

890

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 9:55 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Keith James Bramley Organisation Name: Email:
Phone: Postal AddressA:
Avenue Postal AddressB: Postal City: Wellington Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: Aspirations for New Zealand: All New
Zealanders to be considered equal, regardless of race or cultural differences. A prosperous New
Zealand with no extremes of wealth or poverty, social justice for all, and equal opportunities for all. An
increasing emphasis
on environmental considerations to ensure a lifestyle for all which provides for long term
sustainability.

How to run the country in the future: a democracy along similar lines to today, but with increased
participation by all through efficient and simple utilisation of modern electronic technologies for
seeking opinions and views, and for connecting New Zealanders
to information tailored to the interests of each individual.

Sent on the 21 May 2013 at 21:54

890a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 10:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Keith James Bramley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission:

Do you think our constitution should be written in a single document? Why? I don't believe it is important to have a constitution in a single document. It is not the singleness of the documentation that is important, it is the principles embodied in those constitutional documents that is important.

Do you think our constitution should have a higher legal status than other laws (supreme law)? Why? No, because the constitution is intended as an overarching governing framework of principles, not legislation per se. All legislation should be written or revised (as appropriate) to be consistent with the principles.

Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why? Neither needs to hold the ultimate power in a democracy. The check and balance applicable between Government, Parliament, and the Courts, suffices to maintain this situation.

Sent on the 21 May 2013 at 22:04

8906

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 10:21 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Keith James Bramley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission:

Does the Bill of Rights Act protect your rights enough? Why? No - see below.

What other things could be done to protect rights?

Do you think the Act should have a higher legal status than other laws (supreme law)? Why? No. A check and balance is required on all laws. If a supreme law was in place, a public body of some type would be required to sanction and revise such laws. So this would raise the question of who would govern the public body?

Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts? Why? Parliament should have the ultimate power to decide. This is the only body which the people of New Zealand have any opportunity to influence - if the Courts and Judiciary held the power, there is no effective mechanism for governing them or for the people of New Zealand to influence them, which would provide them absolute power. The Courts are advisors, and should remain so, under the governance of Government.

What additional rights, if any, could be added to the Act? Why? The right to quiet enjoyment of ones lifestyle, including ones property, without unreasonable disturbance by other individuals, groups or governmental bodies and local authorities. Exercising individual rights carries responsibilities for ensuring the rights of others are not unreasonably impacted. Currently there is too much tolerance of disturbances and negative influences from a small minority of individuals or groups carrying out unreasonable, irresponsible or illegal activities which breach societal norms of acceptable behaviour e.g. noisy night time parties, illegal gang activities and bullying or threatening behaviours.

Sent on the 21 May 2013 at 22:19

890c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 10:35 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Keith James Bramley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission:

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

It is long overdue to remove the Treaty of Waitangi and its influences from our modern democracy and leave it in the annals of the history that shaped our country at the time (1840). We are all New Zealanders, and should be treated equally. The Treaty was a misleading document set in 1840 - we are multiple generations from that era, and not one person who was present at the time is still alive. I was born in New Zealand - I had no choice in the matter. I associate with being a New Zealander, and I am proud to call myself one. I don't feel any remorse or guilt for what the English and others may have done to maori in previous generations - I see it just as irrelevant as I do the fact that some of my ancestors were disadvantaged in European arenas in the past. The constant distinguishing between pakeha and maori is divisive in New Zealand - it is not helpful in the quest to drive equal opportunities for all and get maori out of their own morosity and get them recognising they have to take the responsibility for making the best of the same opportunities everyone else in modern society has available to them. Put the Treaty aside - it has long passed its use by date.

Do you think that the Treaty should be made a formal part of the constitution? Why? Definitely not, for the above reasons.

Sent on the 21 May 2013 at 22:35

890d

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 10:43 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Keith James Bramley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission:

How should Māori views be represented in Parliament?

Exactly the same as all other New Zealanders' views are represented in Parliament - through democratically elected Members of Parliament, with no representation discrimination by race. In other words, maori should not be given the special representation - they are New Zealanders, just the same as the rest of us.

How could Māori electoral participation be improved? By removing the Treaty of Waitangi, the Waitangi Tribunal, the maori seats, the Ministry of Maori Affairs, and all other race-based discriminatory instruments. It is only after attitudinal differences are eliminated will maori recognise it is their own individual responsibility to take opportunities in society to make the best of their own lives, without special rights.

How should Māori views and perspectives be represented in local government? Same answer as above.

Sent on the 21 May 2013 at 22:42

890e

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 10:57 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Keith James Bramley Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission:

How many members of Parliament should we have? Why? Less than 30 members. We all know what needs to be done in New Zealand and trying to get anything done in Parliament is so long winded and fraught a radically different approach is required. It is obvious there is far too much public money consumed trivially and frivolously within Parliament - presumably therefore MPs

have far too much time available to them. Make them get on with the job of getting New Zealand's economy going, its society equalised, its healthcare, welfare and education systems delivering what everyone knows they should be delivering efficiently and equally to all New Zealanders (but equally everyone knows they fail to achieve).

How long should the term of Parliament be? Why?

Four years. There is far too much time spent in the present 3 year cycle maximising the chance of being re-elected. A longer timeframe would allow well thought through but longer timeframe initiatives to be seriously considered and enacted. There are plenty of checks and balances in place to prevent particularly bad government from occurring, so why not push the term out. Besides the cost saving.

How should the election date be decided? Why? No comment.

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

With a Parliament of no more than 30 members in it, the electorates would need to be much larger, meaning a simple division of voter numbers across each MP would suffice.

What should happen if a member of Parliament parts ways with the party from which he or she was elected? Why? Such MPs are immediately ineffective. In a 30 member maximum Parliamentary size, there would be no place for such MPs. They should then resign and let someone who wants to work within the party system take over the work of moving New Zealand on from the doldrums and weak policy it suffers from today.

Sent on the 21 May 2013 at 22:56

1365

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:35 a.m.
Subject: THE CONSTITUTION

THE CONSTITUTION

FOR

AOTEAROA

THE KAWA

This Kawa Decrees that...

- 1.under no circumstances shall the sacrifice or abuse of any child anywhere shall be tolerated
- 2.only ideas and tasks coming from Love will receive the endorsement of the people.
- 3.we shall keep Papatuanuku healthy and free of toxic waste and we must take no more than what is our due.
- 4.to declare a state of sovereign space for all who respect others.
- 5.only victory will endure in the consequence there is no defeat
- 6.through the key of compassion can a state of loving kindness be the only path forward.
- 7.the Freedom from Ego, shall exist, for the souls who have been trapped in a prison of false belief.
- 8.a state of joyous blessings in the spiritual and religious realm will bring joy to all the world.
9. that at work it is a pleasure that all must adhere to, where the currency is our sacred gift.
- 10.the eradication of envy and jealousy will promote a state of safety and protection to all empowered beings of light.
- 11.declare a state of universal well being for all who believe in the reality of the Creator.
- 12.that with total commitment to these eleven truths will humanity experience and witness the best that is yet to come..

THE CONSTITUTION

OF

AOTEAROA.

Article 1.In exchange for being given the right to Govern over the nation of Aotearoa , all political parties shall abide by a list of rights to assure a decent life for all peoples regardless of nationality,

profession, caste, sex , religion, race or colour or any other personal differences, who legally resides within or without the boundaries of Aotearoa.

Article 2. Legal limitations upon the freedom of the state shall apply to guarantee an advance of the struggles of humanity against the omnipotence of the state.

Article 3. a flawed social order shall be revised to prevent unscrupulous behaviour adversely impacting on the lower socio economic peoples of all races. children, the disabled , the aged and infirm.

Article 4. Corporations shall, without exception, be required to have a constitution identifying limitations and restraints as prescribed by International constitutional law.

Article 5. the wealthy minority must not be permitted to exert undue influence on matters that shall impact on the well being of the poorer majority.

Article 6. a native herbal charter shall protect the protection, the harvesting, the marketing and dispersement of all native rongoa in the control of hapu and iwi of each identified area.

Article 7. a charter shall be devised to protect the health and well being of Papatuanuku. for all eternity. No toxic substances shall be allowed to enter or permeate into any ecological and sensitive areas that could adversely affect the future survival of our people and future generations.

Article 8. no activities that will promote the affects of Article 7. shall be permitted.

Article 9. all citizens and Sovereign peoples shall have the unhindered right and access to any court of Law free from prejudice and discrimination.

Article 10. all children shall have the certainty of a adequate daily food allowance.. a warm home and shelter from the elements.

Article 11. all children shall have free and assured access to a free Education until, the age of 18 years.

Article 12. all children shall have the opportunity to access and learn their mother tongue, without fear or discrimination.

Article 13. Poverty is preventable and morally unacceptable. human dignity is a fundamental right of birth and shall be enshrined into constitutional Law.

Article 14. Healthcare shall be freely available for all peoples to ensure security of a decent pathway through life

Article 15. there shall be the freedom of Speech

Article 16. there shall be the Freedom of Religion.

Article 17. there shall be the Freedom from Fear.

Article 18. there shall be the Freedom from Want.

Article 19. Humanistics.. shall be weighted against a blend of Humanity and Statistics in all decision making within the powers of governorship.. Where Humanitarian issues exceed the statistical impact of any decision.. the Humanitarian issue shall prevail.

Article 20. Common Law and Common sense shall supercede the legalese explanations of all court proceedings to enable the people to understand and be fully informed of their legal rights and to be treated with fairness and respect.

Article 21. the term of office for duly elected members of Parliament shall be for a term of three years. .thereafter another election shall take place.

Article 22.all political parties shall be restricted to a term of 8 weeks for campaigning and their budget for same shall be funded by the Crown and restricted to \$200.000.00 per party. All further donations must be publicly declared prior to the campaign beginning and further donations after the start of the campaign must be declined.

Article 23.a petition of 100 citizens shall have the right to demand the dismissal of any member of the House of Representatives, who has been proven to have misled and lied to the public on any issue directly affecting the said public., and has compromised the integrity of Parliament

Article 24.tangata whenua shall have the right to strong political representation and participation and the Government shall accept responsibility for supporting Maori engagement in the political process.

Article 25.The Treaty of Waitangi, and the Declaration of Independence 1835, shall be entrenched into statute law with the added proviso that no alterations , whether deletions additions or revisions shall be attached or removed from the text of the Treaty of Waitangi and the Declaration of Independence, by way of any legislative process, without consultation and the expressed agreement of all tangata whenua.

Submitted by..Moyra Te Ariki Bramley

Rotorua.
Aotearoa. NZ.

Phone.

Email.

2969

From: "don.brash" <
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 10:09 a.m.
Subject: CAP Submission

I understand that you have invited submissions on your work.

I wish to record my views on three points:

- 1) It is very important that New Zealand moves clearly and unambiguously to a situation where all New Zealanders, regardless of when they or their ancestors arrived in New Zealand, are treated equally at law. This implies removing all references to racial preference from New Zealand law, and abolishing the separate Maori electorates. Those electorates were established for a very good reason in 1867 - for a temporary period of five years - but that reason has long since gone. Moreover, the New Zealand political system has shown itself well able to accommodate a wide range of ethnic backgrounds without the need for ethnically-based electorates.
- 2) It is time that New Zealand moved to having a New Zealand head of state. I understand that the present arrangements work tolerably well, mainly because the head of state has virtually no power at all, and what she does have is exercised through a New Zealand Governor General. But it is more than somewhat bizarre to have an hereditary monarch based in London as the head of state of a country on the far side of the world. Having said that, I would not favour having a head of state with substantive executive powers, as, for example, the US President has. The President of New Zealand could be rather like the current Governor General, but chosen by Parliament with a 75% affirmative vote.
- 3) There would be considerable merit in extending the Parliamentary term from three years to four. The current three year term drives a very short-term approach to policy formation. Of course, there is no "perfect" Parliamentary term, but internationally it appears to be the case that the shorter the term the more politicians are inclined to bow to every populist whim - a good example being the two year term of the US Congress. On the other hand, a five year term, as the UK has, seems to me to be too long, and leaves the governing party too much flexibility when it comes to choosing when to hold an election. Perhaps a fixed four year term would be a reasonable compromise.

Don Brash

3/09

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.

Anabel Bray
Christchurch
New Zealand

3931

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 12:35 p.m.
Attachments: Part.002

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

Full Names: JOHN AND LYNETTE BRAY Organisation Name: Email: Phone: Postal AddressA: Postal AddressB: Postal City: TOKOROA Postal Region: WAIKATO Postal Post Code: Postal Country: New Zealand Submission: Q1) We think our proposed constitution should be written in a single document. To have more than one document would become fragmented and harder to control and open to many interpretations. Information would be harder to obtain.

Q2) We think that our constitution should not have a higher legal status than other laws. The constitution based wholly on the principles of The Treaty of Waitangi is too narrow and one sided. The people of NZ should have a say in this matter by way of a legally binding referendum and not by 100 or so politicians all pushing their own political barrow to decide how the proposed constitution is to be framed/written. The laws of this land apply equally to all New Zealanders regardless of race or creed.

Q3) We think once again that the courts should have the power to decide whether the proposed legislation is consistent with the proposed constitution and not Parliament the very reason stated in Q2. The laws of the land should prevail equally at all times and are sacred to all New Zealanders. Submission Upload: soffice.exe

Submitted on the 28 July 2013 at 12:34

1416

From: and Merle Bray
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 2:13 p.m.
Subject: Submission

To whom it may concern

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

Merle Bray
Petersfield

Tauranga)

--

& M Bray
1

1417

From: Peter and Bray
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 2:22 p.m.
Subject: Submission

To Whom it may concern
New Zealand does not need a written constitution and I strongly oppose
any legislation or reference to the Treaty of Waitangi should one be
drafted now or in the future.

Peter Bray
Petersfield

Tauranga

--
P & Bray

4841

From: Lindsay Breach
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 31/07/2013 4:49 p.m.
Subject: CAP submission

As an LLM student, who has an appreciation of international law, EU law, and our legal heritage. The present constitutional arrangements as an 'unwritten' constitution - affords a great flexibility and ought to remain unchanged.

2276

From: "Clive"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:58 p.m.
Subject: CAP Submission

Separatism is divisive & should be reversed immediately. It's almost the same as apartheid was in the old South Africa.

Abolish the Maori seats now. There is a Maori party in case you didn't notice & I have grave misgivings about that as well as it is tantamount to racism, in my opinion.

C G Breeds

<mailto:constitutionalreview@justice.govt.nz?subject=CAP%20Submission>
http://www.nzcpur.com/MS_adx350.jpg

The Constitutional Advisory Panel wants to hear
your views on the future of the Maori Seats:

MĀORI SEATS

- ☐ ABOLISHED?
- ☐ RETAINED?
- ☐ ENTRENCHED?

Those seeking to entrench the Maori seats
have already made their submissions.

HAVE YOU?

Send your submission to:
constitutionalreview@justice.govt.nz

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

From:**To:** <constitutionalreview@justice.govt.nz>**Date:** 14/03/2013 10:01 p.m.**Subject:** <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation.

Full Names: Sean Kenny Brennan**Organisation****Name:****Email:****Phone:****Postal****AddressA:****Postal****AddressB:****Postal City:****Postal Region:****Postal Post****Code:****Postal** New Zealand**Country:****Submission:** To the committee,

I do not wish to pass judgment on all five issues listed, but just three and four.

3) While I think that the Bill of Rights Act should certainly not be supreme law, I feel it's entrenchment requiring a 75% vote to amend would better safeguard rights. I do not think it should be supreme law as this would pose an awkward juxtaposition between the section 7 vetting process which Parliament may ignore, and the likely result that if it were before the courts that a provision clashed with the BORA, the judiciary would fail to enforce the prior anyway.

However, the BORA seems extremely vulnerable to potentially malicious change on the part of a 'rouge' government (this would likely only occur in the event that a single party received enough of a majority to govern without coalition). Protection through the requisite of a greater majority vote would make it more difficult to assail basic

human rights in New Zealand.

4) The decision as to whether legislation is consistent with the BORA should be the sole prerogative of Parliament. Parliament is the democratically elected body singularly mandated to make and unmake laws in New Zealand. To extend the power to strike down legislation to the Judiciary would pose a massive threat to Parliamentary supremacy.

Yours sincerely,

Sean Brennan

Sent on the 14 March 2013 at 22:00

3600

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 15/07/2013 4:02 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
<http://www.ourconstitution.org.nz/> form submission

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

Full Names: John & Brenda Briand Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Whangaparaoa Postal Region: Hibiscus Coast Postal Post Code: Postal
Country: New Zealand Submission: Our main concern is that should a written constitution
eventuate, it should be a document that is totally inclusive of all New Zealanders; regardless of race
or creed and with no preference given to any group of peoples claiming prior rights to the land
/ water or air.

Sent on the 14 July 2013 at 14:55

2867

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 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: Alastair Brickell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Whitianga
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: There
is no need in the modern NZ political system for either the Maori electoral role or Maori seats in
Parliament. They were set up in the 1800's to address issues that were both important and relevant at
that time. NZ as a society has moved on and they
are no longer needed in our pluralistic society and should be abolished. They only serve to divide
what should be a united NZ society.

Sent on the 6 July 2013 at 11:59

2658

From: Graeme Bridge
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 11:13 a.m.
Subject: Constitutional review.

It is my submission that New Zealand must become a fully integrated homogeneous society.

To achieve this it will be essential to remove the words Maori, Treaty of Waitangi, and native (as it applies to people) from all statutes, regulations and policies at both central and local government level.

One law for all, one equally applied welfare system based on need, not ethnicity and one electoral system based solely on citizenship and population.

2013 - Year of the Snake2
Graeme Bridge

Opuā NEW ZEALAND

993

From:
To: <constitutionalreview@justice.govt.nz>
Date: 30/05/2013 2:53 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Frances Robyn Bridgman Organisation Name: Email
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Auckland Postal Post Code: Postal Country:
New Zealand Submission: 1. No. I believe that the Constitution should be left as it is.

2. No. Not higher legal Status.

3. Parliament should decide whether the legislation is consistent with the Constitution.

Sent on the 30 May 2013 at 14:51

80

ConstitutionalReview - The form on your contact page has just been submitted

From:

To: <constitutionalreview@justice.govt.nz>

Date: 4/04/2013 3:32 p.m.

Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel.

Contact Dave Bridgens

Name:

Phone:

Email:

- Comment:**
- 1) I think that the Parliamentary term should be increased to 4 years in order to give the government an appropriate amount of time to carry out policies. Three years is not long enough.
 - 2) All N.Z. citizens and Permanent Residents should have the same rights and responsibilities, without any group receiving preferential treatment and benefits. We are all New Zealanders and should therefore be treated the same.
 - 3) Settlements made under the Treaty of Waitangi should also reflect the benefits that Maori have received since the signing of the Treaty, not just the "bad" things that have allegedly occurred.

Sign Up For Yes
Updates:

Sent on the 4 April 2013 at 15:32

80a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:15 p.m.

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

Full Names: David Anthony Briddens Email: Phone:
Postal AddressA: Postal City: Postal Region: Bay of Plenty
Postal Post Code: Postal Country: New Zealand Submission: 1)100 is, I believe enough
M.P.'s for a country with a 4.5 million population. If we based our M.P. numbers on the UK
population/MP ratio, we would only have about 50 representatives! Removing the Maori seats would
be a start to reducing the size of Parliament.

2) 4 years is a good length of time for a Parliament to run. Three years is not long enough for an
administration to pass all the laws and amendments that they were elected upon, whereas 5 years is
too long a period without giving the electorate an opportunity

to elect a new government.

3) I believe that the present system of the incumbent Government deciding the election date is
satisfactory. In the type of parliamentary system that we have it would be difficult to set a
predetermined date, as in the USA, for example. For various reasons,

the existing government may have lost their majority in the House and would not, therefore, be able to
continue governing and would need to call an election.

4) To enable a fully fair election process, each Electorate needs to have a similar number of voters.
Whilst this may be difficult in a country like New Zealand which has large areas with very limited
population, it is the only way to ensure that every electorate

is fought on a fair basis.

5) If an M.P., who was elected as the member of a specific party decides that they can no longer
support that party's views/policies or is dismissed from the party, then I believe that person should be
dismissed from parliament and a by election held for the

electorate concerned. In the case of a list M.P. the next person on the party list should move into the
place vacated.

Submitted on the 14 June 2013 at 12:09

80b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:15 p.m.

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

Full Names: David Anthony Bridgens Email: Phone:
Postal AddressA: Postal City: Postal Region: Bay of Plenty
Postal Post Code: Postal Country: New Zealand Submission: 1) Maori have exactly the same rights as any other New Zealander to have their views represented in Parliament. There are many Maori M.P.'s in both the Maori Party and the other Parties in Parliament. I fail to understand why it is deemed necessary for

Maori to have special representation. Other nationalities have no system by which they can receive special treatment. New Zealand is supposed to be an equal society, it is time that our Parliamentary system stopped giving special treatment and priviledges

to one nationality.

2) Maori electoral participation could be very easily improved if Maori, who are elligible to vote, actually took the trouble to go the the polling booths on election day. If they can't be bothered to take the trouble to do that, then why should the rest of

the country have to do it for them?

3) Local government is exactly the same as central government in that Maori already have members within local councils, why do they have to be given special treatment? If they want to get more representation then they should take the trouble to actually work

to get a candidate elected, not just EXPECT special treatment because of who they are.

Submitted on the 14 June 2013 at 11:36

80c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:15 p.m.

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

Full Names: David Anthony Bridgens Email: Phone:
Postal AddressA: Postal City: Postal Region: Bay of Plenty
Postal Post Code: Postal Country: New Zealand Submission: 1) I do not believe that our Constitution should be in a single written document because it then lacks flexibility and the ability to be of a contemporary nature. What may have been good and relevant law when the document was originally written may not

be so in, say, 100 years time.

2) I do believe that any Constitution, written or unwritten, should be the ultimate Law of the Land. This is why it is so important that the document is relevant and updated to the current era and does not become some historical irrelevant document.

3) Parliament should be the Body that decides on issues of Constitutional legislation. They are the DEMOCRATICALLY ELECTED body of representatives. The judicial system is not democratically elected, they are appointed and could, therefore, be biased.

Submitted on the 14 June 2013 at 11:20

958

12/5/13

Pahamoa

Constitutional Advisory Panel
of Ministry of Justice

DX SX 10088

Wellington

Dear Sir or Madam,

My submission regarding
the N.Z. Constitution Review is that
I want No Change to New Zealand's
unwritten Constitution it has served us
well since the 1852 N.Z. Constitution
act was passed, our founding document.
It may require some alterations in the
future, but not a race based Constitution
Equality for all One people One Nations.

Yours Sincerely
N. H. M. M. T.

2227

From: "Colin J Bright" <c
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 2:17 p.m.
Subject: CAP Submission

Hello

I understand you are reviewing the basis of the Maori electoral seats.

I do not believe that we should be basing our political representation on the basis of race for one defined group. Our nation is made up of many different races and our representation should be on the basis of citizenship for everyone.

I believe that all Maori seats should be abolished, as there should be a fair representation by Maori under the MMP system.

Will you please note these views in your review.

Regards

Colin J Bright

3110

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.

Hanna Bright
Wellington
New Zealand

4459.

From: Penny Bright
To: <ConstitutionalReview@justice.govt.nz>, Penny Bright
Date: 31/07/2013 5:54 p.m.
Subject: Fwd: URGENT! Submission to the 'Constitution Conversation'
Attachments: ANTI CORRUPTION WHITE COLLAR CRIME CORPORATE WELFARE ACTION PLAN (Ak Mayor al campaign) 19 July 2013 .doc

31 July 2013

FYI

(Just to make sure you get this submission!)

Kind regards,

Penny Bright

----- Forwarded message -----

From: Penny Bright
Date: Wed, Jul 31, 2013 at 5:28 PM
Subject: URGENT! Submission to the 'Constitution Conversation'
To: :
Cc: Penny Bright

31 July 2013

Sorry I'm a bit late - but your on-line submission process wouldn't accept my on-line submission :(

Can you please confirm that you have received this submission?

Thanks!

NAME: Penelope Mary BRIGHT (aka Penny Bright)
ADDRESS: Auckland
PHONE:

EMAIL:

An 'ACTION PLAN' to help stop 'white collar' crime, corruption and 'corporate welfare' in New Zealand - attached:

<http://www.dodgyjohnhasgone.com/action-plan-to-prevent-corruption/>

(Some VERY disturbing statistics uncovered in this recent 'corruption in NZ' survey:

<http://liberation.typepad.com/liberation/2013/07/corruption-in-new-zealand-survey-.html>

Who runs New Zealand?

According to the survey, 79% of New Zealanders believe the country to be run by 'a few big entities acting in their own best interests'.

[image: D corruption NZ
Transparency]<<http://liberation.typepad.com/.a/6a00d83451d75d69e201910425a2b4970c-pi>>

Government effectiveness against corruption

New Zealanders are far from convinced that the government is effective in combating corruption. 44% believed that the New Zealand government's actions are ineffective in the fight against corruption.

[image: E Corruption NZ
Transparency]<<http://liberation.typepad.com/.a/6a00d83451d75d69e201901e2f8230970b-pi>>

And in fact there was little appetite for a government solution to the problem. Of the 92% who said they would report corruption, only 36% said they would do so to a government hotline if it existed.

Below are some additional survey outcomes of interest:

[image: I corruption nz
transparency]<<http://liberation.typepad.com/.a/6a00d83451d75d69e201901e2f85c5970b-pi>>

[image: J Corruption nz
TINZ]<<http://liberation.typepad.com/.a/6a00d83451d75d69e201901e2f8657970b-pi>>

ACTION PLAN TO PREVENT CORRUPTION - 'WHITE COLLAR' CRIME & 'CORPORATE WELFARE' IN NZ:

1. Get our anti-corruption domestic legislative framework in place so NZ can ratify the UN Convention Against Corruption.
2. Set up an NZ independent anti-corruption body tasked with educating the public and PREVENTING corruption.
3. Change NZ laws to ensure genuine transparency in the funding of candidates for elected public office and political parties at central and local government level.
4. Legislate for an enforceable 'Code of Conduct' for NZ Members of Parliament (who make the rules for everyone else).
5. Make it an offence under the Local Government Act 2002 for NZ Local Government elected representatives to breach their 'Code of Conduct'.
6. Make it a lawful requirement for a publicly-available 'Register of Interests' for NZ Local Government elected representatives.
7. Make it a lawful requirement for a publicly-available 'Register of Interests' for NZ Central Government staff responsible for property and procurement, (including the Ministry of Health), in order to help prevent 'conflicts of interest'.
8. Make it a lawful requirement for a publicly-available 'Register of Interests' for NZ Local Government staff, and Directors and staff employed by 'Council-Controlled Organisations (CCOs)' responsible for property and procurement.
9. Make it a lawful requirement for details of 'contracts issued' – including the name of the contractor; scope, term and value of the contract to be published in NZ Central Government Public Sector, and Local Government (Council), and 'Council-Controlled Organisation (CCO)' Annual Reports so that they are available for public scrutiny.
10. Make it a lawful requirement that a 'cost-benefit analysis' of NZ Central Government, and Local Government public finances be undertaken to prove that private procurement of public services previously provided 'in-house' is cost-effective for the public majority. If not – then return public service provision to staff directly employed 'in-house' and cut out these private contractors who are effectively dependent on 'corporate welfare'.
11. Legislate for a legally-enforceable 'Code of Conduct' for members of the NZ Judiciary, to ensure they are not 'above the law'.
12. Ensure that ALL NZ Court proceedings are recorded, and audio records made available to parties who request them.
13. Make it a lawful requirement for a publicly-available NZ Judicial 'Register of Interests', to help prevent 'conflicts of interest'.
14. Make it a lawful requirement for a publicly-available NZ 'Register of Lobbyists' and 'Code of Conduct for Lobbyists' at Central Government Ministerial level.
15. Make it a lawful requirement at NZ Central and Local Government level for a 'post-separation employment quarantine' period from the time officials leave the public service to take up a similar role in the private sector. (Help stop the 'revolving door').
16. Make it a lawful requirement that it is only a binding vote of the public majority that can determine whether public assets held at NZ Central or Local Government level are sold; or long-term leased via Public-Private-Partnerships (PPPs).
17. Make it unlawful for politicians to knowingly misrepresent their policies prior to election at central or local government level.

18. Make laws to protect individuals, NGOs and community-based organisations who are 'whistleblowing' against 'conflicts of interest' and corrupt practices at central and local government level and within the judiciary.

19. Legislate to help stop 'State Capture', a form of 'grand corruption' arguably endemic in NZ – where vested interests get their way at the 'policy level' before legislation is passed which serves their interests.

Prepared and authorised by Penny Bright, Auckland Mayoral Candidate,

Auckland

From: Barry Brill
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:44 p.m.
Subject: Submissions re Review
Attachments: Submissions - CRC.pdf

4500

Attached are my submissions for your consideration.

Regards

Barry Brill

To: The Constitutional Review Panel
By email: constitutionalreview@justice.govt.nz

My submissions are as follows:

I have responded under the categories of your terms of reference

1 Size of Parliament

There are too many MPs and the number should reduce to a maximum of 100. As many as possible (eg 80) should be electorate members with list members topping up. Party lists should ideally be the subject of some form of primary vote.

2. Term of Parliament

The current term should be extended to four years and should not be set as a fixed term.

3. Electorates

The number of electorates should increase to at least 80% of the number of MPs.

The number within each electorate should simply be the population divided by the number of fixed electorates. The number of seats in the South Island should be reduced to (say) 20 so that total numbers amount to approximately 80 in the short term. Representation must be seen to be equal and fair (regardless of ethnicity or geography) on a "one person one vote" principle.

4. Electoral Integrity legislation

A list MP leaving a party should be ipso facto disqualified from being an MP within a limited period. List members represent parties, not people. The position of an elected MP is quite different as the voters elected that particular person to represent them.

5. Maori representation

There should be only one electoral roll in the country, and the Maori roll should be abolished

The Maori seats should coalesce with general seats (in accordance with the Royal Commission's recommendation). Under MMP, voters have the right to a party of their choice. If Maori (or any other group - whether ethnic, religious, occupational or other) wish to have a special voice on their sectoral issues, then they should use their list votes for a sympathetic party.

There should be no Maori (or other sectoral) seats on local authorities. We must either have a universal franchise or a sectoral franchise not a skewed pot-pourri of both.

6. The Treaty of Waitangi

The Treaty's role in our constitution is what it is. It should certainly not be changed into something else. Our constitution has been hammered out in blood and toil over 800 years and is a mosaic of many parts. Changes will inevitably become a zero sum game with the advancement of any one part being achieved only by the diminution of another part. There is no case to be

made for jettisoning any part of our history or for mutating the Treaty into some new constitutional creature.

7. Bill of Rights

The protection of private property should obviously be included in the Bill of Rights.

The Bill of Rights does not need to be entrenched and its character should not change. Its advent has been a moderately successful constitutional innovation (a rare thing!) and that success should not be jeopardised.

8. Written Constitution

NZ does **not** need a written constitution. Attempting to introduce such an alien concept in one of the world's oldest democracies would be dangerous and irresponsible.

Our nuanced constitution has been an unqualified success and it has provided a flexibility and dynamism that would be impossible once it was embalmed in a "dead document". A documented constitution is unavoidable in federal jurisdictions such as the USA or Australia but there is no justification whatever for New Zealand to handicap itself in that way.

9(a) Monarchy

Studies have shown that constitutional monarchies have out-performed other models across a range of indicators over a long period (sorry I don't have the source, but Members will be aware of these statistics). This is no surprise as the model provides a fine balancing between executive and legislative powers perfected over centuries of troublesome trial and error.

The "apron strings of Mother England" criticism is shallow and implausible. We currently share a head of state with 16 other nations, which adds to comity while respecting our history and traditions. The Windsor family is the world's longest-running dynasty and has provided us with a succession of outstanding public servants. If it's not broke

9(b) Plebiscite

Any amendments to a constitution should only occur through a public referendum. This is a momentous decision in a democracy and any impression that the country's constitution has been horse-traded in political back-rooms could be a recipe for unprecedented civil unrest. This is especially the case where there has been no public demand for a constitutional overhaul and there is acute public awareness that the "reforms" under consideration have been requested by a particular political party.

9(c) Race

A constitution should always be colour blind (Malaysia and Fiji notwithstanding).

Sincerely

Barry Brill OBE

4162'

From: Lorna Brindle <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 11:38 a.m.
Subject: CAP Submission

To The Review Committee,

There are three reasons why this process is completely flawed.

1. It has been initiated by National for political reasons to gain voting power
2. It will only serve to entrench the power of the self styled Maori elite at the expense of any that do not see themselves with the same shade of brown skin.
3. The current arrangements have worked satisfactorily for decades and there has never been any serious research done to show that a change is required.

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

Yours Sincerely,
Lorna Brindle

Napier . . .

4856

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:57 p.m.
Attachments: New Zealand ConstitutionSubmission July 2013.docx

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

Full Names: Mr Jan Hendrik Brinkman Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Submission Upload: New
Zealand Constitution Submission July 2013.docx

Submitted on the 31 July 2013 at 16:57

Dear Members of the Panel

It was only in January 2013 that it was brought to my attention that the present Government initiated a "conversation" on the New Zealand Constitution, whereupon I requested a copy of "the conversation so far", dated September 2012.

Under the "Invitation" on page 3 I am invited "to take part in a conversation about New Zealand's constitutional arrangements." The document informs us that "the Panel has been established to inform and encourage a conversation amongst New Zealanders about constitutional issues."

The same page is dripping with the usual political bureaucratic drivel and hogwash: "Understanding and participation...", "Reflecting the values and aspirations of New Zealanders...", "Reflect your views fairly and accurately..."

This is some of the same waffle we were fed in the "conversation" leading up to the so called "Same Sex Marriage Bill" and there are already similarities in its appearance and approach: stealth, manipulation by minorities tolerated, bullying, false promises etc etc. However, this is the way government works to subvert the wishes of the majority of New Zealanders, with hidden agendas.

The makeup of the Panel shows clearly a discriminatory representation of New Zealanders.

Under the Panel's "engagement Programme" (on page 5) you have been meeting with New Zealanders over the past 12 months. You may have been meeting privately with minority groups, but I am not aware of any public meetings being held or even any obvious advertising of your web site.

It is my opinion that the Panel has not been building awareness and public understanding. Neither has it been engaging with a broad and diverse range of communities and individuals.

The question needs to be asked: Why does the Panel's report need to go only to the Deputy Prime Minister and the Minister of Maori Affairs? If the Panel's report is going to represent the views of all (at least the majority – 85.5%) of New Zealanders, why are there again special privileges for less than 15% of New Zealanders (Maori)?

Our present Government is not a "Representative Democracy" but a minority government as they make concessions and deal with minority "parties", which do not have approval of the majority of New Zealanders.

And again we see in the Panel's "conversation", documentation on how the majority of New Zealanders are indoctrinated and manipulated by the content of the so-called "Royal Style" or "Certified" copy of the Treaty of Waitangi produced by James Stuart Freeman, which does not mirror Ti Tiriti O Waitangi (refer pages 9&10 and 39-62). The English Text of the Treaty of Waitangi, issued by the State Services commission 2004-2005 not only has fraudulent content but also a fraudulent signature of W Hobson, and incorrect dating.

The Panel must realise that contrary to popular opinion, Article II of the Ti Tiriti O Waitangi speaks of rights enshrined in the Treaty as guaranteed to the Chiefs and Tribes and all the people of New Zealand. It guarantees, contrary to present laws, equality for all New Zealanders with no special customary rights set aside exclusively for one ethnic group. Therefore any part of the Panel's Report, based on a false document, such as the approved copy of the English Text in 1975, will cause further ethnic tension and apartheid, New Zealand style. There is no doubt that the Kohimaramara Conference (runanaga) held in July 1860 was in complete agreement with Ti Tiriti O Waitangi.

The question must be asked: "What is our Constitution?" Refer page 7. Is it going to be a set of rules (like some present laws) which the majority of New Zealanders will be forced by Government and minorities through the Government of the day to live by?

The Panel's statements on page 15 informing "the people" how they can influence Parliament Ministers, MP's, write and talk to select Committees, and all the other suggestions make me wonder if the members of the Panel have ever tried these methods themselves. In past decades I have tried all bar one (except going to Court) to no avail, but I still continue to write this submission.

An 84.8% turnout of voters voting in the referendum to reduce the number of MP's voted in favour by 81.5% to reduce the number of MP's. The result was ignored. Referendums are not binding for our present dictatorial form of Government (refer page 19). New Zealand urgently needs binding referendums to be compulsory in the essential matters of New Zealand life. For example: selling New Zealanders property (Asset Sales), Anti-Smacking bill, Same Sex Marriage Bill.

The Panel should not only look at the number and size of electorates, but the abolishment of them and so curtail the iniquitous influence and decision making by party hierarchies.

The Maori seats have no place in the Constitution. They also need to be abolished as electorates. It is presently already causing divisiveness, inequality, tribalism, ethnic squabbles etc.

There is no place in the proposed constitution, or for that matter in any legislation, for the present English Treaty of 1975. It is very obvious that the "conversation" is bi-partisan to the Treaty and Maori issues.

It is obvious that the Panel's proposals are in line with present Government practices. Nowhere does it state in the first place the rights of people, it is all about how to control people: power to the state, giving its citizens rights according to state philosophies. No longer will the State be the servant of the people, but the state will have unlimited power. For example: the power to pardon criminals (which is practised already), but not the power to punish criminals and protect the innocent, refer page 71.

"Is there a need for change?" Yes. The membership of the Panel should be a more accurate representation of New Zealand Citizens: Maori 15%, Asian 10%, European and other 77%. I have no confidence in the outcome of "this conversation", as it is not only unrepresentative but also consisting of political appointees.

It is very obvious again that Maori are ensured appropriate consultation processes, while the rest of New Zealanders have to find out for themselves (refer page 82, item 17). It is even more obvious that the majority of New Zealanders are again hoodwinked (as with the Same Sex Marriage Bill) by the official announcement re New Zealand's Constitution being carried out during the last January 2013 holiday break. Most of the MP's are aware of what is happening, but the vast majority of New Zealanders are kept in the dark.

Yes, we need a Constitution, but one that is prepared with the help of all New Zealanders and approved by the majority of them.

Its main purpose should be to control Government and Bureaucracy by instituting binding

referendum on all major and conscience issues.

1055

From: Lucy Brittain <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/05/2013 4:30 p.m.
Subject: CAP Submission

National constitutions are central to the way both government and citizens understand their country and the way in which they relate to one another. They are a vital ingredient to the peace and effective functioning of any nation. In New Zealand, the current constitution is unwritten and under review. As the established constitutional review committee seek out public opinion in a process that is thorough and true to our democratic ideals, there is no doubting that the Treaty of Waitangi is a central factor. This essay will embark on that same question the committee is currently; what opportunities does the Treaty of Waitangi provide for our future constitutional arrangements? First it will establish what the current New Zealand constitution consists of and the place of the Treaty of Waitangi within it. It will then highlight the need for change as well as the importance of the process by which this takes place. Constitutionality of the people will be presented as the prime and unique opportunity provided by the Treaty. This will be shown for its potential to address and mend the breaks in our society, the disparity that has resulted from the Treaty being persistently undermined. The legal status of the Treaty is assumed to reflect the ultimate state of relations between Maori and other New Zealanders. Thus the law is presented as the best mechanism for executing constitutional transformation. The process will be long and at times painful, but as reinforced here, it is necessary. It will bring positive effects of partnership and mutuality, equality and unity that will resonate through generations to come.

The New Zealand constitution is made up of formal legal documents, decisions of the courts, and practices known as constitutional conventions.[1] It reflects New Zealand's most fundamental values and political basis. Despite its importance, New Zealanders have been notoriously indifferent to our constitutional arrangements and as Palmer stated "must be amongst the most constitutionally underdeveloped people in the developed world".[2] Some commentators argue that this culture of disengagement is due to New Zealand being one of only three countries in the world with an unwritten constitution.[3] This means that there are multiple sources of the constitution and it is not enacted as supreme law. Instead, parliamentary majority can simply amend it. New Zealand's political development has been pragmatic. This is reflected in the ambiguity surrounding the place of the Treaty in our constitution since 1840. For most of the citizenship, there is no need for constitutional change where there is no problem to fix.[4] However, for many Maori people, the constitution is the greatest opportunity for their rights and status as guaranteed by the Treaty to finally be recognized.

Today the Treaty of Waitangi is commonly referred to as a national "founding document". Separate English and Maori versions leave its exact meaning contentious. However, there is no doubt that the Treaty set out to establish an ongoing relationship between those rangatira who signed and the Crown.[5] Thus, as Palmer recognizes, the Treaty establishes a relational basis for the constitution. Whilst he is cautious not to have this disregarded as a 'soft' approach, the brutality that can result from failed indigenous peoples relationships is evident across the world. New Zealand has avoided armed rebellion since the 19th century. This is substantially due to the Treaty of Waitangi which shows commitment to resolution through peaceful means and co-operation. It is foundational to our nation, which, for a long time, has prided itself on commendable treatment of the indigenous population.[6] Flowing from this commitment is a strong moral obligation on executive government to comply with the Treaty both in making policies and drafting legislation.[7] It is clear from executive statements and action over the past 20 years that this obligation, identified in the Cabinet Office Manual which states that "the law and its processes should be determined by the general recognition in Article 3 of the Treaty that Maori belong, as citizens, to the whole community", has been taken increasingly seriously.[8] This shows departure from the monocultural uniformity of "modern" constitutionalism towards what Claudia Orange characterizes as 'contemporary' constitutionalism.[9] Fluidity of our unwritten constitution allows the complacency of the former Anglo-settler state to be rejected in response to political circumstances and in favour of an approach that is more true to our own land and the people who belong to it. Thus we are presented with an opportunity, an opportunity of constitutional partnership.

Whilst the Treaty can be shown as a dominant feature in the constitutional landscape, this is not reflected in its legal status.[10] The basic approach of the courts towards the Treaty is effectively summed up by Chapman J stating that the "treaty will only become enforceable as part of the municipal law if and when it is made so by legislative authority." [11] This follows acceptance of the

Treaty in our dualist system as valid at international law thereby allowing executive government to enter into international obligations whilst preserving the power of Parliament to legislate domestically.[12] However this has not always been accepted. Previously, international lawyers denied validity of the Treaty of Waitangi arguing that Maori lacked the 'capacity' to conclude a Treaty.[13] Other lawyers such as Brownlie sought to classify it as a Treaty of Cession, extinguishing the identity of the Confederation of Chiefs leaving hapu no international standing.[14] However, citing the rules at international law for the interpretation of treaties, which include reading least in favour of the party that prepared the provisions, Maori understanding is clearly favoured. This constructs of it not as a Treaty of cession but of protection.

Due to Maori having no existing international personality, the Treaty cannot be enforced in international courts. However this lack of strict legal enforcement does not completely rob the Treaty of standing or power at national level. Effectively addressed by New Zealand's representative at the 1983 UN Human Rights Committee meeting, Chris Beeby stated "NZ regarded itself as required by the recognized rules of the law of treaties to give effect in its law and its practice to obligations imposed on it by the Treaty".[15] Realistically, though not legally, it would be difficult for the NZ executive government to ignore, and difficult even for Parliament to overturn a judicial ruling that the Treaty is generally binding, without huge embarrassment.[16]

Because of the controversy surrounding the enforceability of the Treaty, those pieces of legislation where it is incorporated are significant. None more so than the first such law, the Treaty of Waitangi Act 1975 which vested legal status, but no legal force, in the Treaty.[17] The Act established the Waitangi Tribunal as a commission of enquiry to hear Treaty breaches and make recommendations to government. Since 1975, the Treaty has been incorporated through different language into a number of laws. The ambiguity of exactly what the Treaty principles are or mean, coupled with the different terms used to refer to the Treaty, such as 'have regard to' in one piece of legislation and 'take account of' in another, makes these cases difficult for judges involved. Though only made in obiter, comments in the seminal 1987 "Lands Case" marked a milestone for courts treatment of the Treaty. This saw that despite the Treaty providing no restraint on Parliament at law, the Crown's obligation to regard it continues. Since then, 'partnership' has become an increasingly prevalent theme judicially.

This judicial pattern holds an opportunity for the fundamental being and understanding of this country. It is a theme that should be encapsulated in and enforced through our constitution. "Partnership" is ultimately what our nation was founded upon. This involves co-operation and compromise between Maori and Pakeha with a view towards biculturalism and common enterprise.[18] Partnership imposes responsibilities where both parties must act towards each other in the utmost good faith and the Crown must actively protect Maori interests. The Court of Appeal progress towards this construction means that the context of Crown-tribe relations are transferred into the public sphere and transformed back towards the horizontal balance of power that existed a century ago.[19] This horizontal form means tribal voices can be heard as loud as Crown voices can. It is this horizontal form that must also be used to structure our constitution.

As Palmer rightly stated, the legal status of the Treaty does not 'solve' any of the relationship problems, it simply reflects them.[20] Thus the state of ambiguity and inconsistency that surrounds the Treaty in law can be seen to directly correspond to relationships under the Treaty. The relationships between Maori and other New Zealanders are currently characterized by unease, anger and misunderstanding. This makes dealings involving the Treaty particularly controversial for Parliament. When the commitment to peaceful treatment of our indigenous people, encapsulated by the Treaty is recognized in the law, the effect will be to stabilize how those relationships are managed.[21] It is that stability that is a huge opportunity for the people and future of New Zealand. Currently, the constitutional arrangements in New Zealand mean that Parliament is supreme, it makes the laws and courts interpret them.[22] This means that recognition of the Treaty rests on the majority vote in Parliament. It is vulnerable to political tides and brings a typical example of the rights of minority foregone to majority rule. The true strength of this power was shown with the passage of the Foreshore and Seabed Act in 2003 where Parliament, with the support of the majority, was able to ignore both the courts and the Treaty itself.[23] The political tension of these relationships creates polarity seen everyday in statistics of unemployment, prisons, and domestic violence. Thus the question of which institution can best protect Maori interests is a central matter to our constitution.

It is likely that the courts can provide the best solution, go the greatest lengths to establish mutual

commitment as a legal requirement and not a choice. This would be affected through the Treaty becoming part of our common law in New Zealand. The judiciary would thereby be able to apply the Treaty to all cases, regardless of the particular legislation involved and independent of politics and bias. This would allow Maori better and more consistent protection. Enacting the Treaty as part of the common law is a realistic step. As Judith Binney shows, judgment of the courts is already progressing in this direction bringing negotiation and dialogue in a context where encounter is inevitable and where the terms of mutual co existence require continual reassessment.[24] Such reassessment involved in transforming the constitution from a vertical to a horizontal structure means that the Treaty should not be immediately entrenched as supreme law. Whilst this may be a development suitable in the future, first the process of incorporating the Treaty should be followed through and should be given time. The procedural nature of rights in our common law has allowed the Court of Appeal to create a climate of listening, improvising and compromising.[25] It is important this is utilized. Equated more with mana politics, the Crown is to establish the mana of its kawanatanga through acknowledging mana Maori under the Treaty. If this constitutionalism of compromise and dialogue based on a willingness to listen could be established in New Zealand, the political environment would be settled significantly and the benefits would be felt throughout the nation.

Stability of the relations between Maori and Pakeha, creating constitutionality of the people is the greatest opportunity the Treaty of Waitangi offers our constitution. This transformation would allow society to recognize a minority group properly, the way our liberal democracy expects it should. Our political culture prides itself on recognition of diversity. Everyday we provide support for disabled, for immigrants, and for the elderly. What minority group is more deserving of respect and of recognition, more fundamental to our national identity, more straining on our conscience as humane people and as citizens of Aoteroa, than our indigenous population? This opportunity to honour the Treaty fully and implement the rights it provides the Maori people is an opportunity that will run out. It may run out in international condemnation of our nation as one that has repressed its indigenous people, it may run out in political turmoil, and it may run out in armed uprising. Complete stability of these relations must be secured through the mechanism most fundamental to our land and our people, the constitution. Finally we must make our constitution based only on partnership, horizontal and never vertical. This opportunity is great for Aoteroa, for Maori and all New Zealanders, for us today and for future generations. It is an opportunity that cannot be missed.

Bibliography

Barr, H. (2013, January 4). Resources - He rauemi. Retrieved April 26, 2013, from Constitutional Advisory Panel: <http://www.cap.govt.nz/Resources>

Binney, J. (1995). *Title Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*. Auckland: Paul & Company Pub Consortium.

Chen, M. (2012). *The Advantages and Disadvantages of a Supreme Constitution for NZ: The Problem*

with Pragmatic Constitutional Evolution. In J. B. Caroline. Morris, Reconstituting the Constitution (pp. 27-43). Wellington: Springer.

Crawford, J. (2012). Brownlie's principles of Public International Law. Cambridge: Oxford.

Hayward, J. (2010). The Treaty and the Constitution. New Zealand Government and Politics (5), 105-113.

Jackson, M. (2013, January). Finding a Place for the Treaty. The Treaty Debates 2013: My Voice Counts. (C. Orange, Interviewer) Radio New Zealand.

Malcolm Mulholland, V. M. (2010). Weeping Waters: The Treaty of Waitangi and Constitutional Change. Wellington: Huia Publishers.

McHugh, P. (1996). Constitutional Voices. Victoria University Law Review, 26, 499-529.

McLeay, E. (2012). Building the Constitution: Debates, Assumptions; Developments 2000-2010. In J. B. Caroline. Morris, Reconstituting the Constitution (pp. 4-26). Wellington: Springer.

Palmer, M. (2013, January). Finding a Place for the Treaty. Treaty Debates 2013: My Voice Counts. (C. Orange, Interviewer) Radio New Zealand.

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

Tamihana Korokai v The Solicitor-General, 321 (New Zealand Court of Appeal April 18, 1912).

Thomas, S. E. (2009, August). The Treaty of Waitangi. New Zealand Law Journal, 277-280.

Williams, D. V. (2007). The Treaty of Waitangi: A 'Bridle' on Parliamentary Sovereignty? New Zealand Universities Law Review, 22, 599-622.

Williams, J. (2010). The Status and Nature of the Treaty. In J. B. Caroline. Morris, Reconstituting the Constitution (pp. 185-193). Wellington: Springer.

[1] Chen, M. (2012). The Advantages and Disadvantages of a Supreme Constitution for NZ: The Problem with Pragmatic Constitutional Evolution. In J. B. Caroline. Morris, Reconstituting the Constitution (pp. 27-43). Wellington: Springer.

[2] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constitution. Wellington: Victoria University Press.

[3] McHugh, P. (1996). Constitutional Voices. Victoria University Law Review, 26, 499-529.

[4] Chen, M. (2012). The Advantages and Disadvantages of a Supreme Constitution for NZ: The Problem with Pragmatic Constitutional Evolution. In J. B. Caroline. Morris, Reconstituting the Constitution (pp. 27-43). Wellington: Springer.

[5] Jackson, M. (2013, January). Finding a Place for the Treaty. The Treaty Debates 2013: My Voice Counts. (C. Orange, Interviewer) Radio New Zealand.

[6] Jackson, M. (2013, January). Finding a Place for the Treaty. The Treaty Debates 2013: My Voice

- Counts. (C. Orange, Interviewer) Radio New Zealand.
- [7] Hayward, J. (2010). The Treaty and the Constituion. New Zealand Government and Politics (5), 105-113.
- [8] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constituion. Wellington: Victoria University Press.
- [9] McHugh, P. (1996). Constituional Voices. Victoria University Law Review , 26, 499-529.
- [10] Thomas, S. E. (2009, August). The Treaty of Waitangi . New Zealand Law Journal , 277-280.
- [11] Tamihana Korokai v The Solicitor-General, 321 (New Zealand Court of Appeal April 18, 1912).
- [12] Malcolm Mulholland, V. M. (210). Weeping Waters: The Treaty of Waitangi and Constitutional Cha. Wellington: Huia Publishers.
- [13] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constituion. Wellington: Victoria University Press.
- [14] Crawford, J. (2012). Brownlie's principles of Public International Law. Cambridge: Oxford.
- [15] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constituion. Wellington: Victoria University Press.
- [16] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constituion. Wellington: Victoria University Press.
- [17] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constituion. Wellington: Victoria University Press.
- [18] McHugh, P. (1996). Constituional Voices. Victoria University Law Review , 26, 499-529.
- [19] McLeay, E. (2012). Building the Constituion: Debates, Assumptions; Developments 2000-2010. In J. B. Caroline. Morris, Reconstituting the Constitution (pp. 4-26). Wellington: Springer.
- [20] Palmer, M. (2008). The Treaty of Waitangi in New Zealand's Law and Constituion. Wellington: Victoria University Press.
- [21] Jackson, M. (2013, January). Finding a Place for the Treaty. The Treaty Debates 2013: My Voice Counts. (C. Orange, Interviewer) Radio New Zealand.
- [22] Hayward, J. (2010). The Treaty and the Constituion. New Zealand Government and Politics (5), 105-113.
- [23] Hayward, J. (2010). The Treaty and the Constituion. New Zealand Government and Politics (5), 105-113.
- [24] Binney, J. (1995). Title Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki. Auckland: Paul & Company Pub Consortium.
- [25] McHugh, P. (1996). Constituional Voices. Victoria University Law Review , 26, 499-529.

1406

From: Broad Family
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 8:47 a.m.
Subject: submission
Attachments: Submission.docx

My submission,
Thanks
Sue Broad.

Submission:

This country has been well served by the set of "rules" it has accumulated over the last 150 years. We need no firm constitution and especially not one that is based on race. If this country adopts a new Rule Book then that rule book need have no mention of separate race, no suggestion that one race has more rights to resource, lenience of law, or more voice in the community. If a constitution must be adopted it should make no reference to any person's race at all apart from them being a New Zealand citizen. If a constitution is adopted it should put pay to separate representation in parliament, all Maori seats should be abolished in favour of a fair and even representation of all NZers.

There should be an end to all Treaty related preferences, the treaty is no longer relevant in today's society and is a questionable document at best. Especially in the way it has been abused and deliberately reinterpreted over the last 40 years. In all public forums the only language acceptable should be English. This should remain the language of this country with a requirement that all immigrants must be able to speak our language before being allowed residency.

For this country to go forward it must stop burdening one sector of the society with the shortcomings of another, all citizens should be of the same value and responsibility to the government whether they are Maori or White NZer, or other.

188

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 2:47 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Susan Ann Broad Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Otago Postal Post Code: Postal Country: New Zealand
Submission: We do require a constitution, but only to protect the rights of NZ Citizens who were born here or who have made NZ their permanent home. The constitution should recognise and protect the heritage of this land. It should reflect our status in the world as a stand alone and unique country.

We are not a pacific island nor are we part of Asia. Our languages are Maori and English, the majority of us are Christian, and we respect the democratic rights equally of all CITIZENS. We have one law for all.

We protect the right of new citizens to live a happy and prosperous life here but also respect the right of bred and born citizens who have struggled to make this country what it is today. No immigrant should be able to "dilute" or alter our lifestyle by forcing cultural change. In short the constitution should protect our right to maintain our unique environment for many generations to come.

The constitution should protect the right of only NZ citizens to own our land.

All New Zealander land owners should be required to pay all of their tax in this country.

In short if you are a NZer or want to be an NZer you commit yourself to New Zealand in the full sense of the word.

All other residents or visitors to NZ are restricted to only living, working, or visiting this country and have no right to vote, own land, have no access to financial support or funded education and health services.

Sent on the 10 April 2013 at 14:46

1146

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 9:37 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Submission toConstitutional Advisory Panel 7Jun13.doc

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

Full Names: Thomas Evelyn Broad Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Nelson Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: J:\Submission to Constitutional Advisory Panel 7Jun13.doc

Sent on the 7 June 2013 at 09:36

Submission to:
Secretariat, Constitutional Advisory Panel
c/- Ministry of Justice
DXSX10088
Wellington

Submission

My Name. Thomas E Broad
Postal address:
Email address:

Thank you for the opportunity to make a personal submission on this important matter. I preface my submission with the background comment that I have no legal training and my knowledge of matters constitutional is indirect, i.e. not based on reading, or analysis of, the actual documents. Therefore, I limit my comments to statements of general principle rather than comment in detail.

New Zealand's Constitution – a single document?

In principle I strongly support:

1. The consolidation in a single document of the present “*collection of statutes (Acts of Parliament), Treaties, Orders in Council, letters patent, decisions of the Courts and unwritten constitutional conventions*” (http://en.wikipedia.org/wiki/Constitution_of_New_Zealand) that comprise the Constitution of NZ.

My reasons for this are:

- (i) in a single written document there is a reduced possibility that the presently scattered components of our Constitution could be overlooked or ignored. I am especially concerned that the unwritten conventions may be at special risk of this.
- (ii) there needs to be a clear and comprehensive definition of concepts to avoid confusion. I think there is a danger that the concepts as they occur now in different statutes may be subject to some possible interpretations that may not be intended in different contextual settings.
- (iii) I agree with the statement in the Constitutional Conversation booklet (page 5) that the Constitution “*reflects who we are - our unique history, values and aspirations.*” Regarding ‘who we are’, I think it is essential that the new written Constitution includes an historical outline of our journey to date including the rights and practices that have been carried on from both our British and Maori history and also from international law, treaties and declarations. Our Constitution should continue to be a living document that evolves and grows over time spans that far exceeds that of our elected Governments: it stands as an expression of all of us, collectively, and by consensus, over time. And more than this, it stands as a result of a process by which the long view is articulated, discussed and debated: its components are then accepted or rejected by being voted on by all of us, not solely by Parliament or by the Judicature.

2. The elevation of the status of the Constitution of NZ to that of a supreme law that is formally entrenched.

My reasons for this are also operational & historical:

- (i) I do not support the proposition that Constitutional rights should be determined by a single Parliamentary majority vote, but argue that a process for entrenchment of constitutional rights is essential to protect them from meddling by Parliament. This process is yet to be defined.
- (ii) As a supreme law, I think that the Constitution has an essential role as a "check and balance" mechanism to ensure that legislation passed by Parliament does not infringe upon the rights, obligations and responsibilities in the Constitution. Put baldly it should stop us shooting our-self in the foot or worse. And as a supreme law, it protects us from laws that are hastily drafted and passed under urgency, and from the unbridled power of parliamentarians or their parties who fail to act honorably, without favour to sponsors or in their self-interest.
- (iii) If the Constitution is entrenched this removes the need to restore, and expense of re-establishing and funding, a second or upper house as part of our system of government.

3. Further thoughts about the constitution:

Following on from my proposition above (item 2ii) that the Constitution has an essential function as a check and balance mechanism on the exercise of power in our system of government, I think it is imperative that:

- (a. We need to make sure that our Constitution actually works: I strongly support the proposition that the functions of the Constitution Review panel presently in operation) be expanded and set up as a stand-alone entity, to be adequately funded to continue to seek public opinion and raise the level of debate on all relevant issues. (For example, it should have a similar status to the Human Rights Commission, Privacy Commission or Race Relations Commission). I think that this entity should have the following core responsibilities:

- (i) To hear appeals against perceived infringements of the Constitution. At present there appears to be no where appeals about such infringements are heard.
- (ii) To have the power of veto for proposed legislation that infringes the Constitution. This should only be exercised as a last resort, for example, after advice to the Government of the day is ignored.
- (ii) To lead & facilitate wider regular discussion, debate and education about our system of government & our Constitution. This includes;
 - (I). Developing and implementing through all schools (primary and secondary schools including charter schools) a Civics course that teaches the fundamentals of our system of government and our constitution.
 - (II). Developing and running refresher courses for all our parliamentarians. As I understand it there is currently no formal process for informing or advising our politicians about constitutional

matters. It concerns me that many of our politicians, especially those new to politics, may be largely ignorant of their constitutional obligations. Therefore, I think it essential they be required to attend a refresher course on the Constitution before they commence their active term.

(III). Conducting regular public discussions and debates to keep constitutional matters alive. The recent debates about the Constitution aired on Radio New Zealand and the meetings conducted by the Constitutional Review Panel throughout the country have been excellent and should be taken as a great starting point and example to follow in the future. I would like to see a similar round of debates repeated at the midpoint of every electoral cycle.

Underlying this need for public debate is the need to keep stressing *"the importance of people taking responsibility for change and building a better society"* (Rowland, 2007, http://www.opendemocracy.net/article/arts_culture/literature/william_blake_visionary), and that we *"must be awakened from our slumber and daily grind"* to see that we are too easily *"captivated by the culture that keeps us thinking in ways that serves the interests of the powerful"* (Rowland, 2007, *ibid*)

(IV). Conduct hearings and make recommendations about fine-tuning our electoral system. The editorial in the *New Zealand Listener* of 25 May 2013 comments appropriately, in my opinion, that the recent decision to *"jettison the promised review of MMP"* was not only a cynical and self-serving view but over-ruled the process that should be a matter of *"public, not political review"*.

Thus, the primary purpose of the independent Constitution entity advocated here is to ensure that the constitution is the people's document, not that of Parliament.

The relationship between the Human Rights Commission and the proposed Constitution Commission should obviously be a close one. With insufficient knowledge on the subject I have no constructive or informed comments to make about the final shape of the Constitution Commission or its hierarchical relationship to other Commissions.

(b). We need to ensure that we have an informed citizenry/electorate. In addition to teaching our children about our system of government and our Constitution, the need has never been greater for an independent broadcaster as a necessary counter to our commercially-driven Press. Without an independent voice, I fear we are being increasingly exposed to an outlook heavily biased by industry and commercial interests through the increasing power of commercially funded lobbyists and the swelling funding made as sponsorship support to political parties. The recent political decision to remove funding from an independent television broadcaster takes as another step towards leaving us with an unbalanced system of media coverage. I strongly advocate the restoration of an independent broadcaster such as is still found in Australia (ABC) and Britain

(BBC) that operates across radio, TV and the internet.

Aspirations for Aotearoa New Zealand

In my opinion, the three core attributes that define us are our clearly articulated sense of a “fair go for all”, our No. 8-wire mentality (our ability to innovate using the limited resources available to us), and our aspiration to be ‘a property-owning democracy’.

The latter phrase, ‘a property-owning democracy’, is taken from Niall Ferguson in his “*Civilization The Six Killer Apps of Western Power*” (Penguin Books, 2011) who states (page 97):

“In reality, democracy was the capstone of an edifice that had as its foundation the rule of law – to be precise, the sanctity of individual freedom and the security of private property rights, ensured by representative, constitutional government”.

Ferguson (*ibid*) goes on (page 97) to quote from Winston Churchill on “*Civilization*”. Although it was clearly penned for Great Britain or the West in general, I think his statement is a most fitting encapsulation of our (New Zealand) aspirations, so I wish to quote this in full:

“It means a society based on the opinions of civilians. It means that violence, the rule of warriors and despotic chiefs, the conditions of camps and warfare, of riots and tyranny, give place to parliaments where laws are made, and independent courts of justice in which over long periods those laws are maintained. That is Civilization – and in its soil grow continually freedom, comfort and culture. When Civilization reigns in any country, a wider less harassed life is afforded to the masses of the people. The traditions of the past are cherished and the inheritance bequeathed to us by former wise or valiant men becomes a rich estate to be enjoyed and used by all. The central principle of Civilization is the subordination of the ruling class to the settled customs of the people and to their clear will as expressed in the Constitution...”

Who decides whether legislation is consistent with Constitution?

I strongly support the proposition that Parliament should not decide this and that it should be either an Independent Judiciary that has this responsibility or a Constitutional Commission, the majority of which is constituted of members appointed by the NZ Law Commission.

The Bill of Rights- does it go far enough?

I understand that the present NZ Bill of Rights falls short of protecting certain rights, and does not include some rights included in the UN Declaration of Human Rights.

As a general operating principle, I support the proposition that NZ legislation should be revised to be consistent with all international laws and treaties to which the NZ Government has become a signatory.

Therefore, I support an extension of the Bill of Rights as part of the

redrafting/consolidation of The NZ Constitution in a single document, such that the rights in the UN Declaration that are missing in the NZ Bill of Rights are so included.

Treaty of Waitangi and Maori representation:

I fully accept that *“The Treaty is generally regarded as our founding document and influences the relationship between the Crown and Maori and must be taken into account in law-making and public decision-making”* (Constitution Review Panel Conversation booklet)

Therefore, it is logically obvious to me that Maori should be represented in Parliament and in local government.

I strongly support the continued assignment of Maori seats to both levels of Government.

I strongly support the proposition that the Treaty be acknowledged in the Preamble of the NZ Constitution but that more work is needed to enunciate the principles of the Treaty and to encapsulate and protect these principles in law.

Given the need to adequately represent the electorate, I strongly support the addition of Maori seats to Parliament, particularly for the South Island - Ngai Tahu – electorate which is geographically too large for a single MP to cover adequately. (I, Therefore , support the proposition that electoral boundaries should reflect both demographic and geographic considerations.

As for the future, I support the proposition that there be a full review followed by a public vote to be held by Maori voters (i.e. those registered on the Maori rolls) to decide the matter of Maori seats at some later time. I do not support holding a referendum by all voters to decide this matter in this instance as referenda will always work against minority groups.

Electoral Matters:

I am a supporter of MMP but contrary to current government I strongly support the need to make changes to the present system.

I am content to leave matters such as the parliamentary term, and the number of parliamentarians to be decided by referenda at some later date but only after a detailed review of all relevant matters and wide dissemination, panel discussions/debates, & publicity of all of the review findings.

Regarding the announcement election dates, I strongly support the proposition that these be fixed and not left to the whim of the PM or the Executive, or of Parliament.

Regarding so-called “party hoppers”, I support the proposition that the disaffected member be not forced to resign from Parliament but must then act as an Independent for their remaining term, and should not automatically give their vote to ensure confidence & supply. This is to curtail the power of the PM, Executive and Caucus.

Other matters:**(a. The need for environmental protection:**

I think that current focus of the Constitutional Review conversations has been too tightly constrained by the present government and that it should be given much wider terms of reference, in particular to protect our “green and pleasant land”, its water (fresh water and marine), air, indigenous flora and fauna from unnecessary damage or despoliation. I see the access to, and enjoyment of, our natural heritage as a core right of all of the people of New Zealand.

While there are several Government Departments/Ministries whose role is to manage certain aspects of our environment, the present dominance of commercial and economic criteria over all other criteria put these unique aspects of our country, and our right to enjoy them, at increasing risk.

I therefore strongly support the propositions that:

- (i) all of our declared National Parks be forever removed from any form of commercial activity or exploration;
- (ii) central government has the obligation to develop sound National standards for the quality of water and air and to work with local government to see that these standards are fully met or exceeded;
- (iii) central government has the obligation to ensure that our borders are not breached by dangerous exotic biota and must maintain an adequate disaster response strategy and capability that will adequately protect our indigenous resources and assets.

Please take this submission forward to your Secretariat by 1 July 2013

Signature and Date:

Thomas E Broad 7 June 2013

2360

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:06 p.m.
Subject: http://www.ourconstitution.org.nz/ form submission
Attachments: NZ Constitution Submsn.docx

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

Full Names: Mark Broadwith Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
h Postal Region: Northland Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: NZ Constitution Submsn.docx

Sent on the 3 July 2013 at 21:05

In my view New Zealand does not need a constitution to be written down. We would be better served by the present situation continuing.

America seems to have no end of trouble debating the meanings of words and clauses in its constitution and so the idea that a written constitution would provide either clearer guidance on matters of law, or better protection, seems to me to be misguided. The tradition of an evolving, 'common' law, formed as I understand it, from the sum of judgements across time (including, it must be remembered very recent judgments on how the law is to be interpreted; this is not at all an archaic process) is both a superior system, for its inherent flexibility, and a more efficient system.

We would be better not meddling with the status quo.

If there are issues of ownership, rights, traditional access and custodianship over the land, air and waters, then these ought also be subject to the flexible, evolutionary and conciliatory processes already at work. Some may think that a clause in a written document may serve them and their interests better; I believe this to be a misguided motive for establishing a constitution. I don't think that a divisive force was behind the American constitution. rather, as I understand it, the founding fathers of that country wished to unify its peoples. Here today I hear to many would have motives more orientated towards personal or cultural interests at the expense of others. Leave it alone, please.

4078

From: Brogan
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 5:34 p.m.
Subject: CAP submission

I say No change to our unwritten constitution ,like the old saying goes
,If it aint broke don't fix it, more than likely you'll stuff it up .
Kevin Brogan

1696

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 2:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitutional Review.pdf

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

Full Names: Maree Eileen Brookes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: Constitutional Review.pdf

Sent on the 28 June 2013 at 14:25

Maree Brookes

Tauranga

27 June 2013

Overview

I do not believe we should have a written constitution, but I do believe we should amend some of our electoral laws, including:

- i. Extending the Term of Parliament
- ii. Treaty of Waitangi relevance today
- iii. Maori representation
- iv. Setting the election date
- v. Rights of MP's expelled from their Party Caucus

The Issues

Aspirations for New Zealand

- o New Zealand is a democracy with a multi-cultural society. My hopes include ensuring that we are all treated as equals. We must not discriminate, positively or negatively, based on race, creed or religion.

New Zealand's Constitution

- o I do not believe that our constitution should be written in a single document? We already have an informal constitution (made up of the many Acts of Parliament), and to have a written constitution would severely disadvantage all New Zealanders.
 - i. A written constitution mandates us to a structure that has no flexibility over time. The USA, in particular their guns laws, is an excellent example of the inflexibility of a written constitution.
 - ii. Our legal system adequately ensures our democratic freedoms, and we should not tamper with this.
 - iii. A Parliamentary democracy should not be over-ridden by a group of non-representative judges. If we don't like what our Parliamentarians are doing we have the ability to change them within the electoral cycle.

New Zealand's Bill of Rights Act

- o The New Zealand Bill of Rights Act 1990 confirms fundamental rights and freedoms that the state must respect. It sets minimum standards for all public decision-making, and is appropriate for our democracy. We shouldn't tamper with these rights.

Treaty of Waitangi

- The Treaty of Waitangi has been given too much status in New Zealand law. It was a treaty relevant to that day, and in fact was probably made void with the commencement of the 1860's Maori Wars.
- There is disputed interpretation of the translation of the Treaty, and this has resulted in too much divisiveness between New Zealanders in the 21st Century.
- If New Zealand is to move forward in a positive and cohesive manner then all New Zealanders must be treated fairly and equally, and the Treaty should be recognised as an aspirational document that guides us, but not a document that has 21st Century status.
- The Treaty must never be enshrined into a written constitution.

Māori Representation

- Maori no longer need separate representation within our Parliamentary system. It is divisive to continue to allow unfair and preferential representation for Maori. The same can be said for Local Government. It is wrong for the 21st Century, and it needs to stop now.

Electoral Matters**i. Number of MP's**

I support retaining a Parliament of 120 members. However I would like to see an increase to 90 Electorates, with 30 members elected from Party lists. List members should not make up more than 30% of the total, this would ensure true accountability to the constituents and democracy.

ii. The term of Parliament

I support the term of Parliament being extended to 4 years.

iii. Setting the Election date

The current system of setting the Election date should be retained.

iv. Factors to be taken into account when the size and number of electorates are decided?

The current system of determination is satisfactory, and doesn't need altering. The number of electorates should change as mentioned in (i) above.

v. List Members of Parliament parting ways with their party

List Members of Parliament should be compelled to leave Parliament if they are evicted from their Party Caucus. They are not representing any electorate, but at the bequest of the Political Party that voters endorsed.

vi. Electorally elected Members of Parliament parting ways with their party

The Electorally elected Member should be able to remain in Parliament if they are evicted from their Party Caucus, because the electorate has endorsed their selection to Parliament. As a democratically elected Member they should be able to remain in Parliament as an independent member.

2557

From: "Roger"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 1:14 p.m.
Subject: CAP Submission

NO TO HAVING SEPARATE MAORI SEATS WITHIN PARLIAMENT.

WE MUST REMAIN ONE COUNTRY, ONE PEOPLE,

REMAIN A PLACE OF DEMOCRACY NOT BECOME DIVIDED

Roger Brookes

Whangarei

4028

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 11:16 a.m.

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

Full Names: Heather Jean Brooks Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Devonport Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
The constitution should not include anything race-based, nor should the Treaty of Waitangi be
included. It should embrace equality for all New Zealanders irrespective of race, origin, income,
gender/gender orientation or anything else.

Submitted on the 29 July 2013 at 11:14

4028A

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 5:46 p.m.

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

Full Names: Heather Brooks Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: There should be no separate Maori seats.
Dividing the country in any way, shape or form along racial lines is going to create deep divides and
resentment in future generations. There are plenty of avenues for Maori issues to be dealt with
without the need
for Maori seats.

Submitted on the 29 July 2013 at 17:45

4028 B

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 5:50 p.m.

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

Full Names: Heather Brooks Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: The Treaty of Waitangi should NOT be
made part of the constitution. It is a document of historical value but should not be formally adopted
into the constitution of New Zealand as it would form the basis of a racially biased and unequal basis
for what

should be a country which provides equal opportunity and rights for all New Zealanders. There are
other avenues to address issues around the Treaty of Waitangi.

Submitted on the 29 July 2013 at 17:49

ConstitutionalReview - The form on your contact page has just been submitted

From: <website@cap.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 6/02/2013 6:20 p.m.
Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel.

Contact Name: Ian Brooks

Phone:

Email:

Comment: 1.I feel parliament must be kept to a three year term

and much better use made of citizen binding Referendum. When 65% or more of the voters are in

favour off or against an Issue. It must be legislated

for.

2. Bill of Rights must be made more transparent

and all New Zealanders citizens treaty equally

under the law. No special treatment given to anyone

based on race, age , gender,profession and status.

3. Maori /Crown relationship can not continue

under these late interpretation of the Treaty

principles and partnership! It surely must be

read as it was originally intended and signed in

1840. other wise none of us can really be equal under the law. We are all subjects of the Crown.

Once the treaty claims are full and final. I would

suggest the treaty should recognized as our founding document and relegated to the archives.

4. Written Constitution ? Well I believe that will depend on how smart and sensible we are with

dealing with the issues above. Because once it's

written into Constitution, it might be jolly hard

to change. The USA Firearms law is a good example of that! But that is the USA. It might

be different here, just look at the way we have

introduced new wards into our Treaty. It is a big

concern to all of us. We must not only be fair ,but must be seen to be fair to all our citizens.

Thank you

Ian Brooks.

**Sign Up For Yes
Updates:**

Sent on the 6 February 2013 at 18:14

16a.

From: iana brooks
To: <ConstitutionalReview@justice.govt.nz>
Date: 24/02/2013 6:32 p.m.
Subject: Re: February 2013: news from the Constitutional Advisory Panel

----- Original Message Follows -----

Hi advisory Panel, I wish to add more comments to my submission and also ask you some very important questions?

First. My aspirations for this country are to see us all as one nation living in peace and all equal under the one law. Any unjust and reasonable claims by Maori concluded and full and final. No separation of cultures in any form and in any forum. Waitangi day to become a public holiday and treated as a celebrations and not a day of violent protests. If all the above issues can be successfully achieved, and if the questions I will pose for you can be satisfactory be address?

Second. How do I see the future of our country and how it should be run?
Well I believe the status quo should not change on how long a party stays in power, before election is held. We should have a Binding Referendums on the important issues our county faces. We must have all Pre European New Zealand History taught in all Schools that can be verified in writing at that time of history. Because you would agree people that do not know their full history will not succeed! It would be like saying that history begin in 1066 AD after the Norman conquest. No Britons, no Romans, no Anglo- Saxon and no Vikings. The people would have lost a lot of their very rich heritage from their ancients. One can only guess what a big difference that would of made in the UK?

The questions I would like to ask you to consider are.
From on Radio live said that the treaty of Waitangi was not a proper Treaty , because only one side that signed it was a Nation. (a treaty must be between two nations?) Also that it was between Queen Victoria and the Maori and that did not include any of her Heirs and Successor after her name. She dead in 1901, and the question is could the treaty be Null and void? If he is correct? Because my concern would , if that is correct? It Should not be include in any Constitution until it's verified, and or some new modern agreement made if that is possible.?

This might sound crazy and alarmist to you, but man is a
respect host and word smith
and he said on the Sunday show. Please check it out?

Ian Brooks.

166

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/06/2013 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: Ian Brooks Organisation Name: N/A Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Whangarei Postal Region: Northland Postal Post Code:
Postal Country: New Zealand Submission: This is not our first submission to the panel,
so we will

try not to repeat our selves to much!

We are very keen on equal and Democratic rights
for all New Zealander's regardless of their race, colour ,
religion, disability or political believe. We do not believe
that is the case right now in this country, and would hope
that the panel take's this in to their consideration when
completing their Report to the Government on our new
written Constitution?

We feel that some people in this Country have more
rights than other based on accident of birth.

Example 1. why do Maori New Zealander's have a
choice of which political voting roll they put their name
on? No other New Zealander has that right! This would
have been fair and correct in the 19th and early 20th
centuries. Because under British Law only individual
land owners had the right to vote regardless of race, and
many poor British citizens with no land were not allowed to vote either. So it is understandable why
the Maori seats were created and needed back then , but not now!

Plus with the MMP system of voting is another
reason for not having the Maori seats.

Example 2. Local Councils having Maori board appointed

by the Minister of Maori Affairs with equal voting rights to the elected Councillors and not being democratically elected by the people of that Town or City.

This is not fair and equal and can not continue in
a democratic country in the twenty first century.

Example 3. Freedom of speech and expression must rate very high in the constitution . We can't have the

thought police telling us what we can think and say.

The panel might ask themselves why is it we have the
likes of Women affair 's Family Affairs, Maori Affairs
and the Race relation commissioner ? If the written
constitution is to grant equal and democratic rights
to all of us.

Surly all the above could come under one organization ,
Call the Human rights commission?

Example 4. We have seen different parties in government

ignoring the peoples wishes through Referendum , like

number of politicians in parliament and longer prison sentence e.t.c. This not democracy at work for the

people. This is simply saying to us you no longer

matter till the next Election. The panel must look at ways

of address this in the constitution and do not consider

giving them a four year term! They are demonstrating

how undemocratic they can be now.

Ignoring the recommended changes to MMP by the people is a great example!

Thank you for your time

Ian and Fran Brooks

4651²

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:09 p.m.
Attachments: Constitution.pdf

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

Full Names: Jonathan Brooks Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Constitution.pdf

Submitted on the 31 July 2013 at 13:08

Aspirations

- What are your aspirations for Aotearoa New Zealand?
 - To be a country where race does not matter. This whole review is biased towards a single race. We should consider ourselves as a single people, not Samoan, English, Welsh, Maori, or Australian, who happen to live in a country called New Zealand.
- How do you want our country to be run in the future?
 - With fewer Members of Parliament
 - Responsibility devolved to lower levels, closer to the people. All the processes should be transparent and information freely available.

Constitution

I have responded to the following questions as if a constitution is required. However, I am not sure that a constitution is required.

- Do you think our constitution should be written in a single document?
Yes, a document similar to the constitution of the USA
- Do you think our constitution should have a higher legal status than other laws (supreme law)?
Yes, it should be a guiding document for the rights of the people and a limitation of the role of the government.
- Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts?
The courts, to act as 'checks and balance' to the power of the law making government.

A constitution should not refer to any particular group, or provide certain privileges to any specific group. All citizens of New Zealand would be equal under a constitution.

Bill of rights

- A Bill of Rights would be part of the constitution, not separate, and they should be basic human rights.
- Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts?
The Courts, to act as 'checks and balance' to the power of the law making government.
The courts should have a better understanding of the law and be unbiased and apolitical.

Treaty of Waitangi

- Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?
None. See response to the next question.
- Do you think that the Treaty should be made a formal part of the constitution?
No. It was an agreement between two parties, not a basis for a constitution. A constitution should be for all New Zealanders. It is part of the history of New Zealand, but we should now move on as a single people.
There were wrongs in the past and they should be righted, but there should also be a time limit as to make any claims for restitution. Once that time limit has passed no more claims can be lodged.

Maori Representation

- How should Māori views be represented in Parliament?

The same as everyone else, by the MP representing them. For example, the Maori Party is already representing the interest of Maori, although it does not require a member to be Maori.

There should be no race based seats.

- How could Māori electoral participation be improved?

Is it any better or worse than anyone else? Each person makes up their mind as whether to participate in voting or not.

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

The same as everyone else, by voting for a councillor to represent them. There should be no special representation of views based on one's race.

Consultations should be general or to affected groups.

Electoral Matters

- How many members of Parliament should we have?

Fewer than we have at present. We are a country of only 4.5M people, and I do not think we need 121 Members of Parliament, between 80-90 would be a more reasonable number.

- How long should the term of Parliament be?

3-4 years.

- How should the election date be decided?

Fixed, every 3-4 years, with some exceptions, for example if the current party in power cannot continue to pass any legislation, then an election may have to be called.

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

The number of people in an area. The boundaries of an electorate should be decided by an independent organisation.

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

If the MP is a List MP then they should leave Parliament immediately and the next person on the Party's list should be appointed. The party should also have the ability to remove a list member.

If the MP is an electorate MP then they can remain until the next election.

There should also be a method to allow constituents to remove their electorate MP.

31.11

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.

Leah Brooks
Christchurch
New Zealand

354

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 3:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Mary Brooks Organisation Name: Email: ,
Phone: Postal AddressA: , Postal AddressB: Postal
City: a Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I strongly object to a new written Constitution embracing the Treaty of Waitangi. This
latter document is outdated and only necessary at the time of signing. We have a Constitution which
works very well and it is disgraceful to spend tax-payers' money on
something that does not need fixing. It is just another Maori power money-grabbing ruse.

Sent on the 15 April 2013 at 15:59

354a

From: Mary Brooks
To: "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.govt.nz>
Date: 31/05/2013 10:10 a.m.
Subject: Re: May update from the Constitutional Advisory Panel

A new written Constitution is totally unnecessary and a huge waste of taxpayers' money which could be used for far more urgent needs. We already have a good working Constitution and the sixth item on your list for discussion, namely equal rights for all New Zealanders, was granted by Hobson in 1840 and that has not changed. Although more and more special rights have been and are being given to Maori. The only people anything new embracing the Treaty, will be twisted to suit more Maori greed. Why do you find it necessary to put Aotearoa in front of New Zealand. We all know what the name of this country is. Tena koutou to you too!

Mary Brooks.

From: "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.govt.nz>
 To: ConstitutionalReview <ConstitutionalReview@justice.govt.nz>
 Sent: Thursday, 30 May 2013 4:55 PM
 Subject: May update from the Constitutional Advisory Panel

Tēnā koutou and good afternoon to all

A month to go until close of submissions in the Constitution Conversation! Plenty of time to find out more about our constitution, write down your thoughts and send them through to the Panel. A text version of the submission guide is attached-you can just fill it out and send it back to this address. And please feel free to send this email on to your friends, families, whānau, hapū, iwi, colleagues and communities. Find out more on our website: <http://www.ourconstitution.org.nz/>
 Panel members are attending meetings and hui all over the country. The Panel has been invited to meet with individuals and organisations in venues ranging from community law centres to living rooms, to hui on the marae. Some fascinating themes emerge as people discuss the issues at these events, including:

- the values and aspirations we have in common
- participation and representation in the decisions that affect us
- the balance between majority power and minority rights
- protection of Māori culture and identity
- New Zealand's changing population ensuring equality for the people of New Zealand
- processes and principles of constitutional change
- the checks and balances on the exercise of power by the three branches of state (judiciary, parliament, and the executive)
- improving the level of knowledge about our constitution

These themes, along with many others, are also reflected in the 950 submissions the Panel has received to far. No doubt these themes will develop as the conversations continue.

What you can do to participate

- Read and consider the information resources on the Panel's website. You can download submission guides, factsheets, booklets, quizzes and conversation cards. And a handy glossary. Order hard copies from the toll free number 0508 411 411. For even more information, you can read our longer booklet, "The Conversation so Far," explore the articles in the bibliography, or explore other websites.
- Share the Facebook page with your friends: www.facebook.com/theconstitutionconversation
- Put a notice into your school's newsletter or community group's panui pointing people to the Panel's website and encouraging participation
- Talk to a teacher about sending in the class's values and aspirations for Aotearoa New Zealand
- Write a letter to the paper on any of the topics
- Get together with some friends, whānau, family, community or neighbours to talk about the issues. You can find material to support meetings on the website. Invite a Panel member to attend!
- Send in a submission!

We look forward to hearing from you. This is your constitution, your conversation.

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Thank you.

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394 b

From: Mary Brooks
To: "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.govt.nz>
Date: 27/07/2013 11:12 a.m.
Subject: Re: The Constitution Conversation - Submissions Closing 31 July

I am appalled at the idea of a written Constitution based on the Treaty of Waitangi as sought by the Maori Party. We already have clear evidence, especially in Tauranga, of local iwi's insistence of being on the local Council, although unelected and their demands for return of land at the base of Mauao (they already have the mountain) and now want the ownership of the entrance to the harbour here. What next? All claimed under the Treaty of Waitangi. Maori have contributed nothing to the upkeep of these places but still want their favourite word "compensation". You can take this as a strong opposition to any changes in our Constitution.
Why change what is perfect. Mary Brooks

From: "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.govt.nz>
To: ConstitutionalReview <ConstitutionalReview@justice.govt.nz>
Sent: Friday, 26 July 2013 5:10 PM
Subject: The Constitution Conversation - Submissions Closing 31 July

Be part of the conversation about how we want our country to be run in the future

You can make submissions online at <http://www.ourconstitution.org.nz/>, by email to this address and by post to Submissions, Secretariat - Constitutional Advisory Panel, C/o Ministry of Justice, DX SX10088, Wellington

Submissions now close on 31 July 2013

Further information
Phone 0508 411 411
<http://www.ourconstitution.org.nz/> and <http://www.kaupapature.org.nz/>
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