

1874¹

SUBMISSION ON
A CONSTITUTION FOR NEW ZEALAND.

NEW ZEALAND DOES NOT NEED A
WRITTEN CONSTITUTION AND I
STRONGLY OPPOSE ANY LEGISLATION
OR REFERENCE TO THE TREATY OF
WAITANGI SHOULD ONE BE DRAFTED
NOW OR IN THE FUTURE

A CITIZEN OF NEW ZEALAND

JAMES ALLISON BLYTH

TAURANGA

812

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/05/2013 4:15 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: (Mr) Murray Hamilton Rivth & (Mrs) Beverley Campbell Blyth Organisation
Name: Email: Phone: 4 Postal AddressA:
Postal AddressB: Postal City: Whangaparaoa. Postal Region: Auckland Postal
Post Code: Postal Country: New Zealand Submission: Any formal Constitution must
make no reference to the Treaty of Waitangi.

The Treaty was an arrangement between the British Crown and some Maori in 1840, and was not a founding document for New Zealand.

In today's multi- cultural society, any constitution referring to vague and controversial "Principles of the Treaty" would be a recipe for a fragmented community.

The essential part of any written constitution must be the protection it offers equally to every citizen, regardless of any other considerations.

Sent on the 10 May 2013 at 16:14

1875'

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WAITANGI SHOULD ONE BE DRAFTED
NOW OR IN THE FUTURE.

A CITIZEN OF NEW ZEALAND

Sylvia Mary C Blyth

TAURANGA

3742

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 5:12 p.m.

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

Full Names: Maxine Boag Organisation Name: n/a Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal

Region: Hawke's Bay Postal Post Code: Postal Country: New Zealand Submission: I
believe that our constitution should be based on the Treaty of Waitangi. This is because it is our
founding document, and because it brings in the Magna Carta in Clause 3, which gives everyone the
rights of British citizens. In summary the Treaty provided
protection for everyone, the independence of the chiefs, and gave us all the rights of citizens. We
also need to entrench the Bill of Rights Act 1990 which currently as it is only a piece of legislation can
be whittled away by politicians. So the Constitution
should be short and based on the Treaty and the Bill of Rights.

Submitted on the 22 July 2013 at 17:08

1472

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 5:37 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Lesley Norma Board Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Katikati
Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: My vision for New Zealand Aotearoa is for a country where all races can live in harmony and dignity, respecting each other, giving assistance based on need but promoting a society where all able people are expected to work and provide responsibly for themselves and their families.

The country should be run on present constitutional lines, not in any way changed to give preference based on the Treaty of Waitangi. Every effort should be made to settle outstanding Waitangi Tribunal claims fairly and in the shortest possible time. Settlements should be final.

Every New Zealander should have permanent right of access to the foreshore, private property rights should be respected, race based seats in Government and local bodies should be abolished except where the organisation has charge over areas with specific traditional Maori rights.

There should be strong incentives for immigrants to settle in areas other than Auckland and the immigration laws should be changed so that citizenship/residency can be revoked or refused if a criminal offence is committed within 5 years of arrival in New Zealand.

There should be government assistance to ensure that New Zealand citizens wishing to make a living from farming, horticulture or other land-based activities are able to fairly compete against overseas investors.

Sent on the 19 June 2013 at 17:36

2827

From: ross bodle <
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 3:40 p.m.
Subject: CAP Submission
Attachments: The Photographic Evidence.docx

Certainly get rid of all Maori seats, they were not the original people now trying to claim Aotearoa / New Zealand for themselves. The following photos / finds were taken on ANZAC DAY shows volcanic stone walls & cairns, a massive three sided Pyramid next to the vent of an old volcano; carbon dates to be 5000 years old; the same time 'Stonehenge' in England was constructed, also remember no one was meant to be living in New Zealand back then, certainly not Maori. View My facebook page under the title 'Before Maori NZ's First Inhabitants' for more photos and videos of our climbing both volcano & Pyramid and share with others PLEASE.

Kind regards Ross Bodle /

The Photographic Evidence:

On the back cover of "Before Maori NZ's First Inhabitants" mentions; 'It has been recorded that old pre-Maori historical sites have been deliberately destroyed using bulldozers to cover burial sites, flattening stone walls and ancient building. These factual sites have been carbon dated and believed to be 5000 years old. Why?

On Thursday 28th of April 2013 Sylvia and I had a guided tour around such a site by one of these bulldozer drivers. We were totally "Gob Smacked" at what we were witnessing and I'm sure you will be too. Before us stood volcanic stone walls (not to be confused with modern stone fences). These went through bush, down gullies and up again. The volcanic stone cairns with fist size stone in the centre, and the outer rim of larger rocks, obviously man-made. An ancient volcano stood nearby believed to have erupted five times hence the reason why the 360 degree surface being covered by fallen rock and surprisingly there before us stood a massive three sided earth pyramid without any volcanic rocks thus suggests it was formed after the five eruptions.

On **ANZAC DAY 2013** a small group climbed both volcano and Pyramid taking in a series of videos and photos as proof / evidence for all to see.

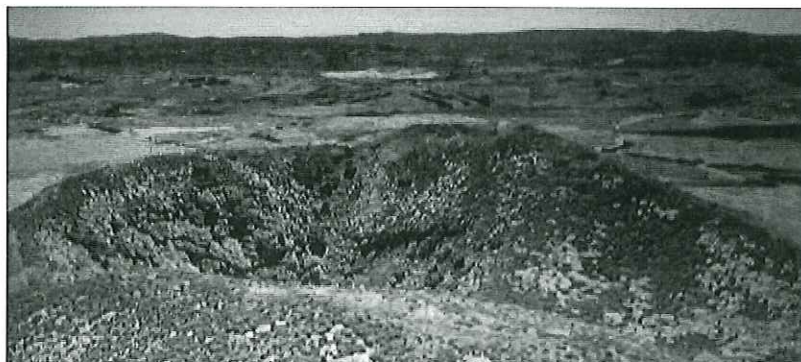
QUESTION: Who built these structures, and for what reason were the walls used?

These people were obviously not Maori especially when nobody was meant to be living in Aotearoa / New Zealand back then? If you have '**Face book**' write in the title of "Before Maori NZ's First Inhabitants" to view more photos & videos of these amazing finds. Please share our site with others who would like to read our work by viewing: wwwcreatespace.com/3832110 price \$14 USD.

FREE POST in New Zealand from the author Ross M Bodle PO Box 265 Kerikeri 0245 price \$30 NZD.



1. The Crater. 2. Three sided Pyramid via Google. 3. One of many volcanic stone cairns. 4. One of many stone walls. 5. Damaged Cairn shows sizes of rock. 6. The crater with side blown out..



2620

From: "Bevin Bodmin"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:46 p.m.
Subject: CAP Submission

Abolish Maori seats

2620a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 8:44 a.m.

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

Full Names: Bevin John Bodmin Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Katikati Postal Region:
BOP Postal Post Code: Postal Country: New Zealand Submission: It definately should
have no role what whatsoever

Not at all. Any constitution (if needed) should recognise that we are now one people going forward and not living in the past. If we continue looking back at the treaty and all that some people think they see in it this country has a bleak future.

Submitted on the 11 June 2013 at 10:09

26206

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 8:44 a.m.

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

Full Name: Revin John Bodmin Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Katikati Postal Region:
BOP Postal Post Code: Postal Country: New Zealand Submission: It definately should
have no role what whatsoever

Not at all. Any constitution (if needed) should recognise that we are now one people going forward and not living in the past. If we continue looking back at the treaty and all that some people think they see in it this country has a bleak future.

Submitted on the 11 June 2013 at 10:09

2620c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 8:44 a.m.

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

Full Names: Bevin John Bodmin Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Katikati Postal Region:
BOP Postal Post Code: Postal Country: New Zealand Submission: It definately should
have no role what whatsoever

Not at all. Any constitution (if needed) should recognise that we are now one people going forward and not living in the past. If we continue looking back at the treaty and all that some people think they see in it this country has a bleak future.

Submitted on the 11 June 2013 at 10:09

3103

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.

Ellie Boekman
Wellington
New Zealand

1694

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 1:34 p.m.
Subject: Constitution Review

We the undersigned believe that New Zealand does not need a written Constitution and we strongly oppose any legislation or reference to the Treaty of Waitangi should one be drafted now or in the future.

Signed
Gary Bognuda
Dianne Bognuda
Neil Bognuda
Claire Bognuda

2903

From: "Michael Boissard"
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 8:47 p.m.
Subject: CAP Submission

I am in no doubt that the Maori seats should be abolished. We are all New Zealanders and should all have the same electoral system. There should be no division of our society by race. Maori have shown that they are well able to win seats on the General Roll and it is demeaning to suggest that they need some special arrangement to ensure their representation.

Michael Boissard

1212

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 2:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Michael Guy Boissard Organisation Name: Email: michael.guy.boissard@gmail.com
Phone: Postal AddressA: Postal AddressB: Postal City:
WAIATU Postal Region: North Canterbury Postal Post Code: Postal Country: New
Zealand Submission: I want the following for the New Zealand that my grandchildren and their
descendants will live in:

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

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

Sent on the 9 June 2013 at 14:45

124

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 8:26 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Scott Bolten Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: I would only support a New Zealand
constitution that has similar phrasing to the US constitution in the area of "All men(people) are
created equal", and made no reference to race, colour or creed.

Sent on the 9 April 2013 at 08:26

34 99

From: Barnett Bond
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 10:31 p.m.
Subject: CAP Submission

This is a submission about the proposed constitutional review for New Zealand

I am absolutely opposed to any kind of race based constitution or indeed legislation. Setting one race above or apart from others is a recipe for future conflict - just look at the world news any day of any week - the proof that this is so is everywhere.

In World War II. my father, a Pakeha, fought alongside members of the Maori battalion at Casino and in North Africa. They regarded each other as equals. Both he and they would turn in their graves if they thought that some "committee" was planning to give one race privileges that other races in New Zealand could not have.

History should teach us something. Let us have a country where all citizens, regardless of race are equal. In three or four more generations it will be impossible to genetically distinguish Maori from Pakeha. My son (pakeha) has a Maori girlfriend. Over the last 8 centuries, Spain has been invaded and settled by Vikings, Visigoths, Carthaginians, Romans, Phoenicians, Moors and northern Europeans. What is a Spaniard today? He is of course all of these races. Imagine the nonsense it would be if those Spaniards of Viking ancestry (who by now of course would be genetically indistinguishable from all other Spaniards) claimed special privilege because of an ancient treaty between them and the Visigoths.

We need to think ahead. What trouble are you making for future generations of New Zealanders? Wherever racial privilege has been embedded in law there has eventually been bloodshed.

Barnett Bond

Waiheke Island

4774

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:30 p.m.

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

Full Names: Harrison Bond Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Taranaki Postal Post Code: Postal Country: New
Zealand Submission: This is a submission about the proposed constitutional review for New
Zealand

Any kind of race based legislation let alone a constitution is a recipe for future conflict . Setting one race above or apart from others forces people into conflict.

I am a young Paheka male. My friends and I went to school with Maori kids and some we be friended and are still friends to this very day. I am at Polytech now, I have Maoris in my class we regard each other as equals and some are friends of mine. This will no longer be the case if your "committee" gives racial privileges to one race that cannot be enjoyed by any other race. I find the notion of race based privilege deeply offensive.

We need to think ahead. Our population increase is now significantly due to migration. How do you think that new New Zealanders feel, arriving here only to find out that they will be second class citizens? What trouble are you making for future generations of New Zealanders, which you have not considered? In every country in the world, throughout history, wherever racial privilege has been embedded in law there has eventually been bloodshed. Is this the legacy that you want to leave to future generations?

Harrison Bond

New Plymouth,

Submitted on the 31 July 2013 at 15:29

1225

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 5:19 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Geoff Bonham Organisation Name: Private Email:
Phone: Postal AddressA: Postal AddressB: Takapuna
Postal City: Auckland Postal Region: North island Postal Post Code: Postal Country:
New Zealand Submission: 1 Maori views in parliament should only be represented only be them
standing like any other person & be elected on there merit.

2 Maori,should only be on the genral roll no need for any special roll.

3 Local Representative should be the same as 1 get elected on merit.

Sent on the 9 June 2013 at 17:18

3104

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.

Belinda Bonzon-Liu
Lower Hutt
New Zealand

3822

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 2:40 p.m.
Attachments: Response to ConstitutionalReview.docx

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

Full Names:	Tony Booth	Organisation Name:		Email:		Phone:	
Postal AddressA:		Postal AddressB:		Postal City:			
Tauranga	Postal Region:	Bay of Plenty	Postal Post Code:		Postal Country:	New	
Zealand	Submission:	Please refer to the attached document	Submission Upload:	Response to			
	Constitutional Review.docx						

Submitted on the 24 July 2013 at 14:39

Submission to the Constitutional Advisory Panel

AJ Booth

Tauranga

1. Aspirations

"What are your aspirations for Aotearoa New Zealand?"

One Nation, One People

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

A republic, a hereditary head of state, especially one that is a citizen of a foreign country, in a historic anachronism and has no place in a modern democracy.

It should be a full democracy with no "special" seats, for either racial or other reasons.

2. New Zealand's Constitution

"Do you think our constitution should be written in a single document?"

No. I think the present constitution being made up with a number of separate documents provides a more flexible constitution for future changes. Perhaps an umbrella document citing which documents constitute parts of the constitution would be a good idea.

"Do you think our constitution should have a higher legal status than other laws?"

Yes. The constitution should define ideals under which all other laws should sit.

"Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the courts?"

The Courts. Even in a democracy there should be some balancing influence on the power of government.

3. The Bill of Rights

"Does the Bill of rights act protect your rights enough?"

I believe that in New Zealand it does.

"What other things could be done to protect rights?"

I am strongly opposed to the recent move to limit legal action against government employees. We should all, including government employees and MP's, be responsible and answerable for our actions.

"Do you think the Act should have a higher legal status than other laws?"

No. it should sit below the constitution and at the same status as other Acts.

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

The Courts. Again, there should be a balance to the power of Parliament.

4. Treaty of Waitangi

"What role do you think the Treaty of Waitangi could have in our constitution?"

None whatsoever. The time has come to relegate the Treaty to being an interesting part of our history. It was written to address issues at a specific period of time using concepts that have changed over time. There are also different versions and disagreements over translations. It is therefore confusing and not relevant to our modern world and is causing increasing racial friction..

Yes, there have been, and still are, grievances that should be addressed, but once all current claims have been addressed then we, Maori and all other races, should put the past behind us and get on with building our nation.

"Do you think the Treaty should be made part of the constitution?"

No. For the above reasons, it is a historic document and not directly relevant to the present.

5. Maori Representation

"How should Maori views be represented in Parliament?"

In exactly the same way as all other races views are represented. There should not be specific Maori seats, they are undemocratic, encourage racial division of the country and distort the way MMP operates. Any parties representing Maori interests should get their seats under MMP by percentage of votes in the same way as all other parties.

"How could Maori electoral participation be improved?"

Not having racially reserved seats would encourage the Maori part of the population to vote for their representation, at the moment they know they will be represented whether they vote or not.

"How should Maori views and perspectives be represented in local government?"

The same way as all other races are represented, through a fair and democratic election process with no racial favouritism.

6. Electoral Matters

"How many members of parliament should we have?"

The present number seems adequate, if anything it should be reduced, our MPs to population ratio is higher than most countries.

“How long should the term of Parliament be?”

Three years is plenty, I would not like to see it increased.

“How should the election date be decided?”

It should be fixed to a date selected by Government within the last three months of the current term. To allow it outside the last three months allows the parties in power to manipulate the date in their favour.

“What factors should be taken into account when the size and number of electorates are decided?”

Changes in population and economic factors. There should not be any racial influence as there is at present with the Maori seats

“What should happen if a Member of Parliament parts ways with the party from which he or she was elected?”

That depends on whether the member was an elected member or a list member:

If the member was elected by an electorate they should stay in parliament until the next election. After all, under MMP we vote for an electorate MP separately than our party vote.

If the member was a party list MP then they should resign from parliament immediately and be replaced by the next person on that party's list.

7. Other Issues

Party Lists

On the subject of party lists, the current set up is undemocratic as we, the electorate, do not have any influence over the list. There are currently at least two ministers who stood in electorates and lost! A better system would be for the party lists to be formed from the candidates of the last election in order of the percentage votes they won in their electorate (irrespective of whether they were elected or not). To be on a party list the candidate would therefore had to have stood in the previous election and the list would be influenced by the voting public.

5139

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:16 p.m.

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

Full Names: Graham Booth Emai Phone: Postal
AddressA Postal AddressB Postal City: Auckland Postal Region:
Rodney Postal Post Code: Postal Country: New Zealand Submission: No way should
the treaty of waitangi be ehshined in the new zealand constitution. new zealand should become one
country one people. No favouritism for any race over another race.

Submitted on the 14 June 2013 at 09:40

3/05

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.

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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.

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- 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
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Jonathan Booth
Auckland
New Zealand

5220

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 12:05 p.m.

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

Full Names: Jennifer Booth Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Rodney Postal Post Code: Postal Country: New Zealand Submission: Absolutely no
way should the Treaty of Waitangi be enshrined into the Constitution. New Zealand should become
one country one people with no special deals for any race namely Maori. They have had more than
enough already. The constitution would be better

left as it now stands with the Queen or her descendants being our head. We do not need to become a
Republic that would open another can of worms and lead us down a slippery slope.

Submitted on the 10 June 2013 at 12:12

4736

From: Kay Booth
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:34 p.m.
Subject: submission attached
Attachments: submission constitution.pdf

For the Constitutional Advisory Panel

My submission is attached.

Thank you.

Kay Booth

Dr Kay Booth

Nelson

Kay Booth
, Nelson

31 July 2013

To the Constitutional Advisory Panel

Submission on the Review of the New Zealand Constitution

Introduction

1. I write this submission as an individual New Zealander.
2. I do not hold a view about whether we need a single written Constitution.
3. Should a new Constitution be prepared or the Bill of Rights be reviewed, I submit that it reference s:
 - a. A healthy natural environment as a central axis for a healthy society.
 - b. Access to the outdoors as a fundamental tenet of being a New Zealander.
4. My reasons are expressed next.

A healthy natural environment is a building block for a healthy society

5. Society does not exist in thin air. It is developed and operates within a biophysical environment. I submit that the character and health of that environment is critical to the health of the society that lives within it.
6. A healthy environment begets a wealthy nation. A test of this notion is to ask: if our environment was not healthy, what would be the implications for our nation?
7. I submit that these implications would be severe; not the least, because we are a nation that depends upon the primary sector economically. We use 'brand New Zealand' to market our products from tourism to butter seeking the prosperity and well-being that a healthy economy enables.
8. Repercussions would also be felt by New Zealanders as a decrease in our nation's mana we pride ourselves as being an 'outdoors nation'. If our outdoors is degraded and 'unfit for use', then our nation's mana is correspondingly affected.

National identity

9. Perhaps more than any other country, our national identity is defined and shaped by our natural environment.
10. This definition or inherent characterisation of 'being a Kiwi' is about the socio-cultural dimensions of our nation. For both Maori and Pakeha New Zealanders, our mountains, rivers and lakes, forests, beaches, and other natural attributes mean many things, ranging from spiritual significance to the ability to access these places for recreation (recreation).
11. New Zealanders care about the natural environment. There have been many instances where this has been expressed. A recent example was 20,000 people marching down Queen Street in response to Government proposals to allow for mining in national parks and other conservation areas.
12. Public access to the outdoors (public lands) is fundamental to support New Zealanders' attachment to the natural environment and uphold our national identity.

There are sound reasons why public access may not be appropriate everywhere (e.g. protection of a rare species; private property rights). But that is a matter of management, and does not reduce the importance of the underpinning constitutional right of access to public land.

Intrinsic value

13. Existing legislation (e.g. s4(1) *National Parks Act 1980*) recognises the intrinsic value of nature.
14. This raises an ethical matter that human beings must recognise the rights of the environment. Acknowledgement of the worth of the natural world, valued in and of itself and without reference to any human-based value, provides further reason for placing the natural world as a constitutional parameter.
15. I submit that the intrinsic value of nature is part of the rationale for the natural environment being referenced within New Zealand constitutional documents.

Conclusion

16. I submit that a healthy natural environment, and access to it, underpins New Zealand society.
17. I request that these matters be acknowledged explicitly within relevant constitutional documents.
18. Thank you for the opportunity to make comment about the New Zealand constitution.

Yours sincerely

Dr Kay Booth

4402"

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:19 a.m.
Attachments: Submission re constitutionalreview.docx

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

Full Names: Michael Booth Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Mike Booth CAP submission 31st July 2013

Thank you for the opportunity to have my say.

It is my opinion that for a great number of decades New Zealanders have been voting away their rights and responsibilities and now suffer the consequences of a population of zombies who need to be told what to think and how to act. Successive parliamentarians have turned us in to an unsustainable entitlement based society where the 'rule of unintended consequences' is producing some very unpleasant social disasters. I would like to see our government, particularly the executive branch, redefined as the 'public servants' that they are and not our leaders, and the individual reclaim his rights and responsibilities.

I note a glaring omission in the terms of reference, namely 'What is the role of government'. There is a rational need to define the role before addressing the defined terms of reference. The omission of such, speaks volumes about the thinking, or lack thereof, of the architects involved in this constitutional review. That said I have the following to say with regard to 'rights' and the 5 questions you have requested feedback on. The actual meaning of a right is not defined so I have made some assumptions here but I do differentiate between a right and an entitlement. A right must not be a thing granted by man to man. We need a better argument. Perhaps a rational statement based on mans' nature.

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

Simple answer is no. What parliament enacts, parliament can amend or repeal therefore it is arguably not a right.

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

Distinguish between rights and entitlements and preferably keep parliament away from the ability to enact rights. Educational programme for the population including:

I. what a right is, ie. an abstract principal defining and sanctioning a man's freedom of action in a social context

II. how they came about ie. the history of rights

III. how they pertain to individual people

IV. how all rights come with responsibilities

V. how rights primarily represent what other persons can do to you ie. the right to life means no other person has the right to take your life, it does not guarantee you the means to support your life.

VI. The difference between rights and entitlements, ie. you have a right to life but an entitlement to healthcare, education, social welfare etc. (provided by other individuals).

VII. how animals cannot have rights (the lion and mosquito do not understand the concepts when they eat your blood)

VIII. how a governments prime role is the protection of rights

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

Yes, what parliament enacts, parliament can amend or repeal therefore it is not a right. This is most important.

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

The courts, because legislation passed in parliament is often ambiguous, or so poorly worded that it takes the justice department to apply a practical interpretation. This is part of the court's job description and the Westminster system where each of the 3 pillars (legislature, executive, and judiciary) checks and balances the other 2.

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

Possibly the best constitution ever written proclaimed the right to life, liberty and the pursuit of happiness. One fundamental right missing was the right to property. This can easily be explained when one considers that at the time of writing one form of property, namely slaves, was at odds to the right to liberty. The writers at the time were not necessarily pro slavery but they had to deal with context and quite rightly the problem was 'solved' some time later. I would like to see the following rights in a constitution:

I. Life

II. Liberty

III. Self defence

IV. Property. Man's mind is his primary means of survival. Property, be it the land he farms, the shirt

on his back, or the sandwich he makes for his lunch are examples of man's mind in action to enable his survival and without the power of government to protect his right to property he is powerless to take the necessary steps to sustain his life. Without this right he is always indebted to others to provide for his survival. His ability for self-determination, and indeed liberty is questionable.

V. Contract

VI. Presumption of innocence and habeas corpus

VII. Freedom of Religion

VIII. Freedom of expression

IX. Freedom of association

X. Pursuit of happiness

Summary

The Treaty of Waitangi is often quoted these days as a founding document of the nation. Since the treaty was a coming together of 2 cultures, and was signed by both the English and Maori, significant aspects of both cultures need to be considered. At the time of signing, the English culture had evolved over thousands of years to accept the concepts of individual rights and rule of law. It had evolved like most cultures from the stone age tribal culture that was the Maori culture at the time. A constitution that allows individuals free association, enshrines property rights and follows the rule of law would meet the obligations of the Treaty without introducing contradictory, racist and inflammatory legislation. The ownership of access ways, be they roads, rivers or beaches is problematic but plenty of historical examples (common law for example) are available for guiding future discussions.

In short the Maori culture can exist under the framework of a constitution where individual rights as mentioned above are protected, but individual rights and rule of law are not an integral part of Maori culture so the reverse is not possible. Our fathers fought global wars to defend our individual rights from collectivist tyrants – please do not diminish their sacrifice.

PS Attachment is a formatted version of this submission

Submission Upload: Submission re constitutional review.docx

Submitted on the 31 July 2013 at 11:18

Thank you for the opportunity to have my say.

It is my opinion that for a great number of decades New Zealanders have been voting away their rights and responsibilities and now suffer the consequences of a population of zombies who need to be told what to think and how to act. Successive parliamentarians have turned us in to an unsustainable entitlement based society where the 'rule of unintended consequences' is producing some very unpleasant social disasters. I would like to see our government, particularly the executive branch, redefined as the 'public servants' that they are and not our leaders, and the individual reclaim his rights and responsibilities.

I note a glaring omission in the terms of reference, namely 'What is the role of government'. There is a rational need to define the role before addressing the defined terms of reference. The omission of such, speaks volumes about the thinking, or lack thereof, of the architects involved in this constitutional review. That said I have the following to say with regard to 'rights' and the 5 questions you have requested feedback on. The actual meaning of a right is not defined so I have made some assumptions here but I do differentiate between a right and an entitlement. A right must not be a thing granted by man to man. We need a better argument. Perhaps a rational statement based on mans' nature.

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- II. how they came about ie. the history of rights
- III. how they pertain to individual people
- IV. how all rights come with responsibilities
- V. how rights primarily represent what other persons can do to you ie. the right to life means no other person has the right to take your life, it does not guarantee you the means to support your life.
- VI. The difference between rights and entitlements, ie. you have a right to life but an entitlement to healthcare, education, social welfare etc. (provided by other individuals).
- VII. how animals cannot have rights (the lion and mosquito do not understand the concepts when they eat your blood)
- VIII. how a governments prime role is the protection of rights

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

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Summary

The Treaty of Waitangi is often quoted these days as a founding document of the nation. Since the treaty was a coming together of 2 cultures, and was signed by both the English and Maori, significant aspects of both cultures need to be considered. At the time of signing, the English culture had

evolved over thousands of years to accept the concepts of individual rights and rule of law. It had evolved like most cultures from the stone age tribalist culture that was the Maori culture at the time. A constitution that allows individuals free association, enshrines property rights and follows the rule of law would meet the obligations of the Treaty without introducing contradictory, racist and inflammatory legislation. The ownership of access ways, be they roads, rivers or beaches is problematic but plenty of historical examples (common law for example) are available for guiding future discussions.

In short the Maori culture can exist under the framework of a constitution where individual rights as mentioned above are protected, but individual rights and rule of law are not an integral part of Maori culture so the reverse is not possible. Our fathers fought global wars to defend our individual rights from collectivist tyrants – please do not diminish their sacrifice.

838

From: Ramon Booth <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt...
Date: 13/05/2013 4:35 p.m.
Subject: CAP Submission

Thank you for accepting my submission.

I don't believe the Treaty of Waitangi should be recognised in our constitution.
Yes Maori are indigenous - no one disputes that. However no one owns the seabeds, the coast nor the airwaves. These should belong to all New Zealanders.

As a young professional New Zealander I have grown up watching Maori receive special treatment in my early days in primary school, extra grants in University and now in my working life I observe Maori get preference in jobs (i.e. every single Govt. job description identifies the importance of Te Reo and Maori culture in the Govt. How is this relevant, applicable or fair to those who didn't grow up in Maori culture. Talk about Human Rights Act!), extra funding for training, development, Maori focused health, education and many many special interest groups.

I don't see how all this attention/focus/money help is working against the fact that Maori also are over-represented in Prison statistics, the wrong end of education stats, health, crime, crime against children, child poverty! A dedicated Maori party and constant media focus and attention on Maori doesn't seem to do much either. Certainly the billions given to iwi over the years certainly don't help with the unfavorable Maori demographics. Let's be honest - this money goes to an elite few in the Maori community and stays there. It doesn't get filtered to the people that need it - same goes for the government organisations focused on Maori support. I am sure there are success stories out there - but there should be regardless of the group preference.

I love my country, I love its diversity. I am certainly not a racist.
However I would like to see a New Zealand that focuses on all New Zealanders - I work hard, I pay my tax, I pay my bills, I pay full price for all my education, health, training and I think it is only fair.

I don't think it is fair that the rest of New Zealand are treated as second class citizens, based on racial segregation and a treaty whose interpretation affects the outcome of every New Zealander.

We need a country that focuses on ALL New Zealanders, fairly and equally.

I am sure I am not the only one with these thoughts. It is hard to be open and honest in a country that obviously favors one group over another.

I welcome a response, guidance and further education on this matter as I only want to see the best for this country and its people.

Thanks and regards,
Ramon B.

Wellington.

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.

Phoebe Borwick
Auckland
New Zealand

3500

From: "Howard"
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 10:39 p.m.
Subject: Submission
Attachments: Constitution Conversation.doc

Please submit this as my submission to the Constitution conversation.

While it may not be well worded or fully developed , the concepts in it should be seriously considered when developing a Constitution,

I am more than happy to develop or contribute further, or work with someone to develop the concepts. My name and address contact number are included at the bottom of the submission.

Attendance in person is an option if considered valuable

Howard Boseley

Constitution Conversation

Submission

Currently it appears the driving concepts behind legislation and our society's behaviours are founded on the concepts of "Rights". Certainly there has been a generation or more of drive to identify and promote all these Rights.

Eg Human rights

Privacy rights

Racial right

Historical entitlements

Etc

This leaves a glaring imbalance with Responsibilities.

"Rights are balanced by Responsibilities"

Our constitution needs to clearly describe the contract each of us has with society as a whole, and similarly what society will give in return. It must clearly describe our responsibilities.

We as individual members of our society, community, culture (call it what you will) submit to the Rule of Law .

We as a society actually relinquish what might be considered primordial and natural mores and behaviours such as retribution, retaliation, restitution, and vengeance with the expectation that the rule of law will protect us, and our family, and produce a more equitable balanced and just society to the benefit of all in that society.

Often the rule of law is not or does not appear to be achieving this, creating disgruntlement and the potential for a disconnect with society in general which we all have seen leads to poor outcomes such as drug taking, criminal gangs etc.

Currently the rule of law is often hamstrung by the concept of rights, with an underweight regard for responsibilities of each member of the society. As an example, offenders are often described as have a 'difficult ' background and this is proffered as an excuse for unacceptable and deleterious behaviour. Our society is reasonably expected to Support and nurture without fear or Favour. However it often appears we are so tangled up with legality that we have forgotten morality.

When looking at Responsibilities each of us has, it is surprising how many simple but effective actions and processes instantly appear. This is surely a sign of a good concept where sensible and acceptable answers automatically come from the fundamental concept.

Any Constitution must describe the responsibilities in generic and enabling terms, and will discuss the balance between Rights and Responsibilities.

To Quote John F Kennedy, " Ask not what your country can do for you, but ask what You can do for your country".

Draft set of Responsibilities

YOU are the most important person, therefore ---

MUST look after yourself ie no smoking , no drugs, responsible drinking, driving behaviours etc

No harm to yourself, Must take care of yourself

Must do the best you can.

Responsibility to be Honest

Responsibility to learn

Responsibility to let the distant past go,

Must pay your debts and bills

Must ask for help if cannot meet your responsibilities

Responsibility to pay the least amount in tax within the rules (This may surprise some as a responsibility)

No harm to others

Must take care of those who depend on you but must not harm yourself doing so

Must provide the necessities of life

Must help other in need - cannot walk away

No abuse or threats, physical mental or financial

No bullying, harassment etc

No, theft, scams, cons, manipulation

No greed, (Leave a bit in it for the next guy)

Responsibility to defend ourselves and our nation (not just a right)

Responsibility to contribute to defending ourselves and our nation

Responsibility to submit to the rule of law

There can be a reasonable expectation of trust of the other members in the society

Especially public office / police/ army etc

Those who handle money on behalf have higher expectations placed on them

The law has a responsibility to provide timely action

Right to expect the law to get it right, and recompense if found wrong

Responsible to do something if you see things that are not right, or do not meet society's expectation.

If you transgress you are obliged to admit and take the consequences

If you transgress you have a responsibility to forfeit a certain amount of your privileges or rights

Responsibility to make all actions Cost effective

Mistakes are Ok but must be minimised, as can be reasonably foreseen by a normal member of the society.

There must be a path for questioning and a mechanism for recompense. We need to install a value for a life (About \$2million as this sets an indicative value on serious harm and other errors resulting in loss of privileges)

Those who raise an issue can take responsible action to get it addressed. If they step over a boundary then they must be prepared to take responsibility for the consequences of their action. ie pay for loss or damage.

Responsibility to Minimise harm to the environment

Responsibility to protect flora fauna and property

eg the responsibility parliament etc has to provide equitable laws and processes.

Outcomes

Once the concept of Responsibilities is accepted there are natural and simple outcomes

Eg

Cannot sell drugs as this can reasonably be foreseen to create harm to others. If you do then you will be responsible for the harm they cause. This should cut the supply of supposedly legal drugs dramatically and at the stroke of a pen as shop keepers and supplier become responsible for the damage their products cause. OSHA defines serious harm as loss of normal function, so drug taking certainly fits this criteria. Employer pay for creating serious harm, why not drug dealers..

Cannot smoke in a car with children as this can reasonable be foreseen to damage their health

Drinking to the detriment of your dependants becomes unacceptable

Irresponsible gambling to the detriment of yourself and your dependants becomes unacceptable

Cannot get recompense for distant wrongs. This will override some treaty issues which seems to be overused.

Must pay your debts. A person should not be able to hide from their debts. To achieve this while giving some degree of privacy each person should have a registered 'address for service' which is their responsibility for maintaining updating and managing ie accessing regularly.

Responsible to reduce or eliminate cigarette consumption. You are responsible get help and accept help. Cigarettes are clearly detrimental to health which adds to your and societies health cost. You may pay with reduces years of life, but you also expect others to pay for your healthcare

Your kids food is more important than your alcohol

You should grow a garden if money is short.

There will be myriad more examples as this concept is developed.

I am more than happy to discuss same.

Howard Boseley

Tokoroa.

Mobile

9 July 2013

37 26

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 6:48 a.m.

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

Full Names: Virginia Mary Boss Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Richmond Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: the Treaty of Waitangi is a founding document of new Zealand /Aotearoa. I
feel that as such it needs to be integral in our constitution. I am aware that as we become a more
multicultural society with an increasingly global view, it will become more and
more vital for all citizens to understand what the treaty is about. If people don't need to understand
the partnership/bicultural nature of Aotearoa this we will not move forward in this goal. We are a tiny
country and we need to take care not to lose our
wonderful and unique identity in the world.

Submitted on the 22 July 2013 at 06:47

4737

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:34 p.m.

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

Full Names: Heather Bosselmann Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Dunedin
Postal Region: Otago Postal Post Code: Postal Country: New Zealand Submission: 1. I
think the beauty of our constitution is that it can be found in many unique documents. To combine
those documents would be to lessen their individual significance.

2. Until recently I would have said it was unnecessary for NZ to have constitution that was protected above other laws. However, the National Government's recent decisions over the GCSB have changed my mind. It seems that it may be time for NZ to protect itself against the whims of Parliament, particularly where they use their powers in such a dodgy manner.

I also think it is time that Human Rights came first in NZ. Currently, I am writing a dissertation on the Sign Language Act and the History of Sign Language in NZ and it has very clearly come to my attention how many individuals are in need of protection from higher law that cannot be overturned to suit the current Government. Our incoming political leaders are far too eager to overturn (or put on indefinite hold) laws put in place by their predecessors.

3. The Courts. Parliament will retain the right to change the constitution but the Courts are uniquely placed to make decisions in this area. If Parliament has created a law and an individual or group is arguing that it is unconstitutional a third party should be engaged to decide on the issue.

Our Judges are also appointed not by political position (unlike America) but by merit and by a person who should remain independent from the Government in his/her decision making. Courts are also design to protect the rights of individuals and minorities, whereas Parliament is designed to protect the majority. These roles are of long standing and generally well defined. They should be maintained.

Submitted on the 31 July 2013 at 14:33

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:48 p.m.

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

Full Names: Heather Bosselmann Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Dunedin
Postal Region: Otago Postal Post Code: Postal Country: New Zealand Submission: 1. As
a student of History and Law I recognise the significant role that the Treaty has played in New
Zealand's History. It is a positive example of the way that Maori culture can be used to create a better
New Zealand. It is the first document of New
Zealand and the one that binds together the people of New Zealand. Of course it does not stand
alone and must be read in the context of other constitutional documents but it has the power to shape
a better, more culturally aware future for New Zealand.

I think the Treaty should sit along side other Human Rights Legislation to not only continue to protect
the indigenous rights of Maori but to foster an attitude that encourages all the cultures of New Zealand
to be accepted and celebrated by all New Zealanders.

Diversity and acceptance are the way of the future and the Treaty can help to take us there.

2. In my opinion, the Treaty is already an essential part of our constitution. It is extremely important
that as a country we ensure that indigenous rights are protected and indigenous culture is celebrated
alongside other cultures. As the founding document
of New Zealand which has helped to create a path towards a more tolerant New Zealand, it is
unthinkable that it would be excluded from the constitution now.

Submitted on the 31 July 2013 at 14:47

4319 "

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:38 a.m.
Attachments: Do you think our constitution should be written in a single document.docx

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

Full Names: Prof Klaus Bosselmann Organisation Name: University of Auckland Faculty of Law
Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Submission Upload:
Do you think our constitution should be written in a single document.docx

Submitted on the 31 July 2013 at 00:37

Submission to “New Zealand’s Constitution”:

- Do you think our constitution should be written in a single document? Why?
- Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?

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

Responding to the above three questions - posed in the Section “New Zealand’s Constitution” of the Submission Guide - I see these questions as interrelated and all pointing to the basic question of entrenchment.

The presence or lack of entrenchment is elementary to all constitutions. An entrenched (or codified) constitution cannot be altered in the same way as ordinary statutory laws, hence limits parliamentary sovereignty. Likewise, NZ’s uncoded constitution relies on parliament as guarantor of principles and rules perceived as fundamental to individuals and society. Such parliamentary supremacy is unique in the world (even Israel operates under Basic Laws equivalent to a codified constitution) and owed to British constitutional tradition (which itself is increasingly influenced by European constitutionalism due to the UK’s membership of the EU). Parliamentary supremacy is not inherently ‘unconstitutional’ of course, but nevertheless highly questionable with respect to upholding the sovereign of the people and the rule of law. In essence, parliament (= the government of the day) exercises the assumed will of the people and interprets the rule of law, but does so even at the risk of overruling both. In recent history, there a number of examples where this risk became manifest, e.g. in the areas of emergency legislation, conservation laws, surveillance practices and individual democratic rights. Add the key challenges of our time and all humanity – human rights, democracy and sustainability – and it should become clear just how important the question of constitutionally entrenched guarantees is.

Fundamentally, NZ’s current constitutional discourse suffers from a lack of information. While only New Zealanders can decide over their constitutional future, most New Zealanders – including constitutional experts! – are accustomed to (British) traditions that are not only at odds with modern constitutionalism all around the world, but make this constitutionalism look like something entirely ‘negotiable’ that we may or may not want to embrace. To put it bluntly, many participants in NZ’s constitutional discourse are taking a ‘*tina*’ approach (*‘there is no alternative’*) that views – perhaps unconsciously – constitutionalism beyond the narrow UK-NZ context as foreign and not really relevant to us.

In all my academic and professional work – since coming to NZ in 1989 - I have been most concerned with helping to overcome this information deficit. I would summarize the deficit as a lack of understanding (comparative, global and environmental) constitutionalism and its relevance to New Zealand. For the sake

of this submission, a few remarks on current international scholarship in this area may suffice.

In recent years, there has been a surge of interest among public lawyers, constitutional lawyers and international lawyers in exploring 'constitutionalism' to conceptualize governance. A typical feature of this kind of research is its global approach in reflection of an ever-increasing globalized idea of what constitutes effective law and governance. Since about 2005, the relevant literature has grown in a way and to an extent that it is common today to refer to 'global constitutionalism' as a term that captures both, frameworks for international governance and (comparative) national governance. From this global perspective, NZ's current constitutional discourse appears narrow, inward-looking and somewhat ignorant of the global challenges we are facing in this century.

A related aspect is the role that the environment plays in the design of frameworks for long-term oriented governance and law. Typically, these frameworks are expressed in the form of written constitutions. Over the past 25 years, no less than 160 national constitutions have been amended to incorporate environmental rights and obligations. The term 'environmental constitutionalism' describes an area of legal research into the scope and effectiveness of law protecting the natural conditions of life. Observing a lack of consensus on how society should 'trade off' economic and environmental goals, environmental constitutionalism aims for overarching frameworks to minimize, or at least, rationalize trade-off situations. The very nature of this pursuit is to prevent, or reduce, ad-hoc approaches to solving conflicts between economic and environmental goals. Both, comparative and environmental approaches have proven to be tremendously successful to modern constitutionalism and should be considered for NZ's further constitutional debate.

I submit that the Constitutional Review Panel reflects on the 'information deficit' as described here and that it emphasizes – in its final report – the need for research and awareness of the global context in which any NZ constitutional discourse must occur. I also submit that the younger generation has a particular role to play here. Young people quite naturally take a global perspective and see no conflict between being a global citizen and a proud New Zealander. Only too often, the so-called experts lack this awareness assuming that any constitutionally designed role of government and governance is a purely national affair.

My expectation is that the two key questions of the current Constitution Conversation – *What are your aspirations for Aotearoa New Zealand?* and *How do you want our country to be run in the future?* – will be answered by the entire spectrum of citizens of this country. People not governments create constitutions. To ensure sovereignty and supremacy of the people, government's key role is to ensure open and all-inclusive debate. It is in this context that I call for initiatives towards overcoming the described information deficit.

Dr Klaus Bosselmann

Professor of Law
Director, New Zealand Centre for Environmental Law
<http://www.law.auckland.ac.nz/uoas/os-klaus-bosselmann>

636

From:
To: <constitutionalreview@justice.govt.nz>
Date: 25/04/2013 1:59 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names:	Ron Bosson	Organisation Name:		Email:		Phone:	
	Postal AddressA:		Postal AddressB:		Postal City:	New Plymouth	
	Postal Region:		Postal Post Code:		Postal Country:	New Zealand	

Submission: One law for all NZers ,not based on colour of skin.

Sent on the 25 April 2013 at 01:59

349.4

From: Michael Bostock <
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 5:43 p.m.
Subject: CAP Submission

My wife and I feel very strongly that our present Constitution is perfectly adequate, does not require revision or replacement and is better left unwritten. There is no point in attempting to incorporate so-called "principles" of the Treaty, since they are already there - the Treaty was an instrument of voluntary and irrevocable surrender by Maori of sovereignty to the British Crown, as the price of gaining English Law and protection from the mayhem, murder, rape and enslavement obtaining at that time in New Zealand, while guaranteeing individual property rights. Dr. M. Bostock and Anne Bostock,
Napier

921

From:
To: <constitutionalreview@justice.govt.nz>
Date: 27/05/2013 9:11 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: George Bostock Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 2. Do you think that the Treaty should be made a formal part of the constitution? Why?

No. I think the Treaty of Waitangi should play no part in the constitution. For the main reason that for the future New Zealanders (from all descendants), everyone must be united moving in the same direction for the growth of our Nation.

If an allowance for a division was made, even between European and Maori people then we would all stand exposed to each others influence which would cause irreversable damage to our countries wellbeing.

Sent on the 27 May 2013 at 21:10

921a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 27/05/2013 9:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

I think the Treaty should have no role in our constitution.

In the future we must be very careful that all New Zealanders are united and moving forward in the
same direction.

Sent on the 27 May 2013 at 21:27

9216

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 11:55 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
[http://www.ourconstitution.org.nz/ form submission](http://www.ourconstitution.org.nz/form_submission)

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

Full Names: George Bostock Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Hastings Postal Region: Postal Post Code: Postal Country: New Zealand Submission: I
think Maori should be represented fairly and in same way every group is represented. With the fair
competition of all representatives not based on race or heratige

Sent on the 2 July 2013 at 19:31

705

From: iz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/04/2013 5:08 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Donald Stuart Boswell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressE Postal City: Lower
Hutt Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1. What is a "founding document"? The Treaty was a contract made in the 19th Century between two parties that no longer exist. The NZ Govt. has inherited the British side of it and the Maori side has been taken over by a polyglot group of mixed lineage some of which is Maori. We should not apply 21st Century values and attitudes to something created nearly 200 years ago. The Treaty is irrelevant and outdated and does not deserve consideration other than as an historical artifact.

2. Nor do we need a written constitution. Experience in other countries(especially USA) shows a phalanx of lawyers develops and the elected government is hamstrung by decisions of unelected courts and judges. Coupled with the "Treaty industry" that already exists here funds would be diverted from needy causes into the pockets of an elite group of lawyers and academics. Oligarchy replaces democracy. Is this what we want?

Sent on the 30 April 2013 at 17:07

705a

From: "Don Boswell"
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 5:11 p.m.
Subject: Emailing: Email submission.
Attachments: Email submission..doc

The message is ready to be sent with the following file or link attachments:
Email submission.

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

A written constitution is undemocratic in that crucial decisions based on interpretation are made by unelected authorities. The Supreme Court in USA finalises decisions with the authority of legislation although its appointees have no mandate from the people. Witness "The right to bear arms" in the US Constitution which prohibits the elected government from controlling gun laws that are obviously wrong yet supported by a prejudiced minority. A phalanx of legal and academic professionals has built an "industry" thriving on fees derived from indecisive, open-ended arguments gathered by a self-perpetuating structure of vested interests. Funds have been diverted from essential activities into the parasitical pockets of "fat cats" who prosper in the shadow of a needy majority where the remaining funds are thinly spread. This happens here with two incompetently drafted Treaties in separate languages embodying 19th Century concepts posing as being relevant to the 21st Century.

The Treaty of Waitangi is based on words. Words do not have an exact meaning and can be twisted to suit the purposes of those wanting to use the Treaty to their own advantage. The Treaty was a contract between two parties that no longer exist. One was the British Crown now perceived to be the New Zealand Government. The other was the Maori of 1840: now a polyglot mixture of various lineages one of which is Maori. Whether one is a Maori or not is perceived to be a matter of personal choice as long as one can claim a Maori antecedent no matter how distant. The contractual relationship today is seen to be between the New Zealand Government and the present day Maori with the government favouring the English version and the Maori favouring the Maori version. The two versions do not coincide in meaning and intent. Consequently

interpretation of the Treaty is dependent on Judges and committees currently heavily weighted in favour of Maori.

The Treaty was a 19th Century response to a 19th Century problem and has become like a blank cheque in the hands of activists and radicals who apply 21st Century values and judgements to it. To link it with an unneeded written constitution is folly of the worst order.

Donald Stuart Boswell,

475

From:
To: <constitutionareview@justice.govt.nz>
Date: 16/04/2013 8:53 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Louise Patricia Boswinkel Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The treaty is an important part of our NZ history and should be held with regard. But it shouldn't be the highest power or final decision making piece of legislation. The whole reason for the treaty was to create partnership, not division. In recent times it has done the opposite. When making decisions, the best interest of New Zealanders should be held in the highest regards, not a just a few people. It is a bill of rights for all New Zealanders, not just Maori, it is time that Maori remembered that, and that it should be used for the best outcome for our country and our people, that is, all that are born and bred in NZ. There are no full-blooded Maori left, and our country, our NZ culture and way of life has come from the coming together of British and Maori culture and ways of life. The treaty needs to be used to strengthen us as a nation, not divide. United we stand, divided we fall. The division of our people has broken up families, cost our nation a fortune, and has given room for foreigners to take over. If it is not used to strengthen our nation, and if it is not used for the best interest of all NZers, than we fail to use it in the spirit in which it was written and goes against the whole point of having it.

Sent on the 16 April 2013 at 20:52

475a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 9:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Louise Patricia Boswinkel Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: So far, the Maori MPs have created more trouble than good by increasing and feeding division between Maori and Pakeha. That's not good for anyone. By staying in, and feeding victim mentality amongst Maori, claiming exclusive rights, as if they are above other NZers, and yet not taking responsibility and taking action to improve the lives of Maori. It is unfortunate, but it is fact that it is predominately Maori that are in our prisons, in the WINZ offices and are in the gangs. The Maori party haven't done a great job on addressing these issues, nor do they look out for the best interest of all NZers. They should be focusing on using the values and whakatauki and beliefs of their ancestors and sharing them throughout the nation, especially amongst Maori. The Maori of old had a lot of wisdom to pass on. Some of which entire government departments are based on, such as our laws of conservation and fisheries. They also used to insist that young people respect their elders, and families had to take care of their children, and justice was served when a crime was committed. Perhaps the Maori party could revisit some of the old Maori ways of looking at life and doing what they can to impart them into NZ culture.

Sent on the 16 April 2013 at 21:06

5142

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:20 p.m.

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

Full Names: David Botting Email: Phone: Postal
AddressA: Postal City: Auckland Postal Post Code: Postal Country:
New Zealand Submission: 1 It is time to dispense with special Maori seats in Parliament

2 By encouraging to represent Maoridom on the General role and have representatives stand in their electorates. Maori needs to be defined. Even a one quarter Maori in todays society represents a large percentage of the population. Maori no longer requires the

easy option of Maori Seats. The purpose of these seats has gone now land ownership is not a voting criteria.

3 All citizens are represented by Councils. There should be no privileged positions. Non-Maori must squeal loud to get his view heard. Maori should be the same way. There could be a Maori Advisory Group to advise Council, but have no special law making powers.

Submitted on the 13 June 2013 at 20:24

5142a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:20 p.m.

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

Full Names: David Botting Email: Phone: Postal
AddressA: Postal City: Auckland Postal Post Code: Postal Country:
New Zealand Submission: I feel there is no place in the NZ Constitution for the Treaty of Waitangi.

There should be recognition of Maori in the Constitution with every encouragement for their health, education, language protection, and welfare; but not by way of the Treaty being included in the Constitution.

The Treaty had a purpose in 1840. It is full of confusions. Wrongs were committed by the Crown and these are being addressed before the Courts. In 2013 NZ is a cosmopolitan society with dozens of ethnic groups from a huge number of countries. These people combine

to over 50% of the population now and this number will increase as the European birthrate is less than Asian, Polynesian and Maori counterparts. Inter racial marriage also sees the percentage growing.

Including a special place for the Treaty would be a divisive action. We would be better to have no Constitution

Submitted on the 13 June 2013 at 20:41

ConstitutionalReview - constitutional review submission

007 009 HOS

FILE COPY

From: Bernard Bourke
To: constitutionalreview <constitutionalreview@justice.govt.nz>
Date: 22/10/2012 7:38 a.m.
Subject: constitutional review submission
Attachments: constituion.doc

Kind regards
Bernard Bourke

Hamilton
2012-10-22

1033

My submission for the constitutional review.

B.J.Bourke

Hamilton.

1. The size of Parliament should be reduced to 100 MPs. There should be no more than 25% of the seats as list seats.
2. The term of Parliament should be increased to four years. The parliament should be restricted to sitting for no more than 15 weeks a year.
3. The election should be the last Saturday in November (unless the GG declares that we have no effective government)
4. The number of electorates should remain at 70
5. The South Island should have no more than 16 electorates.
6. The population tolerance for electorates should be 10%.
7. We should not have electoral integrity or anti-party-hopping legislation – but if an MP leaves a party they must either go independent or resign as an MP.
8. The Maori seats should not be retained as the original reason for their introduction has long gone.
9. The Maori seats should not be entrenched.
10. There should no guaranteed Maori representation on local authorities.
11. Local authorities May have non-voting representatives of local Iwi on them, who have the same support and access as Councillors. Voting representation should only come from those chosen by local body elections.
12. The Treaty of Waitangi should not be supreme law – simply because there is no agreement on its interpretation from the two languages and there is no agreement on its extent.
13. The Bill of Rights Act should not be supreme law.
14. The Bill of Rights Act should be superior law so other laws can not be inconsistent with it, unless Parliament explicitly resolves otherwise .

15. The Bill of Rights Act should be broadened to include property rights.
16. The Bill of Rights Act should be entrenched.
17. New Zealand has developed very well without a written constitution. It seems unlikely that a written constitution would have improved the situation. If one was brought into effect it would have to be able to be easily changed to reflect societies changes and with the judiciary would have to be able to strike down laws inconsistent with it.
18. We do not need a second legislative chamber or upper house.
19. The Monarchy as head of state has worked very well, but should there be a change to this then the head of state should be arrived at by a totally transparent process. For example a panel consisting of the following people could appoint a Head of State by open voting. The candidates could be arrived at by public submission (using a range of simple rules)
The panel: The Speaker of the House of Parliament, the Chief Justice, The present President (or GG) , The Chief of the Armed Forces, the head of the Waitangi Tribunal and maybe one or two more people from constitutionally signification roles.
20. The boundary between local government and central government has become very blurred and there needs to be a very clear boundary between the two with no overlap possible.

150

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 1:37 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Elizabeth Bourke Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Manawatu Postal Post Code: Postal Country: New
Zealand Submission: I am hoping that in the future there is going to be a lot less segregation of the
country, we are a multi cultural society and EVERYBODY should be respected no matter their
heritage or beliefs we ARE ALL NEW ZEALANDERS.

Sent on the 9 April 2013 at 13:36

150a

From:

To: <constitutionalreview@justice.govt.nz>

Date: 9/04/2013 1:45 p.m.

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

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

Full Names: Elizabeth Bourke Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Palmerston North Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Our constitution should be of 1
document as we all strive for the same moral standing and same human rights. We don't really
require a supreme law as any legal submission that is agreed upon is a contract of society. The courts
should decide not parliament
as to legislative consistency as this would prove less bias.

Sent on the 9 April 2013 at 13:44

2408

From: Geoffrey
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 7:12 a.m.
Subject: CAP Submission

Dear Members

I wish to advise that I believe the Maori electorate seats should be abolished, on the grounds that their reason for existence has expired.

In support of this contention I submit that there is no longer a need for special seats to ensure there are Maori in the Parliament. Of the 23 current MP's who claim Maori descent, only 7 are in Maori electorate seats, i.e. some 70% of Maori MP's gained seats without the crutch of dedicated Maori seats.

My details are:-

Geoffrey John BOURKE
Registered voter

Auckland

Regards

Geoffrey

2408a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 21/07/2013 6:13 p.m.
Attachments: CAP Submission.pdf

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

Full Names: Geoffrey John BOURKE Organisation Name: Self Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Auckland Postal Post Code:
Postal Country: New Zealand Submission: Submission Upload: CAP Submission.pdf

Submitted on the 21 July 2013 at 18:12

21 July 2013

I wish to submit the following strongly-held opinions.

1. Term of Parliament

! I believe the term should be extended to four years initially, with a possible extension to five years in due course.

! My reason is that the current three years is not long enough for a Government to embed its programme and let the electorate assess its results before they have to vote again.

2. Written Constitution

! I am firmly of the opinion that we should not have a written constitution. The United Kingdom has done very well over the centuries without one, and I see no need to go down the written constitution road.

3. Maori Seats

! I believe that the Maori seats should be abolished; however, because of the likely unrest that would follow their abolition now, I realise we have to wait until the Maori accept that these seats are no longer necessary.

! My reasons are:

- A. They were created solely because the then requirement to be an elector was to be a male who owned property. Because of the Maori tribal ownership system, very few Maori could qualify to be electors, so these special seats were created as a temporary measure. When universal suffrage came in, there was no longer a need for these seats.
- B. When the Royal Commission produced its proposals for MMP, they recommended that the seats be abolished, as no longer necessary.
- C. There are now more Maori in Parliament in non-Maori seats than there are in Maori seats, so the special seats are no longer needed to ensure Maori have a representation in Parliament.
- D. There are now two Maori political parties in Parliament, so they can compete in the General role with no problem.

4. Political Framework

A.! I also believe that New Zealand should have a second House of Parliament, or

! some other check and balance so that there is oversight of the party in power.

B. I don't see any reason for New Zealand to become a republic - our present system is working well (but see above), so why change it.

C.! I personally would have no problem with the Maori "king" taking the figure-head position currently filled by a Governor-General. Although I doubt that all Maori would regard him/her as their senior person, as I understand he/she is what Europeans would call the paramount chief of only one of several Maori tribal groupings.

5. Treaty of Waitangi

! I do not accept that this treaty is in any way our "founding document". It was a simple ceding of the country to the British crown. I am amazed at the way so many so-called "principles" are attributed to it, as there is absolutely nothing in it to suggest such things. From this, I am completely against any Written Constitution referring to it in any way.

(G.J. Bourke)

1260

From: [redacted]
To: <constitutionalreview@justice.govt.nz>
Date: 10/06/2013 10:01 p.m.
Subject: Submission to the constitutional advisory panel

Submission to the constitutional advisory panel

My aspirations for New Zealand are that there only is one law for all people and that there are no insertions in any constitution that are treaty based. The treaty is a sham and will be abused till the end of time unless it is left out of any constitution.

A New Zealand constitution must be for all new Zealanders with favour for any ethnicity. No country can be run fairly via a constitution honestly unless it is totally without favour and covers the aspirations within reason of all NZrs rather than a very small number of New Zealanders and is based on the present and the future and lets the past be abandoned to where it is in the past

Please receipt this email

Alastair Bourne

907

From:
To: <constitutionalreview@justice.govt.nz>
Date: 25/05/2013 11:01 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Mr. Russell Ian Bovett Organisation Name: N.A. Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Bay of Plenty Postal Post Code: Postal Country: New
Zealand Submission: I strongly feel that The treaty of Waitangi has no place in todays modern NZ,

-nor in our Constitution.

Sent on the 25 May 2013 at 11:01

2591

From: Don Bowater
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 4/07/2013 4:25 p.m.
Subject: CAP Submission

In my view the Maori seats are an historical aberration and should be abolished.

There is no place in New Zealand under MMP for race based politics - the Maori seats should be abolished.

Best regards

Don

Don Bowater

, Manukau

4682

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:57 p.m.

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

Full Names: John Michael Bowater Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Yes I think our constitution should be written in a single document, because that makes it readily accessible and understandable, where the current assortment of sources is difficult for anyone except experts to piece together.

Yes I think our constitution should have a higher legal status than other laws, because it should act as a strong structure containing other law, being harder to change, and providing checks and balances on government powers and new laws.

Courts (perhaps a specialist constitutional court) should have the power to decide whether legislation is consistent with the constitution. Parliament should not have this power, as the constitution should act as a constraint on the power of parliament. Eg
if parliament wants to do something which the constitution prevents, they should have to pass a high hurdle to get the constitution changed rather than being able to "creatively reinterpret" the constitution.

Submitted on the 31 July 2013 at 13:56

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:17 p.m.

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

Full Names: John Michael Bowater Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I admire the Treaty as a visionary document of its time and think a constitution should incorporate the principles of the Treaty.

In doing this we need to agree on a modern interpretation of the principles from the differing versions of the Treaty, updating them to a modern context and modern language to make them accessible and useful today and for the next hundred years.

Part of this process needs to be a recognition of the enduring harm Maori people and culture have suffered from colonialism, combined with a recognition that we can no longer treat Maori and Pakeha as clearly separated races. Part of this needs to be a reframing of rights and protections from being based on a persons race (as was relevant when the Treaty was signed) to being based on need. We also need to weave in a modern interpretation of iwi.

My dream is that a modern constitution for Aotearoa would incorporate the principles of the Treaty well enough to gain the agreement of a broad majority of Maori and Pakeha to having it supersede the Treaty, which would become an historic document rather than a current legal agreement. The constitution should give us a unique flavour of law, blending Maori and Pakeha culture, without codifying rules based on race which will become more and more outdated over time.

Submitted on the 31 July 2013 at 14:16

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:28 p.m.

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

Full Names: John Michael Bowater Organisation Name: Email: _____
Phone: _____ Postal AddressA: _____ Postal AddressB: Milford Postal
City: Auckland Postal Region: _____ Postal Post Code: _____ Postal Country: New Zealand
Submission: I think Parliament should have around 100 members. That's a nice round number, easy
for everyone to do the maths on, and allows for a reasonable pool of talent across several parties,
without having too many members just taking up space. I don't think
the number should be increased as population grows - it'll work just fine for a long time to come.

I think the term of Parliament be 4 years. The current 3 year term seems a bit short for good planning
and execution of strategy, but 5 years seems too long when we get a poor government. I'd also like to
see a mechanism where a significant body of people (say
10% of the electorate) could force an early election if unhappy with how a government is going.

Submitted on the 31 July 2013 at 14:27

169

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 10:51 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ray Bowden Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: As a New Zealander I would like a Constitution which is colour blind. No special
privileges to Maori. Let ALL New Zealanders share the same rules.

I am a 5th generation New Zealander, yet on official government documentation I am forced to say I
am a NZ European. I have never been to Europe & feel dis-enfranchised by the endless
grievance industry, giving endless special privilege based on race! This
has to STOP and all of us get on with life (and not blame my ancestors for mistakes made by the NZ
government several generations ago). STOP the Maori race gravy train now, and treat us ALL
EQUAL!

Sent on the 9 April 2013 at 22:50