

336

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 8:12 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Patricia Bowen Organisation Name: None Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Temuka Postal Region: South Canterbury Postal Post Code: Postal Country: New
Zealand Submission: We are all New Zealanders regardless of race or creed and as such should
be considered on our ability to do any job or hold any office and not by race

as a right. I also consider that as we do not have any full or even half

blood Maori any more that the Treaty is no longer valid and is being used as a Political Tool by the
present Government. Pay-Outs (especially the top ups) are keeping us poor and divertin g money that
should be spent on such things as Health, Education Pensions
Etc.

I am aware that some sectors of Maori want separatism. If that is being considered then I have no
objection providing only the taxes from people on the Maori Roll are used and everything is paid for
out of these such as benefits, schooling health etc and not
made up by the rest of the tax payers..

With regard to Government, I do not think that anything other than Superanuauion should be paid to
Parliamentarians i.e. all of this free travel etc for life. Perhaps like private enterprise Government and

Councils should be held responsible for bad money making decisions

instead of which they can just ask the general public for more money through

taxation.

Finally can we please do something about unmarried mums makin g a career out of having baby after
baby. It is no good do-gooders saying

we would be taking money away from the children. If that was the case Schools would not being
having to provide food for pupils. It should be money given for the first child only in full and half for the
second and from

then on money in benefits reduced. England are doing it why cannot

we? Can we also stop the Health Department funding replacement drugs to supposedly wean young
people off drug usage. All you are doing is replacing one addiction with another.

Sent on the 14 April 2013 at 20:11

FROM

SYLVIA M BOWEN

4888

WHANGAREI

The Constitution [© Te Taapapa
Ki te
Tairawhiti
9-9-1999]
Conversation

30:07:2013

An introduction to a request
for consultation with
those involved in this study,
addressed to Mae Chen
as a Chen Palmer Justice
Advocacy spokesperson.

☆ ☆ ☆ ☆ ☆ ☆

The submission to follow our
introduction, is addressed
particularly to Matua
Shane Jones,

as a close whanau connection
in a study of minitā a Iwi
benefactors from about
1995 until 2002, with
consolidation at The Maori
Anglican University of Te Tairawhiti
Te Tairawhiti Te Tairawhiti. >>
[worth mentioning in triplicate]

Consultation indeed - with
Justice and Governmental
policy decision makers as to the
rationale behind our Economic
and Ecological law making and
debt inclinations, is the 'necessary
protection' avenue The Late
Colin McCahon was perhaps alluding
toward.

From Sylvia M Bowen
Whangarei

50 50 ?

A recipient of the senior
Honours List most
distinguished medal,
Ralph Hotere,
of Te Taitokerau profound
contribution ...
a colleague of Colin McCahon
[who was said to have refused
a knighthood] painted
scholarly truthbearing
we seem to have ignored
administratively

So, we appear to award
or reward public commentary,
while carrying on damaging
our great grandchildren's
hopes for an air supply by
2053 [in 40 years time -
about the length our ancestor
Moses, once wandered in
the wilderness on a journey
which might have taken 11
days if he'd taken a hiker's
map from a modern Tourism
brochure stall: cofunded by Forest
& Bird.]

& what about the 49:51
jail figures in Tangatawhenua favour, i.e.
there are 51 Maori & Polynesian
inmates for every 49 caucasian. Is that reasonable?
If there are 15% Maori in our total population?

From

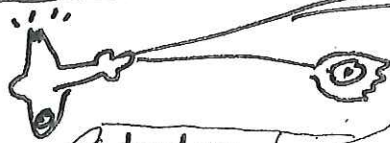
Whangarei >>

The thing with our
air supply Global
Projections, can't all
be blamed on this
little country ... however;

UNLESS we do not take
up our Taki and present
a Global Role Model. If
we wander another 40
years on every confusion
in global Oil hostility,
etcetera ...

well, we can forget all
about our responsibility
to our great grandchildren
and their grandchildren
because we are IN the
last days of the long
anticipated paradigmatic restoration
boundary lines ... if as opportunity
Rudyard Kipling or our
Uncle Jack Searle The Decimal Man
The Decimal Man The Decimal Man
... might say ~ we do not get

'OUR ACT TOGETHER'



today.

From

Now we hope, Mr. Jones,
no one is going to blame
me for the knowhow
in this drop in the ocean
of our family and whanau
self doubt as Wiltons
of Wiltons, Bush Ahau
or Drakes of Tauistock
and Westminster on
The Jones line to Wilton
suburb in The Capital,
let alone The Waivavapo
or down in Abel Tasman
Park.

We know your Masterate at
Harvard in Political Science

EQUIPS YOU
in a mahi tahi
race relations
overview

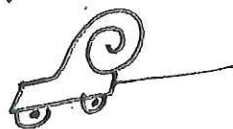
I am no expert, no
maths genius, no family
maintenance visionary
got to ground. However
Jack Searle The Decimal Man
The Decimal Man The Decimal Man
ran a tight ship, water tight
wise, as a Drakean pioneer
Jesuit great grand father...
to a gifted Mokepuna we
have a photo of somewhere,
[for an actual book in
this general direction he
ASKED FOR ...]

but it would be
great to
understand his
greatest concerns
a little better

His projections and theories based in empirical fact finding & factor analysis based in **ACTUAL** administration responsibilities

[Billy T. James can you help us get this out?] ... [Don't SHOUT][!]
~ well, they may be considered pertinent in an impertinent era of Fooles Gold error, dare we prevaricate upon,
✓ or muffer about testily ...

He told me everything however, is not the whole story as I was not listening properly on valium in the 70s, or getting off valium in the early 80s. Nevertheless, Mr Jones ... enough has stuck between the ears to ask hopefully relevant questions, if help, encouragement, cynicism overcome, is forthcoming. Man do we have some questions.



Now. For The Rich and Famous
hurtling into The Never Never
on the National Debt
interest repayment impasse,

It IS now or never

and we DO have a
workplan

already tested out in The
Decimal Changeover method
& it will not cost us a vcd
cent, Uncle Jack said so...

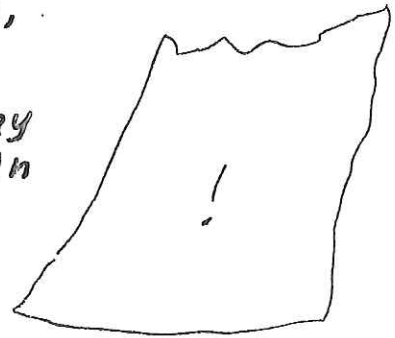
BUT we do need
to swallow
our pride
and prejudice
last hiccoughs,
because when
Sir Robert
Muldoon
pinched our Uncle's
knighthood.

6 [as is clearly understated in The Muldoon
Official Biography NAMING Jack Searle.]
he CORRUPTED what could have
saved us economically.

so how did that happen constitutionally?
Or is our Uncle's wisdom correct - that the problems we are evidencing economically and ecologically, not to mention socio-
logically

If we are in one hell
of a stink-liberal mess
today globally and
locally, it is socio-
political sleaze ripoffs
that are responsible,
which is precisely
why our decent,
non decadent,
worthwhile, just, moral,
SOBER vegetable
gardening Baptist Sunday
School Supervisor Violin
playing Uncle ...
EX RNZAF WWII //

could be corrected
in an honourable
SELECTION
process?



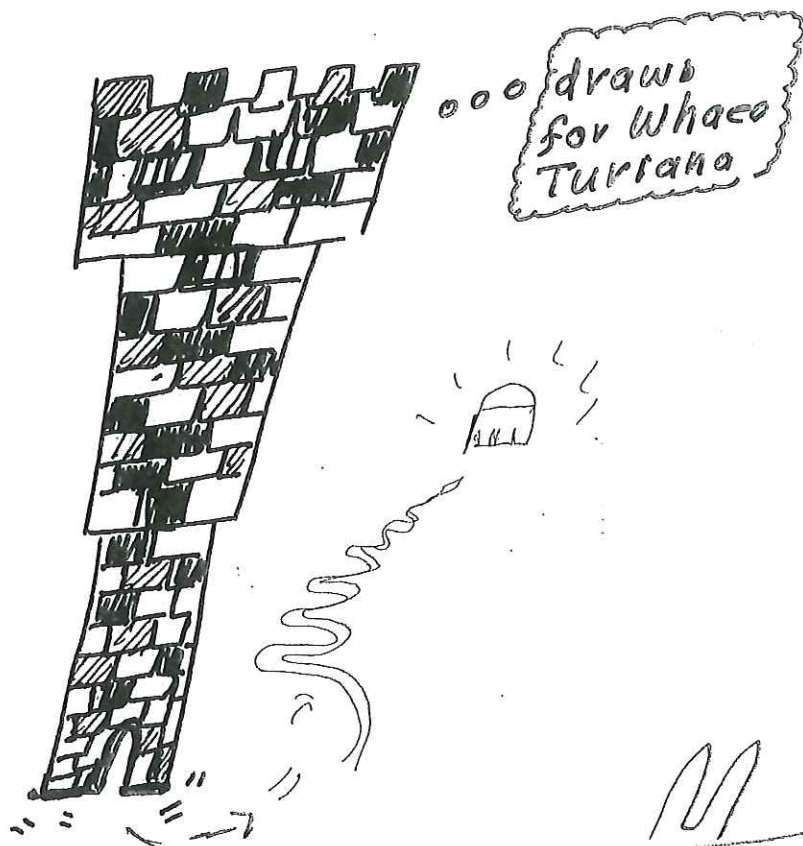
~ specifically requested,
Mac Chen - that our work-
plan information including
our conversations with
law abiding Christian Kaumatua,

sacred
and
in their
whanau
protection

~ be registered at an official
level in Te Taapapa ki te
Taivawhiti copyright, in
perpetuity, with no exceptions.
I can supply all the questions
based in Jack Searles
science projections,
consultatively ~ [If every
word in here is safe...
in their custody.]

All our
Maori priests
of course -
are linked
whakapapa
wise; then

In the wrong hands,
knowledge is power,
certainly. But power
for Good? THAT'S a question.



Oh Uncle Jack Searle } who **BUILT**
 was born at home } The Beehive
 at 25 Falkland Street } in the 70s.
 Whanganui East } personally

19:02:1922,

a prem baby small enough
 to fit in the milkjug.

We know that for a fact,
 as his brothers and sisters
 said so. It was my mother
 who taught him the alphabet,
 and he who taught the writer.
 We both got Maori grandchildren
 and their IKIHI is nearly as
 important to us as our Te Reo recovery.

What he
 asked for
 is an
 International
 T.V show in
 a Sci Fi
 Film outline
 on Koko
 only

Will that do for today
as a hairsbreadth
of a last ditch
submission in a
mission improbable
confusion now overcoming?

There is an endless monologue
to follow, but nobody has
to bother listening if they
do not want to. However

John Key can ask my
daughter Angela to become
my secretary on the national
debt. If he wants the job
done properly. We have papers
stored in Teitara, in Tokomaru Bay.
Paintings at St. Johns. It is confusing.

[It was Hone Tuwhare
by the way who blessed
our Ngati Whatua bloodline
connection as a Te Pae Pae
from Taita Marae near
Waipoua Forest. He and
Janet Frame both got a
\$65000 Prime Ministers
prize... & Janet said
on radio "perhaps I should
donate it to buy back
The Railways, on radio Enzed.
However, like everything in
our book, that can be checked.]

8

We're going to start the
book set in 2053,
with the Great grandchildren
grandchildren looking back
to The Days When

{ The Royal Family of Great Britain
and The Royal Whanau of Aotearoa NZ
got together to create the Recovery
Television programme... [bless us...] }

✓ with selected grandchildren connected
to The Stingray Prophecy of The
Sacred Homelands of Aotearoa NZ,
with a whakapapa to Mori connections
via Israel. However... no one should take
my word for it. I only work here
in a State House on the National Super
almost certainly dying of Spray Poisoning
thanks to our free market constitution.

No holes barred,

olé...
on tick whatever. [of course one
of our mutual friends carved an icon for Nelson
Mandela.]

This work is dedicated to my late
son Evan; who definitely did not
need to die; of depersonalization

~ but it gives us an edge. being Irish
hedge children only 4 generations ago; or so
~ if we lose a child on the verge of adult
competency the same week
we become grandparents of a mokopuna

tahi

[Very likely Shane Jones can relate to that,
as a point of debate in a persecution case
study...]

4778

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:37 p.m.
Attachments: Constitutional ReviewSubmission -

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

Full Names: Richard Bowes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Auckland Postal Post Code: Postal
Country: New Zealand Submission: Submission Upload: Constitutional Review Submission -

Submitted on the 31 July 2013 at 15:36

To the Constitutional Review panel,

I wish to make the following submission on my views on a range of constitutional issues. My submission is not exhaustive, most areas I have lightly touched on, and others are completely absent. I would like to be presented with further opportunity to participate in future discussions, and would like to make an oral submission should that opportunity be made available.

Yours sincerely,

Richard Bowes

My Submission to the Constitutional Review Panel:

Founding guideline:

The State is a servant of the people, not their master.

Aspirations for New Zealand:

- One law for all, to be applied equally to all.
- A country to be run for the better of the whole country and its people, not for the betterment of some over others.
- A Parliament that is efficient and can be held to account by the people of New Zealand.

New Zealand's Constitution:

The constitution should not be written on a single document as there are not enough controls in place to ensure a written constitution will not be twisted to mean something it was not intended for, like the Treaty of Waitangi. I would like to see the retention of New Zealand's present flexible constitutional arrangements that consists of a collection of written statutes, conventions, and common law rights that together set out the basic rules by which we are governed.

Ideally the constitution should be the basis on which laws are written as such should have a higher legal status than other laws.

The power to decide whether legislation is consistent with the constitution should be held with Parliament, as in theory Parliament is accountable to the people of New Zealand and can be held responsible, whereas this is not the case for Judges. However Judges should have the power to return legislation back to Parliament for consideration and amendment.

The Bill of Rights:

The current bill of right does not protect the rights of New Zealanders enough. Private property rights should be included as they are the corner stone to a fair and functioning democracy. The right to take one's property is nothing but tyranny. Also the right to privacy should be added unless reasonable probable cause can be demonstrated before the right is waived. And the right to go about one's legal business without harassment by the State unless reasonable probable cause can be demonstrated before the right is waived.

The Bill of Rights Act should have a higher legal status than other laws, as it defines what the rights of New Zealanders are. This should form the bases of laws along with the constitution, and not be over written.

As with my previous statement the power to decide whether legislation is consistent with the act should be held with Parliament, as in theory Parliament is accountable to the people of New Zealand and can be held responsible, whereas this is not the case for Judges. However Judges should have the power to return legislation back to parliament for consideration and amendment.

Treaty of Waitangi:

The Treaty of Waitangi has been twisted so much that it is now nothing but a tool for apartheid. It will make the majority of NZ second class citizens in their own country. The same laws should apply to everyone evenly. The Treaty of Waitangi should be consigned to history and play no role in New Zealand's constitution or future.

Maori Representation:

Maori views should be represented in Parliament and local government the same as everyone else. There should be no preferential treatment to Maori over everyone else as this is nothing but racist and gives race-based preferential treatment to a few over the majority. Maori have the same opportunity as everyone to become MPs, councillors, Mayors, etc... why should they be given special treatment over everyone else, isn't New Zealand one country?

Electoral Matters

NZ is over represented when it comes to parliament. This causes inefficiency, increased special interests, less accountability, and increased costs. The 1999 Citizens' Initiated Referendum showed very strong support for the reduction of MPs, it was disgraceful that MPs acted in their own self-interest and did not act on the will of the people. MPs need to remember they work for the people who put them there, not themselves. A fixed number of 99 with no overhangs would be a reasonable number.

The term of Parliament should be increased to 4 years. Currently it is difficult to implement large policy changes due to the 3 year term. It also introduces a lot more uncertainty for businesses and the economy due to the nature of elections. Also elections are costly to hold, and a 4 year term would reduce the issues raised above. However there needs to be the power of recall and controls like an upper house put in place to order to stop rogue governments, without these controls I would rather have a 3 year term.

Election dates must be fixed; this removes power from the incumbent government and takes away an unfair advantage on when to hold an election. It adds to the transparency and openness of the Electoral process, and allows the country to better plan for the election, and its implications.

When the size and number of electorates are decided the following factors should be taken into account: Electorates should increase with the increase of population relative to a manageable / similar areas. Calculating the size of electorate should be based on the population and the interests of an area. List places should reduce with increased electorate. MPs should be accountable to the people who vote them in, not a party.

For MPs it should not be the party that decides the fate of an MP but the people who voted for the MP. There should be the power of recall for electoral MPs by the electorate, the number of list MPs should be reduced therefore the need for party hopping rules will reduce, however regarding party lists, once a party sets its list that is the list people vote on and should not change. Rules should be brought in to stop list hopping. To highlight MPs should be accountable to the people of NZ not the parties they belong to.

Other Issues:

- We have MPs who were never directly voted in (e.g. list MPs), therefore they are not accountable to an electorate only a political party. A constitution impacts on all New Zealanders therefore can only be approved by a large majority of New Zealanders. It must go through a public referendum process, and I would suggest that at a minimum accepted by 75% of the votes cast, with a turnout of more than 75% of registered voters (this ensures a 50% majority). Parliament must abide by the results of the referendum.
- Power of recall of MP's by the electorate should be introduced to make MP's more accountable to the people who vote them in.
- Party lists should be fixed and list jumping banned, unless death is a reason. When people vote, they vote on a list, that list should stay the same for the duration of parliament. Power of MP's should be in voters' hands not political parties. It is an honour and privilege to represent the people of New Zealand in parliament; as such it comes with responsibility and commitment.
- Current electoral laws must be enforced. There have been too many electoral laws broken with no action taken by the police. MPs and political parties should act at the very highest level of integrity as they have been bequeathed the awesome responsibility to govern NZ.
- Legally binding public referendums, I don't think I need to explain this one.

999

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/05/2013 2:02 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitutional opportunitiesessay.docx

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

Full Names: Edward Bowie Organisation Name: Email: I Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: Constitutional
opportunities essay.docx

Sent on the 31 May 2013 at 14:01

What opportunities does the Treaty of Waitangi provide for our future constitutional arrangements?

New Zealand's future constitutional arrangements will be guided by one key opportunity posed by the Treaty of Waitangi. That is, the chance to place Maori alongside the Crown at the center of governmental decision-making. This essay will examine that opportunity through the lens of a constitution being "...fundamental rules which underpin the operation of government, Parliament and the judiciary."¹ This essay will examine that opportunity, noting that placing the Maori-Crown relationship at the center of government is something that is largely already practiced. However, looking to the future I will pose a practical solution to the current state of confusion surrounding the Treaty's role in government.

Maori at the heart of Government

The union provided for in the Treaty between Maori and the Crown affords the opportunity to place Maori at the heart of government. The Treaty provided that prospect by promising Maori would keep their lands and chieftainship, while ceding the powers of government to the British and, notably, gaining the rights and privileges of British subjects.² The Court of Appeal's interpretation that "...the Treaty signified a partnership..." explains well the essence of the Treaty.³ At its heart is an approach promoting active cooperation in tandem with both parties, albeit with undeniable issues relating to translation and mutual understanding.

The opportunity provided by the Treaty of Waitangi to place Maori at the center of governmental decision-making has already largely been harnessed. This is a

¹ Mai Chen, *Public Law Toolbox* (Wellington: LexisNexis, 2012), 987.

² Robert J. Miller and Larissa Behrendt, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010), 213.

³ Alan Ward, *An Unsettled History: Treaty Claims in New Zealand Today* (Wellington: Bridget Williams Books, 1999), 37.

constructive accord, and therefore New Zealand's future constitutional arrangements in this respect should look very similar to those that we see currently. The harnessing of that opportunity is seen in the central importance of the Treaty to government. However, Carwyn Jones points to the Foreshore and Seabed controversy as being evidence that "Maori rights are only recognised at the whim of the government of the day."⁴ I believe that incident in fact contributed to New Zealand's incremental constitutional development. The content of the debate was at times undesirable and damaged race relations. Nonetheless, the subsequent backlash and repeal of the law demonstrates to any modern government the political necessity in recognising the role of Maori in governmental decision-making.

That is further witnessed in, for example, legislative requirements to not act in a manner inconsistent with Treaty Principles.⁵ Similarly, the Mixed Member Proportional electoral system has resulted in the Relationship Accord and Confidence and Supply Agreement between the National and Maori Parties promising to lead a government that will act in accordance with the Treaty.⁶

The Treaty is thus placed front and center in governmental decision-making. This reflects an arrangement made possible, or necessary, by the Treaty's partnership approach. Looking ahead to New Zealand's future constitutional arrangements, I believe this approach should remain.

Maori at the heart of government: best achieved by keeping the Treaty outside

⁴ Carwyn Jones. Interviewed by: Steven Price *Debating the Constitution 1: What's the Problem?* (14 April 2013), Radio New Zealand.

⁵ Claudia Orange, *An Illustrated History of the Treaty of Waitangi* (Wellington: Bridget Williams Books, 2004), 163.

⁶ The New Zealand Parliament (2011). *Relationship Accord Confidence and Supply Agreement*. Wellington: New Zealand.

the law

This decision to not directly place the Treaty in law, but instead have it enforceable by the courts where incorporated into statute ensures appropriate importance is given to the Treaty's role in government.⁷ I believe Maori and the fourth Labour government were correct in 1985 to drop the White Paper proposal to have a general Treaty clause in the Bill of Rights.⁸ The result is that the Treaty is a "...source of the constitution, not part of it."⁹ This rather informal arrangement reflects the reality of the "living" document,¹⁰ and the essence of the Treaty being forward-looking: "From it, all else flowed."¹¹

Consequently, the Treaty remains a touchstone for issues of national significance, yet remains modern and relevant. Former Chief Judge of the Maori Land Court Joseph Williams overstated the benefits of having the Treaty placed fully in law at the Treaty Conference in 2000 when he said it needs a "...core constitutional role" to remain constitutionally significant.¹²

Instead, its versatile application to modern scenarios is key to its longevity in and relevance to New Zealand's constitutional arrangements. The Treaty's interpretation "...should respond to changes in social and cultural life..."¹³

Keeping the Treaty outside of formal legal arrangements affords that opportunity. For example, the Maori Party's Whanau Ora policy in government

⁷ Janine Hayward, *The Treaty and the Constitution*. In: *New Zealand Government and Politics*, Raymond Miller (ed.) (Melbourne: Oxford University Press, 2010), 105.

⁸ Philip Joseph, *Constitutional and Administrative Law in New Zealand* (Wellington: Thomson Brookers, 2007), 79-80.

⁹ Matthew Palmer, *The Treaty of Waitangi in New Zealand's Law and Constitution* (Wellington: Victoria University Press, 2008), 226.

¹⁰ Denise Henare, Can or should the Treaty be replaced? In: *Building the Constitution* (Wellington: Institute of Policy Studies, 2000), 207.

¹¹ Henare, 207.

¹² Joseph Williams, *The Treaty of Waitangi and Western Democracy*. In: *Proceedings of Treaty Conference 2000* (Auckland: Treaty Conference 2000 Publication Group, 2000), 7.

¹³ Hal B. Levine, *The Maori Iwi – Contested Meanings in Politics of Indigeneity in the South Pacific: Recent Problems of Identity in Oceania*, Erich Kolig and Hermann Muckle (eds) (Berlin: LIT Verlag Munster, 2002), 80.

credits the Treaty for being the “genesis” and “framework” for that policy.¹⁴ Evidently, Treaty partners are capable of freely and flexibly applying the meaning of the document, rather than finding it cemented, outdated and subsequently intangible as I believe it would become if formally incorporated into statute.

The frequent legal and political debates surrounding the role and substance of the Treaty in the law are mostly healthy and demonstrate the use in keeping it modern and tangible. Famously contested cases such as the 1987 *Lands* case, *Ngati Apa* in 2003 and the 2013 Supreme Court decision on *Mighty River Power* highlight the constantly changing discourse surrounding the Treaty. I believe that is a good thing, made possible by the supreme Parliament choosing to maintain an unwritten constitution that “...allows room for debate...”.¹⁵ The result is a Treaty that remains appropriately “fluid”: relevant, malleable and applicable to modern scenarios.¹⁶

The arrangement as outlined, whereby the Treaty affords a central place for Maori in government while keeping the Treaty as a source of the constitution rather than part of it, reflects well the opportunity posed by the Treaty. Additionally, the informal role of the Treaty in the law largely appeases relevant interests in the issue. The incremental constitutional change approach allows “...indigenous (but minority) grievances to be redressed without too greatly antagonising the pakeha majority.”¹⁷ Those who are opposed to special Maori treatment may be satisfied because the Treaty is not formally incorporated into law. Meantime, Maori may be content because the arrangement accommodates a fluid and changing dynamic, reflecting the fact that the Treaty will have to be interpreted differently over time. As outlined, this is an opportunity posed by the Treaty, and should remain looking ahead to the future. However, confusion over the principles of the Treaty necessitates clarification, which I will now

¹⁴ Mason Durie, *Whanau Ora: Report of the Taskforce on Whanau-Centred Initiatives* (Wellington: The Ministry of Social Development, 2009).

¹⁵ Hayward, 106.

¹⁶ Hayward, 107.

¹⁷ Chen, 1009.

999

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Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region: Postal Post
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⁶ The New Zealand Parliament (2011). *Relationship Accord Confidence and Supply Agreement*. Wellington: New Zealand.

the law

This decision to not directly place the Treaty in law, but instead have it enforceable by the courts where incorporated into statute ensures appropriate importance is given to the Treaty's role in government.⁷ I believe Maori and the fourth Labour government were correct in 1985 to drop the White Paper proposal to have a general Treaty clause in the Bill of Rights.⁸ The result is that the Treaty is a "...source of the constitution, not part of it."⁹ This rather informal arrangement reflects the reality of the "living" document,¹⁰ and the essence of the Treaty being forward-looking: "From it, all else flowed."¹¹

Consequently, the Treaty remains a touchstone for issues of national significance, yet remains modern and relevant. Former Chief Judge of the Maori Land Court Joseph Williams overstated the benefits of having the Treaty placed fully in law at the Treaty Conference in 2000 when he said it needs a "...core constitutional role" to remain constitutionally significant.¹²

Instead, its versatile application to modern scenarios is key to its longevity in and relevance to New Zealand's constitutional arrangements. The Treaty's interpretation "...should respond to changes in social and cultural life..."¹³ Keeping the Treaty outside of formal legal arrangements affords that opportunity. For example, the Maori Party's Whanau Ora policy in government

⁷ Janine Hayward, *The Treaty and the Constitution*. In: *New Zealand Government and Politics*, Raymond Miller (ed.) (Melbourne: Oxford University Press, 2010), 105.

⁸ Philip Joseph, *Constitutional and Administrative Law in New Zealand* (Wellington: Thomson Brookers, 2007), 79-80.

⁹ Matthew Palmer, *The Treaty of Waitangi in New Zealand's Law and Constitution* (Wellington: Victoria University Press, 2008), 226.

¹⁰ Denise Henare, Can or should the Treaty be replaced? In: *Building the Constitution* (Wellington: Institute of Policy Studies, 2000), 207.

¹¹ Henare, 207.

¹² Joseph Williams, *The Treaty of Waitangi and Western Democracy*. In: *Proceedings of Treaty Conference 2000* (Auckland: Treaty Conference 2000 Publication Group, 2000), 7.

¹³ Hal B. Levine, *The Maori Iwi – Contested Meanings in Politics of Indigeneity in the South Pacific: Recent Problems of Identity in Oceania*, Erich Kolig and Hermann Muckle (eds) (Berlin: LIT Verlag Munster, 2002), 80.

credits the Treaty for being the “genesis” and “framework” for that policy.¹⁴ Evidently, Treaty partners are capable of freely and flexibly applying the meaning of the document, rather than finding it cemented, outdated and subsequently intangible as I believe it would become if formally incorporated into statute.

The frequent legal and political debates surrounding the role and substance of the Treaty in the law are mostly healthy and demonstrate the use in keeping it modern and tangible. Famously contested cases such as the 1987 *Lands* case, *Ngati Apa* in 2003 and the 2013 Supreme Court decision on Mighty River Power highlight the constantly changing discourse surrounding the Treaty. I believe that is a good thing, made possible by the supreme Parliament choosing to maintain an unwritten constitution that “...allows room for debate...”.¹⁵ The result is a Treaty that remains appropriately “fluid”: relevant, malleable and applicable to modern scenarios.¹⁶

The arrangement as outlined, whereby the Treaty affords a central place for Maori in government while keeping the Treaty as a source of the constitution rather than part of it, reflects well the opportunity posed by the Treaty. Additionally, the informal role of the Treaty in the law largely appeases relevant interests in the issue. The incremental constitutional change approach allows “...indigenous (but minority) grievances to be redressed without too greatly antagonising the pakeha majority.”¹⁷ Those who are opposed to special Maori treatment may be satisfied because the Treaty is not formally incorporated into law. Meantime, Maori may be content because the arrangement accommodates a fluid and changing dynamic, reflecting the fact that the Treaty will have to be interpreted differently over time. As outlined, this is an opportunity posed by the Treaty, and should remain looking ahead to the future. However, confusion over the principles of the Treaty necessitates clarification, which I will now

¹⁴ Mason Durie, *Whanau Ora: Report of the Taskforce on Whanau-Centred Initiatives* (Wellington: The Ministry of Social Development, 2009).

¹⁵ Hayward, 106.

¹⁶ Hayward, 107.

¹⁷ Chen, 1009.

propose.

Maori at the heart of government: best achieved by keeping the Treaty outside the law, but with the principles defined in legislation

Debate surrounding the existence, or lack thereof, of the Treaty's principles is less constructive to New Zealand's constitutional development than the debate about the form of the Treaty's application. The Court of Appeal's summary of key Treaty principles in the 1987 *Lands Case* has been "...fundamental to our evolving understanding of what the Treaty means...".¹⁸ President Cooke cited partnership, good faith and active protection of Maori as being the guiding principles of the document.¹⁹ However, the existence and acceptance of those principles remains contested, and that hampers New Zealand's ability to seize on the opportunity to place Maori at the center of government.

The principles identified in the *Lands case* have never been enshrined in law. Indeed, as the leader of New Zealand First Winston Peters argued in the First Reading of his Bill *Principles of the Treaty of Waitangi Deletion Bill*, the principles have never properly been defined.²⁰ Hayward's contention that such claims are "misleading" overstates the clarity of the matter.²¹ She cites the *Lands Case* and Waitangi Tribunal reports identifying the principles as being evidence that the principles have been consistently applied.²² However, that proposition ignores her earlier concession in relation to Winston Peters; debate and conflict continues to exist in relation to the principles' existence, let alone their content.

Consequently, I propose that the principles should be defined in legislation, while keeping the Treaty itself outside the law. The principles will probably be agreed by Parliament to take the form as set out in the *Lands Case*, however that

¹⁸ Hayward, 109.

¹⁹ *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR, 642.

²⁰ Winston Peters (2005). Principles of the Treaty of Waitangi Deletion Bill. *New Zealand Parliamentary Debates*, 626, 21167.

²¹ Hayward, 108.

²² Hayward, 109.

is a debate to be had and the outcome may be different from that. That is largely irrelevant. The significance lies in the fact that they would be legislated for at all. That will curtail further political point scoring and contest, and will allow the opportunity afforded by the Treaty to place Maori at the center of government to be carried out without hindrance. It would minimise the small remaining risk of another Foreshore and Seabed debacle. Additionally, it would eliminate the truth to the claim that "...the legal status of the Treaty of Waitangi in New Zealand is incoherent and its legal force inconsistent."²³ Similarly, this solution will avoid the problem that "...no one knows what it [the Treaty] means when applied to any specific issue."²⁴ Defining in legislation what the principles are will mean the *application* of the Treaty will rightly continue to evolve and be debated, but the essence of what is being debated will be clear for all to see.

This arrangement as proposed would not elevate the status of the Treaty in law. The legislation I am proposing would simply clarify the terms of the Treaty where it was specifically referred to in legislation.

A related point concerns whether this legislation defining the Treaty principles would itself need to be placed in 'supreme' law. To do so would require a supermajority of Members of Parliament voting and/or a majority at a referendum to amend the provisions of the supreme law.²⁵ I contend that the aforementioned MMP realities, whereby Maori influence is now a staple and necessary feature of government, means that enshrining these principles in supreme law would be unnecessary. Such an action would be a legitimate debate to have if the entire Treaty itself was being placed in law. However, the purpose of legislating for the Treaty's principles is solely for clarification: the ad-hoc nature of the Treaty's application in law will rightly remain.

Opportunity to shift to a Republic

²³ Palmer, 153.

²⁴ James Allen. Interviewed by: Karl du Fresne. *Reviewing New Zealand's Constitution* (24 November 2012), The Listener.

²⁵ Chen, 1011.

I was very interested in exploring in this essay the ease with which the Treaty will allow New Zealand to make the transition one day to a Republic. This transition has been foreshadowed in the ease with which the Treaty partners have already changed. The partners have shifted from being solely signatory Maori and the British Crown, to most iwi and the New Zealand government. This suggests that the complete removal of the Monarchy will not have an impact on government-Maori relations. However, this essay's format constraints and, more importantly, the Constitutional Review's lack of mandate to deal with the Republic issue means it has been left out of this analysis.

A future opportunity provided by the Treaty of Waitangi for our constitutional arrangements is that Maori can play a central role in government. That is an opportunity largely already taken, and should remain. However, confusion and unhelpful debate about the Treaty's place in law remain. Hence, future change in this regard should be seen in legislating for the principles of the Treaty, so as to solidify and clarify the Treaty's influence in governmental decision-making. Sorting that confusion will then enable a future constitutional review to tackle an issue so shamefully omitted from the current one: whether – and how, in the context of the Treaty – New Zealand should become a Republic.

References

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<http://www.parliament.nz/NR/rdonlyres/22CACF7A-2530-45E6-9569-518E53CF0056/244059/RelationshipAccordandConfidenceandSupplyAgreementw.pdf>

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- Williams, Joseph. The Treaty of Waitangi and Western Democracy in Practice. In: *Proceedings of Treaty Conference 2000*. Auckland: Treaty Conference 2000 Publication Group, 2000.

Word Count: 2,021

2654

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 10:31 a.m.
Subject: CAP Submission

I believe that Maori seats should be abolished. Elected seats should be on the basis of merit, this applies to to local government as well.

Yours sincerely
R E Bowker
Napier

4637'

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:35 p.m.

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

Full Name: Andrew and Lisa Bowman Organisation Name: Email: Phone:
Postal AddressA: | Postal AddressB: Postal City:
Postal Region: North Waikato Postal Post Code: Postal Country: New Zealand
Submission: We don't wish to see a written constitution for NZ.

We feel political, social and racial pressure groups will have a disproportionate influence in its makeup. The only beneficiaries would be those employed in our legal system.

Our current unwritten constitutional system is close to democratic, is open for discussion and, in our opinion, necessarily fluid.

Submitted on the 31 July 2013 at 12:34

2520

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:56 a.m.
Subject: CAP Submission

Maori Seats should be ABOLISHED.

Rod Bowman CPF,GCF.

Hamilton

954

From:
To: <constitutionalreview@justice.govt.nz>
Date: 30/05/2013 11:10 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Lynette May Bowyer Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Hastings Postal Region: Hawke's Bay Postal Post Code: Postal Country: New
Zealand Submission: My one desire for NZ's future is to maintain the idea that anyone, with
enough diligence and hard work, can achieve what they set out to do. For this reason I am opposed to
the Treaty being included in the constitution. Including the treaty in the constitution
cements us into two groups - the entitled and the not entitled, regardless of effort.

I am also against enshrining any culture that is based on privilege according to family status or group membership into the guiding document for a country that supports equality in the law and the reward-for-effort principle.

The idea of two legal systems operating at once is ridiculous, as Australia keeps pointing out when pressed to introduce Sharia law.

I also perceive that including the treaty will have an immediate negative affect on that part of NZ society that is currently feeling disenfranchised by current political activity around Treaty entitlement issues.

Sent on the 30 May 2013 at 11:09

3841

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 8:29 p.m.

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

Full Names:	Andrew Boyd	Organisation Name:	Email:	Phone:
	Postal AddressA:		Postal AddressB:	Postal City:
Leeston	Postal Region:	Canterbury	Postal Post Code:	Postal Country:
Submission:	My father recalled Roger Douglas's 1980's idea about GST			

Raise GST to a level that would equal the income tax + GST overall take

Some would say "This will help the rich, not the poor"

I suspect that that may not be the case, as the "Rich" the factory owners etc, will have a larger gst bill to pay

It will however mean that most working NZers could not need to bother filling out annoying tax returns, saving the country's people so much time

This may also leave a few people out of jobs

but far better to give them something more useful to do

For me my lifetime is more about time than money

My submission is for the income tax of most ((NZers) to be abolished and GST raised to make up the resulting shortfall

Perhaps for those incomes over a certain point an income tax could be considered

I'm sure if I had the numbers I could address this myself with a spreadsheet, but surely this is best left to the experts?

thanks for taking the time AND giving us this opportunity :-)

3108

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.

Brian Boyd
Auckland
New Zealand

3107

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.

Dallas Boyd
Hawera
New Zealand

2945

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 9/07/2013 3:35 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Boyd Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: I would like to confirm my support for the Bill of Rights Act.

I see no need for this discussion on the constitution. It is not broken: dont fix it. Its stood the test of time.

Sent on the 9 July 2013 at 15:34

1331

From: "Jim Boyd"
To: <constitutionalreview@justice.govt.nz>
Date: 14/06/2013 10:16 a.m.
Subject: constitution

YES i also strongly oppose any legislation or reference to the treaty of waitangi in any current or future legislation. If in the future a written constitution is drafted i am strongle opposed to any race based legislation. James boyd

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 3:54 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
[http://www.ourconstitution.org.nz/ form submission](http://www.ourconstitution.org.nz/form submission)

2998

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

Full Names: Margaret Rose Boyd Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Hamilton Postal Region: Postal Post Code: Postal Country: new
Zealand Submission:

retain the status quo

Sent on the 10 July 2013 at 09:12

672

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 12:44 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Andrea S Boyde Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Bay Of Plenty Postal Post Code: Postal Country: New
Zealand Submission: Many of our people are barely able to afford a roof over their heads, let alone food and the government decides to put millions of dollars into this?! We don't need a constitution as the laws and legislation that govern this country should be sufficient.

We most especially do not need to have the treaty included in it! It's outdated and if added to a constitution will only serve to benefit Maori, not New Zealand as a whole! I am sick of the segregation that happens in this country and it is about time it stopped.

I get treated like a second class citizen, despite the fact I've worked and paid taxes for years, but when I needed financial help I had to fight for it because I am the wrong colour (European) I also found out that if I was Maori I would have been entitled to free courses. Hang on. I paid my taxes for what?? Then you bring all these foreigners into the country who get free homes! FREE. What about those of us who have worked our butts off, struggling to get anywhere. That's right, we don't matter.

Stop this ridiculous wasting of money and focus on treating all New Zealanders (I am not a Pakeha!) as equals. Stop giving jobs to people who have just arrived. Stop selling our land to countries that won't let us buy land from them. Stop and think for once Government. And start treating us all the same.

Sent on the 29 April 2013 at 12:43

1032

From:
To: <constitutionaireview@justice.govt.nz>
Date: 4/06/2013 12:00 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Douglas Lloyd boyde Organisation Name: nat Party waikato Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Huntly Postal Region: Postal Post Code:) Postal
Country: New Zealand Submission: A New Constition to cover all of New Zealand when the
Treaty of waitangi is finaly settled One Parlement for one people

Sent on the 4 June 2013 at 12:00

242

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 2:26 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Martin Brabander Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Boulcott Postal
City: Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: To me, the Treaty of Waitangi is now irrelevant. The British Crown does not control
Aotearoa in the 21st century, and the Maori signatories to the Tiriti o Waitangi, could not represent the
views of the Maori nation, as no such entity existed. As such,
the signing was meaningless to one group of signatories. It is as relevant today as the 1842 Treaty of
Nanjing which ceded Hong Kong to the British Crown.

I believe that New Zealand should write a new Constitution based on modern tenets and human
rights.

Sent on the 12 April 2013 at 14:25

4539

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 8:36 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Alan Brabant Organisation Name: Residenti Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Auckland Postal Post Code:
Postal Country: New Zealand Submission: Very simple;we all have an equal right as citizens .NO
ETHNIC group has any rights above others.Hence ONE ROLL for all electors. Eg. We have recently
seen Tainui lower tribe members complaining they have seen very little of the huge funds paid by NZ
Govt

Also, there are still deep tribal differences-noticed when their "Queen "died. Just forget all that past
difference and experience the true protection of being part of ONE country. with a fair voice for ALL
citizen voters.

Simple and no more gravy train for lawyers through "WAITANGI arguments".Settle finally. Lets not
look too closely at how an earlier invasion eliminated the original NZ dwellers(forcefully) while from
the last century settlers have again gradually altered the
ethnic balance. Note; Resident Chinese are proud to claim themselves as NZ.Chinese. (No tribal
strife). Let that be a guide for this Advisory Panel NOT a wish to protect some elusive vanishing
bloodline.

Submitted on the 31 July 2013 at 15:27

Alan Brabant

phone

Postal Address:

email

Address:

residential

City/Town

Auckland

Region

Auckland

Post Code

New Zealand

Note whole I completed
all boxes as asked
this copy has not
recorded same
and I am doubtful
that submission was
sent though server did
acknowledge my interest
???

Submission

Very simple; we all have an equal right as citizens. NO ETHNIC group has any rights above others. Hence ONE ROLL for all electors. Eg. We have recently seen Tainui lower tribe members complaining they have seen very little of the huge funds paid by NZ Govt. Also, there are still deep tribal differences - noticed when their "Queen" died. Just forget all that past difference and experience the true protection of being part of ONE country, with a fair voice for ALL citizen voters.

Simple and no more gravy train for lawyers through "WAITANGI arguments". Settle finally. Let's not look too closely at how an earlier invasion eliminated the original NZ dwellers (forcefully) while from the last century settlers have again gradually altered the ethnic balance. Note; Resident Chinese are proud to claim themselves as NZ Chinese. (No tribal strife). Let that be a guide for this Advisory Panel NOT a wish to protect some elusive vanishing bloodline.

1058

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 4:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: William Alston Bovaird Brabazon Organisation Name: nil Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: Leave well alone

Sent on the 4 June 2013 at 16:45

2414

From: Ken Brabyn
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 7:44 a.m.
Subject: CAP Submission

I Think New Zealand should abolish Maori seats and anything else that is based on race.
Yours sincerely, K W Brabyn

To
Constitutional
Advisory Panel
c/o Ministry of Justice
DX SX 16088, Wellington

Rec. 11/6/15

Tauranga

10.6.2013

2989

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

Concerned New Zealander
Mrs. I. Bracanov

Tauranga

WHY WAS THIS CONSTITUTIONAL
REVIEW NOT ADVERTIZED ON
NATIONAL TV 1 AND 2 AND 3 BUT
ONLY ON MAORI TV FROM
FEBRUARY 2013 AND LOCAL ALSO
NEWS PAPERS, SO ALL PEOPLE
OF N.Z. CAN READ AND SEE?

To Ministry of
Justice!

18.4.2013

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

It may require some alteration
in the future, but not race
based Constitution.

Equality for all
One People One Nation!

I. Bracanov

Tauranga.

2633

From: "Jill Bradley"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:45 p.m.
Subject: CAP Submission

I wish to see the Maori seats abolished. How patronising to forever inflict these once proud people with a sort of stigma that they need 'special' treatment because they simply aren't capable of fitting into modern life.

If I was a Maori I would want to be part of the greater representation of New Zealanders and have my say respected - not just because of my race. We are all New Zealanders and I absolutely deplore the racism/apartheid currently politically promoted in this country.

Jill Bradley:

4280

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:34 p.m.

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

Full Names: Paul Stuart Bradley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Hamilton Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: I would like to our environment
to be given rights much in the same way that human rights protect people.

Although our environment has some protection, these protections are under threat. As pressure mounts to exploit more and more non-renewable resources, governments are prone to try and erode these protections.

Affording rights to the environment would mean that a healthy environment is recognised as essential not only to our lifestyles and prosperity, but also to our survival as a species.

Governments have so far failed to act in any significant way to the threat of climate change. I believe that this is largely due to the relatively short 3 year term of government. Climate change is a long term problem. Rights for our environment mean that governments will be forced to act in a way that looks beyond the 3 year timeframe and considers future generations.

Submitted on the 30 July 2013 at 21:32

4909.

Submissions
Secretariat, Constitutional Advisory Panel
c/o The Ministry of Justice
SX10088
WELLINGTON

Dear Panel,

The following six pages are herewith submitted for the Panel's consideration. My contact details are:

Name: Philip A. Bradley
Phone number:
Postal address:

WELLINGTON

31/7/13

J

New Zealand's Constitution

Should the constitution be written in a single document?

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

Unwritten constitutions, i.e. constitutions not in a single document, are rare, but New Zealand's lack of a single-document constitution reflects its history. In other countries written constitutions are a consequence of revolutionary political change, as in America or France, or a consequence of federation, as in America or Australia.

Nothing comparable pertains in New Zealand. Nothing has arisen that indicates a need for a written constitution. New Zealanders are not deprived in any way compared with citizens of other countries because their country lacks a single-document constitution. The New Zealand approach has the virtue of flexibility.

Any proposed written constitution will see special interest groups seeking special recognition (i.e. privileges) or recognition of their own special hobby horses (Christians will demand that the constitution contain some reference to god, republicans will push for an elected head of state, there will be demands that the rights of the unborn child be recognised and, alternatively, that the right of women to control their own fertility be recognised. This tiresomeness all at once is best avoided.

There is much New Zealand legislation (and public administration) that is discriminatory, but it exists because of political expediency. Parliament cannot be trusted to ensure "fairness". The Courts are more likely to take a disinterested view, but there is a risk of judicial activism and my impression is that judges have recourse to principles that may be used to support discrimination as they see fit. Involvement of the Courts may be necessary, but should be considered with caution.

Bill of Rights Act

Does the Bill of Rights protect your rights enough?

Why?

What other things could be done to protect rights?

What additional rights if any could be added to the Act?

Why?

Discrimination in law and administration

The Bill of Rights outlaws various forms of discrimination. Nevertheless discrimination in favour of (or against) social groups is institutionalised in legislation and public administration. The discrimination is possible because of political expediency. Courts should be able to strike down such legislation or administrative practices.

Regarding sex discrimination, there are many examples ranging from military service to the widow's benefit. One particular egregious example is the existence in the Crimes Act of the offence "assault on a female" which is regarded as more serious than common assault (i.e. assault on a male). The sex of the offender or victim is no more relevant than their race. It is based on stereotyping. Remnants of chivalry have no part in a society allegedly dedicated to equality and non-discrimination. Action by the Courts could, or should, bring such discrimination to an end.

Abortion (and/or fertility) rights for men

If a woman has effectively a right to an abortion, a right to control their fertility, there is in law no recognition of how this "di-empowers" men. The father should have the right to veto any abortion and/or a right to abort any financial obligation for the child. Sexual equality requires this. Furthermore, no man should be under an obligation to support any child that has not been determined as his by a scientific test. Such tests should be a mandatory part of birth registration.

"Ethical belief"

The Bill of Rights bans discrimination on the ground of a person's "ethical belief", which is defined as not having any religious belief. This terminology is a patently stupid, even insulting to those who have no religion or positively reject religion. "Ethics" have nothing to do with it (but ethics are often bound up closely with religious belief). The terminology represents a denial that many people in this country either have no religion or positively reject it.

Freedom from religion.

Freedom from religion is essential in a secular society. You may be free to hold your belief and belong to a group of similar persuasion, but the Bill of Rights does not protect you from having to support religious institutions that you do not belong to. For example, political expediency may result in the use of public funds to maintain so-called "heritage" buildings owned by religious denominations, or for religious observances to be insinuated

into public events. (There is, for example, no reason why a national anthem should refer to a god of some sort - the American and French national anthems do not.)

The separation of Church and State is one of the first principles of the American Bill of Rights and should be covered in New Zealand's. The state must be quiet neutral as to matters of religion, and the various religions must be self-reliant.

Treaty of Waitangi

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

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

You say the Treaty is "Generally regarded as New Zealand's founding document." That slogan is a recent perception. K J Scott's "The New Zealand Constitution" of 1962 makes no reference to the Treaty of Waitangi. But the treaty has been promoted as New Zealand's "founding document" for political ends as it contains the questionable implication that the Treaty is or should be paramount.

As it is the Treaty has spawned a grievance industry and the large scale transfer of assets. I am not sure what would be gained if it were incorporated into a single-document constitution or in some way into our current constitution. However, presuming that the 1840 treaty would consequently be abrogated, one possible advantage is that including the treaty in a constitution would make it liable to amendment. This would render it open to democratic debate and change. This may be a good thing.

Maori Representation

How should Maori views be represented in Parliament?

How should Maori views be represented in local government?

Maori views should be represented in parliament or local government the same way as the views of any other social group are represented – by people standing for election and getting elected.

The question makes a presumption privileging Maori. Other races or other social groups could argue for similar separate representation. Members of, for example, the female sex, may feel there should be separate representation for women, to ensure their views are appropriately represented in Parliament. There is no compelling reason why any social group should be institutionally privileged in the political system.

The notion of what is “a Maori view” raises the question “What is a Maori? It seems to be very fluid. Is there a unique, authoritative Maori view on any issue? There are presumably diverse views in the Maori population on any issue.

It has become an issue of “race” or “ethnicity”. The definitions seem to allow an inappropriate degree of flexibility.

Giving a “Maori” elector an option to register in one of two electorates privileges them by allowing them a choice that they may exercise according to what would most advantage the political group they support. This is unfair.

Electoral Matters

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

Why?

Regarding a *non-list* MP, it is possible their electoral success is due to personal or other factors that are quite separate from the candidate's professed political allegiance. There should be *no* sanctions on a non-list MP who parts ways with their party.

Regarding a *list* MP, however, the sole basis for their being in Parliament is their party affiliation. Expulsion of a list MP from a party must entail expulsion from Parliament. It is contrary to the purpose of MMP if a list MP once in Parliament is able to transfer their allegiance to some other party or become "independent". (If they want to be independent they should have stood as an independent candidate.)

MMP institutionalises political parties within the electoral system. MMP has some very questionable features and support for it is not overwhelming in New Zealand. However, requiring the expulsion of wayward *list* MPs would, at least, eliminate a self-defeating aspect of MMP.

1737

From: Ian Bradshaw
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 9:17 a.m.
Subject: DRAFT NZ CONSTITUTION

*THE DIRECTORS, *
CONSTITUTIONAL REVIEW / NZGOVT

**

**

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

**

Ian G Bradshaw

**

*

Whangarei

1600

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 10:46 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Michael Gregory Bradshaw Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Napier Postal Region: Hawkes Bay Postal Post Code:
Postal Country: New Zealand Submission: No more than 100 MPs. 120 is too many. Goodness knows what the rank and file MPs do with their time when parliament is sitting. After living in HB for forty years, I still do not know anyone who has had cause to call upon the services of any local MP at any time so what do they do when Parliament is not sitting ?. Most members of the public are unaware how many MPs are attributed to their region.

The Parliamentary term should be four years. Three years is too short. It consists of the 'honeymoon period' for a year, a year of effort in trying to implement policies followed by a year of 'silly season' preparing for the next election. Two years of trying to install policies upon which a government is elected, is far more satisfactory.

I have no problem with the current method of deciding the electoral date.

Size of electoral areas should be largely decided upon population. We sometimes hear about the difficulties in 'getting around' larger, less populated areas. In this electronic age, how valid a complaint is that ? What percentage of the population has ever had a face-to-face conversation with their MP(s) ?

I don't have much of a problem with 'waka jumping'. In the olden days it used to be called 'crossing the floor'. If an MP believes that his/her party is seriously deviating from indications and promises made pre election, he/she should be able to transfer his support to a party which most closely adheres to those promises etc.

Such behaviour may keep parties true to their principles and MPs true to their promises pre-election.

Sent on the 26 June 2013 at 10:45

1600a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 11:31 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Michael Gregory Bradshaw Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Napier Postal Region: Hawkes Bay Postal Post Code:
Postal Country: New Zealand Submission: The Treaty should not become part of any NZ
constitution for the following reasons:-

It is divisive. There are over a hundred different nationalities now living in this country. We should be working to be a homogenous whole, not creating an elitist and privileged group separate from the general population.

We are continually directed to "abide by the principles of the Treaty" yet few can say what the principles are.

It has been distorted out of all proportion from the original

document, e.g. one of the more recent decisions is that the Treaty includes "partnership". That word, or word similar to it, does not appear anywhere in the Treaty.

Treaty monies are not being used to assist impoverished Maori. Maori assets from treaty settlements now probably exceed \$50 billion yet we are frequently harangued about maori children living in poverty and going to school without breakfast or shoes. Respected Maori spokesmen have said that such welfare is the responsibility of central government, i.e. the taxpayer. So who benefits from the \$50 billion ?

The Treaty had three simple principles cobbled together to bring peace and order to this country. It was never intended to provide an unending stream of unearned

wealth to a tribal elite, - always assuming that "tribes" exist in a traditional sense in today's world.

The Treaty industry is creating generational racial resentment, - from both sides. There seems to be a growing Maori perception that the country was stolen from them and among the rest of the population there is an undercurrent of resentment at having to pay to compensate for real and imaginary grievances over which they had no control or responsibility.

The Treaty creates an understanding that Maori are a special and privileged sector of the New Zealand population. Whatever are the rights and wrongs of this country's history, nothing can change that. Most of the country's population has no ancestral connection to the improprieties that followed the Treaty so why should they as taxpayers be required to compensate for some other persons' folly ? There are many races that were not even present in NZ over the relevant time so why should they be required to compensate through their taxes ?

Ditch the Treaty and let's get back to pre-1975 days when we were all New Zealanders of different backgrounds.

Sent on the 26 June 2013 at 11:29

16006

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 12:12 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Michael Gregory Bradshaw Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Napier Postal Region: Hawkes Bay Postal Post Code:
Postal Country: New Zealand Submission: These three questions are predicated on the
assumption that maori should have the privilege of racially appointed seats in Parliament.

Surely, that is a racist proposition.

Giving the privilege of extra representation of one racial group over the views of others is wrong.

Maori views should be expressed through the ballot box like every other race.

New Zealand is developed western country and like many other such countries, it has an amalgam of different races. All voters, regardless of race, should have the same electoral rights and representation opportunities.

It is up to the elected MP to represent the needs and aspirations of his electorate regardless of race.

As a hypothetical question, what would happen in the UK if privileges were granted for anyone who could show Gaelic ancestry against those who could not ?

New Zealand (not Aotearoa) needs to grow up in this respect.

Maori electoral participation should be treated as that of the general population. Maori population numbers are being challenged by Polynesian and Asian populations.

Are we also to create racially selected parliamentary seats for these growing populations in the future ?

I believe that the Maori seats were created when Maori generally did not have the vote. They were intended to give Maori some representation in Parliament. Maori now have the general vote so the Maori seats are obsolete.

Maori seats do not have majority support from Maori.

This is shown in recent polls where (I believe) Maori voters were almost evenly split between the Maori roll and the general roll.

I suspect that the reason that the Maori seats have not been abolished at an earlier date is largely for political reasons and, - paradoxically, to avoid the inevitable accusations of racism !

Sent on the 26 June 2013 at 12:11

466

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 8:06 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Terrv Bradshaw Organisation Name: Email: Phone:
Postal AddressA: t Postal AddressB: rtr Postal City: ..
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: Maori representation at all levels should be on an equal basis with all other NZ ethnic
voter groups. No separate arrangements for any group should be made.

Sent on the 16 April 2013 at 20:06

4633²

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:29 p.m.
Attachments: SubmissionFromOtagoCentreForTheologyAndPublicIssues.doc

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

Full Names: Andrew William Bradstock Organisation Name: Centre for Theology and Public
Issues (University of Otago) Email: Phone: Postal
AddressA: Department of Theology and Religion, University of Otago Postal AddressB: P.O. Box
Postal City: Dunedin Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload:
SubmissionFromOtagoCentreForTheologyAndPublicIssues.doc

Submitted on the 31 July 2013 at 12:28

The University of Otago Centre for Theology and Public Issues (www.otago.ac.nz/ctpi)

The University of Otago Centre for Theology and Public Issues is the first research centre in New Zealand to examine political, social and economic issues from a theological perspective. It was established in January 2009.

The Centre seeks to fulfil its mandate to contribute to public discussion from a theological perspective by:

- undertaking rigorous cross-disciplinary research, publishing in scholarly journals, and sharing this research with decision-makers and community leaders
- producing high-quality resources to promote critical and engaged thinking about faith and current issues (e.g. discussion papers on election issues for church groups)
- working with all church traditions, people of other faiths, local and national government representatives, networks, agencies and other organizations committed to the common good
- organising public forums to encourage constructive dialogue between representatives of differing or conflicting viewpoints on current issues
- making informed submissions to parliamentary committees on proposed legislative changes
- delivering public lectures and invited sermons at church services
- providing expert commentary to local, national and international media

The Centre also delivers courses on Public Theology within and beyond the University.

The Centre hosted a round-table to plan its submission to the Constitution Conversation on Monday 15 July 2013. All who support its work were invited to participate and the following recommendations reflect the consensus opinion of those who attended (no votes were taken).

1. A Vision Statement for Aotearoa/New Zealand

While we remain open regarding the merits and demerits of a 'written' constitution, we would like to encourage work to be done on an agreed 'vision statement' for Aotearoa/New Zealand.

This would set out, in an accessible manner, our 'shared values' as a nation, including the core principles we share about our land and people and particularly respect for, and inclusion of, 'difference'. It would set down our commitment to pursuing the 'common good' and our collective duty to work for it.

We recognize that to achieve a consensus around 'shared values' will require a much longer conversation than the present one, but we believe it would be a worthwhile exercise which would repay the effort expended on it.

2. More bi-partisanship on core issues

We would like to see a more bi-partisan approach to policy-making on core issues – for example, reducing child poverty and our exceptionally high (by OECD standards) prison numbers, and guardianship of our key assets and resources.

We believe these issues to be of such moment that they would be better treated outside the party-political arena and on the basis of a consensus regarding what is in the best interests of the country and all its people.

3. Compulsory voting

We recommend making voting in parliamentary elections compulsory, as is the practice in some other countries including Australia. ‘Compulsory voting’ should also include the right to actively abstain.

This recommendation reflects our concern that all citizens should be involved in electing those who will guide and direct the country on our behalf.

4. Civic studies in schools

We are concerned at the low level of participation in civic affairs, including this Conversation, by many in our society, and believe that making ‘civic education’ an integral part of the school system would help to foster a greater understanding of, and concern to participate in shaping, our political institutions.

Submitted on behalf of the Centre for Theology and Public Issues by its Director, Professor Andrew Bradstock

**Centre for Theology and Public Issues
University of Otago**

www.otago.ac.nz/ctpi

4094

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 7:42 p.m.
Attachments: Constitution submission - MatBrady.pdf

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

Full Name: Mat Brady Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: North Island Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Constitution submission - Mat Brady.pdf

Submitted on the 29 July 2013 at 19:41

What are your aspirations for Aotearoa New Zealand?

I once saw an American political comedy show where the host posed the question: "What if our government was designed by Apple?"

It made for good television, but it also spoke to a much larger issue, and it is a subject worth pursuing within the context of how we shape our new constitution.

As a useful thought experiment we may ask ourselves: **What if New Zealand's government was re-imagined and re-designed in the same way the mobile phone was re-imagined and re-designed with the introduction of the iPhone?**



Look at the difference between these two phones. Consider the difference in the thinking behind them. What if we are still using BlackBerry-thinking with our current system of government?

The creation of a new constitution provides the opportunity for our systems of government to become far more 'user-friendly', far more engaging, and, dare I say, far more enjoyable, but only if we ensure within our new constitution that innovative, new thinking and the principles of good design don't just survive in the evolution of our government institutions, but thrive for the benefit of all New Zealanders.

I believe our new constitution should allow the most efficient path for reshaping our political system from what it is now to the best it can possibly be.

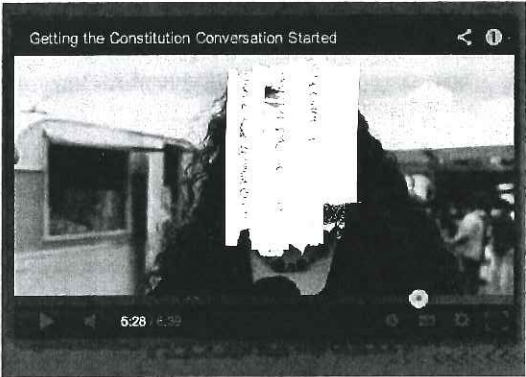
It makes me wonder how else this could be achieved otherwise, if not through a constitution? Take another look at those two phones. What would it have taken the people at BlackBerry to create the opportunity within their organization that would have allowed them to re-imagine and re-design their product into their equivalent of the iPhone? The same question can be asked of our own institutions of government. How do we get from here to there? And can our constitution ensure us our best path towards this?

I believe it can, however to do so would require us to embrace the ideals of democracy, and not a single interpretation of it, and for those ideals to be protected by our constitution. This can be done using one central tenet:

You are your government.

How many New Zealanders think like this? How many Kiwis even understand how their own government actually functions?

During the introduction video on the Constitution Conversation website Pio Terei interviews people in the street about the New Zealand constitution. The video is edited in such a way as to give the impression that only one person out of eight knows anything about the new constitution. (The lone knowledgeable person - pictured right).



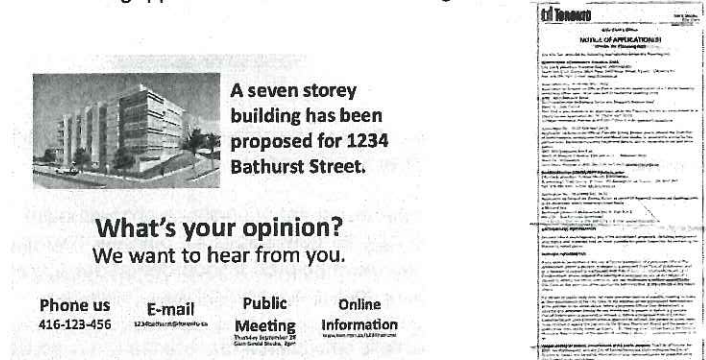
This statistic is probably not too far from the truth.

If an ideal democracy is a citizenry that embraces the tenet: "You are your government", what does it then say about our present democracy if the majority of us are unaware of how our government functions?

How can a system of government genuinely benefit the people if the people themselves are so dis-engaged from it that they don't even know how it works? Further still, if public awareness of how their own government operates ever fell below a certain threshold would that not constitute as a crisis of democracy?

Is it not, therefore, the duty of government to actively inform people of how their own government works if for no other reason than its own democratic health? Our own democratic health? But how much responsibility rests on the individuals themselves? Can we so easily blame people's apathy? Or... is it bad design?

Pictured here are two zoning applications for the same building.



(Images courtesy of TEDxToronto - Dave Meslin - The Antidote for Apathy)

You could say these two zoning application both inform the public, but they are certainly not saying the same thing. Their functions are the same, but their effectiveness is not. Good design matters, and this can also be said for our democracy.

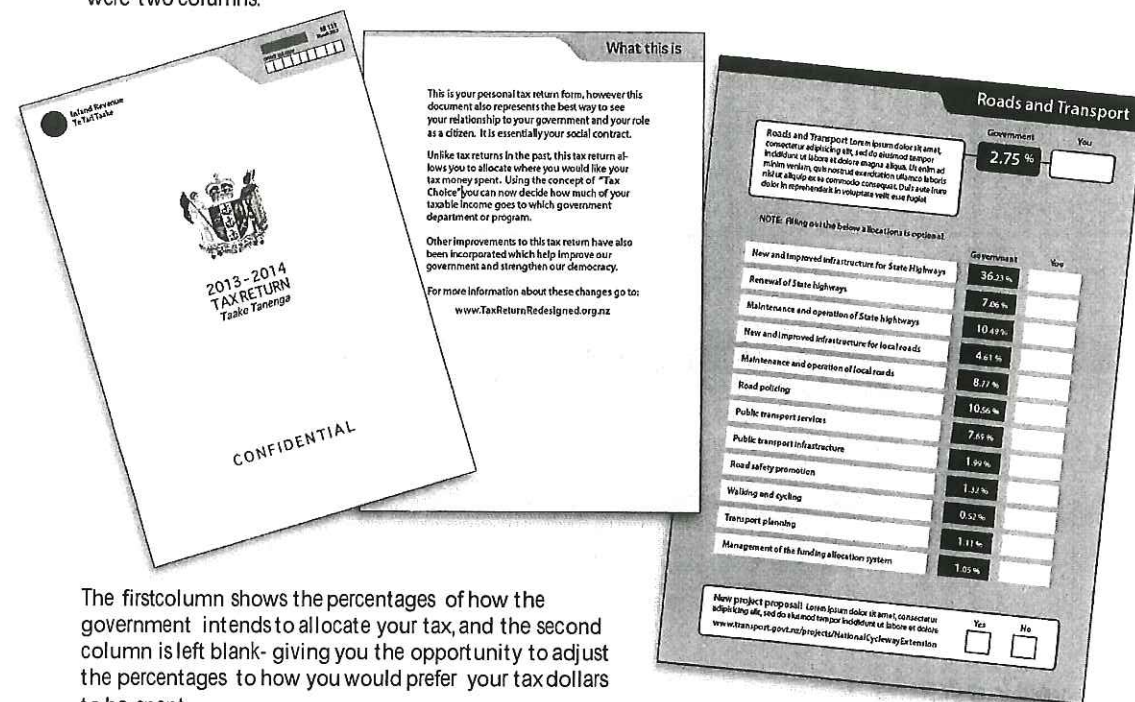
Our new constitution should ensure that our democracy operates as effectively as it can, including its effectiveness to change.

If we accept that good design can be applied successfully to democratic institutions, it begs the question:

How much can democracy itself be re-designed and re-imagined?

I will attempt to answer this using another thought experiment:

Imagine your tax return form looked a little different... Imagine if the new tax return form instead showed you a list of all the departments and programs our government spends our taxes on, and besides this list were two columns:



The first column shows the percentages of how the government intends to allocate your tax, and the second column is left blank- giving you the opportunity to adjust the percentages to how you would prefer your tax dollars to be spent.

It's a concept called **Tax Choice** and as far as I'm aware it has never been attempted by any country, ever.

It's a provocative notion because it challenges our ideas of what it means to be in a representative democracy. If we elect representatives to office so that they can allocate our taxes on our behalf, is it not an extension of democracy for us to be able to allocate our taxes ourselves? Is this not the best form of representation? What is the difference between electing with our votes and electing with our taxes? And would such an idea help bridge the knowledge gap between a government and its citizenry, thereby strengthening the health of democracy overall?

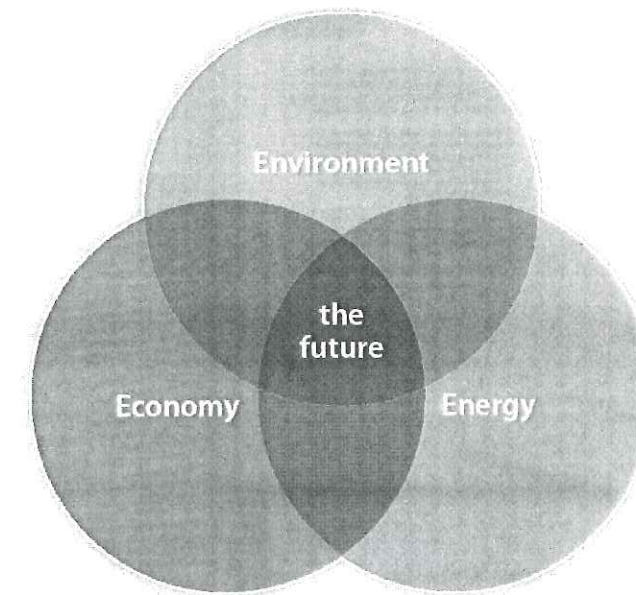
They are all interesting questions, but this thought experiment was not to propose the idea of Tax Choice to you, but instead ask: **What if New Zealand wanted to prototype such a system?**

How would our constitution allow such experiments to develop freely? How can we protect ourselves from being trapped in old thinking? And how can we ensure New Zealand can enjoy the most active and well-informed citizenry possible?

If the new constitution really is a call to strengthen our democracy how will we choose to answer that call? With an iPhone? Or a BlackBerry? :)

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

I would like to put emphasis on the phrase "the future" within this question, because the future is expected to be far more challenging in the next 30 years than what it has been in the previous 30 years. Indeed, we will be facing a convergence of crises from three significant areas.



Within each of these elements are global problems which can only be solved using global solutions.

Currently the world only acts internationally, not globally, and so before the world is finally pushed to act as one species, one planet, New Zealand will have to face these crises on its own.

Our new constitution may allow us the opportunity to be pro-active about the future and ensure we have a system able to adapt to changes with the greatest efficiency while still maintaining its principles, so as to provide the people of Aotearoa New Zealand the greatest possible resilience and stability in times of crises.

Principled adaptation to a state of stable resilience.

To face the global challenges ahead we may also find it necessary to make allowances within our constitution to prepare ourselves for the prospect of becoming one planet, and for all New Zealanders to begin to see ourselves as global citizens, in that we may recognize ourselves as humans first, and New Zealanders second. When resources are scarce, or when refugees from suddenly poor or environmentally devastated countries ask for our help, how should we determine our responsibility in relation to our own country, and in relation to our planet as a whole? Can we future-proof our attitudes and behaviours for the events that are likely to unfold, and can our new constitution help us make wiser decisions ahead of time?

From the same perspective, we might also allow room for new ideas such as Earth Rights to accompany Human Rights - a task which may prove to be in accordance with the Treaty of Waitangi, particularly with the Māori definition of kaitiaki - guardians of the land.

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

Yes. A single document by its very nature would unify, and indeed clarify, our understanding of the multiple documents that currently make up our constitution. This alone would help establish the constitution as a higher authority than the other documents. The only reason why you would not want the constitution as a single document would be if you did not want it to be of a higher authority. In addition, a single document is a more powerful symbol for what a constitution is meant to represent.

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

Yes, for reasons explained above, but also because it allows New Zealand the chance to provide a modern-day interpretation of the laws it seeks to integrate within the new constitution. It also provides the opportunity to be a continuation of previous constitutions and important legal documents throughout the world's history in the development of our understanding of how the human experience relates to society at large.

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

Neither. If the constitutionality of any legislation is to be debated, the courts in this case provide the least representation to the people than does parliament - so, from this perspective, parliament is the favourable option, however any unconstitutional legislation may be successfully upheld if the present government, for whatever reason, is itself anti-democratic. This is exactly the scenario that requires new thinking, and one with which a new constitution may provide a template for. Just as there are alternatives to the standard model of court-based law suits - restorative justice, mediation, etc - so too should alternatives exist in cases of legislation that may be unconstitutional. As an example, a decision may be arrived at with a 2-1 vote between three houses: Parliament, an independently-sourced panel of experts, and the citizenry themselves.

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

Yes and no. Yes - it should be made as a formal part of the constitution since it is the document this country is founded on, and so it should rightly and respectfully be represented within the framework of the new constitution. And no - it should instead be integrated into the constitution as part of a Hegelian dialectic process - whereby the treaty is both preserved, but also used as an element with the other elements of the constitution to be synthesised into a new and elevated understanding of what it means to be Māori, Pākehā and human in today's New Zealand and the world at large.

How could Māori electoral participation be improved?

In terms of a Māori electorate, this should depend almost entirely on the candidates and issues of the day. In terms of electoral participation in general, it speaks to an overall systemic problem in which a growing disparity between rich and poor exacerbate issues of social injustice and translate to problems of declining electoral participation, among others. Solutions which go towards building a more equitable society also solve the myriad of symptomatic problems around this central class issue, which includes falling electoral participation.

2271

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

Abolish Maori seats – we are all one race

Judy Brake

2271a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:04 p.m.

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

Full Names: Judith Margaret Brake Email: jbrake@ourconstitution.org.nz Phone:
Postal AddressA: Postal City: Tauranga Postal Post Code:
Postal Country: New Zealand Submission: Do not change our constitution - we are one race

Submitted on the 15 June 2013 at 16:32

CONSTITUTION CONVERSATION

Thank you for the opportunity to make a submission on the Constitutional Conversation.

New Zealand Constitution:

We do not need a separate Constitution.

Bill of Rights:

Property Rights could be added.

Treaty of Waitangi:

The Treaty of Waitangi is a document that declared Sovereignty of the Crown and Equality of Maori as the Queen's subjects. No more, no less. It is not a partnership between the Crown and Maori neither were there any principles included.

Maori Representation:

Maori views should be presented on an equal basis with all other New Zealanders. There are many nationalities living in New Zealand as citizens of New Zealand, and by giving privileges and preferences to one section of New Zealanders, e.g. Maori, is racism.

I am against special seats for Maori on Regional and Local Councils for the same reason.

Electoral Matters:

Around 120 - 125 members of Parliament is a good number. Maori Electoral seats should be abolished and absorbed into Electorates which can then be re drawn up geographically so they don't cover such a large area.

Other Matters:

Maori Blood Quantum – For Maori to claim any special rights as Maori, under any Constitution, should it become law, they must have 50% or more of tangata maori ancestry quantum.

Who are Indigenous People of New Zealand? Answer: Everyone that is born in New Zealand is Indigenous to New Zealand.

In conclusion:

I believe in one law for everyone with no special treatment based on race.

Our society must be developed in equality, fairness, and comradeship.

I oppose any laws that establish or promote racial distinction or division.

I reject references to the Treaty of Waitangi or its principles in any constitutional documents and that such references are removed from all existing legislation.

Race based Parliament seats and representation on local bodies must be abolished.

The Waitangi Tribunal must be abolished, it is a sham.

4496

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:28 p.m.
Attachments: Constitution Submission.docx

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

Full Names:	Lui Brame	Organisation Name:	n/a	Email:		Phone:	
	Postal AddressA:			Postal AddressB:			Postal City:
Hamilton	Postal Region:	Waikato	Postal Post Code:		Postal Country:	New Zealand	
Submission:	Submission Upload:	Constitution Submission.docx					

Submitted on the 31 July 2013 at 21:27

Dear Sirs,

Please see below my submission on matters pertaining to the Treaty of Waitangi.

The Treaty of Waitangi should remain New Zealand's founding document in its own right and should be honoured and not fluttered away at the whim of the masses or politics. It is far too easy to dismiss the Treaty of Waitangi if the knowledge of its history is not told nor the hardships of Maori explained in relation to the Treaty. For these reasons it is imperative the honour upon which our ancestors both Pakeha and Maori signed the treaty are upheld. Least we remember as well the wrong doing of the Crown which saw Maori land confiscations and persecutions of Maori individuals and groups. It's important we continue to uphold the principals of the Treaty of Waitangi and not revert to a modern day travesty of not giving the signed treaty its rightful acknowledgement.

I am can appreciate the need to form a constitution. However, least this be done without impinging the place of the Treaty of Waitangi.

Yours Sincerely,

Lui Brame