

3054

Secretariat, Constitutional Advisory Panel,
C/- Ministry of Justice
DX SX 10088
Wellington.

20/7/013.

Dear Sir/Madam;

Submission re Constitutional Review.

Herewith are my thoughts regarding this issue:

- Need for a formal Constitution, I have yet to see a prevailing argument justifying the need for a one document written Constitution, until then I remain in favour of the status quo i.e. no Constitution.
- Need for 'Treaty of Waitangi' provisions in such a formal Constitution; absolutely against this, I see no justification in allowing any minority group any favourable & discriminatory provisions in such a document. The laws of this country should apply and be applied equally to all citizens regardless of ethnicity.
- And incidently, in the three clause 'Treaty of Waitangi' there are no 'principles' mentioned, we seem to be burdened by various interpretations made by non-impartial and self interested bodies.
- In the society envisaged by the Treaty of Waitangi, where all citizens are equal and have equal rights under law, there is no place for political parties, or positions on local bodies, based solely on ethnicity, with no regard for worth or ability or the wishes of the majority. At present this would apply to those of Maori descent but in the future could well apply to those of Chinese descent.

Such political parties and local body positions should be abolished.

- Referendum: an issue with such a fundamental and far- reaching impact on the future of this country, must be presented to the voting public in an impartial and factual manner, followed by a reasoned debate. The views of the voting public of this country can then be established by means of a referendum. Only then can any legislation on this topic be progressed.

Thank you:

A.T. BILLINGHURST

TAU 12 4 2013

From: "Mike Birch" >
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 8:56 p.m.
Subject: CAP Submission

3004

I would like to submit to the constitutional review.

My name is Michael James Birch

I am 68 years of age and have lived all my life in this country called New Zealand.

Since my birth I have always been taught that this is one country and one people. We are supposed to live in peace and harmony with every person being treated as equal.

Well, unfortunately some sectors of our community have lost the plot and consider themselves above everyone else or that due to a huge chip on their shoulder seem to think they have been hard done by and the state should be compensating and providing them with special privileges, and monetary compensation. This has got to stop for the sake of the rest of the citizens in New Zealand who call this place home.

I strongly object to what is happening in our country today and there is absolutely no reason for a constitutional review.

It is my belief that if this proceeds as it is, in no time flat we shall be in the apartheid state that South Africa had just a few years ago, but in this country it will be the reverse situation where the white and Asian races will be classed as second class citizens and will be subjected to restrictions previously unheard of in this country.

If these so called hard done by citizens did something about their own backyard and started following what John F Kennedy said when he was elected President of the USA " It is not what my country can do for me but what can I do for my country" that really matters.

We have a continual gravy train of money being paid out time and time again to correct historical grievances. When is it going to stop and the emphasis is placed back for all people, black, white, green, yellow, whatever colour you happen to be. We are all one in this country and it must stay that way.

Thank you.

2139

From: "**To:** <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:47 a.m.
Subject: CAP Submission

Dear CAP

It is my opinion that the (Maori seats option) should be discontinued.

In the interests of national harmony, this should only take place once the (treaty settlement process) has been completed and all payments or redress made. Hopefully sooner rather than later

Regards, Peter

Peter J Bird - Upper Hutt

1194

From: "
To: <constitutionalreview@justice.govt.nz>
CC:
Date: 9/06/2013 10:19 a.m.
Subject: CAP Submission

My Name is Stephen Bird.
 I live in Auckland.

In recent years I have become extremely concerned about the undue influence that Maori are having on the young generation.

This includes haka at every possible event from school kids funerals to visitor arrivals at airports and other places.

The overall influence is presenting a wholly untrue picture of what NZ is as a place to live work and enjoy.

The Maori are not NZ in total and there are many who believe they are also not the indigenous race that settled NZ and yet we have allowed ourselves to latch on to their race as some sort of marketing tool.

Many find the nose rub and the haka disturbing and in some cases insulting.

We have allowed ourselves to adopt the treaty of Waitangi as some special part of our make up when in fact it is simply a basic contract which sought to bring peace amongst warring tribes and the English settlers.

It has achieved none of that at all.

It was settled by the signing of 12 representatives of tribes and yet so far we have managed to allow the Maori to seek settlement with the Crown representing 60 separate tribes and sub tribes.

And that is by no means the end of it.

We are told recently there are a further 60 so called unsettled issues being considered by the Tribunal.

The tribunal itself is is overwhelmingly stacked by Maori to achieve Maori ends that it is simply a farce.

We have allowed ourselves to pretend we have an obligation to these groups when in fact the affect has been to provide the Maori race with an industry that seeks to bleed all the other races of immigrants who have settled NZ and become Tax payers to the last possible cent.

The Maori as a race are the least contributing to our tax base of all the races which make up NZ.

This in spite of the Millions of Dollars paid to them for so called grievance settlements.

Their return contribution to the essential tax take as a result of the many millions handed to them is seriously questionable.

To consider including the treaty of Waitangi into some form of national constitution would simply be adding to nonsense we have allowed our Governments to force on us.

The Maori through our Government need to be told its time for them to take their place as a minority group within a growing Nation and play their part like most other ethnic groups do in contributing to a growing Nation of multi nationalities.

Contribute to the tax take with a growing Country and learn to live as a modern Nation.

We should not allow sectional groups (no matter what race) to dictate a type of special treatment.

History will prove that if we continue to allow this to happen then in the end the balance of the population will say we have had enough and will aim to take it all back with a vengeance.

Beware of the growing tensions within NZ with the waste of tax payer money being given to a segular group who refuse to take their place with all other taxpyers and contribute to the NZ.
That tension is real and in some quarters is reaching boiling point.

We do not want a constitution which embeds any group with a special cause or right to bleed another group.
We want a constitution which in fact specifically prohibits the right of one group over another for any purpose whatsoever.

Stephen Bird.

1194a.

From: "Steve Bird" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 7:52 a.m.
Subject: CAP Submission

Maori seat NEED to be ABOLISHED.

There very existance is creating a 2 tier relationship to our laws, our schooling system, our legal system of justice, our state funded housing system and all manner of other systems that we need to have in place as a one law for all.

By tradition Maori have been a take all people from whoever will give to them.

This has allowed them to become more lazy than they were previously and to cry poor me everytime they are faced with taking responsibility for their own decisions and put action to achieve that in place. Show me where from the many millions of Dollars we as a Nation have paid to Maori in so called settlement that Maori have actually benifitted as a race of people.

All that has done is create a Maori upper group who pretend to be good for the rest.

It needs to stop NOW.

Maori need to work the way every other ethnic group needs to work to achieve quality outcomes. Until we stop treating them like they need help....they will always find ways to prove they do need help.

Tough Love is what is needed, cut them loose from the apron strings and watch them develop.

Steve Bird.

24

ConstitutionalReview - the constitutional review

From: robin bishop
To: <constitutionalreview@justice.govt.nz>
Date: 24/02/2013 4:44 p.m.
Subject: the constitutional review

I wish it to be known that I totally disagree with the Treaty of Waitangi being entrenched in any written constitution. The treaty claims are being paid and that should be the end of it. To be constantly being held at the point of a gun by a group of such diluted blood as the Maori are, is so wrong. Many of them have less than 10% Maori blood and owe far more to their European ancestors who they do not even acknowledge, As for the electronic spectrum, what greed, the Maori elite have become a race of all money and no mana.
R. Bishop
Tauranga

24a

From: robin bishop
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 10:12 p.m.
Subject: my submission/constitutional review

My submission regarding the New Zealand Constitutional Review is that I do not want the Treaty of Waitangi to be entrenched in any written constitution.
All citizens must be equal with no regard to race, all citizens must be treated exactly the same under the law and I say a loud "No" to a race-based constitution.

246

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 5:11 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robin Jennifer Nurene Bishop Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Bay of Plenty Postal Post Code:
Postal Country: New Zealand Submission: I believe we should retain our present
constitutional arrangements which aren't "broken" and have served New Zealand society
well for over 100 years, therefore I vehemently oppose any new written constitution for New Zealand..

I am very much against any race-based legislation and strongly oppose any reference to the Treaty of
Waitangi being included in a new written constitution, should one be drafted.

Furthermore the NZCPR "Declaration of Equality" should be embraced and ordained by
Parliament to unite us as many peoples under one law.

Sent on the 14 April 2013 at 17:10

2635

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 7:24 a.m.
Subject: CAP Submission

Maori only seats in our Parliament should be abolished.

Race-based representation has no place in a modern society .

Our democratic rights should be based on eligibility of citizenship not race,.

There is no bias against Maori which prevents them from entering Parliament.

Tony Bisset

Rangiora

4711

Maori Representation in Parliament

Maori representation in Parliament and, in particular the Maori seats, is an important and divisive constitutional issue. I am a New Zealander of European descent; my mother is Scottish, whilst my father's family have been in New Zealand for many generations. As such, I would probably be expected to be in favour of significantly reducing the Maori seats in our Parliament, or removing them altogether simply due to ethnicity. However, despite my lack of Maori heritage, I am very much in favour of ensuring strong Maori representation in Parliament by retaining the Maori seats and the Maori electoral roll. Maori cultures and values play an important role in defining New Zealand culture; it is part of what makes us 'Kiwis' whether or not we have specific Maori descendants. Therefore it is necessary for Maori views and culture to continue to have a voice in our Parliament. Retention of the Maori electoral roll and subsequently the Maori seats, are important for the following reasons: ensuring parliamentary diversity with regard to Maori, recognition of Maori constitutionally as a valued group in New Zealand society, and for ensuring an effective Maori voice when it comes to enacting legislation through our parliament. In doing so, I will deal with issues such as equality and whether there is really a need to retain Maori seats with the Mixed-Member Proportional system (MMP). There is a difference between Maori merely having a voice in New Zealand's parliament and having an effective voice. Having an effective voice for Maori issues is not to provide a means for a minority group to dictate over the majority group but to enable Maori, an important minority, to raise issues without simply being ignored by majority issues.

Parliamentary Diversity and Maori Representation

Maori seats ensure a certain amount of diversity in New Zealand's parliament. This is often based on the assumption that Maori people will vote in a united manner. This may be the case for some

issues but more likely than not, members of parliament, regardless of ethnicity, will support or oppose legislation based on their party's policies.¹ When discussing diversity in New Zealand's Parliament it is important to clarify the kind of diversity we mean. Do we mean diversity for every ethnic group that happens to be represented in New Zealand, particularly those that have immigrated here for various reasons? Or should we focus instead on ensuring diversity for ethnic groups that are representative of New Zealand culture and history? Diversity for general immigrant groups can generally be achieved through MMP and the list system.² However Maori deserve more particular constitutional attention. It is important to note that Maori are not an immigrant minority group; they are an integral part of New Zealand's heritage and culture. The fact that Maori are considered to be the indigenous population of New Zealand with their own distinct culture that may at times conflict with general Western concepts and ideals, justifies special constitutional attention. Also the Maori people have had the Western parliamentary system imposed on, and overriding, their own customs of governance.³ I believe this makes it exceptionally important that the New Zealand parliament has mechanisms in place to encourage Maori culture and participation through diversification of representation in Parliament.

It is important to note that Maori do not always agree with each other on every issue.⁴ A lack of Maori unification would be detrimental to efforts to promote their interests and concerns using ethnic lines. This could also add fuel for those that believe Maori seats and the Maori electoral roll are no longer necessary. However, ethnic values still carry significant weight with regards to public opinion about certain New Zealand legislation, particularly legislation governing Maori customary rights. Maori public opinion is usually much more unified with respect to these issues. It has been

¹ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (Fall 2010) 2 William and Mary Policy Review 122 at 155

² Report of the Royal Commission on the Electoral System 1986 "The Voting System" at 37

³ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (Fall 2010) 2 William and Mary Policy Review 122 at 127

⁴ Alexandra Xanthaki and Dominic O'Sullivan "Indigenous Participation in Elective Bodies: The Maori in New Zealand" (2009) 16 International Journal on Minority and Group Rights 181 at 204

acknowledged that Maori have these rights by the New Zealand Courts.⁵ Regulating or limiting these rights often does not directly affect or disadvantage the majority of people in New Zealand, but directly affects Maori, a minority group. This means that without an effective Maori presence in parliament there is the danger of Maori customary rights being dictated by a group of people who are not directly affected by the legislation regarding this particular area and who do not necessarily place the same cultural importance on retaining these rights. Having Maori customary rights means that there is a significant area of law that is ethnically based and therefore needs strong ethnic representation to deal with the issues that arise because of this. Therefore extra measures are required to ensure Maori participation in the electoral process, as well as effective representation in our country's law making body.

Equality and the Symbolic Role of Maori Seats

Maori seats are not only useful for diversifying New Zealand's Parliament but have a significant symbolic role to play. As mentioned above, calling for ethnic diversity in Parliament brings up the question of whether this means we should also have allocated seats for other ethnic groups with significant numbers residing in New Zealand such as Chinese or Indian ethnic groups for example. It is the special constitutional status of Maori in New Zealand that is a significant reason for this difference in treatment. Retaining the Maori roll and Maori seats highlights the importance of Maori in New Zealand society.⁶ It is necessary to address the issue that segregating Maori by having the separate roll in order to address the issue of Maori segregation with regard to political representation is undesirable and leads to the same issues of race-conscious districting.⁷ However choosing which roll to enrol on is itself not based on geographic location and instead provides a

⁵ Ngati Apa v Attorney-General [2003] 3 NZLR 643 (CA)

⁶ Report of the Royal Commission on the Electoral System 1986 "Maori Representation" at 85

⁷ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (Fall 2010) 2 William and Mary Policy Review 122 at 159

separate path for Maori to gain greater representation in parliament.⁸ It is very important here to note that deciding which roll to enrol on is entirely voluntary. Also there is no requirement to prove adequate Maori descent.⁹ This means that this is not so much creating a sense of segregation, but a sense of empowerment for Maori people as a whole and recognition of a collective right to effective representation. There is the perception that retaining the Maori electoral roll and the Maori seats are just encouraging separatism.¹⁰ However using a separate roll does not necessarily mean separatism is being encouraged. Increasing Maori representation, and more importantly, the perception of increased Maori representation actually encourages dialogue and cooperation. It is important also to note that Maori have had a foreign parliamentary system imposed on top of, and overriding their existing customs and culture.¹¹ This means that we must be particularly conscientious of the importance of encouraging Maori to participate and feel included in the parliamentary system rather than alienating them from it.

It is certainly the case that having two separate rolls, and allowing one group of people a choice between what roll to be included on, is unequal. In the report proposing a shift to MMP, the Royal Commission on the Electoral System proposed eliminating the Maori Roll and Maori seats.¹² This was largely on the grounds of the divisiveness of the seats and the belief that MMP would be a sufficient remedy alone for creating greater Maori representation.¹³ It is important to note the difference between individual equality and collective equality. It may appear desirable for Maori to be equal with other New Zealanders by only having one electoral roll to be registered on instead of having an extra choice that non-Maori arguably do not have particularly with the idea of 'equal

⁸ Ibid

⁹ Electoral Act 1993, s77

¹⁰ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (Fall 2010) 2 William and Mary Policy Review 122 at 158

¹¹ Jack Nagel "Constitutional Reform and Social Difference in New Zealand" (Summer 1996) 4 Cardozo Journal of International and Comparative Law 373 at 378

¹² Report of the Royal Commission on the Electoral System 1986 "Maori Representation" at 101

¹³ Jack Nagel "Constitutional Reform and Social Difference in New Zealand" (Summer 1996) 4 Cardozo Journal of International and Comparative Law 373 at 385

suffrage' in the New Zealand Bill of Rights Act 1990.¹⁴ However this is only equality on an individual level, not on a collective level. Therefore removing the Maori roll, and therefore the Maori seats will significantly decrease Maori collective equality which is believed to be guaranteed by the Treaty of Waitangi.¹⁵ This will be by reducing their capacity, as well as their perception of capacity, to have an effective voice for influencing New Zealand legislation.

Moreover, removing the Maori electoral roll and the Maori seats, whilst giving an appearance of equality and hence cooperation, would actually foster division and discord. This is because Maori would most likely view this removal as diminishing their equality, rather than recognising it.¹⁶ This is also connected to the current, general socio-economic issues that Maori tend to face. A majority of Maori occupy the lower economic strata in New Zealand which is significant in reducing their ability to form and fund adequate political representation for their own ideals and interests.¹⁷ Removing the Maori seats would give the impression that Maori are an unimportant minority group in New Zealand and that it is acceptable to override Maori interests in favour of the majority culture and interests. This is where you have the issue of the tyranny of the majority.¹⁸ While it may be efficient and popular to have policy dictated solely by the majority whilst denying any concrete power to important minority groups, it shows a lack of recognition and respect for a culture that is integral to New Zealand as a nation and which has suffered significant hardship throughout the complex and conflicted nature of our history. Therefore it is paramount that there is effective Maori representation in order to recognise Maori as a valued group in New Zealand society. The symbolism of the Maori seats is an important way to attain this goal.

¹⁴ New Zealand Bill of Rights Act, s12(a)

¹⁵ Jack Nagel "Constitutional Reform and Social Difference in New Zealand" (Summer 1996) 4 *Cardozo Journal of International and Comparative Law* 373 at 379

¹⁶ Alexandra Xanthaki and Dominic O'Sullivan "Indigenous Participation in Elective Bodies: The Maori in New Zealand" (2009) 16 *International Journal on Minority and Group Rights* 181 at 192

¹⁷ Jeff Berryman "The Fourth World in the First World: The Maori in New Zealand" (1990) 2 *Sri Lanka Journal of International Law* 37 at 43

¹⁸ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (Fall 2010) 2 *William and Mary Policy Review* 122 at 161

MMP and Maori Representation

It is clear that Maori representation has increased in effectiveness since MMP was introduced in 1993.¹⁹ The First Past the Post (FPP) electoral system significantly isolated Maori in an electoral sense.²⁰ This was the case even with having the Maori seats in parliament. This may have been supposed recognition of the special constitutional status of Maori but actually failed to give them an effective voice with which to promote their interests and concerns.²¹ This is where it is important to distinguish between merely granting Maori a voice and granting them an effective voice. Under FPP, Labour had a monopoly over the Maori seats.²² This lack of competition meant that Maori interests were marginalised in favour of wider party interests. Now, with MMP, Labour is not guaranteed to automatically gain all the Maori seats. In the previous election the Maori party won three of the seven Maori electorate seats.²³ This means that nowadays there is far greater competition for seats which means that the larger parties must now actively seek ways to gain these seats and therefore adopt policy more favourable to Maori interests. Maori interests are less easily ignored as a result.

However it is important to note that MMP still has significant flaws with regard to the political representation of minorities such as Maori.²⁴ This means that MMP is not enough on its own to secure more effective Maori representation. Although the establishment of list MPs under MMP means that there is greater diversity in parliament and more Maori MPs as a result, party loyalty is likely to dictate the actions of those interests rather than through ethnic lines. Relying on party lists

¹⁹ Alexandra Xanthaki and Dominic O'Sullivan "Indigenous Participation in Elective Bodies: The Maori in New Zealand" (2009) 16 International Journal on Minority and Group Rights 181 at 203

²⁰ Jack Nagel "Constitutional Reform and Social Difference in New Zealand" (Summer 1996) 4 Cardozo Journal of International and Comparative Law 373 at 385

²¹ Report of the Royal Commission on the Electoral System 1986 "Maori Representation" at 92

²² Ibid

²³ Electoral Commission "Election Results" <www.electionresults.govt.nz>

²⁴ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (Fall 2010) 2 William and Mary Policy Review 122 at 158

would also be dependent on how high up that list Maori are.²⁵ Also, continuing to have electoral districts means that there are still wasted votes (though this can also be said for non-Maori as well) and provides the conditions for race-conscious districting when drawing electoral boundaries.²⁶ Socioeconomic issues are also significant as a lower social and economic status can present difficulties for a minority group even under MMP. This is because they often do not have the funding, status, or opportunity to adequately voice their opinions and concerns in the parliamentary setting as members of parliament. This combined with the fact that Maori only make up about 15% of our population means that they are at a significant disadvantage when trying to put their issues forward when it comes to enacting New Zealand legislation through our parliament.²⁷ Therefore, the separate roll and Maori seats are necessary to increase the effectiveness of MMP, particularly in relation to the element of constituency-based representation. Also, if there are changes to MMP or a switch to a different system, Maori seats become even more important in providing a safeguard for Maori interests based on the proportion of those enrolled on the Maori electoral roll.

The Maori party and Maori Representation

The success of the Maori party may mean that currently there is justification for removal of the Maori roll and Maori seats. This is because New Zealand now has a relatively strong ethnically based party to serve interests of Maori that would arguably be able to hold its own even if the Maori roll was removed. In the 2005 election the Maori party won four out of the seven Maori seats.²⁸ However, while this may be the political climate now, this may not be the political climate in the future. The virtue of being a Maori party does not guarantee that the respective party will automatically receive an overwhelming majority of the Maori vote. Also, Maori are not necessarily

²⁵ Ibid

²⁶ Ibid, at 159

²⁷ Statistics New Zealand (2012) <www.stats.govt.nz>

²⁸ Electoral Commission "Election Results" <www.electionresults.govt.nz>

united in terms of political interests and goals.²⁹ The split between Tiriana Turia and Hone Harawira resulting in the formation of the Mana party is also significant.³⁰ This was a likely reason for the poor performance by Maori party in the 2011 election where they only gained three of the Maori seats and 1.43% of the overall vote.³¹ This is a significant drop from five of the seven Maori seats and 2.39% of the overall vote in 2008.³² The fortunes of a party are continuously changing. The Maori party may be less successful in future elections or it may be more successful depending on a myriad of factors. This means that the Maori party, or any other party based on Maori ethnic interests, cannot be solely relied upon to guarantee effective Maori representation. Therefore it is essential for the Maori roll to be retained along with the Maori seats in order to ensure Maori representation and influence regardless of the fortunes of particular ethnic, Maori-based parties.

Conclusion

Therefore I believe it is essential to retain the separate electoral roll for Maori and therefore the Maori seats. It is an important constitutional instrument to safeguard Maori representation, now and in the future. The recent electoral success of the Maori party and the MMP electoral system have aided Maori representation but have not negated the use of the Maori roll and seats for ensuring more effective representation. It is also an important recognition of the status of Maori in New Zealand as an integral part of our culture, whether we have specific Maori heritage or not. Maori representation is also important for diversity in our parliament particularly with the existence of specifically Maori issues such as Maori customary rights. Equality is not at stake here due to recognition of equality in a collective sense and equality of outcome rather than procedural equality.

²⁹ Alexandra Xanthaki and Dominic O'Sullivan "Indigenous Participation in Elective Bodies: The Maori in New Zealand" (2009) 16 International Journal on Minority and Group Rights 181 at 204

³⁰ 3 News "Harawira Dictatorship Unwelcome" (23 January 2013) <www.3news.co.nz>

³¹ Electoral Commission "Election Results" <www.electionresults.govt.nz>

³² Ibid.

The significantly adverse effects of alienation of Maori and probable outrage by the Maori community also make retention of the Maori roll and Maori seats of the utmost constitutional importance.

(2500 words)

Bibliography

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From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 4:02 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: sUSAN bLACK Organisation Name: Email:
Phone: Postal AddressA: Postal AddressR: Postal City:
Paraparaumu Beach Postal Region: Wellington Postal Post Code: Postal Country:
New Zealand Submission: I do not think the Treaty of Waitangi should have any role in the
constitution.

Sent on the 13 April 2013 at 16:01

ConstitutionalReview - Re: Fwd: Constitutional Review submission of subjects for inclusion in Terms of Reference

From: ConstitutionalReview
To:
Date: 15/01/2013 8:58 a.m.
Subject: Re: Fwd: Constitutional Review submission of subjects for inclusion in Terms of Reference

Dear Ms Black

Thank you for your submission, which the Parliamentary Information Service forwarded to us. The Constitutional Advisory Panel will consider it along with the views of other New Zealanders.

The Panel is inviting all New Zealanders to join a conversation in the first half of 2013 about the constitutional rules for running our country. The Panel's role is to listen to and record the views of a wide range of New Zealanders and to report those views by the end of 2013. Depending on the views heard, the Panel may make recommendations for further work on the topics in the terms of reference. The Panel may also report on views about other constitutional topics New Zealanders may raise throughout the citizen-driven engagement process, if there is sufficient interest.

The Panel will have information packs and meeting toolkits available in February to help individuals, organisations and communities to hold the constitutional conversations in whatever format works best for each. The packs may include easy-to-read information booklets, a workshop guide, video resources and printed submission forms.

You can sign up for regular updates or information packs on the Panel's website www.cap.govt.nz.

regards



**Constitutional
Advisory Panel**

Secretariat, Constitutional Advisory Panel

c/- Ministry of Justice | DX SX10088
 Wellington | 04 494 9776 www.cap.govt.nz

>>> Reference <Reference@parliament.govt.nz> 7/01/2013 12:13 p.m. >>>

-----Original Message-----

From: Sharyn Black
Sent: Thursday, 27 December 2012 12:27 p.m.
To: Parliamentary Information Service
Subject: Constitutional Review submission of subjects for inclusion in Terms of Reference

I would like to add the following to the terms of reference for the Constitutional Review Committee:
 NZ be a secular state; has no death penalty; its people do not bear arms, and is nuclear free.
 I tried to email the Secretariat at the Ministry of Justice and it was rejected. Can you kindly forward this to the appropriate person.

Sincerely
 Sharyn Black

Civics Education Action Group - Nelson

Received 14 May

email: constitutionalreview@justice.govt.nz. Website www.ourconstitution.org.nz to submit on-line, or call 0508411 411

To Professor John Burrows, Co-Chair, Constitutional Advisory Panel, Secretariat, C/-Ministry of Justice, DX SX10088, Wellington:

SUBMISSION

My Name: Sharyn Black

Name of Organisation: Civics Education Action Group – Nelson Ph: 0800 222 222

or _____

Postal or email address :

We ask that any constitutional document, either singular or through a set of constitutional principles that may emerge from the Constitutional Review of 2013:

- Have in any Preamble and elsewhere, New Zealand be declared a secular, sovereign, representative democracy with citizens' participation by way of plebiscites and direct community consultations.
- New Zealand has no death penalty be included in the Bill of Rights Act and under a Suffrage section in any singular document appended to any single constitution.
- New Zealand has no conscription to war and its people bear no arms.
- The South Pacific Nuclear Free Zone Treaty signed in Suva, Fiji in 1985 and the New Zealand Nuclear Free Zone Disarmament and Arms Control Act of 1987 be stated in Territories or appended to any constitution, with the inclusion (as have the Palauan Islanders done) of clauses against use, testing, storage or disposal of nuclear, toxic chemicals, gas or biological weapons intended for use in warfare, plus transit of the same through our Territories.
- New Zealand follow the example of the Philippines Constitution in stating it "renounces war as an instrument of national policy" and there also be carried a clause requiring not less than three fourths of votes cast in a referendum against docking, military bases and engagement in war, except as ratified by a majority of votes by the people in a plebiscite held for that purpose.

Please take this submission forward to your Secretariat by 1 July 2013.
My name can/cannot be used in publications.

Signature: _____

12b

From: Sharyn Black
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 8:18 a.m.
Subject: Additional word required - Submission to Constitutional Review

I additionally submit that any single document or any other that comes out of the Constitutional Review include the word "neutral" or "neutrality" in relation to our country's position v's war.
Sharyn Black - Nelson

From: Sharyn Black <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 28/07/2013 8:33 p.m.
Subject: Submission from Sharyn Black, Nelson

SUBMISSION FROM SHARYN BLACK: (individual)
 Nelson

I submit the following:

*The Treaty of Waitangi be considered in relation to the final Waitangi Tribunal Settlement which I understand will be 2015/6.

*That before that date the Optional Protocol on Social, Cultural and Economic Rights be ratified and with the Optional Protocol on Civil and Political Rights be put with a revised, upgraded Bill of Rights and Human Rights law, as a recommendation to Parliament. And, that the People be able to expand their knowledge of the extent of any Constitutional document and the rights it might bring over the next three years. This is imperative as we as a People are rapidly losing rights in the government culture of increasing monitoring and assessing via IT developments that seek to merge our file information. The objective should be that People are able to be on top of their information and be informed if it is to be used.

*Maori representation will inevitably be decided by Maori in accordance with the numbers that vote for or against. We should retain the Maori roll and national representation. There should be general wards across all local government, not just for Maori.

I reject the imposition of established religions' prayers in Maori at public events. We are a secular, sovereign nation, with a representative democracy and that should remain in any single constitutional document.

*We The People regard government to hold our democratic vote in trust, and that government will return to The People every three years to vote, and there be binding referenda, through on-line voting at every public library, on legislation that passes by just two votes in the House of Parliament, to get around the coat-tail, because our current government would not accept the recommendation of the Electoral Commission, or the general will of the People.

That we reconsider how the following are working in a democratic system: Confidence and Supply and their Annexes presented as manifesto as late as three days before an election. It should be written into law regardless of whether we have a constitution, that parties must present their manifestos to the People within a reasonable time after an election date is announced. Memoranda of Understanding: They are being used by the Minister of Police for TransTasman agreements going straight to Australian government departments and not through Interpol for example. Select Committees: I suspect the people submitting, for example, to the Beneficiary Categories and Work Focus on recipients of home care of children, was organised in the interests of one lobby and government ran with their majority view in the House.

I ask the Panel consider each of these within a representative system.

*A member of parliament can if s/he chooses change to another political party or take an independent stance on the basis of conscience, and should swear to this giving the reasons to the People.

*On the number of representatives: it is discouraging to see the House on television with very few parliamentarians present. The current select committee system is one reason given for this, but we all like to believe that the chamber is where views are heard, debated, and open to public scrutiny. Only recently has the media paid attention to comment in select committees, and it remains an issue whether presentations should be heard in private or public..

*Our National Sovereignty and Independence, along with our citizenship, must be recognised, protected and represented by our government in New Zealand and overseas in military, trade and citizen's representation.

*That New Zealand desires Peace and renounces war as an instrument of national policy, and our peaceful and no-nuclear stance through the South Pacific Nuclear Free Zone Treaty 1985 and NZ Nuclear Free Zone Disarmament and Arms Control Act of 1987 be enshrined in any single constitutional document or legislation under development.

*That New Zealand has no death penalty. It has no conscription except to defend our Territories, and women be given respect, dignity and personal choice for reasons of their menstruation and womb functions.

*We all be treated with equal respect, dignity, aroha and give recognition to mauri.

*Our privacy rights be respected and honoured justly in our legislation and practise.

*That human rights take precedence over property and profit making interests; that government be restrained by consultation in the matter of taking our overseas loans.

*That the People accept payment and the redistribution of taxes in order to improve the lives of those less advantaged, and for our infrastructure.

*We desire a social and natural environment in which all people will be wonderful, creative and healthy people.

*We seek a thriving and intact environment with respect for the Earth and integrity of the seeds we sow.

*We move forward as one, with respect for all cultures and in uniting People in a new future and vision for our representative political structure in relation to where we stand with the final Waitangi Tribunal settlement of 2016, and have a second nation-wide, truly educational Constitutional Review in 2016.

That the People be truthfully represented through a representative democracy in which Parliament is supreme, not the courts, and the Governor General be appointed as a representative of the Queen or voted in by New Zealanders; to be decided when we are more knowledgeable through an educational - not propagandist - critical thinking procedure, in 2016.

*The People are the highest sovereign power be recognised.

Sincerely
Sharyn Black

1890'

J. Blackburn

(Submission)
Written constitution for NZ

Referenda should be binding where conditions are fulfilled.

When people have pay or increments on hold or cut, the politicians should have their pay proportionally cut the same

All NZers should be treated the same no preferences.

All assets sold should be totally sold to NZ citizens.

There should be no more than 99 members of Parliament.

Self governing should also mean self supporting.

4577¹

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/08/2013 1:25 a.m.
Subject: CAP submission

Good evening,

I recently read the Law Societies submission for their constitutional review regarding the time limits on laws that contravene the Bill of Rights Act, and would like to add my support for that submission.

However, I would alter the phrasing in two of the clauses, due to what I perceive as legal loop-holes and areas for potential abuse..

- There should be *no* power to amend primary legislation by delegated legislation, regardless of circumstance

- There should be *no* possibility of the courts' review jurisdiction being ousted

The first is to protect the sovereignty of parliament, while the second is to ensure proper oversight of the democratic process.

Kind regards,
Tim Blackburn

583

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/04/2013 3:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Paul Blackeby Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Howick Postal Post Code: Postal Country: New Zealand
Submission: 1. 80 MP's only.

2. Maximum of 5 years

3. Prime Minister

4. Based on approximate equal sized electorates only. No list MP's

5. Stand down and call a bye election

Sent on the 21 April 2013 at 15:51

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.

William Blackler
Christchurch
New Zealand

1589

From:
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 9:29 a.m.
Subject: CAP submission

Our submission regarding the NZ Constitutional Review is that we do not favour any change to New Zealand's unwritten constitution based on race.

We believe in one law for all New Zealanders with no special favours nor treatment based on race.

David and Clodagh Blackley

Te Puke
Bay of Plenty

4134

From: Collin D Blackman
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:04 a.m.
Subject: Constitutional Review

To the review committee,

There are 3 reasons why this process is completely flawed:

1/ It was initiated by National as a sop to gain voting power;

2/ It will achieve little, other than entrench the power of the self styled Maori Elite at the expense of any that do not see themselves with the appropriate shade of brown skin;

3/ the current arrangements have worked satisfactorily for decades and there has never been any serious research done to show that a change is required;

It should be halted forthwith - we do not need to progress further down the Apartheid Path,
regards

Collin Blackman

Napier

1029

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 11:44 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter Blackmore Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Naoier Postal Region: Hawkes Bay Postal Post Code: Postal Country: New
Zealand Submission: Parliamentary term should remain at three years, unless an upper house is
created, or a system of binding referendums is instituted.

MMP must go. No unelected members of parliament ever again.

Sent on the 4 June 2013 at 11:43

2042

From: "chris and Jenny Blackstaffe"
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 6:59 p.m.
Subject: CAP Submission

The Maori Seats should be abolished - it is time to move on. No 'white' person would be allowed to set up a 'European' Party would they?

It is 173 years since the Treaty was signed - time for Maori to start living in the real world. There are no full blooded Maori left and it is it is totally unfair on the rest of New Zealanders to be expected to support extra payments for this and that just because someone's great and in some cases, great, great grandparent just happened to be a Maori.

The ridiculous Treaty settlements for which there is no accountability have to stop - it is 2013 for heaven sake.

Christopher John Blackstaffe

Jennifer Ann Blackstaffe

NAPIER

Information from ESET NOD32 Antivirus, version of virus signature database 8514 (20130701)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

493

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 12:30 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Michael John Blackstock Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: North Otago Postal Post Code: Postal Country:
New Zealand Submission: The constitution should remain with the Queen still being the Head Of
State, that is still the best formula for this country. The only changes I would like to see, that there
should be some form of upper house in government, decrease the number of politicians
in the lower house from 120 down to 90, that there should be less emphasis on the Treaty of
Waitangi when formulating policy, the Maori may have got here first but it was the European who
made this country (as told to me by a hard working Maori). That Public
Referendums be held on any contentious Government Bills that will have a direct and marked
change on the way New Zealanders live their lives, these referendums will be binding. That Public
Referendums are made law and binding, that way any Party cannot
introduce something to Parliament that was never in their mandate and not voted on by the people.
Government should be, "by the people, of the people, for the people". That Government
be bound by the Bill of Rights, not give it lip service as they do now.

Sent on the 17 April 2013 at 12:29

665

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 10:29 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robert Charles Blackwell Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: The Treaty of Waitangi is an imperfect document and therefore should not be
used in any way for legal processes today. It was concocted by amateurs with limited legal
knowledge, translated and explained by Maori and European translators with limited knowledge
and understanding of each others Language and culture, and therefore signed by people with very
different understandings of what they were signing and agreeing to. It is a useful historical document
demonstrating the desire of Europeans arriving in New Zealand
to settle here using European Socialist ideals of sharing, support, and cooperation, rather than the
more aggressive and violent competitive way that Maori settled debate and disagreement over land
occupation between tribal groups. As a result European settlement
in New Zealand has been accomplished with far less bloodshed and with much greater support and
advantage for the indigenous population than in almost any other settlement of a territory by an
immigrant population, in any other part of the world and at any
other time in history.

Being a imperfect document it is very unwise to use The Treaty of Waitangi as a basis or reference for
any law, legal document or process, or constitution. The attempts to use the Treaty of Waitangi
through the Waitangi Tribunal to obtain redress, advantage,
and benefit, for Maori over the rest of the population has alienated Maori from the rest of the New
Zealand population who are now starting to view the situation as Racism akin to Apartheid. As parents
who show favouritism for one child over its siblings will
alienate that child from its siblings, so a government and laws which show favour for one part of the
population over the rest will alienate that part of the population from the rest. A HOUSE DIVIDED
AGAINST ITSELF CANNOT STAND.

The Treaty of Waitangi, imperfect though it is, has done its job allowing relatively peaceful settlement
of New Zealand by a number of different ethnic and cultural groups. It is time to put it in the museum
of our nations treasures and move on as "WE ARE NOW
ONE PEOPLE";

Sent on the 29 April 2013 at 10:28

665a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 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: Robert Charles Blackwell Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: This Submission is regarding Maori seats and electoral representation. It is made as a general submission as the specific submission site is not available at this time.

Maori seats in Parliament came about to give Maori electoral representation at a time when such representation depended on individual Land ownership which Maori did not have at that time. This situation no longer exists therefore specially reserved Maori seats and representation at local and national government level is outdated, and no longer necessary. Furthermore the continuance of this practice is often seen as Racism akin to Apartheid by many other New Zealanders.

Giving special representation priveledges to Maori alienates them from the rest of the population of New Zealand in the same way that parents who favour one of their children over the others alienate that child from its siblings. Thus giving of special representation priveledges to Maori causes them harm rather than good, and leads to dissent among the rest of the population of New Zealand. A HOUSE DIVIDED AMONGST ITSELF CANNOT STAND.

Maori have every right , and are perfectly capable of, standing as candidates and voting for candidates in elections for local and national government. This is clearly and regularly demonstrated in local and national elections. To suggest they need special help and reserved racially selected seats is insulting to Maori and offensive to the rest of the New Zealand population.

The reservation of special places for Maori in Local and National boards and government is outdated, unnecessary, insulting, and offensive, to all New Zealanders, and should be discontinued IMMEDIATELY.

With regards to The Treaty of Waitangi in this issue, see my submission on the Treaty of Waitangi.

Sent on the 29 April 2013 at 11:00

2304

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 4:57 p.m.
Subject: CAP Submission

The Review Committee

To Whom it may concern:

Dear Sir/Madam

I do not see good reason for having seperate ethnic based seats in Government or local council. Therefore I am totally opposed to this method of 'class distinction' in any form of politics in New Zealand.

Yours sincerely

Garfield James Blair

Tasman

5027

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

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

Full Names: Blaire Email: Postal City: Wellington Postal
Country: New Zealand Submission: The Treaty of Waitangi should be a major part of our
constitution.

Submitted on the 24 June 2013 at 13:48

The Secretariat,
Constitutional Advisory Panel,
C/- Ministry of Justice
DX SX 10088
Wellington

My submission about the New Zealand Constitutional Review is this:

New Zealand does not need a written constitution and I do not wish for us to have one.

I strongly object to any reference to the Treaty of Waitangi in any new written constitution should one be drafted in the future. There must be no race-based politics in New Zealand

The NZCPR "Declaration of Equality" should be legislated by Parliament to unite all New Zealanders of every race under one law

Averill Blake

Tauranga

2490

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:01 a.m.
Subject: CAP Submission

My opinion is that the Maori people now have their own parties to represent them.

They are also looked after as New Zealanders by the other parties who represent all New Zealanders.

it is time for the Maori seats to be abolished as of the past.

Fairlie Blake

512

From:
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 5:33 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Marcel Blake Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Select State Postal Post Code: Postal Country: New Zealand
Submission: Dear Sir,

I would like to add my weight to change both the roll, the seat allocation in parliament. I don't see that we should have a Maori roll and seats reserved for what is one of the most diverse multicultural countries.

I see that for this to continue we would need to allocate seats to the growing immigration patterns such as Asian, English, South African. We have a sound democratic process and would like to see this honoured in the nature it is applied in other countries.

I would like to see the removal of this overhead and frankly unfair process in order to make New Zealanders recognised as a single people, fairly represented by a single governing body.

Kind Regards,

Marcel Blake

Sent on the 17 April 2013 at 17:32

986

The Secretariat,
Constitutional Advisory Panel,
C/- Ministry of Justice
DX SX 10088
Wellington

I wish to enter my submission to the Constitutional Review Panel

I vehemently oppose any new written constitution for New Zealand as what is currently in place has served us well for more than 100 years

I also strongly oppose any race-based legislation or reference to the Treaty of Waitangi being included in a written constitution should one be created

I wish the NZCPR "Declaration of Equality" should be decreed by Parliament to unite us all as many peoples under one law

Tauranga

The Constitution Committee Electoral Term

A recent SST editorial on the electoral term was not really an in-depth look at all the options, actually a bit shallow.

I support a lengthened term, three years is too short, but four years is too long, if they get a second term.

Five years is the desirable option. With a three year term, most times the party gets a second term, "six years".

I believe if a parties policies are having an undesired effect there is a definite chance they can hide it for four years, meaning they get a second term, "eight years".

If a parties policies are having an undesired effect they can't hide them for five years, meaning they only get one term "five years".

If they are going good they certainly deserve a second term, ten years, which is only one year longer than a successful Government normally gets, three terms, nine years.

Anyone who is in Government, or on a politicians electoral team would surely love a five year term. With three year terms you are essentially in election mode all the time, no rest for the wicked, you don't want the wicked stalking you all the time.

With three year terms there is voter apathy, as they feel they have just had an election and now it's here again. Five years would see the voters keen.

Then there is the cost saving, which is worth thinking about.

Garth R Scown

Wanganui

4867

From: David Blake
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:12 p.m.
Subject: Constitution review/ Submission/ Blaker
Attachments: ConRev: Blaker.doc

Kia Ora and greetings,

Could you please make the attached one page submission available to all on the constitution review panel?

submitted 4.08 pm 31.7.2013

thank you,
David Blaker

Submission to the Constitution Review Panel July 2013

Ethnic identity is a prominent feature of life in New Zealand – most obviously in policies and decisions that relate to the Treaty of Waitangi – so will inevitably feature in discussions around the formation of any Constitution.

I contend that the nature of ethnicity needs to be understood at the start of the Constitutional review, or the process will be built on mistaken assumptions. In New Zealand, ethnicity is (to simplify) defined as incorporating both race and culture. Statistics New Zealand and many other government sources expand on this definition.

As a biologist with a special interest in the genetics of human diversity, I make 2 points:

ONE. Since the 1970s, scientists have increasingly abandoned the term 'race' when describing human diversity. Prior to this, humans were considered to have genetically separate races; Caucasian, Negro, Polynesian, etc. This view is now redundant. According to DNA evidence, all human populations merge into neighbouring populations and there are no sharp divisions. The situation is akin to a spectrum. For example there is a continuous genetic gradation between Polynesians (including pre-1840 Maori) and several populations in SE Asia, this gradation extending across Asia to Europe. There are close genetic similarities between Polynesians and Asians and Europeans. Of course there are many cultural differences, but culture is not based on genes.

The idea of race and racial distinctiveness was a 19th-century political construction based on assumptions that have now been contradicted by DNA evidence and discarded by science – along with some other 19th-C absurdities such as phrenology.

TWO. Since the 1800s, intermarriage has increasingly blurred what was originally perceived as racial distinctiveness between Maori and Pakeha. This process of intermarriage and genetic mixing is ongoing. Prof Ranginui Walker reports that as far back as the 1950s, most Maori chose to marry non-Maori individuals. There are many cases where some siblings choose to identify as Maori and their same-parent siblings as Pakeha. That is a personal and cultural choice, but clearly has no basis in biology.

CONCLUSION. There is no biological basis for race, which means there is little basis for ethnic division. If we were to base a Constitution even partly on ethnic divisions, it would incorporate obsolete and discredited notions of racial separateness. New Zealand risks becoming a laughing stock if we adopt a pre-modern Constitution.

SUGGESTION. Find ways to embrace multiculturalism – which could include Maori culture and language becoming 'owned' by the wider population and not just one ethnic group – at the same time reducing the current and growing emphasis on ethnic divisions. Further suggestion: read the strongly non-racial South African Constitution, starting with the Preamble and Section 1.

Thank you.

David Blaker.

4293

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 10:24 p.m.

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

Full Names: J. Ivor Blakey Organisation Name: Private Citizen Email:
Phone: Postal AddressA: Postal AddressB:
Bay Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: New Zealand needs a constitution – one that is written down in a SINGLE
document which integrates the constitutional principles of the Treaty of Waitangi with the New
Zealand Bill of Rights Act 1990 and the Constitution Act 1986.

WHY? Because in the past the principles articulated in Te Tiriti o'Waitangi have been ignored or marginalised; and as they are our country's founding constitutional framework, they deserve to be used as a filtering lens through which with the other two Acts are viewed and interpreted.

I agree that our constitution should determine the mechanism that establishes who exercises power in our country, as well as make explicit the checks and balances in relation to exercising that power. The rights of all our citizens, their whanau, and our environment need to be accommodated within the constitution.

I do think that NZ's constitution should have a higher legal status than other laws. Once accepted as the supreme law of the land, the status of the constitution will undoubtedly evolve to confirm its supremacy.

To avoid partisan decision making, the court system should have the power to decide whether legislation is consistent with the constitution.

As a republican, I also think its important for the constitution to provide opportunities that will facilitate New Zealand's evolution into an independent nation state.

Submitted on the 30 July 2013 at 22:22

2087

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 8:12 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
<http://www.ourconstitution.org.nz/> form submission

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

Full Names: Margaret Blay	Organisation Name:	Email:	Phone:
Auckland	Postal AddressA:	Postal AddressB:	Postal
City: Auckland	Postal Region:	Postal Post Code:	Postal Country: New Zealand
Submission: Constitution			

Māori representation

This is a question for Māori only to decide, not for me as a Pākehā.

But I believe Māori need dedicated representation in Parliament. This is the only way to ensure a voice for the Treaty partner. Māori MPs in general seats might sometimes not speak for Maori, as women MPs do not necessarily speak for women.

The Treaty.

Efforts to honour the Treaty must be ongoing.

Many tauiwi still wish to assimilate (ie recolonise) Māori. Consider the lack of respect for te reo – to mispronounce is to assimilate. Often this simply stems from ignorance. The school curriculum needs improvement here. But many tauiwi see te reo me ngā tikanga as trivial, marginal, low priority or no priority.

To redress these imbalances is part of honouring the Treaty clause about full and undisturbed possession of taonga. A multicultural society is very desirable, but biculturalism is more urgent. Otherwise immigrants are being welcomed while the first nation is marginalised.

People's value is not just economic or ornamental, as Māori are often treated as ornaments to tourism. This is an endangered culture, at least as rich and profound as that of the West.

Being Māori is not yet respected on a par with being of European descent, and it needs to be so

respected. "Successful" Māori are still too often treated as honorary Pākehā. The female approach in formerly male-dominated positions is now more often seen as valuable. The same respect needs to go to Māori.

We need truth, restitution and reconciliation. We are restoring land and some minimal compensatory cash. But we need to acknowledge that mana has been stolen from people, language and culture, and that it needs to be restored.

This is Māori Language Week. Whakamanatia te ingoa! This would be a good beginning towards respecting and eventually restoring te reo, the vehicle of the culture.

Immigrants can work to retain their own languages. For colonised people it is harder, because as people they have lost mana.

Changes to education are vital. The traditional western approach is not the best for many children, and destructive for many Māori and Pasifika. More Māori control of Māori education could eventually bring valuable changes for all children.

The limited Māori control of Māori health is already effective and needs to expand.

He aha te mea nui o te ao? He tāngata, he tāngata, he tāngata. The whole self-concept of Aotearoa/New Zealand needs to shift away from money. As a start we could stop calling ourselves an "economy" so often. How about a "people"?

Then we might put more money into jobs and less into immediate and often gross profits.

The above is part of the reconciliation element. It could help reduce the anger and sense of hopelessness, very powerful among Māori, that can lead to child abuse and other crimes. Whakamanatia te Tiriti o Waitangi!

Electoral.

Please see my comments on Māori representation.

We need the fairest and widest possible representation, the most accessible and accountable system.
The best system I know is MMP.

We need a 4-year term, a change from rushed legislation to a more reflective style.

And we need much more consensus, especially in such matters as the GCSB legislation, which at present seems almost about to amount to government by decree.

Sent on the 1 July 2013 at 10:46

2087a.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 8:18 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
<http://www.ourconstitution.org.nz/> form submission

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

Full Names: Margaret Rlay Organisation Name: N.A. Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Aspirations.

That we return to the path of independence we embarked on so heroically in the 1970s.

That we value creativity in all fields – not just in business and sports at the expense of the arts and sciences – and find a balance between them.

That we become ready to learn from both artists and scientists on matters such as social vision and climate change.

That we stop standing by hoping something will turn up, and begin to see both economic and conservation value in leading the world in reducing emissions,

That we acknowledge all of our history, negative and positive, in order to avoid repeating the same mistakes.

That we really value diversity, not just pay lip service to it.

That we embrace the spiritual without overvaluing or devaluing religions. Spirituality for many of us might begin with the koru, symbol of growth.

That we begin the conversation on becoming a republic.

And please see my comments on the Treaty for one of my most important aspirations for us.

Sent on the 1 July 2013 at 10:35

4225

From: Emily Blincoe
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 4:56 p.m.
Subject: CAP Submission
Attachments: Constitutional Review Submission - Emily Blincoe.pdf

Kia ora.

Please see my submission to the Constitutional Advisory Panel attached.

Kind regards,

Emily Blincoe

Submission to the Constitutional Advisory Panel

Emily Blincoe

30 July 2013

1. Introduction

- 1.1. I am a Pākehā woman living in Wellington/Te-Whanganui-a-Tara. I am studying Law, Political Science and History. I have a very strong interest in social and environmental justice.
- 1.2. This submission will focus on three aspects of Aotearoa's constitution which I believe require transformation. Firstly, Te Tiriti o Waitangi must be the starting point for all constitutional change. Secondly, our Bill of Rights Act must be strengthened in various ways. Thirdly, our constitution must protect the rights of nature.

2. Te Tiriti o Waitangi

- 2.1. Te Tiriti o Waitangi is the founding document of New Zealand and must be recognised as such.
- 2.2. The text in Te Reo Māori is the text that was understood and signed by Māori, and according to the contra preferentum rule in international law, when there is a conflict between versions of a treaty, the indigenous language version must prevail.
- 2.3. Therefore, we must recognise that Te Tiriti allowed Pākehā the right of kawanatanga or governorship, and Māori to retain rangatiratanga or sovereignty. To see Te Tiriti as a document of cession (either legally or morally) is erroneous.
- 2.4. As Pākehā, I acknowledge that Te Tiriti allowed, and continues to allow, my people to settle here. It must be the basis for all current and future settlement of Tauīwi in New Zealand, and the foundation of our relationship with Tangata Whenua.
- 2.5. New Zealand's Constitution must take Te Tiriti as its starting point, rather than Te Tiriti being fitted within some other framework. This requires a longer and deeper conversation than the current review process allows for.

3. The Bill of Rights Act (BORA)

- 3.1. Economic, social and cultural rights must be included in BORA. We are bound at international law to protect these rights.
- 3.2. Civil and political rights are also important, but are unable to be realised when people are denied rights such as food, shelter and a living wage.
- 3.3. Parliament's current scrutiny of rights violation is inadequate. Section 7 reports are frequently ignored, and under urgency, the process is bypassed completely.
- 3.4. We need a more robust system. Options include mandatory s 7 reports for every bill, or a dedicated Select Committee for human rights issues.
- 3.5. The BORA should be supreme law, in order to give the judiciary some power to protect minorities against Parliament's majority rule.
- 3.6. The BORA should be entrenched, in order to protect against the erosion of rights. This could be as part of a written constitution, or incorporated into the current BORA.

4. The Rights of Nature

- 4.1. Everything that our society and economy depends on stems from our relationship with the environment. The rate of environmental degradation in New Zealand and internationally is alarming, especially as we begin to feel the effects of Climate Change.
- 4.2. Intergenerational justice depends on us taking action now to stop this spiral of destruction.
- 4.3. New Zealand is one of only 16 countries in the world that does not in some way recognise environmental rights in its constitutional law.
- 4.4. One way we could do this would be to enshrine the human right to a healthy environment in our BORA. This has been done, for example, in South Africa.
- 4.5. Another, more preferable option is to give rights to nature itself. This has been done in both Bolivia and Ecuador, in different ways.
- 4.6. New Zealand should look at these different models and assess what would work in our legal framework in order to offer the environment the best possible protection.
- 4.7. This should be done in a way which is consistent with a constitution grounded in Te Tiriti, giving appropriate decision making power to Tangata Whenua.
- 4.8. A New Zealand model should give power to the judiciary to enforce the rights of nature against breaches by both the Government and private bodies.

450

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 3:05 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: Theo & Gerda Blok Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Tauranga Postal Region: Bay Of Plenty Postal Post Code: Postal Country: New
Zealand Submission: Leave it as it is. Why fix it, if it isn't broken

Sent on the 16 April 2013 at 15:04

4240

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:03 p.m.
Attachments: Constitutional conversationEB.docx

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

Full Names: Emma Blomkamp Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post: Postal Country: New Zealand
Submission: Submission Upload: Constitutional conversation EB.docx

Submitted on the 30 July 2013 at 19:02

GENERAL ASPIRATIONS

I would like to see New Zealand continue to be governed as a liberal democracy with a proportional electoral system, as a bicultural nation and a multicultural society. New Zealanders currently benefit from a relatively comfortable quality of life, fairly strong civil society and individual freedoms, increasingly vibrant cities and a wonderful natural environment. All of these things are at threat in the current domestic and global environment, and now is a good time to take action to improve the sustainability and equality of New Zealanders' way of life. If we are to change our constitution, these are some of the ideals we should aim to enhance. The role of the government should be to provide the conditions in which all New Zealanders are free and capable to live flourishing lives. The role of the constitution should be to set out our common aspirations for how the government can achieve this broad goal and to set limits for the government in order to protect citizens' rights and the political and legal structure on which we want this society to be based. That is, the NZ Constitution should incorporate positive and negative freedoms, and it should limit parliamentary sovereignty.

Te Tiriti o Waitangi

I think a NZ constitution should recognise the important relationship between Maori/iwi and the British crown in the establishment of our legal and political system. I think it's important that the rule of law applies equally to all members of our society, so I don't think we should have two different states within NZ, but I think we could better incorporate Maori structures and ideas into what is a predominantly Westminster-based system.

As the founding document of our country, Te Tiriti o Waitangi should be recognised in the constitution. Because of difficulties with the different versions of the Treaty, and the different socio-historical context in which it was signed, I think our Constitution should be based on the principles of the treaty, rather than a particular version of the original document, although we will need to work together to identify and define what those principles are. We could perhaps use the fourth Labour government's list as a starting point for discussion – possibly led by an appointed group of lawyers and historians? These principles were:

- the government has the right to govern and make laws
- iwi have the right to organise as iwi, and, under the law, to control their resources as their own
- all New Zealanders are equal before the law
- both the government and iwi are obliged to accord each other reasonable cooperation on major issues of common concern
- the government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.

(<http://www.teara.govt.nz/en/principles-of-the-treaty-of-waitangi-nga-matapono-o-te-tiriti/page-5>)

Electoral matters

The general public and academic experts have found that MMP works well overall, although some improvements could be made to it. I think we should stick with a proportional electoral system that allows for multiple parties to be elected, allows for voters to choose a local MP and a party, and ensures that Parliament is more representative of the wider population. We probably have about the right number of MPs, although we may wish to create provisions for

the number to increase in accordance with the number of electors. Possible improvements to MMP to consider would be to decrease slightly the proportionality of list seats relative to electorate seats, reduce the threshold on the party vote to somewhere between 2 and 4%, but remove the possibility for an electorate MP to bring in list MPs if their party is below this threshold. The Electoral Commission should set the date of the election according to strict guidelines. Unless we have greater checks and balances to reduce the power of parliament, e.g. a written constitution enforceable by the courts or an upper house with an elected President, we should continue to have elections every three years. We should only make elections happen less frequently if there are stronger checks and balances in our constitutional arrangement.

Māori representation

I think the current system of a Maori electoral roll and seats in Parliament is an effective way to honour the Treaty of Waitangi, and should be continued and also applied to local government. I understand that this doesn't give Maori extra votes or rights – like all New Zealanders, they have one opportunity to vote in general and local elections – but that it ensures there is Maori representation in government, which is important considering they are the indigenous people of this country. The seats should only be entrenched or abolished if Maori wish them to be.

Aotearoa New Zealand's Constitution

I have given this issue some thought, and have studied NZ politics to a high level, but I find this a very difficult question. There are some advantages of our unwritten constitution, notably flexibility and adaptability, which are important dimensions of New Zealand's character and help us to be a progressive and innovative nation. However, especially given recent actions by the current Government in regards to passing so many laws under urgency, excessive intervention in local government, and disregarding civil rights in relation to freedom of speech and surveillance, I think we may need a written constitution to protect citizens' rights and limit parliamentary sovereignty. This would require the constitution to have a higher legal status than other laws and to be enforced by a body other than Parliament. It would be worth considering reinstating an upper house for this reason, but if that's too complicated, then the Supreme Court or a constitutional committee (perhaps a mix of elected and appointed representatives, with each party in parliament having at least one appointment to it) should decide whether legislation is consistent with the constitution.

The Bill of Rights Act

We should absolutely ensure all legislation is checked under the Bill of Rights – even if passed under urgency. The BoR, along with the principles of the Treaty, should be a fundamental pillar of our constitution. Ideally, we should also expand the BoR to include economic, social and cultural rights. We might wish to consider the capabilities approach to wellbeing as a philosophical approach to follow in this area, following the work of Amartya Sen and Martha Nussbaum. Even if we make no other changes to our constitutional arrangements, the current government has demonstrated that Parliament cannot be relied upon in this regard, so the Courts should decide whether legislation is consistent with the Act.

OTHER ISSUES

- Aotearoa New Zealand should become a republic
- The important role of Select Committees, as a place for legislative review and

development, with public and expert submissions, should be recognised and possibly entrenched in the Constitution

- Local government should have a strong constitutional status, preventing Parliament from changing local government laws with a simple majority, and from removing councillors or disbanding councils without a stringent process overseen by an independent body or the Auditor-General.
- The important role of the media in a democratic society should be recognised in our constitution, with provisions to ensure some public funding of independent journalism and to protect media freedom.
- We should consider ways to improve citizens' understanding of and ability to participate in the democratic process, e.g. through civics education at school, lowering the voting age, and/or deliberative methods like citizen juries in the political and policy process.
- The environment should have a formal place in our constitution, as is happening in many other countries.

3102

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.

Edward Bloomfield
Nelson
New Zealand

540

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 1:27 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: aaron ian bloxham Organisation Name: Email: Phone:
Postal AddressA Postal AddressB: Postal City:
Postal Region: tauranga bop Postal Post Code: Postal Country:
New Zealand Submission: i want the constitution to stay as is now

Sent on the 18 April 2013 at 13:26

5409

AH

To the Secretariat, Constitutional Advisory Panel.

~~We want our country New Zealand to have~~
~~"one law for all." and "Equal rights for all"~~

~~We reject any reference to the treaty of~~
~~Waitangi or its principles in any constitutional~~
~~documents.~~

~~We ask that any 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 ~~the~~ Waitangi Tribunal, which~~
~~has outlived its usefulness, be abolished.~~

signed.

IAN BLOXHAM

Claron BLOXHAM

EMERSON WESTON

Jon Bloxham

539

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 1:23 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: ian leslie bloxham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: north island Postal Post Code: Postal Country: New
Zealand Submission: I want the constitution to stay as it is now

Sent on the 18 April 2013 at 13:22

Att

539a

10
2/2/10

To the Secretariat, Constitutional Advisory Panel.

We want our country New Zealand to have
"one law for all." and "Equal rights for all"

We reject any reference to the treaty of
Waitangi or its principles in any constitutional
documents.

We ask that any 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 ~~the~~ Waitangi Tribunal, which
has outlived its usefulness, be abolished.

Signed.

IAN BLOXHAM

Aaron BLOXHAM

EMERSON WESTON

Jon Bloxham

541

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 1:33 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: janice lorraine bloxham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: mt
maunganui Postal Region: north island Postal Post Code: Postal Country: New
Zealand Submission: i want the constitution to stay as it is

Sent on the 18 April 2013 at 13:33

A.H.

To the Secretariat, Constitutional Advisory Panel.

We want our country New Zealand to have
"one law for all." and "Equal rights for all"

We reject any reference to the treaty of
 Waitangi or its principles in any constitutional
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We ask that any such references be removed
 from all existing legislation.

We ask that race-based Parliamentary seats be
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 bodies be abolished.

We ask that the ~~the~~ Waitangi Tribunal, which
 has outlived its usefulness, be abolished.

signed.

IAN BLOXHAM

AARON BLOXHAM

EMERSON WESTON

Jon Bloxham

5147

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:22 p.m.

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

Submission: 1. the treaty needs to continue to have a strong influence in flavouring and directing our country, it is our heritage and our future. We mucked things up in the past, and are trying to put things right. We must not go backwards and ignore it again.

2. We are a young country, and are only starting to discover what partnership means. I would favour the treaty being made a formal part of our constitution to make sure it influences our direction. But, if making it a formal part, would restrict its influence,

then I would not favour formalising it as part of us. It is imperative that whatever we do, we do not lose the flavour, heritage and direction that treaty partnership offers us. Full Names: Reverend Dion John Blundell Organisation Name: Personal submission Email:
Phone: Postal AddressA: Postal City: Papakura Postal Region:
Auckland Postal Post Code: Postal Country: New Zealand

Submitted on the 13 June 2013 at 16:27

5147a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:22 p.m.

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

Full Names: Reverend Dion John Blundell Organisation Name: Personal submission Email:
Phone: Postal AddressA: Postal City:
Papakura Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: 1. 120, as it is better representation

2. 3 years, 4 is too long

3. fixed date, MP's should have no say. Fix it with the Electoral office or similar, let MP's lobby for a date, but the Electoral Office impartially set it.

4. no idea

5. re-election. Most people vote for a party not an MP. That ex-party-MP should have to re-run in a special election, between themselves and the new name for that party only. For example, John Smith who fell out of favour with their party, would run as an independent,

alongside Jane Wilson from the National Party (or what ever party John Smith came from). So it would be a test of the electorate, to determine if the voters voted for the person or the party, and the winner would sit until the next general election.

Submitted on the 13 June 2013 at 16:34

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:25 p.m.

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

Full Names: Reverend Dion John Blundell Organisation Name: Personal submission Email:
Phone: Postal AddressA: Postal City:
Papakura Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: 1. A single document is not necessary, what we have works. Maybe an education
document sumarizing might help, but it would be no easier with just one document, and that
document would age quicker than the system we have.

2. I don't know if it should have higher legal status or not, I do not understand fully the question. HOWEVER, it should not be able to be over-ridden by any other laws. If this means it needs higher, supreme status, then yes, it should have higher status.

It is critical that the Treaty of Waitangi can not be over-ridden, it is our key document. Anything that did away with the treaty, should not be possible.

3. the courts should decide what happens, lawyers and judges are more qualified than politicians to enforce our constitution. I would have no confidence in a government upholding our constitution, successive governments have tried to ignore and minimise the

treaty, and have shown their inability to hold to our constitution with a high level of integrity.

Submitted on the 13 June 2013 at 16:18

5147c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:25 p.m.

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

Full Names: Reverend Dion John Blundell Organisation Name: Personal submission Email:
Phone: Postal AddressA: Postal City:
Papakura Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: 1. A single document is not necessary, what we have works. Maybe an education document summarizing might help, but it would be no easier with just one document, and that document would age quicker than the system we have.

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treaty, and have shown their inability to hold to our constitution with a high level of integrity.

Submitted on the 13 June 2013 at 16:18