

1405

From: Jim Cable
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 8:14 p.m.
Subject: Submission to the Constitutional Review

17 June 2013

Submission of:

Jim Cable,

NELSON,

Constitutional Review.

New Zealand does NOT need a written constitution. In practical terms, our present Westminster-type system is the most flexible, as well as the best possible, of all democratic systems to address our country's constitutional substance and its protections. It also has the simple ability to meet and accommodate whatever future requirements do arise.

The Treaty of Waitangi was signed 173 years ago. It should have no relevance whatsoever today, other than as a historic document. The writings of unbiased researchers like Ian Wishart and John Robinson have documented conclusive evidence as to how, in recent years, the Treaty's original intent has been corrupted and "re-interpreted" way beyond any intent (or even belief) of its signatories.

I'm appalled at how, as a direct result of the contest between the parties of Labour and National, MMP has affected, so signally, the issue and the process of Treaty "settlements." Both parties appear to have used the process to curry favour with Maori for their own political advantage.

I'm also appalled at the magnitude of the Treaty "settlements," but the greatest damage to the national fabric of New Zealanders as a people results from the divisions now created between Maori and non-Maori – splits that these "settlements" have widened and have thus resulted in ever-deepening and ever-increasing expectations of Maori.

The term "Treaty principles" was never anything more than a politically manufactured nonsense. In reality it conveys nothing of the rationale that lay behind the signing of the 1840 Treaty – nor of the Treaty's ratification, 20 years later in 1860, at the Kohimarama gathering.

If New Zealanders are one people, the Treaty should NOT still be featuring as a modern-day reference today, all these many, many generations later.

Maori Representation. The original intention was that Maori seats were to be a temporary measure until Maori were able to develop and "foot it" constitutionally with "European NZers." Today, even despite the fact that many Maori have since succeeded on the strength of their own capabilities in being elected to "European" seats, MMP has seen the number of Maori seats increased - which only embeds separatism as a factor of Kiwi constitutionality. Irrespective of the political influences conveyed, there is really no case whatsoever for the continuation of separate Maori representation, and I believe that Maori seats should now be abolished.

Electoral matters. MMP has proven to be an utter nonsense – a disastrous waste of time that has rendered far more difficulties than resultant benefits. The cost of parliament has exploded with far, far too much time wasted by the party-political posturing of opposition parties, generally completely unfocused on the actual issues of the day. Much of this time-wasting stems from the activity of un-elected list MPs. Prior to MMP, the same work of parliament was accomplished by half the present number of MPs. We should therefore return to an FPP system with say 65-70 MPs, who were elected solely by electorate vote. That way we would see mostly only the most demonstrably capable and competent individuals elected to parliament. Consequently that would render far higher degrees of ministerial/member capability – and we would see the parliament's proper business conducted far more expeditiously than at present.

Parliamentary term should be kept at 3 years. It may be too short for a good government, but it's far too long for a bad one.

Election date. The current process has been workable and I see no reason to change it.

Electorates. Where possible, communities of interest are to be desired. The dictate of population numbers to decide uniform population numbers for electorates have made electorates like West Coast-Tasman almost impractical for an MP to service.

Members who leave their parties. This is yet another nonsense development of our process that has been aggravated considerably by the foot-shooting absurdity of the MMP system. An elected MP should be free to resign their party and continue as an independent MP should they so choose - but list MPs should instantly forfeit their seat and be removed from parliament, with the next list member on that party's list being then appointed to hold the position.

3730

From: "Kim Cable (Personal)"
To: <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 9:22 a.m.
Subject: submission

1. 1. What are your aspirations for Aotearoa New Zealand?

I would like to see Aotearoa become a country that celebrates its indigenous culture a lot more, with Te Reo Maori becoming a part of mainstream education. Maori culture makes us unique in the world, and offers a beautiful worldview. I would also like to see more incentives given towards sustainable living, and sustainable business.

Businesses should be encouraged, educated and incentivised to value the working mother more, with great flexible working conditions. Every NZer should see the value to society in gaining a good work/life balance.

We should aim to be a wealthy country with every NZer enjoying a good standard of living, where society is able to provide everyone with the basic life necessities (food, shelter, clothing). Raise minimum wages, and do not try to establish a minimum wage working class.

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

Continue to be a democracy, and continue with the Maori seats in parliament, that ensure Maori representation.

Take into account the points above for my aspirations for Aotearoa.

Kind regards,

Kim Cable

2183

From: Richard Francis Caddick
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 11:31 a.m.
Subject: CAP Submission

In my opinion the system of having separate representation by way of splitting the electorate into two separate streams smacks of a reverse type of apartheid that has no place in a modern-day society. It is an anachronism that is long past its use-by date and should be abolished. We are all immigrants, so by extension, if separate seats are reserved for Maori, why not have the same system for Chinese, Indian, Dutch, British, or other cultures? Maori have their own political parties, and if as a collective race they value their language, traditions etc, they should use the general system to protect and nurture them, just as is done in any democratic system, and in ours by other particular interest groups. I would be tempted to condemn it as racist, but that term does not really fit, because the races are now so mixed that regardless of clearly defined blood-lines, it seems that today it is sufficient to "feel Maori" - ridiculous!

There is no viable justification for allocating seats to a particular ethnic, religious, or any other narrow interest group.

Richard F. Caddick,

i Rangiora

4688

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:11 p.m.

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

Full Names: Manu Caddie Organisation Name: Pacific Centre for Participatory Democracy
Email: Phone: Postal AddressA: Postal
AddressB: Postal City: Gisborne Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: 1. I support the retention of Te Tiriti o Waitangi as the founding document of Aotearoa until we are able to have a proper discussion and agreement on a constitutional arrangement that recognises the rights of Māori/hapū as indigenous peoples and protects

those rights within a document that provides less opportunity for diverse interpretation of meanings.

2. I support the need for clarification on the role and powers of local government and the need to shift as much power as possible to local level, closest to those most affected by decisions and away from a centralised system of governance.

3. I support the right to existence of autonomous, self-determined cultural, linguistic, religious and/or geographic groupings within the territory currently recognised as Aotearoa / New Zealand. These groups should be free to determine their own forms of regulation and taxation if they do not wish to receive and pay dues to the New Zealand Government or negotiate arrangements by mutual agreement.

4. I support changes in legislative and public policy decision-making that would result in much public participation and deliberation on decisions, particularly legislation and budgets. Direct democracy needs much more constitutional support and a move away from representative democracy will provide greater protections for citizens present and future, and hopefully the natural environment.

5. I support the need for constitutional recognition of the rights of nature and the environment - some would call it the rights of Mother Earth or Papatūānuku. Taking the rights to a peaceful existence of non-human life seems to be the next step in our development as a species and would radically improve our chances of survival in the future.

Submitted on the 31 July 2013 at 14:08

4417¹

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:44 a.m.
Subject: CAP Submission

To the Constitutional Advisory Panel

There should be one peoples group mentioned in the Constitution i.e. New Zealanders.

Therefore the principles of the Declaration of Equality should be enacted.

Race-based Parliamentary seats to be abolished.

References to the Treaty of Waitangi to be rejected as it would be undemocratic and prone to division.

The protection of property rights for all New Zealanders to be included in the Bill of Rights.

Parliament's length of term should remain 3 years for the sake of accountability.

Yours faithfully

Mrs J K Caetano

Auckland

1962

newzealand.govt.nz

Our constitution is the set of rules that determines how this country is governed and how we all live together.

stamp

Tell us your aspirations for our country and let us know what's important to you about how this country is run:

For Māori to have
more Equal rights!
To be treated fairly.

Secretariat
Constitutional Advisory Panel
C/o Ministry of Justice
DX SX 10088
Wellington

Name(s):

Keenen Cassidy

You can find out more about the Constitution Conversation and make a fuller submission online at www.ourconstitution.org.nz

☐ Tick box to receive regular updates by email

6088.1

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.

Jayden Caine
Pukekohe
New Zealand

2879.

From: Ian Wilfred Caird
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 6/07/2013 4:27 p.m.
Subject: CAP Submission

Maori Seats should be abolished on the fundamental basis of a Democracy Nation
of 1 Law (and the same law) for All.

Sent from my Pad

2536

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 11:33 a.m.
Subject: CAP Submission re Maori Seats

Maori seats in parliament should be abolished. They have outlived their 19th Century usefulness.

Don Calder.

2536 a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:56 p.m.

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

Full Names: Don Calder Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: There is no Constitutional crisis, nor has
there been for many years, therefore there is no need to interfere with the existing Constitution. The
system of one person, one vote should prevail, and no one group should have greater representation
than any
other group.

Submitted on the 31 July 2013 at 14:55

2069.

From: Tim Calder <
To: <constitutionalreview@cap.govt.nz>
CC: /)"
Date: 8/07/2013 1:51 a.m.
Subject: CAP Submission

Abolish Maori Seats

4502

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:54 p.m.

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

Full Names: Crispin Caldicott Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Warkworth Postal Region: northland Postal Post Code: Postal Country: New
Zealand Submission: These are the questions we would like your feedback on:

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

I believe this country should adopt the constitution of the most successful democracy in the world so far – Switzerland.

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

Do as the Swiss have done. – It has worked so far.

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

Do as the Swiss have done – it also has worked so far.

Submitted on the 31 July 2013 at 21:53

4502 a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:04 p.m.

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

Full Names: Crispin Caldicott Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Warkworth Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: What Role do you think the Treaty of Waitangi could have in our Constitution.

The Treaty of Waitangi is an ancient document that is completely incompatible with a modern 21st century nation. It should be consigned to history. It has no principles – nor ever did have that are applicable today and is simply serving as a gigantic millstone round the neck of this nation. It is time to get rid of it and embrace a constitution that encompasses ALL new Zealanders who live here as a forward looking, vibrant democracy in which issues are debated with intellect and intelligence.

Do you think the Treaty of Waitangi should be made a formal part of the Constitution?

No – it would be impossible if we are to be one nation.

Submitted on the 31 July 2013 at 22:03

45026

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:26 p.m.

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

Full Names: Crispin Caldicott Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Warkworth Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: What are your aspirations for New
Zealand?

That we live as an integrated thriving democracy in which all citizens recognise their elected
representatives are their servants.

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

By adopting as nearly as possible the Swiss Constitution for our democratic framework, and ensuring
that power is not concentrated with a tiny clique involving banks, dodgy business people and shady
organisations.

Submitted on the 31 July 2013 at 22:26

4502c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:21 p.m.

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

Full Names: Crispin Caldicott Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Warkworth Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: How many members of Parliament should
we have?

The ratio should be decided on the same formula as the Swiss constitution – so far the most successful democracy in the western world.

How should the election date be decided?

Unclear – but I suggest don't re-invent the wheel. Either as the Swiss system, OR via referendum.

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

There should be a by-election within six weeks, except if there is to be a general election within a year in which case they should simply leave parliament.

How long should the term of Parliament be?

Needs far more thought than I have time for tonight...

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

Use the same ratio as the Swiss system. However given the much larger size of some electorates it might be sensible to have two MPs serving the same area.

Submitted on the 31 July 2013 at 22:20

4502d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:11 p.m.

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

Full Names: Crispin Caldicott Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Warkworth Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: How should Maori views be
represented in Parliament?

In the language of the nation (English) by Members of Parliament elected by their constituents for
whichever party their political philosophy happens to suit.

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

In exactly the same way as in Parliament.

How could Maori electoral participation be improved?

By encouraging all citizens to vote, or adopting the Australian, if undemocratic measure of obliging
their citizens to vote or pay a fine

Submitted on the 31 July 2013 at 22:10

2039

From: "Chris Callen" <
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 6:27 p.m.
Subject: CAP Submission

Hello there

I would like you to record this submission in support of abolishing Maori seats.

We are one country, one people and we have one future - together.

Sincerely

Chris Callen

Chris Callen

Auckland

New Zealand

2079

From: "Ian & Vicky Calvert" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 7:30 a.m.
Subject: CAP Submission

Abolish the Maori seats

Ian

Ian & Vicky Calvert

Tauranga

F

Mobile:

Email:

3734

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 10:15 a.m.

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

Full Names: Ian Stuart Calvert Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Cambridge Postal Region: Waipa Postal Post Code: Postal Country: New
Zealand Submission: Submission.

Q1. A single document. So that all people in New Zealand can access it, have it explained in a singular way without complicated cultural interpretations and so it can be the definitive document for our country.

Q2. No. I think we should remain with the Queen as our ultimate Head of State and have available for the rare occasions it is needed a higher Court that is linked to but independent of our Courts to be able to decide on any matter that requires that input.

It would only be when no other option in NZ has been able to find a satisfactory solution.

Q3. Parliament. Because our MPs are elected and we have control/say over who they are and we can quickly let them know if their decisions are not going in the right direction, even before that decision is made. The common person has access to their MP. The

Courts are an unknown to the majority of people, the people appointed are not elected and there is almost no access available, especially for the common person.

Submitted on the 22 July 2013 at 10:13

8734a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 12:37 p.m.
Subject:
Attachments: Aspirations for NZsubmission.docx

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

Full Names: Ian Stuart Calvert Organisation Name: Email:
Phon Postal AddressA Postal AddressB:
Postal City: Cambridge Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: File attached Submission Upload: Aspirations for NZ submission.docx

Submitted on the 22 July 2013 at 10:03

Question: What are your aspirations for Aotearoa New Zealand?

Submission:

- A country where the Government clearly puts New Zealand first. Where ownership is NZ focussed, profits are returned to NZ as much as possible, investment is made easier for New Zealand businesses to do in NZ.
- A true multi-cultural society where the cultures of others are recognised but not given priority over our New Zealand culture which is a blend of European New Zealand and Maori – neither one of which should have priority.
- Where immigrants are required to have a high level of English and that they are encouraged to mix with NZ society rather than 'group' together and try and try and make a slice of NZ as if it were their own country. While bringing their own countries values and ideals here allows for diversification it should not require our governing system to accommodate their special needs in this area.
- A lower tolerance of criminal activity. This should include what appear as minor crimes such as selling liquor to underage people, or trading in liquor beyond the licence allowance. There should be severe penalties for doing so and if the business were forced to close – so be it. The same applies to truck drivers flouting their driving duty time limits, employers paying under minimum wage to employees, repeat offenders whatever the crime, law and prison officers who break the law etc.
- A system that allows business to grow and where common sense can prevail in the bureaucracy involved in doing so. A country that avoids allowing Health and Safety to become a barrier to people using common sense and taking responsibility for their actions at all times and that increases the cost and complexity of doing business. We must avoid becoming a country where people rely on regulation. Rules and Government to make their decisions for them and takes away their accountability and responsibilities to play their part in running their own lives and the decisions they make.
- A country where the ACC system remains in place – but operated more effectively as would a private business rather than the heavy bureaucracy it has become.
- A welfare health system that supports the ACC model and provides effective health care for the under privileged.
- An education system that is not necessarily free but is affordable by all and where those who want more, private education can choose to pay for it if that is what they wish.
- A tax system that does not punish the successful but does not allow those who are successful to pay less tax through business loopholes or other mechanisms. A tax rate for the very successful that is higher than now - >\$400,000 p.a. at say 40%.
- A country where a convicted criminal does not have the same rights as a free law abiding person. Make prison a place to avoid – not a resort for the organised criminal element.

- Zero tolerance for organised crime.

Ian Calvert

ConstitutionalReview - CAP Submission

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

It is my firm belief that race-based representation has no place in a modern society. Suffrage in New Zealand is universal and should be based on citizenship and definitely not race.

The Maori seats must be abolished, and quickly. Those who procrastinate and maintain the status quo will share the responsibility for the developing racial divide with the anger and discontent and even hatred which will follow.

2882

From: Chris Cambourn
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 8:28 p.m.
Subject: Fwd: Review

To Whom It May Concern.

I have had this email passed to me and I can only endorse its sentiments and I do so most sincerely.
Chris Cambourn
Whitby

Begin forwarded message:

>
> Subject: Fw: Review
>
>
>
> The Chairman,
> Constitutional Panel.
>
> Dear Sir,
>
> I believe that race-based representation has no place in modern society, so I feel very strongly that
it is time to abolish Maori seats. Our democratic rights should be based on citizenship, not race, so
the Maori seats should be abolished, in the best interests of all citizens.
>
> Yours faithfully,
>
>

< ending >

884

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 1:55 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Andrew Cameron Organisation Name: Email
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Q1. A= Maori should be represented like everyone else not have special seats.. There should not be
raced based seats in NZ. If Maori want their views represented in Parliament, like the rest of NZ, they
need to promote and present a good argument. i.e.
get buy in.

Q.2 I understand that participation is not solely a problem for Maori and is similar in all sectors of the
community. I also understand a large proportion of Maori chose to vote on the general role, which
should be encouraged.

Q.3 Same applies to local government, you cannot have a minority part of the population (less than
15%) having major consultation rights or 50% say in matters affecting ratepayers without creating
animosity.

If local history was promoted in the right way without cash grants or special privilege then I believe
Maori perspectives would get a good buy in, the same applies on a national level (as long as they
apply to all). Maori have a special place in NZ, just not
in law. To force anything else on the public is only sowing seeds of resentment.

Sent on the 21 May 2013 at 13:54

362

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 1:54 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Andrew Robert Cameron Organisation Name: Email:
 Phone: Postal AddressA: Postal AddressB: Postal City: Postal
 Region: Postal Post Code: Postal Country: New Zealand Submission: I support a
 constitution as long as there is no reference to race or special privilege. Therefore I do not support a
 constitution that has the Treaty of Waitangi included as a founding document. I believe Maori have a
 special place in NZ BUT not in law.

The TOW is extremely ambiguous and the terms "principles of the Treaty and founding
 document" are relatively new interpretations (mainly Sir Geoffrey Palmer and Sir Robin Cooke)
 The Privy Council and past Judges closer to the time of signing had a completely
 different view of the treaty.

As a tax payer I am also tired of the manipulation of so called "principles" of the TOW for
 financial gain and do not wish this to continue in a constitution.

"Special privilege" to a particular race is not only racist but a recipe for disharmony and
 disaster within NZ. You only need to look at other areas of the world to see the final result. You can't
 have a 50/50 partnership in relation to potential assets and
 community voice on matters when Maori make up 15 % of the population. I have no problems with
 Maori principles (e.g manaakitanga, kaitiakitanga) being used in law as long as the law is the same
 for all citizen's, does not differentiate and enforced/managed
 by the State.

Finally, with such a major constitutional decision, you MUST have a full referendum, anything less will
 be undemocratic and never have support. Whether you like it or not, this country runs on majority
 rules (utilitarianism), I personally, take it as an insult
 when told I don't know best, on issues that affect my family and of this nature.

One rule for all is the only way to avoid separatism.

Thank you for your time and I hope you are honest to wishes of the people of NZ.

Sent on the 15 April 2013 at 13:53

Email.

10 September 2012

Constitutional Review Secretariat
Ministry of Justice
SX 10088
WELLINGTON

An article in the Otago Daily Times of 26 July reporting Sir Tipene O'Regan's address at Otago University referred to the discussion of possible constitutional changes that the Constitutional Advisory Panel is set up to promote and has reminded me to make submissions.

My understanding is that the Panel is essentially concerned with seeking considering and acquainting the government with the opinions of members of the public on various constitutional issues. Whether New Zealand should become a republic is not one of these issues, but the co-chairman has said that this issue "has not been discounted".

I can claim some credentials for putting forward my views but for this very reason they may not be typical of those the Panel receives from members of the public generally.

For many years I was Chief Legal Adviser to the Justice Department and subsequently Deputy Secretary. I was an adviser to the then Minister of Justice on the constitutional legislation in 1972, a member of the Danks Committee on official information, and chairman of the officials committee on whose report the Constitution Act 1986 was based. I was a member of an informal group under the chairmanship of (now) Sir Kenneth Keith which considered and advised the Minister on the legislation that became the Bill of Rights Act 1990. From 1986 to 1989 I was a member of the Law Commission and was an author of its report on Maori Fisheries.

Is the changing racial composition of NZ relevant to constitutional change, as Sir Tipene O'Regan suggested in his address? It might perhaps be so on the question of a republic. On that issue, as a mild republican myself, I believe present majority views continue to favour the retention of the monarchy.

If a republic were favoured the form it should take might be controversial, especially as to the manner in which the Head of State was chosen and their powers. At one level the drafting would be fairly simple - the Head of State might be appointed for a (single?) term of say 5 years by a vote of three quarters of the members of the House of Representatives. Any form of direct election could create two sources of authority with the potential of a power contest.

Should a constitution be "superior law". In other words are there to be any limits on the powers of Parliament?

In the early Middle Ages in England the jurist Bracton said that "the King is under no man but under God *and the law*". Transposing this into a present day secular and democratic State it could be rendered - "Parliament is under no man but under the law".

Most people may not realise how unusual NZ is in this respect. As far as I know no Commonwealth country outside the UK, and no other democratic State, lacks such a constitution. Even the UK Parliament, while that country remains in the EU, has certain limitations on its powers and Britain is often said now to have a "written constitution". I refer *inter alia* to a recent book by a former Chief Justice of England, the late Tom Bingham, "The Rule of Law".

In this context the "reserved sections" of section 268 of the Electoral Act 1993 need to be considered. Section 268 is not itself "reserved" and could be changed or repealed by a simple majority. If it was itself reserved, and a stop was put to the legal power of a bare majority to amend the provisions specified in it, there would be the glimmer of a "written" constitution. The law would then require the approval of more than a bare majority of MPs for certain changes.

The view taken when the predecessor of s.268 was enacted in 1956 was that to attempt to entrench that section would be ineffective and thus misleading. This view is now widely regarded as wrong, and I believe it is.

In the light of history the issue is not wholly academic. In 1934 the provision for triennial elections was changed with immediate effect, and the general election due in that year was thus postponed (against opposition from Labour members) until the following year. The term of Parliament was to be 4 years. (In 1937 the 3-year term was reinstated.) If Parliament could effectively do this by a bare majority it could equally extend its life for any number of years. (The extension of the term of Parliament from 1941 to 1943 was done during the Second World War and with the assent of all members.)

In any event the list of "reserved sections" might be reviewed. I believe there is a case for adding to them eg the provision that Judges of the High Court hold office during good behaviour. This provision, formerly in the Judicature Act, was transferred to the Constitution Act in 1986 - section 23. Its presence there is symbolic as recognising the independence of the judiciary. Indeed the Constitution Act as a whole might perhaps be so "reserved".

As to the term of Parliament the arguments seem to me finely balanced. But as long as the powers of Parliament are unlimited the case for a short term is strong and I favour the present term of 3 years.

The composition and size of parliament is being considered separately following the 2011 referendum which favoured the retention of MMP and I make no comments. (I am a strong supporter of MMP but see a need for the sort of "fine tuning" currently recommended.)

The Bill of Rights Act 1990 is an important constitutional statement but it is subject to overriding expressly or by implication by a simple majority in Parliament. Later legislation inconsistent with anything in the Bill of Rights prevails. Again, the absence of an entrenched Bill of Rights is exceptional both in and out of the Commonwealth. The *Canadian* Charter of Rights and Freedoms (their equivalent) can be overridden but only if Parliament expressly declares in an Act that the Act, or a provision thereof, shall operate notwithstanding the Charter.

Australia has no Bill of Rights but apart from the limited powers of the Federal Parliament vis à vis the States there are a few limitations on the legislation it can pass. Thus under s.51xxxii the power to acquire property must be exercised on "just terms". The parliament cannot make any law for establishing a religion or for imposing any religious observance or for prohibiting the free exercise of any religion, and no religious test shall be imposed as a qualification for any office. (In the light of recent Islamic controversies this could now be more than purely theoretical.) The provision about judicial tenure is as in New Zealand but being in the Constitution the Federal Parliament cannot change it. Trade and commerce between the States is to be "absolutely free", and neither the Commonwealth nor the States can legislate inconsistently.

One fear often expressed in New Zealand is that the entrenchment of Bill of Rights provisions would throw too much power to the courts and require them to make what might be seen as essentially political decisions. The political views of prospective judges could become relevant. The Canadian experience would seem to discount such fears, but would need to be the subject of close examination here.

The same sort of difficulty could arise if the Treaty of Waitangi were to be made part of our legal constitution. The legal status of the Treaty and its place in a constitution is I believe the most important and the most difficult issue in the Panel's field. It may not be too much to call it a nightmare.

I do not know of any other country whose law and experience is directly relevant. The Treaty is widely seen as a "founding compact". But its language is too general and diffuse to serve for modern legislation. Is the Maori text to prevail (in accordance with the fundamental principle that people are bound by what they have signed and not any other version) and if so, for example in 2012 is the scope of rangatiratanga?

Even the "principles" of the Treaty, whatever they are thought to be, are hard to define and to express usefully in legislation. The Courts and others have done their best to interpret and apply this term. The legislative experience with various formulas has not been altogether happy. Legislation on these lines could cause great uncertainty at least to begin with and expose the courts to impassioned criticism. Yet I feel it is the key to worthwhile constitutional reform.

I wish I could suggest an answer,

This question touches indirectly on the continuation of separate Maori seats. There has been much simplistic rhetoric on this. Some that I have seen can only be characterised as racist diatribe. I believe that the separate seats should be retained (and indeed perhaps entrenched) as an underpinning of our history and principles unless and until Maori themselves wish to have them done away with.

I would like to see a statement in the Constitution that "the name of the State shall be New Zealand or Aotearoa", or to that effect. This would simply give formal status to an already recognised state of affairs. But this is only a personal view.

I would be glad to comment on any of the other matters the Panel is concerned with, but I am aware of the expertise among its members and already available to it.

B J Cameron

4592

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/08/2013 8:07 p.m.
Subject: Constitutional Review Submission

Please accept the following points as a Submission to the Constitutional Review Panel

1. In my opinion the number of Parliamentary seats should be fixed at the current number or less for a finite period of time e.g. ten years, at the expiry of which the number of seats and formula for setting them could be the subject of a special review.
2. I favour a four year term of Parliament which offers the possibility of introducing more stability into NZ political activities.
3. I advocate the abolition of the Maori Electoral Option and dedicated Maori seats because of the ongoing generational dilation of Maori ethnicity and because of increasing numbers of Maori elected in general role seats.
I note that the Electoral Royal Commission recommended that they be abolished if an MMP system was adopted for NZ
4. I am not in favour of a written Constitution and am ambivalent about the merits of the Treaty of Waitangi gaining more formal constitutional recognition

yours faithfully

D.W.J. Cameron

WANGANUI

1479

From: Hugh
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 9:07 a.m.
Subject: Submission - our constitution - environmental protection

Re: Constitutional Advisory Panel booklet: New Zealand's constitution - The conversation so far, September 2012

P.7 of the Panel's booklet, The foundations of our constitution - Rule of law, states "... The rule of law also ensures the economy can function smoothly, since businesses can be sure about the rules that apply to them and how they will be enforced."

New Zealand currently relies on the Resource Management Act to guide businesses on what is acceptable by way of exploitation of our resources and the protection of our environment. There is currently talk of amending that act to make it easier for projects that may have considerable impact on our environment to be pursued with less cost to business and with less scrutiny over their proposals. There is even mention of the possibility of dismantling the Environment Court, with all its specialist knowledge and skills in this important area of law. None of this uncertainty is helpful in ensuring the smooth functioning of our economy: businesses will, rightly, seek to exploit any lessening of environmental protections for the benefit of their shareholders, therefore pressure for change and uncertainty in this field is a given.

P.44 of the booklet asks the question, "Should additional rights be included in the Act? If so, which rights?" P.45 puts forward some suggestions for inclusion in these entrenched provisions of our law, the final suggestion being "environmental rights."

THE ENVIRONMENT

If, as the Advisory Panel has indicated, the debate over the constitution is all about providing for the sort of country we wish to bequeath to future generations of New Zealanders, then the laws around environmental protections could be considered to be the single most important aspect of our legal framework requiring entrenchment. It is most apparent from recent history of less developed countries that strong defences are necessary in order to protect our natural environment from the short-term ravages of those who would seek to exploit our natural resources for short-term profit over long-term sustainability (and we can be certain this is the driving force behind any exploitative or extractive business venture - 'business' and 'altruism' being mutually exclusive terms).

The natural pressure on businesses to maximise profits in the short term can only be countered by fair and just laws that will preserve and protect the interests of future generations. Those fair and just environmental protection laws are constantly under threat - from lobbyists, from international trade agreements, from exploitive and extractive industries that, naturally, seek to minimise cost in whichever countries they are prepared to do business. It is important that this most constant and natural threat to our country's environment is recognised and that future generations are protected from this real and ever-present danger. I believe that recent history demonstrates that this can only be achieved in the longer term by entrenched legislation that will place the rights and needs of future generations ahead of, or at least in balance with, the uncontrolled wants and desires of the current populace.

I believe Ecuador (also possibly Bolivia), with its recent history of ruthless exploitation of its natural resources, can provide for us an example of the sort of constitutional law that is essential to protect future generations in any democratic country, large or small, from short-term environmental exploitation and degradation. Below is a translated extract of the first two articles of Chapter 7 of Ecuador's constitution (see: <http://therightsofnature.org/ecuador-rights/>), introduced around 2008, which may serve as a useful starting point for the protection of nature as a 'fundamental right'.

Rights of Nature Articles in Ecuador's Constitution

Title II - Fundamental Rights

Chapter 1 - Entitlement, Application and Interpretation Principles of the Fundamental Rights

Art. 10 Rights Entitlement.- Persons and people have the fundamental rights guaranteed in this Constitution and in the international human rights instruments.

Nature is subject to those rights given by this Constitution and Law.

Chapter 7th: Rights for Nature

Art. 71. Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.

Every person, people, community or nationality, will be able to demand the recognitions of rights for nature before the public organisms. The application and interpretation of these rights will follow the related principles established in the Constitution.

The State will motivate natural and juridical persons as well as collectives to protect nature; it will promote respect towards all the elements that form an ecosystem.

Art. 72. Nature has the right to restoration. This integral restoration is independent of the obligation on natural and juridical persons or the State to indemnify the people and the collectives that depend on the natural systems.

In the cases of severe or permanent environmental impact, including the ones caused by the exploitation on non renewable natural resources, the State will establish the most efficient mechanisms for the restoration, and will adopt the adequate measures to eliminate or mitigate the harmful environmental consequences.

Submission by:
Hugh & Christine Cameron

Hokitika
Westland

4702

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:30 p.m.

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

Full Names: Johanne Cameron Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Bay of Plenty Postal Post Code: Postal Country:
New Zealand Submission: New Zealand needs a single, written constitution which has a higher
status than all other laws of Parliament, and is subject to interpretation by the courts, when
necessary.

It must include the Treaty of Waitangi and its principles as foundational principles for New Zealand
government, as well as our representative electoral system.

Submitted on the 31 July 2013 at 14:28

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.

John Cameron
Christchurch
New Zealand

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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.

Leith Cameron
Blenheim
New Zealand

1218

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 3:52 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: Neville Cameron Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Coromandel Postal City:
Coromandel Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: In the book, Animal Farm, some animals were more equal than others.

Simplicity is a virtue.

Delete all mention of race, including racially based electorates.

Even looking at race and colour causes dissension.

We are one people.

United we stand, divided we fall!

Sent on the 9 June 2013 at 15:51

4322'

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:34 a.m.

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

Full Names:	Patrick Andrew Cameron	Organisation Name:	Email:
	Postal AddressA:	Postal AddressB:	Postal City:
Te Awamutu	Postal Region:	Postal Post Code:	Postal Country: New Zealand
Submission:			

Submitted on the 31 July 2013 at 01:32

4322a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:36 a.m.

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

Full Names: Patrick Andrew Cameron Organisation Name: Email:

Phone: Postal AddressA: Postal AddressB: Postal City:
Te Awamutu Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I think there is need for legislation for regulation of capitalism to ensure sustainability of the economy; that ideas such as ethical capitalism be explored, where business decisions are based on giving back to the community in a more than nominal way or than just to employees. Some better level of social justice for the public from businesses or persons controlling the wealth distribution. A shift from the attitude of profit over people to people before profit.

I believe there should be a more humane criminal system, where non-violent drug offences should be treated as a health issue.

Education should be free, health care should be free.

An aspiration to explore scientifically, to educate, and lead by example.

An aspiration to provide harmonious environments for relationships and family.

An aspiration to live and let live, to respect each others views, and to help each person achieve their success and fulfillment in life and enjoy life.

A pursuit of recreation and community, that we can and will enjoy our interests and have the opportunity to do what we enjoy with others that also share the same interest; where the government makes a sustained and concerted effort to create such environments not to the exclusion of others. Such as more focus on music, dance, art and culture that unites members of communities.

Submitted on the 31 July 2013 at 01:34

2877

From: P Cameron <
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 3:45 p.m.
Subject: CAP Submission

The Secretary of The constitutional Review Committee,
Please record my "vote" to abolish Maori Seats.

Yours Sincerely
Peter Cameron

Otago

4137

From: coolbazza1
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:56 a.m.
Subject: CAP submission

Barry Campbell

I would like to submit briefly the following on the constitutional debate.

I do not believe a single written constitution is in the best interest of the citizens of New Zealand, I think that what we have been using has worked well up till now, in fact it has been described as one of the most flexible and successful constitutions in the world. If a new written constitution was introduced, unelected judges and lawyers would be in charge of law making in this country, rather than elected MPs that can be voted out if the people of New Zealand don't like the laws that have been passed.

I can see New Zealand would become like the United States with the unelected judges decide on the meaning of any constitutional issue where this should be Parliaments job to decide before placing legislation into law.

On the Bill of rights I feel it does a great job of protecting the citizens of New Zealand's rights as they stand, and I think these should have a higher legal status than other laws. Parliament should be the deciding factor on any implications that may arise/ clash with the Bill of rights when passing any other legislation.

I also feel one thing that could be added is private property rights; these should also be covered by the Bill of rights.

On the treaty of Waitangi I think the Treaty should *have no role in our future constitution* for to formally do so would be the end of democracy as we know it now. Court judges who have not been elected could use the treaty content to argue that certain laws give privileges to members of the "Maori Race" and that the same law don't apply to other New Zealand citizens thus in effect causing racism and a two tiered society, the Maori elite and the non-Maori New Zealanders who become a 2nd class citizen.

Having the treaty in there also means that the "settlements" would never end, as has been stated by some that there is no such thing as a "full and final settlement" and future generation of New Zealanders and Governments would be forced into paying out forever... I feel enough has been paid out and it appears to have not solved the poverty problem amongst Maori even after millions upon millions of dollars and land have been given to them. Pouring more money in is not the answer as it doesn't trickle down to those that need it most.

I also believe the treaty has been used as a tool to obtain the rights to things that didn't apply and were not even thought of when it was written, like the airwaves, and it will be used to obtain the rights to things in

the future that will not be thought of for years to come.

As far as the Maori roll and seats in parliament if New Zealanders are to be treated as equal then these need to be abolished since most "Maori" are only part Maori whether, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$, or whatever, this means that they are probably more European or some other nationality. Furthermore four Maori seats were established as a temporary measure back in 1867. They should have been abolished in 1893, when universal suffrage extended voting rights to all New Zealanders. We now have 7. The Maori now has a Maori party now in parliament, and also individual Maori have the same opportunity as to stand for Parliament the same as any other person does giving them the ability to express the Maori needs etc.

As far as Electoral matters there are far too many seats in parliament for a country with a population of ours, 99 is the very maximum there should be. There are bigger cities with populations bigger than New Zealand's that run with less people in control of them.

Margaret Robinson's 1999 Citizens' Initiated Referendum showed that 81.5 percent of New Zealanders wanted the number of MPs reduced to 99. Yet once again this was ignored by parliament as who wants to be out of a job.

The election date should continue to be set by the prime minister as it is now, thus cutting back on lobbying and electioneering as this would increase with a fixed date.

The number of years in a term should be kept at 3, it has worked well and other countries with 4 or 5 year terms don't appear to achieve any more than us with our three years from what I have read. It is also hoped that they have not done too much damage to the country politically in those 3 years. Furthermore this is the only means that the voter has of shown his pleasure or displeasure at the work their elected member has done in the three years of being in parliament, by either voting them out or in for another 3 years.

Any party member that decides he wants to jump ship in the midst of his or her term in parliament should immediately be dismissed from Parliament as they are no longer representing the party ideals that got them voted in to parliament in the first place. The next List member should be brought in to replace that member.

Furthermore I believe that all New Zealanders should be treated as equal and would oppose any laws which establish or promote racial distinction or division. This country has been founded and developed by New Zealanders of every type of background in fairness and comradeship.

The only legitimate democratic way to enact major constitutional change is through a public referendum process. Any attempts by MPs to change the constitution by way of a parliamentary vote should be regarded as illegitimate and strongly opposed by all citizens.

4183

From: Cleone Campbell
To: "constitutionalreview@justice.govt.nz" ~constitutionalreview@justice.gov...
Date: 30/07/2013 1:25 p.m.
Subject: CAP Submission

Good afternoon

I believe that:

- * The Human Rights Act 1993 and NZ Bill of Rights Act 1990 should be entrenched.
- * There should be recognition of the right to a sustainable and unpolluted environment.
- * The Treaty of Waitangi should be recognised as a component of the Constitution and Maori seats for Parliament and Maori wards for local body government should be required.
- * All legislation must be compatible with the NZ Bill of Rights Act and the right to a sustainable and unpolluted environment.
- * There must be due democratic process for all new legislation particularly where the rights of individuals are being constrained.

Thanks for the opportunity to give my opinion.

Regards
Cleone Campbell

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1188

From: ~
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 9:18 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Campbell Organisation Name: Email: ~ Phone:
Postal AddressA: Postal AddressB: Postal City: Hamilton
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand Submission:
I believe the current constitution is working well.

I suggest no changes are made

Sent on the 8 June 2013 at 21:17

3792"

From: "Ian Campbell"
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 10:18 a.m.
Subject: CAP Submission
Attachments: Submission to the Constitutional Review Panel.doc

I attach with this email a submission relating to the current constitutional review.

Please acknowledge receipt.

Ian Campbell

Christchurch
NEW ZEALAND

Telephone: —
Mobile: —
Email: —

Submission to the Constitutional Review Panel.

by

Ian C. Campbell

My aspirations for New Zealand

I would like this country to be peaceful and prosperous, with such a degree of trust between individuals and communities that individual life and property should be safe from the depredations of other individuals, associations, groups and governments, so that all people might lead their own lives and pursue their own hopes in optimism and security, free from interference from others, and without interfering in the same rights of others.

Should the constitution be codified in a single document?

There is no need to do this.

- a. Single-document constitutions have no inherent advantage over other forms, and in any case ordinary legislation and case law provide elaborations of constitutional documents, so that the only time that a single document actually incorporates the whole of constitutional law, theory and practice is when a new state is brought into being from nothing.
- b. Moreover, having a fixed constitutional document – which usually means an entrenched piece of legislation – presupposes that the generation (and individuals) that wrote it were possessed of more than ordinary human wisdom.
- c. The fact that many constitutions have not had a long life is proof of that. A single-document constitution is no guarantee either of stability in society or clarity in interpretation or consistency of implementation.
- d. Ultimately the values referred to in the last sentence depend on an ethos of civility, mutual respect and respect for the rule of law in society. These things cannot be established by legislation.

There are therefore dangers in having a single constitution in that it promotes the fallacy that the problems have all been anticipated and solved.

The legal status of the constitution

The constitution (whether codified in a single document or not) intrinsically has a higher status than other laws in that it sets out the framework within which laws are made and implemented.

- a. Whether it should be entrenched and thus more difficult of amendment than other laws is a different question. If it means that the constitution would be fixed for all time and immune to amendment, then it should not be for reasons that are obvious

and have been referred to above.

- b. Therefore the question really is about the ease or difficulty of amending the constitution. Without a single written document it is impractical to separate certain legislation that has constitutional implications from other legislation in such a way.
- c. However, the safety and stability of the constitution ultimately comes back to the ethos of society and its political leaders, and of the integrity of judges who are empowered ultimately to decide whether a given act is constitutional. Even formulations that are intended to be plain and unambiguous give rise sooner or later to divergent interpretation.

I conclude therefore that entrenchment is impractical and likely to be of limited value.

Should parliament or the courts decide on constitutionality of legislation?

The Supreme Court should have the power to rule on the constitutionality of legislation.

- a. Laws must not be inconsistent with other laws, and that implies that laws may not be inconsistent with the constitution (whether or not the constitution is codified in a single document).
- b. Ultimately only a court can decide such a question.

The Bill of Rights

Like constitutions, a Bill of Rights should be a parsimonious document, prescribing the bare minimum provisions required for life in a civilised, ordered society.

- a. If such a document attempts to do more than that, it causes more mischief than it saves through the possibly ill-considered extension of rights to some that impinge on the enjoyment by others of their rights.
- b. One of the difficulties with Bill of Rights legislation is that interpretation of it tends to become more prescriptive than permissive. For example, should 'a right to fresh water' mean simply that one may have access to fresh water when it is available, or does it require that an authority must ensure that it is? No one would deny that access to fresh water is desirable for all and every necessary purpose but does an implied responsibility on government mean that someone who thought that the water in a suburban stream was polluted could sue the government for negligence?
- c. The point is that without a clear conception of a distinction between 'rights' and 'boons' the former tend to proliferate in number and complexity. The way in which the Universal Declaration of Human Rights has given rise to claims never intended or anticipated is a cautionary example.

As to whether the present Bill of Rights Act gives me adequate protection, I can only say

that it has not been tested; being granted something by the Bill of Rights Act is not the same as having such a right enforced in a particular case. However, there does seem to be an anomaly in the case for example of the unborn child. It allows the 'rights' (the so-called 'right to choose' or 'right to control her body') of a pregnant woman precedence over the right to life of a child that has been conceived and up to a certain stage of development. Is this a lacuna in the present Act, or is it a case of a conflict of rights having been resolved in the favour of the woman? It is a situation permitted by parliament, and seems to me a clear case of the inability of parliament to correctly determine matters of Rights.

I conclude therefore that the Supreme Court should have jurisdiction to resolve such matters.

As to whether additional rights should be added, I think that the rights should be reduced – not to impair the safety of citizens – but simply to preserve or restore philosophical integrity by maintaining the correct distinction between 'rights' and 'boons', and to avoid awkwardness in potential conflicts of Rights.

Maori Representation.

Separate Maori representation has no foundation in the Treaty of Waitangi and is inconsistent with the principles of the Treaty. This is a case of the 'treaty' having been over-interpreted to address circumstances that are better dealt with by reference to more fundamental tenets of political philosophy and law. These have to do with such principles as equality before the law and basic human rights.

- a. Separate Maori representation began historically as a temporary device to enable Maori to vote and be represented at a time when the franchise was based on a property qualification which most Maori for reasons of native property tenure could not meet. It was therefore in the context of its time, a liberal and forward-looking measure by a settler parliament, at a time when today's universal franchise did not exist and was indeed highly contentious in places where it was discussed. Notwithstanding this, there was never any prohibition on a qualified Maori voting or standing for election. A race-based franchise was never part of New Zealand's constitutional development; the original four Maori seats were a concession within the wider voting and representation rights, Maori were not required to vote in a Maori electorate and were not excluded *as Maori* from voting in other electorates. It was anticipated at the time that social change would before long make the four special seats unnecessary and at such time they would be abolished.
- b. Historical circumstances have changed. Today there are neither legal nor practical impediments to Maori voting, standing for parliament and being elected in any electorate. It would be consistent with the original intention to abolish the seats.
- c. There is widespread acceptance among the Pakeha and other populations of the idea of racial equality; there would be few people today who would make race the main criterion in deciding how to cast a vote. At the same time it is contrary to the principles of equal opportunity and equal responsibility to have reserved seats for any section of the population in an open and free society. Reserved seats belong

in societies much more authoritarian, regimented and controlled than New Zealand society.

The same basic principles apply to the question of separate Maori representation in local government and other public bodies.

Turning to specific questions:

1. How should Māori views be represented in Parliament? They may be presented by anyone who can ascertain them, Maori or otherwise, but in any case, Maori have no difficulty being elected and can always speak for themselves.
2. How could Māori electoral participation be improved? It is assumed by the question that it is inadequate. This suggests that the panel already has a view of the matter. Many people in New Zealand of all races and social classes feel alienated from the political process. If that is common among Maori it is not unique to them, and efforts are necessary through education and building trust to encourage participation. The greatest impediment to good participation by the population generally is the predominance of parties and the power of parties' elites. Abolishing MMP with the quasi-constitutional status that it gives to political parties would be a step forward.
3. How should Māori views and perspectives be represented in local government? Maori are able to vote, and to offer themselves as candidates. They are more than capable of utilising these rights and opportunities. To say otherwise is to demean them as a race.

Electoral matters

1. Numbers of parliamentarians. The historical formula of the SI population divided by 16, divided into the total population, yields 70 members. I have not seen a good argument for increasing it above that number.
2. The length of parliamentary term. The present term of three years is sufficient. Longer terms produce parliaments that are less responsive to the voice(s) of the people. To argue the contrary, that governments need longer terms to avoid the distractions of elections and the risk of not being able to carry their programmes through is to acknowledge that governments do not like to be held to account. This is anti-democratic.
3. Election dates. These must not be predetermined. A government should always be exposed to the danger of a vote of no-confidence and a general election as a safeguard against tyrannical behaviour.
4. What factors should be taken into account when the size and number of electorates are decided?
 - a. The chief implication is for the resultant size of parliament which must not be so large as to be unduly expensive or unwieldy, nor so small that it cannot function effectively.
 - b. There is no objective way of determining the ideal size. 50,000 per electorate is a nice round number and would give a parliament of 88;

100,000 per electorate is also a nice round number and would give a parliament of 44 at our present population. Somewhere in between would probably work best.

- c. The idea that electorates can be constructed to take account of social diversity in all its complexity is a mirage. It is unworkable, and would lead to greater injustices than it would solve. For example, 'social' constituencies laid over geographical constituencies were tried in Fiji between 1970 and 2006, and considerably aggravated racial tensions by encouraging politicians to play to racially-defined audiences for support.

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

The member should be able to retain his seat, unless he/she chooses to resign from parliament.

- a. The so-called 'waka jumping' or 'Electoral Integrity' legislation is inherently unjust and antidemocratic. Its main role was to shore up the strength of parties in parliament, and was a tacit admission that parliament represents parties and not people.
- b. Any legislation that encourages people to disregard the merits of an individual candidate and to vote simply as the party requires, is a denial of the basic principle of democracy that people choose their representatives.
- c. Political parties are already too strong for the good of the nation, and allowing members of parliament the freedom to leave a party and possibly join another is a small way of helping to keep parties honest and responsible

1. Every aspiring Political Party contesting an electorate seat in a General Election should only qualify for MMP representation if they have a current paid up membership of 100 members, required to attend at least four meetings each year, and an annual electorate meeting.
2. Treaty of Waitangi should be laid to rest. There have been tremendous advantages, and compensation for injustices, for Maori since 1840.
3. Maori superstition should not be accepted in civilised law. The present threatening savage like Maori welcome to distinguished visitors is rude undignified not representative and should be replaced.
4. Compulsory Maori language in schools business and justice retrograde step. It is outdated for future commercial development, promote trade and to develop in world participation. Since EEC NZ and Australia have been compelled to look North and East of the Pacific rim which is North and South America, China, Korea, Japan north of the Indian Ocean and Australia with billions of population.
5. Identification of original Maori now with European and Asian ancestors and no Maori since original liaison. We are all New Zealanders.

James Andrew Campbell and Isabella Elder Campbell

Rangitata Electorate NZ National Party,

Timaru

Phone

5344

From:
To: <constitutionalreview@justice.govt.nz>
Date: 20/08/2013 1:42 p.m.
Subject: CAP Submission

Maori seats should be ABOLISHED

These seats were created in 1867 at a time when Maori ownership of land was communal not individual, which at the time did not qualify them for voting rights. New Zealanders gained universal suffrage in 1893 and today all New Zealanders aged 18 or over have the right to vote.

To suggest that Maori need special seats held for them in Parliament is an insult to the intelligence of Maori. It is racist, discriminatory and divisive for all the population. It is undemocratic to favour one race over another with special voting rights.

Maori have shown in the last general election and in the recent by election that they prefer to vote for the candidate of their choice regardless of race, not because the candidate is in the Maori party. A very small percentage of Maori (less than 3%) voted for the Maori party in the last general elections, yet the party was given 4 seats -totally disproportionate!

Maori elected in their own right and on merit (excluding the Maori Party), occupy 20 seats out of the 121 in parliament. They are represented in all parties and their various allegiances shown through their voting proves they no longer have a need for special representation.

A high percentage of those calling themselves Maori have very little Maori blood. The original allocation of special seats was to assist full blooded Maori to take part in elections and government at a time when most Maoris had no access to education or other benefits of Western civilization. This no longer applies.

The number of voters who want to vote for a Maori party can only be determined by the number of votes any Maori party receives. You cannot assume that every person of Maori descent wants a Maori party to represent him in government. Indeed, the recent flight of members from the Maori roll to the General roll suggests that Maori have come of age and realize that the only way this country can go forward successfully into the future is as one undivided unit, a multi racial society where all have equal rights and one vote each during elections.

MAORI SEATS SHOULD BE ABOLISHED!

Yours faithfully,

J G Campbell (Nelson)

5170

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:42 p.m.

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

Full Names: Kevin Murray Campbell Email: Phone:
Postal AddressA: Postal AddressB: Bluff Hill Postal City: Napier
Postal Region: Hawke's Bay Postal Post Code: Postal Country: New Zealand
Submission: My ancestors arrived in New Zealand in 1840 and I am of the fourth generation. My grand children mark the sixth generation. I am in an interracial marriage. I believe we are all New Zealanders of equal standing to any other person living in our nation.

I have four points I wish to submit to the constitutional revue.

1. I wish to record my opposition to New Zealand adopting a written constitution including the Treaty of Waitangi as a key point. I feel that the Treaty has served its purpose adequately during our Nation's past history but that it now has decreasing relevance

to our multicultural future. Even which treaty is the real Treaty, the "Te Tiriti" or the "Freeman Version," chosen by a few politicians and others with an agenda, is a divisive issue that causes disharmony. It is time for all New Zealanders to go forward

in equality regardless of race. I believe that reference to the Treaty will only serve to widen racial divisiveness once the final round of settlements is complete. The Bill of Rights sufficiently protects the rights of all modern New Zealanders without special

rights for one particular group comprised of mixed, and undefined by degree, racial heritage. It is time to lay the past to rest and not to burden our future generations with unearned guilt and debt through continual compensation claims for, rightly or wrongly,

perceived injustices perpetrated by people not related to us and long since gone. Progress needs to be forward looking and not dragged back to a distant past containing issues perpetuated through often distorted and unverifiable opinions of vested interests.

2. Any decision to adopt a written constitution must come only after a full, and binding, majority referendum by the people of New Zealand. This issue is too important to be made by politicians in a government stacked with list MP's not elected to their positions

by voters. The fairly obvious stacking of the Constitutional Revue Panel, with those sympathetic to a particular cause and some with conflicts of interests, serves to illustrate the need for a public referendum rather than such an important issue being left

to politicians.

3. I believe that the issue of list MP's needs a revue by the people of New Zealand and not by politicians with vested interests. There should be no place for unelected individuals in government. MP's who leave the political party through which they were elected

should leave parliament. Many are elected on their political allegiance rather than for personal attributes. Once they have left the party they should have no mandate to remain in parliament and they are free to stand in any by-election.

4. I feel the time has come to abolish race based representation in government. The initial reason for the establishment of the Maori seats has long been superseded. All eligible New Zealanders have the right to vote irrespective of property ownership. Those

of part Maori heritage are increasingly well educated. They will continue to be so and are already showing they are well capable of standing their own ground in a modern society without needing the patronisation of special race based electoral privileges.

Any policy bestowing privilege by racial make up is a racist policy. It should have no part in the future of New Zealand.

Submitted on the 12 June 2013 at 09:32

3944

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 12/07/2013 5:30 p.m.
Subject: http://www.ourconstitution.org.nz/ form submission
Attachments: Constitution.doc

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

Full Names: Kirke Campbell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: Constitution.doc

Sent on the 12 July 2013 at 17:29

I am a 5th generation New Zealander. I also believe that I have a small amount of Maori lineage which shouldn't have any effect on my position as a citizen of New Zealand.

I am troubled by a new attempt to bring the recently and very distorted interpretation of the Treaty of Waitangi into a New Zealand constitution. The treaty is constantly being reinvented to suit the desires of a minority within a minority. I really can't understand this inequality and that it is still being perpetuated. I can only assume ugly greed and the desire for power is behind the raiding of the public purse that has no end in sight.

A constitution is arguably the most important manuscript in any democratic country and every care must be taken to make it simple, fair and effective in its goal.

Surely any constitution must include the following:

- An aim to restrict the use of abuse of power or position. We pretend to be a democracy, but this appears to be a fallacy today. A constitution should also aim to give improve our so called democratic system and make the governing bodies more accountable and transparent. The public voting is influenced by political promises which are most often broken, yet there is no punishment for this crime against democracy. It should be regarded as treason to betray the people of New Zealand.
- No reference to any particular race, tribe or group, ethnic group, minority, religious persuasion, gender, majority or hierarchy other than "New Zealand Citizens" or "People of New Zealand".
- Not give another country (England) power, influence or sovereignty over New Zealand's right to fully self govern.

This from Wikipedia.

"The **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) is a United Nations convention. A second-generation human rights instrument, the Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races.

Controversially, the Convention also requires its parties to outlaw hate speech and criminalize membership in racist organizations".

Why is New Zealand not applying this convention now, which it signed in 1966, let alone considering racism as part of a constitution?

Why is a race related constitution even being mentioned?

The current racial injustice (Maori privileges) within New Zealand is angering everyone I listen to on this subject. These average New Zealanders like myself are not racists, but are tired of being taken advantage of by liars and cheats who don't need more assistance from a constitution.

We certainly don't want a constitution that will cause more disharmony in the country.

Thank you.

189

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 3:23 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Kevin Andrew Campbell Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Please, please, please keep that god-forsaken crappy treaty out of a New Zealand constitution. It
simply promotes a racist dual speed country where a minority gets special treatment. Do we want to
be one unified country, or a divisive place where the majority
are treated as unwanted squatters, fit only to be milked financially.

Sent on the 10 April 2013 at 15:22

189 A

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 5:29 p.m.
Subject: SUBMISSION ON CONSTITUTIONAL REVIEW

Dear Constitutional Review Sub Committee

Please take note that I Kevin Patrick Campbell am totally opposed to any change in the status quo and any future NZ Constitutional adjustment that attempts to include "Principles of the Treaty of Waitangi".

There is only one Treaty of Waitangi ("Te Tiriti o Waitangi" and it is written in Maori) which states:

1. That Maori ceded sovereignty to New Zealand forever on 6 February 1840.
2. That New Zealand shall have one sovereign government. At the time of the signing of the treaty this was the British monarchy and subsequently has become our democratically elected parliament.
3. That the government shall protect property rights.
4. That all New Zealand citizens shall have equal rights and responsibilities.

The above points were explicitly stated in the James Busby English draft which was translated into Te Tiriti O Waitangi, this document is the only version of the Treaty that has legitimacy. The treaty endorsed the colonisation of New Zealand by the British and did bring significant benefits to Maori for which they have already been handsomely compensated.

I will support a binding referendum to decide the issue provided the public is informed and educated beforehand.

Kevin Campbell

1556

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/06/2013 10:31 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Lilian Gaynor Campbell Organisation Name: Te Wānanga o Aotearoa Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Gisborne Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: I want TeTiriti o Waitangi honoured in the
context it was written. I for one do not want a Constitution because Māori will no longer have a voice
that will be heard; pertaining to Te Ao Māori which will be detrimental to all Māori today as well as the
generations to come.

Sent on the 24 June 2013 at 22:29

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

4493

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

Full Names: Michael Campbell Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Christchurch
Postal Region: New Zealand Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Submission.pdf

Submitted on the 31 July 2013 at 21:06

Presented below are my incomplete and probably incoherent views on the *Constitution Conversation*. The weeks have got away on me and so this is written on the night of submissions closing with a University assignment also being due soon and still incomplete. Nevertheless I feel it important to at least put some of my ideas to paper, even if they aren't particularly complete, well thought, or well written – this is hardly a document I am happy to submit but time is against me. I look forward to seeing the results of this period of consultation and the rest of the review process.

What are your aspirations for Aotearoa New Zealand?

My home, New Zealand, is a unique place that I'm pretty proud of. I feel proud when I tell people overseas that it is where I'm from and all they can say are nice things, and how much they want to visit. I'm proud of reputation for being an innovative country. I'm proud of our reputation as being clean and green. I'm proud of our history of woman's rights. But all of this is at risk and marred by things that today, as I write this, I'm not so proud of. I'm not so proud of our stagnating race relations in this country; I don't see as one united people by any stretch of the imagination. We are fundamentally two separate people with different rights and senses of privilege, with a handful of diverse but poorly integrated ethnic minorities being thrown in. The Aotearoa of my future would be built on inclusive and mutually respectful race relations. As a Pakeha (as much as I abhor the term) born in New Zealand, I've been raised into a culture of 'white guilt'. I feel this does little for fostering positive race relations.

I also feel shame at the erosion of our clean green image. I don't, for one second, believe it is at all true. As time progresses the decline in our indigenous biodiversity continues. Our national parks are threatened by significant private development. Land conversions to dairy continue. And yet the government continue to ride the '100% Pure' tourism bandwagon. Fundamentally I believe that New Zealand needs to move beyond conservation being the domain of a single government department. We need to integrate conservation fully into both the government and private sectors. We need to abandon the traditional binary view that we can have conservation or we can have economic growth. DOC's technical staff are world leaders but we have the chance for our entire society to become world leaders in conservation by building a green economy. In so many cases, conservation and economics can go hand-in-hand but this is rarely recognised. The New Zealand I aspire to grow up in recognises that we can be a truly green and sustainable society that are world leaders and can export our knowledge across the world.

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

No, I don't believe that as a country we are ready for a single written constitution. I think that the direction of where we as a country are heading is not currently clear enough to have such a document. I think it is incredibly important that we are beginning to have these discussions. It is only from this that a clearer direction may be established, but I think that there is a long way to go before we consider a 'singular' constitution.

One large reason why I don't think we should, at this point in time, have a single written constitution is the Treaty of Waitangi. Under the current legislative position on the treaty it appears that race relations have stalled. Claims that were settled are being brought forward once again. It seems to the public as if treaty claims are never going to end, we are constantly going to attempting to redress the wrongdoings of the past, but have little idea about how we are moving into the present. Once this has been more clearly established and understood by society at large and race relations are moving in a positive direction, then I believe that it may be time to consider a single document constitution.

The Treaty

I have a number of problems with where we stand with the Treaty of Waitangi at present. I don't believe there is currently enough clarity in legislation. As I understand it (I am no law student but have spoken to many) that it is the 'principles of the treaty' that are commonly referred to in legislation and these are basically arbitrarily decided upon by members of the judiciary in various cases over the years. As such they have changed with different viewpoints. This to me seems a little mickey mouse for something that is so crucial to our country as a whole. We need to clarify these principles and clearly define the relevance of the treaty in future New Zealand (if any).

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.

Suzanne Campbell
Nelson
New Zealand

4781

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:40 p.m.
Attachments: Submission to Constitutional Review Panel – 31 July 2013.pdf

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

Full Names: Taima Campbell Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: many thanks for this opportunity. Taima Submission Upload: Submission to
Constitutional Review Panel – 31 July 2013.pdf

Submitted on the 31 July 2013 at 15:39

Submission to Constitutional Review Panel 31 July 2013

The Right Hon. Sir Robin Cooke described the Treaty of Waitangi (emphasis on the English text) as the most important document in New Zealand's constitutional history (Robin Cooke (1990) NZULR 1). The signing of the Treaty was the pre-eminent event that laid the platform for the establishment of self-government in this country. While other documents and pieces of legislation have influenced the development of democracy in Aotearoa, the Treaty created the constitutional space for this. This cannot be changed.

Instead of dismissing the Treaty, which has become by association a 'Maori' issue - why are we not celebrating the place the Treaty holds in our 'constitution', laws and conventions? We should also be educating people about our history in particular the fact that Aotearoa was an independent nation under He Wakaputanga o te Rangatiratanga o Nu Tirenī¹ - a formal Declaration of Independence written in Māori in 1835, or a short period of time. The Treaty in effect changed this.

Instead of seeing the Treaty as a document which some believe 'holds us back' (we do that ourselves) perhaps it is time to see the Treaty as a plan for the future. The vision our tipuna had was for peace and lasting prosperity for all. This still holds true as compelling vision for the future. Why would we want to change this?

*'kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki'*¹

Findings from the Waitangi Tribunal, the inclusion of the Treaty (and principles) in legislation and interpretation in common law provides growing guidance and precedent for how the Treaty can be applied in democratic governance at all levels. This should and will continue to evolve. Entrenchment in statute that can be overridden by a parliamentary majority is not the answer.

The journey to get to where we are today has been a long one, and Maori are here for the long game - not 3-year election cycles. The Maori population is growing and so is the Maori economy. The resolution of past grievances will soon be a thing of the past. What matters is the future and the opportunity for us to fulfil the legacy of our tipuna. I personally do not want to be held accountable by my grandchildren for changing the very document that bought about the foundation of this nation. Let it stand.

Taima Campbell, Ngati Tamatera, Ngati Maru

Auckland,

¹ Taken from the preamble of Te Tiriti o Waitangi where many scholars would argue the vision/ kaupapa or the original strategic intent of the agreement lies.

1846

Burns Lane

24/6/2013

The Secretariat.

Constitutional Advisory Panel.

C/O Ministry of Justice

To Whom It May Concern.

Dear Sir, Madam.

I am strongly opposed to any constitution based on the Treaty of Waitangi. I don't want to have a constitution that gives any advantage to any race or group in our society. The Treaty served its purpose at the time but has no further relevance in our future. Once historical Treaty claims have been settled it should be put aside and have no further part in our nations future.

A constitution based on race and the Treaty of Waitangi will only divide our people and will ensure a troublesome future with unrest and not one with harmony.

If we must have a new constitution it must be fair and ensure we are all equal as people and citizens.

Race based seats in parliament, local government and government departments should be abolished.

We are one ~~one~~ country and one people.

thanks for your consideration
Burns Lane

From: "Davis Canning"
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 1:40 p.m.
Subject: CAP Submission

2975

To whom it may concern:

I would like to see the Maori seats abolished.

Maori can represent themselves in parliament by getting elected on merit, the same as everyone else.

They are a minority in this country and Maori racialism should be stopped. There are no pure blood Maoris left.

They should be treated the same as all New Zealanders.

Yours sincerely,

Davis Canning (New Zealander)

Information from ESET NOD32 Antivirus, version of virus signature database 8547
(20130709)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

1150

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 1:19 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graeme Cannon Organisation Name: Individual Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Wanganui Postal Region: Manawatu - Wanganui Postal
Post Code: Postal Country: New Zealand Submission: I would like referadum to be held
every time a Major law is changed

Sent on the 7 June 2013 at 13:18

1150a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 1:53 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graeme Cannon Organisation Name: Individual Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Wanganui Postal Region: Manawatu - Wanganui Postal
Post Code: Postal Country: New Zealand Submission: When the queen passes I would
like a higher house of law maker than the government to pass the laws so every person in the country
has their say, into how to run the country. This ring of persons can not be members of parliament but
of higher members of
the law society. Like Judges.

The country can have a five year term and keep M.M.P. as the voting form. with Maori seats, people
that are from pacific Islands, to be represented in the lower house also.

Sent on the 7 June 2013 at 13:52

Rec 18.7.13

Quick Submission 3028

Your name:

Coladys Carol

Name of the organisation you represent (if applicable):

Postal address or email address:

Kaumati South

I want Our NZ
Bill of Rights to
include social,
cultural & economic
rights.

Privacy and Confidentiality

Your personal information will be held in accordance with the Privacy Act 1993. This Act outlines the requirements for transparent collection, ethical use and secure storage of personal information.

The personal information you provide in this submission form will be used for the purposes of the Consideration of Constitutional Issues only.

**You can also make a submission online
at www.ourconstitution.org.nz**

25 June 2013

INDIVIDUAL SUBMISSION TO CONSTITUTIONAL ADVISORY PANEL

BY:

Bill Capamagian

My background as accountancy. I have worked as an executive in shipping and transport followed by consultancy work over a period of 40 plus years. I read a lot of history including the Bible. I find it astounding how Governments, nations and people choose to ignore the lessons from the past.

1. OVERALL COMMENT

- A. I do not believe that New Zealand needs a written constitution.
- B. My principal reason is that we are already a very divided country, we have serious economic problems having lived beyond our means for several decades, we have families and values falling apart, and an ever increasing percentage of our population are becoming poor.
- C. The quality of our Members of Parliament is much lower under MMP, and we missed our chance in the recent referendum for all MPs to be elected by a constituency. In my book MMP means Massive Minority Power (which is used irresponsibly).
- D. In short NZ is rapidly losing its way.
- E. Whilst my comments thus far are negative and no doubt sound pessimistic, there is still hope that the country can be turned around by good leadership which could bring back more self-discipline among our people.
- F. However, any attempt to bring in a constitution over the top of our existing mixture of constitutional type laws and customary laws will result in unnecessary divisiveness. These are serious matters.
- G. Whilst I hope there will be no change to our present structure, I will make further comments on various aspects in case my view is not accepted.

2. NEW ZEALAND'S PROPOSED CONSTITUTION

- A. No single written document.
- B. No constitution that has a higher legal status than other laws. Reason – it will be impossible to draft such a document that will be fair and reasonable to all people in the years and decades ahead. Whilst the Courts and the freedoms that we have in this country are highly important, we do spend an awful lot of time, and waste a lot of money in thrashing out judicial principles when more time and effort could be put into running our country and looking after our people.
- C. If we do have a constitution then only Parliament should have the power to decide whether legislation is consistent with the constitution. We have had very incompetent Governments in the past and no doubt will have them again. At least the things which they mess up can be salvaged by further legislation when commonsense returns with a fresh Government. Courts, because of their nature, are limited in what they can do.

3. THE BILL OF RIGHTS

- A. The Bill of Rights does protect my rights enough. There is very little comment about it and no call for change which I have perceived.
- B. I am unsure as to whether the Bill of Rights should have any higher legal status than other laws. I do not have time to study that further.
- C. On the question of power to decide whether legislation is consistent with the Act, I am inclined to the view that Parliament should have that power. I believe the court system is too rigid, because of the nature of what it is.
- D. On the question of any additional rights, I make comment that far too often we see individuals claiming that their rights have been offended in some way but they never seem to consider that they also have responsibilities to be part of a team, a particular group of people, a town or a nation. Greater emphasis should be given on the need for individual responsibilities, and the rights of the majority.

4. TREATY OF WAITANGI

- A. I do not think the Treaty of Waitangi should have any part in any constitution. The Treaty of Waitangi on one hand is a great milestone in New Zealand's history, but it has been used and abused and there are differing opinions as to which is the right version, to the extent that it has been a divisive document. I do not accept that the one written in the Maori language should be regarded as the prime document. The Treaty was drawn up by the British and that must be the primary document.
- B. The Treaty is now divisive with many people regarding the Treaty as a gravy train for Maori and it has become too one sided. I do not entirely share that view but I do regard the rivers, water, air, fisheries, radio waves and the like as belonging to all NZers. It is time that the Pakeha Government stopped the "double dipping" which Maori currently have secured or are attempting to secure.

5. MAORI REPRESENTATION

- A. As a matter of principle, I do not believe that there is any necessity for Maori to have their own seats in Parliament. They are free to have their own parties and organise their own political movements. However, because they have been there for a long time, I am comfortable enough that the original number of four Maori seats should continue, and in particular they should not be increased beyond the current seven.
- B. On the question of Maori electoral participation can be improved – no improvement is necessary, Maori are entirely free to decide how they will participate electorally through the present system. In fact they have in reality more choice than everyone else (notwithstanding that a Pakeha can be on the Maori Roll).
- C. I do not approve of Maori having their own seats in Local Government. It is unfair and unnecessary. Maori are as free as any group to organise their own representation.

6. ELECTORAL MATTERS - I have indicated earlier that there are far too many overheads in running NZ given the size of the population and our country.

- A. I believe that we should cut back the number of Members of Parliament to 80, although I accept that may not be practical given that we have foolishly voted to continue with MMP.
- B. I believe that the term of Parliament should remain at three years. In the past I have thought four years might be better, but I am now of the view that if we have a four year Parliament they would take four years to pass the legislation which they now do in three (with no improvement in quality).
- C. No change should be made to the way the election date is decided. If it is not broke then don't try and fix it.
- D. I make no comment of the factors to be taken into account regarding size and number of electorates, other than to say that the more MPs who have an electorate where a group of NZers actually directly vote them into Parliament, the better.
- E. On the question of an MP parting ways with his party, I believe that if they are an electorate MP then nothing should happen. If they are a list MP it is a very different matter. On one hand it seems reasonable that the party which brought them into Parliament should have the power to replace them, but on the other hand if they did not have that power then it's incumbent upon them to take a lot more care in whom they select on their list.

If we allowed MP's to be totally subject to the whims of their parties, then they will have an even greater loyalty to the party than to the people of NZ. This would prohibit a List Member who has decided to part ways because he/she has seen a particular issue as more important to the values of all NZers than their party. I see value in allowing that List Member to continue on for the rest of the term as an Independent. However, in the instance which NZ First currently faces, which appears to be a matter of moral standing, then I would have sympathy in giving NZ First the ability to replace that member.

7. FINAL COMMENT – I refer the Panel back to my comment 2B – that it will be impossible to draft an “acceptable” constitution. Whilst “modern” society believes it is sophisticated and can do everything well, it does not need to heed history.

A. The Western World cannot run a financial system.

B. New Zealand Judiciary is unable to decide who the Bain Family murderer was. What an insult to the innocent victims? Yet the police were on the scene almost immediately and there are only two suspects.

C. We had strong signs of terrorist training in the Ureweras a few years ago. Legal technicalities re the gathering of evidence precluded the police from submitting much of the evidence. Are we New Zealanders so different from the people of Northern Ireland that we can ignore the possibility that one day we won't have the same sort of thugs wreaking havoc between Pakeha and Maori? We need to work hard at unity in fairness and justice. Maori leaders need to speak out more against the Maori sovereignty movement. (In reality it does not exist).

D. It is ridiculous that our Government Spy Agencies cannot spy on NZ'ers and, even worse, recent NZ residents such as Kim Dotcom. Whoever was responsible for that legislation must have had a naive belief that overseas spy organisations would not have a NZ link. All countries have spied on friends and enemies since time began. In today's world any information can be hacked so let's not get wound up about what Governments do. It is how the information is used by Governments that needs protocols and judicial safeguards.

I hope the Panel totally rejects superimposing a constitution over our present laws so we are not diverted, and further divided. A constitution will not assist New Zealand in becoming a better led and better focussed nation, which is an absolute necessity if New Zealand is to survive in a tumultuous world.

BILL CAPAMAGIAN

315

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 3:43 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: john reuben capener Organisation Name: Email
Phone: Postal AddressA: - Postal AddressB: Postal City:
Postal Region: bay of plenty Postal Post Code: Postal Country: New Zealand
Submission: My aspiration for New Zealand is that our country becomes a republic on the death of Queen Elizabeth 2nd. And that the maori seats be abolished so that iwi concerns can be handled by the local member of parliament in who's electorate their marae is situated.
I.E. Everyone equal under the law.

Sent on the 14 April 2013 at 15:42

2477

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:39 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Bill Capper Organisation Name: Email: : Phone:
Postal AddressA: Postal AddressB: Postal City:
Tauranga Postal Region: BOP Postal Post Code: Postal Country: New Zealand
Submission: I do not agree to a change to a written Constitution especially one based on or
incorporating the Treaty of Waitangi. The spirit of the treaty is being already being distorted by
devious and unscrupulous elements of maoridom to divide New Zealand society
into a form of apartheid.

Sent on the 4 July 2013 at 09:38

2896

From: "Keith Carey-Smith"
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 3:25 p.m.
Subject: CAP Submission on Maori seats

We are of the strong opinion that all New Zealanders should be considered equal and that Maori Seats should be abolished.

Keith & Marion Carey-Smith

Havelock North,

4115

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 10:09 p.m.
Subject: CAP Submission

New Zealand is recognised as having one of the most robust political constitutions on the planet. Those whom change what is not broken will severely cripple our country forever, for all future generations to come, and for what? To change something so fundamental to who we are as a nation without FULL public consultation, debate and a BINDING referendum is nothing short of treason. This Government has no public mandate WHATSOEVER for the (corrupt) constitutional review that is taking place.

One law for all, there can be NO compromise. You lot make me feel embarrassed to be a New Zealander.

You are our elected representatives. It's about time you actually started representing the people who employ you. Get some balls and represent us with honesty, honer and dignity.

How will your names be recorded in the history books of New Zealand? Or will you have those rewritten again too?

How about government actually doing something honorable and get the New Zealand public back their foreshore and seabed which you pissed away in some other back room deal you made. How many Kiwis still don't know about that one?

Yours Sincerely
Paul Cargill

624

From:
To: <constitutionalreview@justice.govt.nz>
Date: 24/04/2013 9:50 a.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Name: Julie Carlaw-Hillary Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: Regarding Religion

I believe that we are a nation that was founded on the BIBLE , therefore it is our right and the right of our children to have Bible in Schools in ALL primary schools where possible. This is our right as New Zealanders. In India you would learn about Hindu and it is disgusting that in a kiwi school there is no Bible studies - just the basics are fine!! All our holidays are based around Christianity , so our children need to learn these common bible stories and why we celebrate Easter and Christmas etc. I feel so strongly about this!!

Regards Julie Carlaw-Hillary

Sent on the 24 April 2013 at 09:48

624a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 24/04/2013 9:59 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Julie Organisation Name: Email: Phone: Postal
AddressA: Postal AddressB: Postal City:
Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Regarding Gay Marriage

I do not believe in this law. The marriage union was designed for a man and a woman to live together to raise a family! no other union is justified!! It seems to me that our laws are being made by the minority not the majority!!! We need to listen to all our people not just the extremists who make all the noise. I am firmly against Gay Marriage and the Anti Smacking Law. I believe in the family unit and marriage and our communities. These laws do nothing to uphold our basic values and beliefs. It is not what feels right goes!! There is a moral line in the sand that has been drawn for man to follow... those with wisdom heed what God has laid down for us !!! Be wise!!! Open you eyes to the big picture of society, mankind, family, and the future!!

I am not old - in my forties with 3 children, married for 28 years and two grandchildren. Yet I have seen the destruction of peoples lives who make wrong choices and the effect of those lives affected by these wrong choices... we need to get back to the basic of how a community and a family run - and we all need basic rules and laws to work together.

Sent on the 24 April 2013 at 09:57