation management structures in coastal areas, new water infrastructure to maintain populations in areas expected to face increasingly severe summers - such as the east coast of the North Island.

Immigration

18. The rights of immigrants are regularly threatened by populist gestures. Recent examples are the rushed amendments to the Immigration Act to cover mass arrivals,⁸ and Australian experiences with asylum centres and constitutional challenges to them under the Rudd and Gillard administrations.
19. Climate change will intensify threats to the rights of immigrants by increasing the flow of immigrants in the Pacific. A 2010 symposium, "Climate Change and Migration South Pacific Perspectives" commented:⁹

Some states that see their territory threatened by climate change and consequent sea level rise are exploring the possibility of purchasing land in other states as a potential long-term solution for their populations. With regard to migration, some countries in the region are likely to produce some demand for migration to New Zealand. Indeed, we can already see examples within the region of communities migrating internally to avoid complete inundation by rising sea levels, such as the relocation of 2,600 islanders from the low-lying Carteret Islands to Bougainville, Papua New Guinea (Perry, 2006). These and other population movements in the Federated States of Micronesia and Vanuatu all point towards a future where migration may be an unavoidable response to climate change for households, communities, and even entire nations."

....

The number of people predicted to be at risk of being displaced due to climate change-related environmental events and processes is something of a wild-card in this area. Quite simply, there is no scientifically verified estimate of projected population flows. 'Guesstimates' range from 50 million to 1 billion people. The most commonly cited figure is that of around 200 million people displaced by climate change by 2050 (Brown, 2008, p 11).

20. At the Symposium, Oxfam argued that:

"The potential for 'forced' climate displacement among the Pacific Islands population of about 9 million people demands urgent debate on what future resettlement and relocation might involve. It is vital local communities have the opportunity to participate in this debate. New Zealand needs to engage in dialogue with Pacific Island governments, plan to address issues of 'forced' climate migration, and develop immigration policies that support Pacific communities

⁸ Criticised by the Human Rights Commission as a breach of NZBORA: <http://www.parliament.nz/resource/0000195234>.

⁹ Edited by Bruce Burson 2010 Institute of Policy Studies School of Government Victoria University of Wellington: <http://ips.ac.nz/publications/files/6666ee71bcb.pdf>.

who are displaced from their homes as a result of climate change-related environmental stressors.”

....
 “Campbell et al (2005) reviewed the literature on community relocation within and outside countries as an option for adaptation to the effects of climate change and climate variability in Pacific countries. Their analysis makes it clear that the social, cultural, and economic costs of community relocation increase markedly if relocation involves crossing an international boundary. New Zealand has direct experience of this in its resettlement of around 1,000 Tokelauans in New Zealand after a severe hurricane in 1966 (Huntsman with Kalolo, 2007; Wessen et al, 1992). Mass resettlement of many tens of thousands at some stage in the next 20–50 years is a daunting prospect in the light of these earlier resettlement experiences.”

Civil protest

21. The limits of state power and reaction to civil disobedience will be tested as society copes with rapid change in ways of managing communities and society. For example, in early July 2013 Bill McKibben during his ‘Do the Math’ tour told packed venues throughout NZ that civil disobedience on a large scale is a necessary to prevent current fossilfuel reserves being used and new ones located.
22. In the future we can also expect legislation to manage carbon footprints of businesses and possibly even individuals which will also raise issues of individual rights vis a vis the state.¹⁰
23. Recent revelations about US government spying on US citizens shows that government agencies there are concerned about environmental disasters leading to a possible surge in anti-government activism.¹¹
24. Another matter to consider is geoengineering, such as the injection of sulphur dioxide in the atmosphere to cause global cooling. The IPCC has already convened a conference on these technologies.¹²
25. There will be a profound and heated debate on this topic, which requires people and institutions to rethink our current legal arrangements and the role of the state as representative of citizens’ interests. As one writer has put it:¹³

“(Nature) has served as a canvas against which humans have searched for, and found, meaning in their lives...(T)aking control of this background context of our lives would be psychologically challenging due to the immense burden it would impose on us. There would be no place on earth – or under the sky – where anxiety-producing questions such as ‘Are we succeeding?’ could be avoided.”
26. Once we embark on this management of the climate as one of civil society’s tasks, “preserving nature may increasingly become indistinguishable from preserving human civilisation.” Special laws will be needed to keep climate management operating. Managing the climate will be a matter of security most suited to control

¹⁰ Although we do not expect the government to go as far as Edward I who in 1306 banned coal burning in England on pain of death: Freese, Barbara. *Coal: A Human History*. Cambridge: Perseus Books Group, 2003.

¹¹ <http://www.guardian.co.uk/environment/earth-insight/2013/jun/14/climate-change-energy-shocks-nsa-prism>.

¹² http://www.ipcc.ch/pdf/supporting-material/EM_GeoE_Meeting_Report_final.pdf.

¹³ <http://www.sciencedirect.com/science/article/pii/S0959378013001015>.

by the military and not really a matter for civilian or democratic debate about options. For example, voting to end climate management will not really be option.

Conclusion

27. It seems frankly bizarre that these events should be unfolding in our lifetimes, but there is no doubt now that they simply will happen. Therefore I urge on you the importance of New Zealand putting in place strong constitutional guarantees of individual rights as soon as possible. The time for our 'pragmatic' approach to constitutional safeguards is well and truly over.
28. Finally I would add here that I would support the NZBORA becoming supreme law even without my concern about climate change. The rule of law is clearly threatened by the recent unprecedented growth of surveillance powers of the state. On its own this would justify a better means for securing individual rights in the NZBORA against state intrusions. I also endorse Professor McLean's fear that we seem to have ended up with an unintended political outcome under the unenforceable NZBORA where the Attorney-General's certification that a law does not meet the requirements of the rights in the NZBORA has become a populist badge of honour, creating an 'anti-constitutionalism' of sorts.¹⁴ That political approach would not be possible with NZBORA rights enshrined as supreme law.
29. In terms of concerns about judicial activism and politicisation of judicial appointments, I think NZ can take heart from the fact that its nearest neighbour has operated a system of supreme law and a politically appointed High Court interpreting that law, without undue difficulty, since 1903. The most famous recent example of that system at work was the *Mabo* judgment of 1992 recognising the existence of aboriginal title across Australia for the first time.¹⁵

Yours

TH Bennion

¹⁴ Professor Janet McLean "Bills of Rights and Constitutional Conventions" Victoria University, Wellington, 30 August 2011 referred to in Sian Elias "Fundamentals: a constitutional conversation" Harkness Henry Lecture 2011. University of Waikato, Hamilton Monday 12 September 2011: <http://www.courtsofnz.govt.nz/speechpapers/Harkness%20Henry%20Lecture-Hamilton-12%20September%202011.pdf>.

¹⁵ Compare that bold application of the common law with the NZ Parliament's wretched response to the Court of Appeal *Ngati Apa* decision concerning Maori rights in the foreshore and seabed. I would add that comparisons with the operation of the US system of supreme law are of limited relevance. We do not use the US as a reference for general political reform because of large cultural differences from the NZ situation and there is no logical reason to do so for constitutional and court reform.

611

From:
To: <constitutionalreview@justice.govt.nz>
Date: 23/04/2013 10:45 a.m.
Subject: http://www.ourconstitution.org.nz/ form submission

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

Full Names: John Bent Organisation Name: self Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Palmerston North Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 1. The treaty is to be interpreted by giving words their meaning when written and the principles have yet to be agreed by the people of New Zealand.

2. The above is meaningless until the structure of government is agreed. The status quo is unacceptable to me as this is government by the "central committee of the party" aka cabinet.

Sent on the 23 April 2013 at 10:44

6/1 a.

From: "John Bent"
To: <constitutionalreview@justice.govt.nz>
Date: 16/08/2013 12:34 p.m.
Subject: CAP Submission

Hello

Any enshrinement of the Treaty of Waitangi in a new constitution, as currently being considered, will be an invitation to an "Egyptian Solution". In my view the prime function of the armed forces of any democratic nation is to protect the democracy of that nation against both external and internal threats. The Egyptian armed forces had no option other than act against an elected government which was enforcing an undemocratic constitution.

I also note that in my view NZ does not currently have a democratic constitution.

Regards

John Bent

4019

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 10:21 a.m.

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

Full Names: Susan Bentley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: Our constitution should remain as is> The treaty of Waitangi should not be part of it.
Parliament should be able to change the constitution after a referendum of the people

The constitution should not have a higher legal status than other laws be constitutions can get out of date eg American gun laws. The present system works for us

Parliament should have the power to decide whether legislation is consistent with the constitution.
Parliament can be dismissed Lawyers cant and they are more biased

Submitted on the 29 July 2013 at 10:20

2267

From: "Colleen Wilton" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:37 p.m.
Subject: CAP Submission

I would like to make a submission to abolish Maori Seats. They are prejudiced and outmoded in today's parliament with so many Maoris in all political parties.

Thanks,

Dr. Colleen Bergin

995

From: <lauchie_mclean@xtra.co.nz>
To:
Date: 31/05/2013 10:41 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitution Debate!! Submissions.docx

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

Full Names: Lauchlan McLean Organisation Name: Email: |
Phone: | Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Constitution Debate!! Submissions.docx

Sent on the 31 May 2013 at 10:41

Johns Submission

I am shocked at the advertising you are using to promote this very major subject. When you view the TV Ad it appears to be targeted at a specific ethnic group with little reference to the majority of New Zealanders. It took me at least 3 viewings to realise that it was supposed to be getting us all involved and to comment. I took the time to watch it the 3rd time just to ensure that It was asking us all and not a small minority to get involved. This is probably because I am involved in the Marketing. I would have thought that If you wanted to get all New Zealanders involved that the communication would have included more than one of the ethnic groups in the country. This is a majorly important issue and should get all people involved. I see this is the remit however I also note that the panel is not representative of New Zealanders either, I am very concerned at this as a first step in the constitution debate!! I would appreciate a response to this! Thank you John Tinkler

Lauchie's Submission

I am very bemused at the current advertising being run for the constitution debate. Do you really want everyone in NZ involved or just a small; vocal minority? I had to view the ad several times to realise that you were asking everyone to be involved. The use of these presenters and the language you use make it seem like it is targeted at a small minority group of New Zealanders. I also note that the panel is also not representative of all New Zealanders. I am keen to be involved and to contribute as I believe this is of major import to the future of all New Zealanders. But I am also keen to understand that you intend to engage all New Zealanders and not a few i.e. the minority group targeted specifically in this ad!

I would appreciate your comment.

thank you

Kind regards

Lauchlan McLean

4145¹

From: Bob Berry
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:59 a.m.
Subject: CAP Submission

We wish to register our view that Maori Seats should be abolished

Please record this submission,

Yours Faithfully
Robert Berry & Susan Berry

Oamaru

Sent from my iPad

671

From:
To: <constitutionaireview@justice.govt.nz>
Date: 29/04/2013 12:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gayle Marie Bessem-Hazlewood Organisation Name: Email:
Postal AddressA: Postal AddressB:
Postal City: Red Beach Postal Region: Auckland Postal Post Code: Postal Country:
New Zealand Submission: New Zealand is for all races now, not just Pakeha and Maori. As a multi
cultural country we should all be ONE people. ONE lot of rules for all but respect each others cultures.
Demolish the Treaty of Waitangi, this country cannot afford continuous Treaty
claims and a good Health and Education system. As for Maori they are doing extremely well with the
amount of them graduating from university. Within their Iwi they need to establish more support eg.
more budget help and Treaty money used for housing some of
them. All other matters should be addressed by One parliament out rightly voted in by us the people
of New Zealand. NO Maori seats either. "New Zealand living in Harmony for ONE and all"
Thank you. Gaye

Sent on the 29 April 2013 at 12:24

4200

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 2:45 p.m.

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

Full Names: Ann Christine Best Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Wellington Postal Post Code: Postal Country: New
Zealand Submission: The democratic system makes it difficult for minority groups to influence
decisions in Parliament so when this involves the tangata whenua of this country it negates the
principles of the Treaty of Waitangi which promised governorship (kawanatanga) to
the Maori people. Some way needs to be found to guarantee that this be made possible.

Submitted on the 30 July 2013 at 14:44

830

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/05/2013 9:31 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Josephine Mary Best Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: My aspirations
for Aotearoa New Zealand is that our country continues to be a world leader in protecting and
conserving the natural world. We are the guardians of a beautiful part of a beautiful world and it is vital
that we treasure that. Teaching our
children to have respect and how to live in the world with the least impact is going to be hugely
important going forwards.

Midwifery care in this country is world class, in fact much better than in any other developed country
within my experience or knowledge. However there is still a lot of unnecessary medical intervention in
birthing. Being empowered to give birth safely at home
when there is no reason for any medical intervention should be every woman's right.

In the future I believe it is going to become more important than ever that we as a society place
greater emphasis on emotional, social and environmental health and well being, over and above
financial or material gains. The recent crashes experienced by global
financial institutions I believe demonstrates what can happen when the focus is on a single bottom
line - the monetary one- to the exclusion of moral and ethical considerations.

Sent on the 12 May 2013 at 21:30

1452

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 11:09 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: P.G.Bethell Organisation Name: Email Address: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: I would like to see a more equal NZ. Currently Maoris (usually with less than
20%Maori blood) enjoy huge advantages over their fellow countrymen... Maori seats in govt,tax,govt
programmes to benefit them, entry to universities... the list goes on.If just
Pakehas were to receive such treatment there would be howls of "racism" All children
born in NZ have the same oportunities and most NZers just get on with their lives, except for many
Maoris (with 80% Pakeha blood in their veins) who shriek of ancient injustices
and demand a larger share of the NZ cake courtesy of the Waitangi gravy train.And how do they
show gratitude for this preferential treatment? Answer, they rob,steal and rape. And where are the
Maori 'leaders'? Answer - they don't exist. If they did, then why
is it that 70% of the prison population is part-maori, while only 15% of NZers are part-maori. All such
apartheid policies should be abolished. Equality for all New Zealanders. Anyone who thinks otherwise
is a racist.

Sent on the 18 June 2013 at 23:08

369

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 5:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dawson & Patricia Beets Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: B O P Postal Post Code:
Postal Country: New Zealand Submission: We see no need to change the NZ unwritten
constitution as it has served us well since the 1852 NZ constitutional act was passed as our founding
document, and should not be a race based constitution. There should be equality for all, "One
people, One nation."

Sent on the 15 April 2013 at 17:02

1198

From: Nancy Betts <
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 10:47 a.m.
Subject: NZ Constitutional Review

Dear Sir

We wish to make a submission regarding the N.Z. Constitutional Review. We wish to state that we want NO CHANGES to New Zealand's unwritten constitution. This has served us well since the 1852 Constitutional Act was passed. This, we believe, was our founding document. While we accept that there may need to be some slight alterations in the future we do not believe that a race based Constitution is what is required. We believe that any constitution should be : 'EQUALITY FOR ALL, ONE PEOPLE, ONE NATION.'

Edward and Nancy Betts

believe

2501

From: BETTY & JOHN
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:12 a.m.
Subject: CAP Submission

Abolish the maori seats, & Hone Harawira's as well

5162

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:40 p.m.

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

Full Names: Lvall George Beuth Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Rotorua Postal Post
Code: Postal Country: New Zealand Submission: This country is a democracy with The
Queen as it's head. No Constitution is necessary all we need is Equality for all. At present all
inhabitants of NZ are not treated equally. Benefits are skewed towards Maori. This is racism. Treaty
settlements have

gone way beyond fairness. Why should existing New Zealanders be paying for mistakes made by the
British 170 years ago.

Submitted on the 12 June 2013 at 14:18

729

From: Christina Bevan
To: <constitutionalreview@justice.govt.nz>
Date: 3/05/2013 1:51 p.m.
Subject: Constitution submission
Attachments: Constitution submission.doc

Please find attached my submission for the constitution conversation submissions

Yours sincerely

C T Bevan

Constitution Submission

Christina Bevan

My aspirations for Aotearoa in the future

- A nation where our most vulnerable are provided for first and foremost i.e. – Elderly, disabled, children and unwell
- Economic security for all New Zealanders, not just those who have been raised from wealthy backgrounds
- Complete protection of all natural New Zealand resources, for future generations of New Zealanders i.e. – No more selling of New Zealand lands onto foreign ownership
- A government that would put caring for New Zealanders as 'more' important than chasing foreign interaction
- A health system that would not see New Zealanders dying on hospital waiting lists, whilst they are waiting for crucial surgeries

The Pro's and Con's of having our constitution written down in one single document

Pro's –

- One single document would create one single point of reference for 'Supreme law' to be established and adhered to
- Worded correctly, one single written document would become the 'corner stone' for setting in place how our country would be governed into the future
- One single written document would become an easily accessible resource that all New Zealanders could utilise when dealing with parliamentary or governance issues

Con's –

- If worded incorrectly, the document could be used to further widen the gap between the 'fortunate and the not so fortunate' in our communities

The role of the Bill of Rights Act 1990 in our constitution

- The 'Bill of Rights Act 1990' should be "Entrenched" alongside 'Te Tiriti' as supreme law, the heart and intentions of this document should never be lost. **Our New Zealand ANZAC'S and Maori Battalion soldiers died alongside each other, fighting for a free land for their future generations to come – they had us and our children, and our children's children in mind. "God defend our free land"**

The Role of Te Tiriti o Waitangi in our Constitution –

- The entire 'Tiriti' should be entrenched as 'supreme law' as the 'founding document' of our country. It was created for the purpose of protecting New Zealanders and our resources
- "The Treaty" clearly stipulates in 'Article The Second' "exclusive and undisturbed possession of lands, forsests and fisheries", but, boundaries should be placed around the use of the 'pre-emption' clause. **New Zealanders must be given the right to the refusal of the sale of lands.**

How Maori views should be represented in National and local government –

- More training opportunities should be created, that would see more Maori and Pacific Islanders being **encouraged** to step into governance and board positions

Electoral issues such as the size of parliament and the length of its term -

- Parliament should be set at a 50/50 measure. 50% Maori and 50% non-maori, no matter what the numbers either side, they should be an equal numbering
- Legislative voting should be based on the same principles 50/50

924

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 8:34 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Julie Bevan Organisation Name: Email: Phone:
Postal AddressA: Postal A: Postal City:
HAMILTON Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: We should learn to live as New Zealanders without prejudice. That means
the same rules apply to each of us irrespective of colour, race or religion. We should enjoy the same
opportunities and benefits and not be disadvantaged because of our heredity. We
are each responsible for our own actions and should not expect favouritism because of perceived
grievances. When we accept that we do not own anything on this earth but are privileged to be
allowed to share in what has been created for all to enjoy we will
go some way towards healing the rift that gapes ever wider and threatens our right to live and work
as a united New Zealand.

Our country should reflect the diverse cultures that exist within it and the focus taken away from
separating any one section of the community for special attention, either financial or educational. All
New Zealanders should enjoy equality and expect to contribute
equally in all aspects of life in New Zealand. We should have leaders who are able to see the bigger
picture and actively work towards ending the divide between the races. New Zealand is currently
being financially ruined by huge hand outs to successive generations
who are being raised to believe we all owe them for the right to call ourselves New Zealanders. I was
born here and while I am a New Zealander, I do not applaud some of the decisions made on my
behalf.

Sent on the 15 April 2013 at 20:33