

2355

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 8:54 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Xi Yao Chen Organisation Name: Email: Phone:
(Postal AddressA: 1 Postal AddressB: Postal City:
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand Submission:
1. I do not think our constitution should be written in a single document. It is not flexible. Once the document has been done, it will be very hard to change it. Like USA, gun issue is a very serious problem but why they cannot change the law? They only have one single document. It contains huge amount of work to change it.. What a waste..

2. No, I think we do not need a supreme law. I prefer balance not extreme powerful law.

3. Parliament.

MPs are selected by people, so MPs do have the rights to represent people to decide whether legislation is consistent with the constitution.

Sent on the 3 July 2013 at 20:54

669²

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:32 p.m.
Attachments: Submission to Constitutional Advisory Panel- Carl Chenery.pdf

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

Full Names: Carl Michael David Chenery Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: If there is an opportunity to speak to this, I would invite
this opportunity. Submission Upload: Submission to Constitutional Advisory Panel- Carl
Chenery.pdf

Submitted on the 31 July 2013 at 13:31

Submission to Constitutional Advisory Panel

What an important conversation to be having. This is the start.

I am sure there is a lot of value in being able to digest the different submissions to collectively come up with.

I do believe that clarifying values is the first step to get agreement on. Clarifying our aspiration/vision is the next step. Once that is clear, the subsequent conversation is about the mechanisms within a constitution to provide structure to the decision making structures and rules based on the values and to bring about the vision.

I provide my input below.

About me:

1. I am a Pākehā New Zealander of English, Irish and Scottish descent. I understand that my right to be here is by way of Te Tiriti o Waitangi.
2. My interests and passions lie in creating a sustainable, just and fulfilling human presence on this planet. For my work and leadership in various arenas, I was finalist for Young New Zealander of the Year and North & South Magazine Young Achiever of the Year in 2011.
3. Related to thinking about constitutions and identity, I have hosted events over the last couple of years during Waitangi day for dialogue and discussion. I am involved in a men's community within which power, privilege and diversity is looked at.

What are your aspirations for Aotearoa New Zealand?

4. I hold a vision that New Zealand can be a model sustainable nation- that who we are, the story we tell ourselves and others is consistent with our values, systems and structures. These systems and structures support a healthy society based on fairness, justice and opportunity, and to live in accordance and not antagonistically with the rest of the natural world. Our worldview and structures and systems reflect an understanding that we are intimately a part of the natural world, not separate from and somehow superior to it.
5. The same mindset that creates the illusion that we are separate and superior to nature, is the same mindset that gave rise to colonisation, and that supports and sustains racism and structural discrimination within NZ society.
6. Aotearoa New Zealand is currently one of the most unequal societies when compared with other similar democracies. A healthy society would aspire and achieve a fairer and just society.

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

7. Yes is my answer but the decision about this should be made in negotiation with hapu and iwi in keeping with the guarantee of continuance of rangatiratanga in the Treaty, and New Zealand's more recent obligations under international law in terms of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the UN Declaration on the Rights of Indigenous peoples.

Why?

8. The Treaty provides the only basis for honourable and just relationships between Maori and other New Zealanders.
9. It has been acknowledged since the outset that the treaty was the basis for governance in Aotearoa New Zealand. My great great great grandfather William Field Porter was an MP in the first term of the colonial parliament in 1853-1855. The parliamentary records show him speaking in the house that:

"in all dealings with the Natives, it is the duty of the Government to carry out the Treaty of Waitangi faithfully, honestly, and liberally, in accordance with the sense in which they (the Natives) understood it, and not according to any interpretation the Government may put upon it which they did not understand"

- MP William Field Porter, NZ House of Representatives Parliamentary records for Tuesday, 4th September, 1855

10. The question should be: how does the constitution fit into the treaty, not the other way around.

Important to clarify: What is meant by 'the Treaty'?

11. It is important to clarify what is meant by 'the Treaty'. Although the 1975 Act refers to 'both texts' – the constitutional advisory panel should highlight that Te Tiriti o Waitangi should be given place as the document of primacy for a number of reasons including:
12. Because Māori culture in 1840 was primarily an oral one, what was said at the time would matter much more than what was signed (the opposite of the British model). The missionaries verbally assured rangatira that their sovereignty was acknowledged.
13. Te Tiriti o Waitangi was the document that was signed by rangitira and Lieutenant-Governor Hobson on behalf of the crown

14. In law, when the intent or meaning of a legally binding contract is not clear, the principle of *contra proferentem* applies. This means that the decision goes against the party that drafted the ambiguous provisions; which was in this case, the Crown.
15. It was the first formal agreement guaranteeing the rights and responsibilities of the signatories and gave the newcomers the right to settle here. Te Tiriti o Waitangi and He Wakaputanga (the Declaration of Independence) need to be the starting point for any constitutional document.

Further

16. Te Tiriti o Waitangi and He Wakaputanga o Nu Tirini (the declaration of Independence) are the founding documents. Te Tiriti o Waitangi needs to be understood within the context of He Wakaputanga o Nu Tirini. A treaty by way of international law is between sovereign bodies.
17. A stronger focus and attention needs to be placed on Te Tiriti o Waitangi and He Wakaputanga o Nu Tirini (and what has come to light in the Ngapuhi) hearings within public media and education. The Treaty of Waitangi is one of the eight principles that provide a foundation for decision making within The New Zealand Curriculum: A recent Education Review Office report (2011) states that many school leaders and teachers are finding the Treaty of Waitangi principle challenging to implement, and was one of the least evident principles.
18. Te Tiriti o Waitangi as a treaty that was signed after most other treaties around the world. The subsequent processes as part of the Waitangi Tribunal have already created innovations (at least within western law) in relation to western understanding of the natural world, and acknowledging the Maori world view within western legal systems. These two approaches so far have produced Te Urewera as a (no-human) legal entity, and will likely see Te Awa Tupua – the wider ecosystem of the Whanganui river being granted rights to exist- something the rest of our legal system does not do. This approach is sorely needed in a world seeing the consequences from an approach of development of seeing ourselves as separate and superior to the rest of nature.

Te Tiriti and the Rights of Nature

Note: This could be reported within all the sections within the Constitutional Advisory Panel report: the Treaty section, Bill of Rights section or Aspiration section

19. Honouring Te Tiriti o Waitangi would enable hapu relationship with taonga. My contention is that there can be no sustainable future, nor ability to honour Te Tiriti where the basic orientation of the constitution toward the natural world or taonga only as objects and property.

20. Actually honouring te Tiriti o Waitangi, which is written in te reo which sits within Te Ao Maori, means acknowledging that what gets called 'the environment' is living and a subject, not merely property and an object to be owned.

21. The Whanganui river agreement and Tuhoi settlement agreements, providing legal status to living natural entities, provide localised examples of where the process of acknowledging Maori relationship with the natural world has led to this outcome. Ecuador in their constitution has acknowledged the rights of mother earth within their national constitution.

Rights of Nature

22. For an approach commensurate with what is needed to the environmental challenges of the 21st century and in affirming the understanding of tangata whenua, we also recommend that rights of nature be highlighted as a key needed area within the Constitutional Advisory Panel report.

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

23. In a fair and just way with a shared values base and a transparent set of genuine progress indicators against which progress and policies are measured.

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

Why?

24. It could help us create a values based statement of what is fair and just. There would need to be comprehensive consultation and negotiation with hapu and iwi especially about the place of Te Tiriti o Waitangi.

25. It would help as an educational tool. Few people seem to have no idea about our constitutional arrangements - something this review is partly elevating awareness about.

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

26. Yes, so it cannot be changed or abolished by a simple majority of parliament and different interpretation and manipulation of values.

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

27. Not sure. The current process of parliament having the ability to remove the ability of the courts to look at a piece of legislation, and the ability of the government to threaten funding e.g. for the Human Rights Commission for advice it does not like is not a good situation.

28. Perhaps an upper house with membership made up of iwi/hapu and other New Zealanders.

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

29. No. It does not protect all civil, and political rights, including the right of self-determination of all peoples, the right to a remedy for human rights violations, the right to privacy, and the right to legal aid. Parliament can say a bill/act cannot be reviewable by the courts.

How should Maori views be represented in Parliament?

30. The decision about this should be made in consultation with hapu and iwi. It is important for the public to understand the history

How could Maori electoral participation be improved?

31. The participation of not only Maori but all citizens could be improved if all students were taught civics at school, including the way our constitutional arrangements and the political process works.

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

32. At a minimum there should be a set number of seats for Maori on local councils and boards as recommended by the Commission when the new Auckland Council was being set up. Other issues around Maori decision making in local government should be determined by negotiation with hapu and iwi whose rohe overlaps with the boundaries of the local body.

2018

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 2:47 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: CHERRY - Guy Grover Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
WHANGAREI Postal Region: Northland Postal Post Code: Postal Country: New
Zealand Submission: SOME would like the Treaty of Waitangi to be the foundation for a new
constitution.

I cannot agree.

MANY of my impressionable years were spent among Maori in the backblocks of Northland. We played and worked together and for the most part respected one another's differences.

I went to boarding school and later worked overseas visiting over thirty countries where I experienced both the great achievements of the past and the aftermath of war. I stood alone with my thoughts in one of the Nazi gas chambers and slept rough among the multitudes of Calcutta.

The seeds of trying to understand my own species were sown.

I agree that the colonisation of this land caused a massive dislocation for Maori, (a 'holocaust' if you like,) as did the aftermath of the Battle of Hastings.

No wonder-- a culture isolated in the Pacific for perhaps thousands of years being overwhelmed by another, which had been subjected to the competitive pressures of many cultures over thousands of years ---. Neither had clean hands.

I DO not believe the Treaty of Waitangi should lie as the foundation for a new constitution for the following reasons:

The world has changed beyond recognition

since 1840.

The two main cultures still appear to be ideologically divided, and the Treaty itself has become divisive, is dividing, while incorporating undefined principles, and is a cause of unease.

For two hundred and thirty years both Maori and non - Maori have been sharing genes. We are an increasingly multicultural and racially mixed nation. The likelihood of determining outcomes based on ancestry in many instances I believe is racist and unfortunate for a young secular, democratic nation trying to move forward. It can also be seen as insulting to

those with Maori ancestry.

Human nature is universal. We are tribal by nature. This is patently evident in the world today.

Many who want to incorporate the Treaty in the foundation, which we will be obliged to live by, I believe are driven by a false ideal based on genuine compassion, but selected information and incomplete facts, while ignoring human history.

WHAT makes up the foundation for a new constitution should look something like a bill of rights, incorporating limits on those with power.

It should recognise allcomers as human beings with common needs. confirming freedoms etc.

It should be blind to all else and all else subject to it.

The constitutional foundation must be open to review in a democratic open manner and change made with caution and without haste.

The Treaty then may rest on these guarentees along with other arrangements.

Perhaps Voltaire woud agree.

Sent on the 1 July 2013 at 14:45

4664

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:25 p.m.
Attachments: Constitution submission.pdf

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

Full Names: Allan John Chesswas Organisation Name: Email:
Phone: tal AddressA: ad Postal AddressB: Postal City:
Stratford Postal Region: Taranaki Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Constitution submission.pdf

Submitted on the 31 July 2013 at 13:25

SUBMISSION OF ALLAN CHESSWAS ON THE NEW ZEALAND CONSTITUTION REVIEW

About the Submitter

1. This submission is made by Allan Chesswas:
 - A professional environmental planner, well trained in policy analysis, with a rudimentary understanding of law.
 - A keen interest in politics for a long time, with a firm conviction to use my skills to participate more fully in national politics in a voluntary capacity.
 - Of late have become involved with the National Party, and take great pride in the achievements of this government.

Key Assumptions

2. Key assumptions:
 - That the purpose of government is primarily:
 - To administer justice
 - To reward good behaviour and to punish bad behaviour
 - To govern in a manner which enables and provides for the flourishing of our national human community in a way that is fair to all without favouritism.
 - That any modifications to New Zealand's constitutional arrangements should be judged on the extent to which they better provide for these goals than the status quo.

Summary of Submission

3. In summary, I submit that:
 - New Zealand should have a written constitution, as a shining light when it comes to the importance of human rights considerations in any political or legal matter. Effective free speech has clearly been eroded in this country's institutions, and a written constitution would help signal a meaningful commitment by New Zealand citizens to human rights and freedoms.
 - The Bill of Rights Act needs to be amended to ensure the right to life is effectively provided for and to ensure peoples' rights to act according to their conscience is protected. These rights should be entrenched as supreme law in a written constitution.
 - The Treaty of Waitangi, and the British Crown, should be honoured as pillars of our constitution, but not above it – appropriately subject to the rights explicitly afforded by a written constitution.
 - Maori seats should remain, as they ensure effective political representation for Maori who are not confident outside of Maori Tikanga.
 - Electoral provisions should be amended to provide for more effective representation of communities of interest, to reduce the number of MPs in the house – particularly list MPs – and to ensure more accountability for List MPs.

My aspirations for New Zealand

4. I aspire for New Zealand to be a land where freedom, justice and compassion are traits that define our way of life together. This includes the freedom to act, speak and persuade according to principled matters of conscience. This includes freedom from impositions on one's rights to property and liberty.
5. This is the New Zealand we have known and loved for much of our nation's short history. And it is no accident that Christian people and Christian institutions have played a big role in shaping this New Zealand. I am firmly persuaded of the main tenets of the Christian religion. I understand why this faith has for so long advanced those values we hold dear, and why it still plays a significant role in society today.
6. But I am appalled that Christianity has become so marginalised in New Zealand's public life, especially in public education and in the media. I am appalled that the knocking and demeaning of Christians often seems to be sport for members of public institutions, certainly for some teachers and journalists. This is particularly evident in the lack of tolerance for Christian expression, especially where people are critical of entrenched political irrationalities such as effective abortion on demand, and the scientific debate over evolutionary theory. If New Zealand is to be a society that truly values freedom, justice and compassion, then we need to recognise the importance of tolerating Christianity and those who celebrate the faith, not just on a quiet street corner on a Sunday morning, but also in the public square. Too often they are the only ones brave enough to speak critically in the face of unfounded and irrational political orthodoxies, and it is crucial that this critical prophetic voice of society is taken seriously.
7. I believe that the marginalisation of Christianity in the public square is an indicator that those rights and freedoms, that the hallmarks of justice and compassion, are likewise becoming marginalised in politics and law. Successive governments have explicitly stated the view that the role of government is whatever the government want it to be, and have passed laws that seem clearly undemocratic and contrary to the rights and freedoms of New Zealand citizens. It is important we ask the question – are New Zealand guaranteed the kinds of constitutional rights which safeguard their access to a full and free human life, and the ability to participate in public institutions without undue discrimination?
8. Not that I advocate the censoring of discourse critical to religion. Nor would I advocate a blurring of the lines between church and state. The best answer to this problem is to reiterate the basic human rights and freedoms all people enjoy in society, especially free speech and freedom to act according to conscience, let alone rights right to life, property and liberty more generally.

Our Constitution

9. **I believe that a move to compose a written constitution in a single document as supreme law, interpreted by the courts, would be a good thing.** Writing a constitution would be a helpful reminder to New Zealanders that human rights and freedoms, and a commitment to being a just and compassionate society, are the cornerstone if anything else we do as a nation. Both the writing of the document, and ongoing reference back to the document, will be a helpful check in times when there are few safeguards and protections against increasingly powerful government institutions. Even just as a rhetorical device in a critic's arsenal, a written constitution can only help to serve the basic rights and freedoms of New Zealand citizens, which are indeed priceless, and in that regard would be well worth any cost of writing a constitution.

The Bill of Rights Act

10. The Bill of Rights Act allows exceptions to the right not to be deprived of life "on such grounds as are established by law and are consistent with the principles of fundamental justice". However the constitution should clearly detail when life can be taken, because exceptions to the right to life shouldn't be able to be easily altered by the simple passing of a law. The same exemption ("grounds established by law etc.") is not given for other rights under the Act, and I believe this is a telling indictment on the Act's ability to truly afford basic human rights.
11. Freedom of thought, conscience, and religion (Section 13) includes the right to adopt and hold such opinions, but not to express them. The right of a Christian to express opinions held with genuine conscience, conviction and enthusiasm is vital to a modern Western democracy, and must be provided for more clearly than is the case in this Act.
12. In saying this, the provision for freedom of expression (Section 14) should not include the uncurtailed freedom to propagate information which can be demonstrably shown by its content or intent to be counter to a truly just and compassionate society. Censorship in matters of pornography and graphic violence seems entirely appropriate, and entirely necessary to provide for a truly just and compassionate society, where freedoms are meaningful freedoms. This should be clear in our constitution.
13. Furthermore, while it is important to provide for religious tolerance generally, it is also important to clarify where rights to religious and cultural practice (Section 20) are limited and trumped by rights to freedom and justice.
14. The Bill of Rights Act refers to the Human Rights Act to protect peoples' rights to freedom from discrimination. However, recent events have shown that the Human Rights Act interferes with basic human rights when it comes to matters of conscience, especially in relation to employment and commercial relationships where sexual and/or religious lifestyles choices clash. An employer, landlord or retailer should have the right to establish the parameters within which they engage with persons whose conduct compromises their own beliefs.
15. For example, a landlord or hotelier should not be obliged to let to a prostitute or a same-sex couple. An employer should not be obliged to hire a person who visibly engages in spiritual practices (ie prayers, pendants) which offend the employer. A person in business should be able

to define the kind of behaviour they tolerate on their premises. The Bill of Rights Act does not afford any protection to employers, landlords or retailers with this predicament.

16. These are the kinds of provisions that should be incorporated into a written constitution, or otherwise afforded the status of supreme law, interpreted by the courts.

The Treaty of Waitangi

17. I am a strong believer in constitutional monarchy. In principle and in practice, at least in the example of the British Crown, the institution of monarchy has gone hand in hand with an advance of government in progressive steps to becoming a more free, just and compassionate society. The British Crown provides an important emotional bond for many English-speaking people throughout the world, and certainly does for myself and my family. The Crown provides continuity and accountability for successive governments, and gives its people a sense of historical and social security, and added meaning for their shared social life.
18. In New Zealand, as well as all of these benefits, the monarchy is one of the two historical pillars of the founding of our nation – the other of course being the ariki of the iwi of New Zealand's Maori people. The Treaty is an important shining light, a guide for that ongoing relationship between New Zealand citizens as inheritors of the Crown's New Zealand possessions, and the various iwi of our great nation. The status of the British Crown and the status of the Treaty of Waitangi in New Zealand civil life are interdependent. Sure, Maori would still have rights as indigenous people even if there never was a Treaty. But that is no grounds for the Treaty to be abolished, or a new one drawn up, or new provisions regarding indigenous rights to be inserted into new constitutional documents. The Treaty is a precious taonga and, as the last 40 years have shown, an effective taonga.
19. In saying all of this, it would be wrong to see the Treaty as on a par with the kinds of provisions of the Bill of Rights, and indeed the kinds of provisions that should be in a written constitution. The rights of freedom to property and cultural expression that underpin the Treaty should most certainly be explicit in the constitution, and help interpret the Treaty. But they are prior to the Treaty.
20. And as much as the Treaty is a precious taonga, it can also be abused and interpreted in a way that run counter to its intent, and to the shared values of New Zealanders when it comes to basic human rights and freedoms, and the idea of a just and compassionate society. New Zealanders need to know that when they engage with iwi in matters of governance, for example under the RMA, that engagement must be accountable to the same principles of freedom and justice, transparency and accountability, which any governing authority is subject to. Elevating the Treaty to the position of supreme law, on a par with such rights, would not afford these protections.

Maori Representation

21. Maori have the ability to express their views via representation in a Maori seat in any party which stands candidates in that seat. As well as this, Maori have the ability to form political parties which address Maori issues. While it would be preferable that Maori could engage with the more general electoral processes, such a sentiment is surely too idealistic, and it seems only fair that Maori are entitled to Maori seats to ensure effective representation.

Electoral Matters

22. The ideal system of representation would ensure that the party vote is paramount and effectively provided for, while at the same time providing for effective representation of local interests in the form of electorates with sensible geographic boundaries. For example, instead of rural Taranaki being split into 2 different electorates – Whanganui, and Taranaki-King Country – a “Taranaki” electorate should exist that more effectively serves the interests of Rural Taranaki at a national level, and provides better access to MPs. In Taranaki-King Country our MP is expected to represent communities from Stratford to Pirongia. These communities are 4 hours apart, and do share the same common demographic and geographic characteristics which they share with neighbouring towns in their region.. The ideal system would allow electorates such as a “Taranaki” electorate, and would have a population threshold system that is more realistic, to achieve this.
23. In saying this, if we were to change the size of parliament it should be smaller. There are too many list MPs who don’t have to face public scrutiny to get into parliament, and as a result there is a clear gap between the calibre of MPs who enter parliament this way, and those voted in by an electorate. This hampers the effectiveness of parliament, and the quality of decisions made in the house. List MPs should be more accountable to parties, and if they aren’t performing a party should be allowed to replace or demote them.

3948

From: Lorraine Chester
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 28/07/2013 2:32 p.m.
Subject: RE CAP SUBMISSION

I wish for

NO CHANGE TO OUR UNWRITTEN CONSTITUTION

Kind regards

LORRAINE CHESTER

1429

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 3:39 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Hasmukh Chhagan Organisation Name: Email Address:
Phone: Postal AddressA: Postal
AddressB: Postal City: Rotorua Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: More security for public. No more
crimes in the society

Discrimination is still exist so no more discrimination

To create more industries so more employment and less crimes

Make compulsory retirement age 65 so that create jobs for some other people or make voluntary retirement after 55+ by giving some retirement benefit so that also create more jobs.

New Zealand to be made peaceful country and the people of NZ should have a reasonable standard of living

No more claim/compensation under Treaty of Waitangi and constitution should be made equal for all people

We all should be united and work collectively for the betterment of people

It seems to me that NZ going towards third world country so we all should work together and make this country beautiful and famous in the world

Sent on the 18 June 2013 at 15:38

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.

Amy Child
Wellington
New Zealand

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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.

David Childs
Christchurch
New Zealand

107

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 8:00 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Timphy William Henare Childs Organisation Name: None Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Wellington Postal Post
Code: Postal Country: New Zealand Submission: I am primarily racially a New Zealand
European of Anglo Saxon and Irish decent, I also have Ngai Tahu ancestry from my Grandmothers
side of the family.

Simply, as we don't have a constitution, and only a bill of rights, the first consideration is that the Treaty of Waitangi should be put away into the archives as a curio, and not used in any form whatsoever. The reason being is that the Treaty only is of benefit to Maori, and as such a constitution in any form should not favor one people over others.

New Zealand is a multi cultural and multi ethnic nation, and as such an archaic treaty which has made its way into current law and everyday life has no justification to be as some have said, 'A or the, cornerstone of any constituent, New Zealand should adapt.

From what I understand the Treaty of Waitangi has so many meanings, and is interpreted as such primarily by Maori to suit there own means. New Zealand cannot nation build with a tardy document that no one can agree to its real and literal meaning.

The treaty was signed by some tribes and the BRITISH crown, after New Zealand became a dominion the responsibilities of the crown were taken over by the legislative powers who recognised the ruling monarch has head of state, hence the treaty really is an agreement between the British crown and Maori. It has no place in 21st century New Zealand, and most certainly not be included in any constitution that may be decided.

New Zealand should also have to look at becoming a republic, in or outside the commonwealth, this should also be included in any constitution that may be agreed to that New Zealand does not recognise the British Crown as head of state.

The constitution should as its cornerstone, recognise that all New Zealanders are to be treated and respected equally, not one race (Maori) favored in alot of facets of life, especially as being an equal official language, favoritism in Education and its own Government ministry to name three.

(The advertising for this consultation, or whatever it is, is strangely also angled primarily for Maori, where are the white personalities doing advertising?, one can only work out that answer)

Maori are not a majority race in the population, there are no pure breed Maori left, it is time we moved

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.

David Chilvers
Christchurch
New Zealand

1109

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/06/2013 6:59 p.m.
Subject: CAP Submission

Constitutional Review: Submission from John Chilwell,
 Whitianga, New Zealand

New Zealand does not need a written constitution, any more than the British do. Let Parliament remain supreme, as it has been in New Zealand and Britain since we have had our own legislatures. We do not need to emulate the United States (or Australia) where unelected judges can overturn laws passed by the legislature, often on most unacceptable precepts. Let us avoid a US-type scenario where judges appointed for life by an incompetent president can frustrate the citizenship, often by a 5-4 "majority", the swing vote being cast by someone whose legal ability takes second place to his political prejudice.

Which is what worries me about the composition of the 12-member "Constitutional Advisory Panel" appointed by the government to advise on our future constitution. Six of them are professed Maori activists. At least one other - "Sir" Michael Cullen - has prostituted himself to the Maori cause. These seven should recuse themselves from further deliberation on the issues, unless they wish to make a submission to a reconstituted panel.

One assumes the co-chair of the panel, Professor John Burrows QC, is able to make an objective judgment but this does not apply to the other co-chair, "Sir" Stephen O'Regan, whose history is one of racist nonsense about the Maori grievance industry. What is his expertise on constitutional law? - two honorary degrees in commerce and literature, surely a mockery of scholarship? For the record, my own academic qualifications are Master of Arts in History and Diploma in Journalism of what was then known as the University of New Zealand, one of my subjects being constitutional law.

TREATY OF WAITANGI. This no longer has relevance to 21st century New Zealand, as Maoris and non-Maoris of 1840 bear little resemblance to their present-day multi-racial descendants. Every treaty has its use-by date. Hitler tore up the Treaty of Versailles some 13 years after it was promulgated.

The Treaty of Utrecht in 1714 which ended the War of the Spanish Succession gave Britain a monopoly of the slave trade with the Spanish colonies: slavery, the slave trade and the colonies no longer exist: must we now compensate the descendants of the slavers, slave-owners and conquistadores for long-lost "assets"? Where is the logic which says the present generation of New Zealanders must put their hands in their pockets to "compensate" the descendants of those long-dead Maoris who allegedly suffered injustices. All of the claimants have the blood of the dreaded oppressor in their veins through inter-marriage. It is time for the Treaty of Waitangi to be laid to rest along with the thousands of treaties of old which no longer have relevance to the present day. This also applies to the Waitangi Tribunal which has become a font for absurd claims. Before it is abolished, I hope some descendant of those eaten by Maoris in their cannibal days applies for compensation from today's iwis. This would show how nonsensical the tribunal has become.

MAORI ELECTORATES. These should be abolished. There have been suggestions by the agitators that they should be entrenched. They should not. They are an anachronism, created when New Zealand got representative government in 1867 when the vote was restricted to those with property qualifications - which Maoris did not have as they held their land in common. These four seats have now increased to seven because the legislature failed to implement the Royal Commission recommendation that they go if a proportional representation system was adopted, as it was. There is no place for apartheid in New Zealand: I saw apartheid at its worst from 1951 to 1976 when I lived as an adult in South Africa before returning to New Zealand after an absence of 27 years (three of them in Australia) to find the non-racist New Zealand I had left in 1949 had become a hotbed of divisive intrigue. It is not racist to argue against separate Maori representation: those who advocate it are the racists. There should be no place in New Zealand for special privilege based on one's assumed ethnicity.

YOUR WEBSITE www.ourconstitution.org.nz offends in this respect, showing little objectivity in "Constitution Conversation" when it talks about Aotearoa New Zealand which is not the name of our country and inundates us with Maori words and phrases which have nothing to do with the constitutional issue. It also incorrectly states under "Maori representation" that local bodies can create Maori wards "only with the support of the majority of voters in the region". This is not so. The Waikato Regional Council has created two Maori wards by stealth with minimum or nil consultation with ratepayers.

Hauraki District Council, by contrast, has had a referendum and the proposal overwhelmingly voted down.

CONCLUSION. Do not tamper with our unwritten constitution. Leave it as it is. Any proposed change should be referred to the electorate as a whole by way of a binding referendum.

John Chilwell

Whitianga
New Zealand
Phone

1262

From: "Bruce, Annabel Chisholm" <
To: <constitutionalreview@justice.govt.nz>
Date: 11/06/2013 10:08 a.m.
Subject: CAP submission

TO WHOM IT MAY CONCERN

I think that your review must conclude that nothing needs to be changed. It would be an entirely wrong and backward step to enshrine the Treaty of Waitangi into the constitution. Parliament must remain supreme. I'm a 5th generation New Zealander and have no other home than New Zealand. Why would you want an apartheid state which is where its heading if you change the constitution. We are not a bicultural country, we are multicultural. We should all be equal under the law with no preferential treatment for Maoris. Separatism is a dangerous path to go down and I fear the backlash based on unfairness.

I am for a 4 year term in parliament.

I think the Maori seats should be abolished. Everyone has a vote in this country and therefore there should be no preference based on race.

Annabel Chisholm

592

From:
To: <constitutionalreview@justice.govt.nz>
Date: 22/04/2013 7:43 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Garv Chisholm Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: Please do not go overboard with more Maori Treaty rights. its turned into a
greivous industry that has a real cost on taxpayers who are struggling. NZ has got to have 1 law for all
and no special favours its its constitution.

We have the case in Environment Canterbury that the compliance cost to haul Maori in to every
discussion (on topics they have no knowledge on) has a direct and non significant cost to ratepayers.
I submitted an objection to the excessive energy/cost put into
being polticially correct to Maori and they acknowledged that but said 'thats the law' (the guy i know
actually said 'thats the dumbass law as most times Ngai Tahu have no idea about that land')

Sent on the 22 April 2013 at 07:42

1470

From: "Bernie Christian"
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 4:16 p.m.
Subject: Constitution

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

Bernard W Christian
Tauranga

1480

From:
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 10:11 a.m.
Subject: constitution

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

Patricia N A Christian
Tauranga

1988

From: John Christiansen <
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 7:16 p.m.
Subject: My submission to the Constitutional Review

Submission to the Constitutional Review 2013

I have heard that New Zealand politicians are considering introducing a new written constitution for the country. I have also heard that there appears to be a desire in some quarters for some New Zealanders to receive privileged status in this constitution based on their racial background and /or ethnicity.

Hence I am making this submission.

I do not believe New Zealand needs a written constitution. Once one is set in place it runs the risk of being outmoded, overtaken by changing needs of society. Within this arrangement individuals or cliques may selfishly develop influence and power to the detriment of the population at large. A good example of this is the gun lobby in the United States.

In my opinion the democratic process of one person, one vote, voting in an electorate based on geographic boundaries, collectively assembling in a parliament, is the ideal form of government for New Zealanders.

This arrangement would allow citizens to join with others to form parties to represent the electorate at large in parliament.

In my view should any government decree privilege for any citizens based on historical events, race, ethnicity, religious belief or indeed any other label, New Zealand will be heading for internal rebellion.

Apparent, or real privilege, bestowed on one group will be judged by others to be unfair and undemocratic. Discord will be fermented, justified by the perception that what was once a democracy has been replaced by a sham. Again other countries provide examples of revolutionary events where some factions appear privileged at the expense of others.

CE

Some people believe the Treaty of Waitangi to be New Zealand's founding document. That may be so. I find it currently to be an anachronism. It has fulfilled its purpose. It should now be relegated to history. There are differing versions of the Treaty. This is currently a source of friction and dispute. In my view the Treaty should be dumped as a serious instrument of government.

In summary I submit the best way forward for the development of New Zealand, and harmony for its people is to

1. Not have a new written constitution.
2. Have a democracy based on one person one vote.
3. Have an elected parliament with representatives representing seats based on geographic boundaries.
4. Dump the Treaty of Waitangi as a serious document in this day and age.
5. In the promulgation of the above process no weight or consideration should be given to race, historical events, ethnicity, religious persuasion or any other possible divisive entity.

John Christiansen

Tauranga

1174

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 1:24 p.m.
Subject: [http://www.ourconstitution.org.nz/ form submission](http://www.ourconstitution.org.nz/form submission)

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

Full Names: Luke Christiansen Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Palmerston North Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: The Treaty of
Waitangi should have no place in our constitution. Our constitution should treat all New Zealanders
equally. If the Treaty is included in the constitution it will create a class of people, based on race, that
are treated differently under
the law, and this is absolutely wrong. Our country needs to move forward, where everyone is treated
the same, rather than how it is at the moment, where maori New Zealanders have rights above what
non-maori New Zealanders have. If the Treaty is made a part
of our constitution, it will further divide New Zealand based on race. In fact, the constitution should
seek to reduce this division by preventing the ability for political parties to be based on race (or
advancing the rights of a particular race), by removing
the maori seats from Parliament, by preventing any form of racial quotas in society (such as at
universities), and by preventing the Government from targeting funding/benefits based on race rather
than need.

Sent on the 8 June 2013 at 13:23

1174a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 1:32 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Luke Christiansen Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Palmerston North Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: Maori views and
perspectives should be represented in Parliament and local government the same way everyone
else's views are represented, by the election of representatives by society. There is no place for maori
seats in Parliament. They are an unfair
manipulation of the voting system in order to give advantage to a particular race. If there are areas of
society that wish to have a maori viewpoint in Parliament or local government, then they will vote in a
representative who expresses those views. It is
not necessary, and is in fact incredibly racist and wrong, to have seats reserved in Parliament only
for people of a particular race. Similarly, it is both racist and wrong, to have a separate electoral role
only for people of maori descent. Everyone in this
country should be treated equally, giving special treatment to maori is racist and only further divides
the population of New Zealand.

Sent on the 8 June 2013 at 13:31

115

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 6:55 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: martin christiansen Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: auckland
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: We do not
need a formal written constitution

Any reference to the Treaty of Waitangi or its principles should be removed from all existing legislation and certainly not carried forward in any form of constitutional document.

The race-based Maori Parliamentary seats need to be abolished.

The race-based representation on local bodies should be abolished.

The Waitangi Tribunal,needs to be abolished.

Sent on the 8 April 2013 at 17:53

116

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 6:53 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: paul christiansen Organisation Name: Email: Phone:
Postal AddressA Postal AddressB: Postal City: auckland
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: We do not
need a formal written constitution

Any reference to the Treaty of Waitangi or its principles should be removed from all existing legislation and certainly not carried forward in any form of constitutional document.

The race-based Maori Parliamentary seats need to be abolished.

The race-based representation on local bodies should be abolished.

The Waitangi Tribunal,needs to be abolished.

Sent on the 8 April 2013 at 17:52

3723

From: K Christie
To: <constitutionalreview@justice.govt.nz>
Date: 21/07/2013 8:33 p.m.
Subject: "CAP SUBMISSION"

CONSTITUTIONAL REVIEW - SUBMISSION 2013

Kathleen Christie

<mailto:

Phone

Tauranga.

ASPIRATIONS

I am an eighty year old citizen who grew up in an era when the true history of our country was taught to school children.

I want a country where everyone has*equal rights*based on their citizenship only. Where the Government is the only authority drafting laws. Where the Judiciary are there only to interpret the laws. Where the history of the country is truthful (not revisionist). Where our children are taught the truth not myths.

***CONSTITUTION ***

*Our Founding Document -First constitution -- Queen Victoria's Royal Charter dated 16 November 1840*amended 1846 and again 1852. The Maoris were given sovereignty in 1840. . Since that time successive Governments have updated and added new laws.

Parliament must be the only body that makes our laws.

The system we have is working so why fix it. Please leave it as it is.

ELECTORAL MATTERS

No more than 100 members. We are a small country so that should be enough.

There should be no list members.

Three year term for safety as we have no upper house.

Referendum must be binding also as a safety measure.

BILL OF RIGHTS

As I understand our Bill of Rights is serving us well with the exception

of the omission of Property Rights. As Roderick Deane said in Session two "Strongly protected property rights are crucial for freedom, democracy and prosperity"

TREATY OF WAITANGI

The treaty of Waitangi has served its purpose. It gave Maori sovereignty-equal rights with all other New Zealanders. Nothing more and nothing less. Therefore the 1975 Act that should never have been passed should be rescinded

MAORI REPRESENTATION

Maori were not the first people to colonize New Zealand, Sadly they have gone to great lengths to destroy any evidence of former settlers. There is no reason why they should have greater representation than any other citizen in this country. The original Maori seats were to overcome the problem where only men that owned land could vote. That has long since gone by the board, therefore everyone should be on the general roll and have only one vote.

Local Body- Maori should not have extra representation. It is a myth that they understand the land etc more than anyone else so should have veto rights (Resource management) .Ask any farmer how he regards his farm. If they want representation they should put up qualified candidates to stand at election.

CONCLUSION

For goodness sake we are all one people. How many part Maori are there in your family?

Why should part Maori disown their non Maorikin and claim their birthright?

The Declaration of Equality

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

We reject any reference to the Treaty of Waitangi or its principles in any constitutional document.

We ask that such references be removed from all existing legislation .

We ask that race-based Parliamentary seat be abolished

We ask that race-based representation on local bodies be abolished

*We ask that the Waitangi Tribunal which has outlived it usefulness, be abolished *

I believe in ONE LAW FOR ALL

Hope this is OK my PDF didn't work

21/7/2013

L J Christie

Laurenga

Submissions
Secretariate
Constitutional Advisory Panel
C/o Ministry of Justice
DX SX10088
Wellington

3069

Submission to the Constitutional Review

We have one of the better Governmental systems in the world don't disrupt it. Paradoxally one of the worst aspects of the present setup is the race based (apartheid) laws that this National/Maori Party Govt is writing into legislation.

Our constitution is flexible and can be changed as the circumstances change. I don't know anyone who wants an entrenched constitution.

Maori seats. What is a Maori? Today there is not a significant number people with 50% or more Maori blood and the number is reducing with every generation. We will all be caramels in a few generations. Already there are more caramels in Parliament than are justified.

The Treaty of Waitangi as signed by over 500 Chiefs must be returned to its rightful place as our founding document and many self serving versions and additions be eliminated.

The Treaty of Waitangi Tribunal is such a legal absurdity it must be speedily wound down before its fraudulence becomes its downfall.

There are no "principles" in the Treaty of Waitangi and all the sovereignty was ceded to the Queen of the United Kingdom in a deal that was both enlightened and generous. Get the facts right.

Social problems must be addressed on the basis of need - not greed.

Political expediency is not a suitable reason for a constitutional review.

Race based advantages are a form of apartheid that will bring but tension and stress for both sides of the situation which is not the heritage that I want to pass onto future generations of NZers.

I think that a referendum should be mandatory for any major changes.

L J Christie

4935

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 7:13 a.m.

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

Full Names: Philippa Louise Christie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country: New
Zealand Submission: My submission is about the proposed New Zealand Constitution.

> Do you think our constitution should be written in a single document? ~ No!

> Why? ~ Not one person I know in my vast base of acquaintances wants this done. All of us, myself included, want NZ to be a country where we are one people with the same laws for all and the same treatment of all, regardless of race colour or cultural heritage.

> To the other questions my answer is ~ This is irrelevant, because I do not support the notion of a written constitution in the form being suggested.

* I oppose the Treaty of Waitangi being a base for New Zealand's laws.

* I'd like to see race based seats abolished in parliament and on local bodies.

* I am for Equality for All. We should be one people, all of us named New Zealanders.

Submitted on the 26 July 2013 at 07:12

2489

From: Steve Christie
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:00 a.m.
Subject: CAP Submission

I submit that the Maori seats should be abolished.
Yours faithfully, Stephen Christie

4259

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:52 p.m.

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

Full Names: Stephanie Christie Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Postal Post Code. Postal Country: New Zealand
Submission: I want to live in a country where all people are able to be actively involved in their communities of choice. This is important for us to be able to have meaningful lives. People need to be able to contribute to community life and to have a sense of purpose.
For this to happen, we need legislation and government funding that encourages organisations and spaces that make it easy for people to be part of community life. This means supporting clubs, community houses, alternative landshare schemes, arts projects, prisoner rehabilitation, literacy programmes, and the zillion other ways that we have already thought of to make our world better. It needs to be made easier, politically valued and funded well. Having this enshrined in the constitution might be able to provide some protection for this vital part of our lives from the vicissitudes of governmental ideological shifts.

Submitted on the 30 July 2013 at 20:50

3622

From: "Murray Christison"
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 10:38 a.m.
Subject: CAP SUBMISSION

I do not see any necessity to have a written constitution. Individual laws can be ammended as required.

I do not believe the Treaty of Waitangi should be a part of any New Zealand constitution. The Treaty ceded sovereignty to the Crown to create a country where all people , Maori and Pakeha , were subject to one law. Any constitution based on race is bound to be devisive.

All ethnic groups have the same problems of health, employment, education poverty ,etc. There is no justification for any group having preferment on grounds of ethnicity.

Murrav Christison

Napier

5089

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:32 p.m.

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

Full Names: Michael B Chubb Email Address: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: Northland Postal Post Code: Postal Country: New Zealand Submission: Over
the years I have often thought we should have a formal constitution as it appears to me that
goverments have too much ability to introduce radical change without having to go to the people.

Often this radical change is done over a long period of time in increments so no one really notices.

The idea (I have) is that a constitution would draw a line in the sand that we can not cross with out a
real and full consensus. This can apply to many areas but really I'm thinking of privacy, law
enforcement, freedom of expression etc. All countries really

have the same issues.

However I do have to say that the New Zealand process does bother me in that there are some that
want to apply some protection around Maori and perhaps embed things important to Maori a higher
status than those of the other races.

This would be just plain wrong. A constitution will neither be honoured or respected if any
race/ethnicity provisions are made. It has to be an all inclusive document about the people, for the
people all as one. Everything within the constitution has to be

equal for all. Great care will need to be taken to ensure this happens.

Anything else and I would think we are better off as we are.

Submitted on the 17 June 2013 at 14:15

2636

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 7:42 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Barnaby Chunn Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: My aspiration for
Aotearoa New Zealand is that we might build a legal system that recognises and provides for social
and environmental flourishing, as well as economic stability. There are a number of ways this might
be achieved but the ultimate success
of this shift will require recognition of our place within the wider global ecosystem. We are not
masters of nature; on the contrary, we owe her a huge debt and must look to frame our behaviour and
development within her ecological limits.

This shift is captured by the ethic of sustainability. This doesn't refer to sustainability in its weak form
(where sustainability's fundamental character is rendered by its pairing with development, as in
section 5 of the Resource Management Act 1991) but
places sustainability at the apex of our legal hierarchy. Sustainability of this flavour recognises the
intrinsic value of the environment – it has value in and of itself – and involves a shift from the singular
rights perspective of ownership to a dual concept:
one that acknowledges use rights while offsetting them with a duty to preserve our natural world, so
that future generations might have the same opportunities we enjoy. Inherent in this ethic is a further
focus on intergenerational equity – the idea that our
society will be better off if we are all more equal.

The inclusion of such a concept within higher status law would do much to address the current
government's overbearing focus on economic growth, coming as it does at the expense of our society
and environment. However, it is important to recognise that such
a shift doesn't exclude considerations of economic progress; it merely acts to frame them within the
context of the world we live in.

Sent on the 5 July 2013 at 07:42

5047

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:07 p.m.
Attachments: Submission on theConstitutional Review.docx

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

Full Names: Daniel Church Email: Postal City: Auckland Postal
Country: New Zealand Submission Upload: Submission on the Constitutional Review.docx

Submitted on the 20 June 2013 at 13:49

DANIEL CHURCH

SUBMISSION ON THE CONSTITUTIONAL REVIEW

20/06/2013

Overview

On the whole I am reasonably satisfied with New Zealand's present constitutional arrangements. I believe it is important that we retain the separation of powers between the Executive, the Legislature and the Judiciary, and the checks and balances on each of these arms of Government.

I believe New Zealand should retain its status as a constitutional monarchy.

My submission focusses on matters relating to the Treaty of Waitangi, the Bill of Rights Act and electoral matters.

I make this submission in a personal capacity.

Treaty of Waitangi

I believe that the Treaty of Waitangi is an important feature of New Zealand's Constitution and should be respected as a contract between iwi and the Crown. The Crown is obligated to redress legitimate historical grievances through the settlement process.

I reject, however, the view that the Treaty is New Zealand's "founding document" – a buzz phrase which has slipped into the discourse in recent times. New Zealand's founding document is our declaration of independence from New South Wales. The Treaty does have a role in the Constitution in terms of the Crown's relationship with Maori people, but it should not be elevated to a higher status than this.

Further, only the Treaty of Waitangi itself has a role in the Constitution; not the "principles of the Treaty". These "principles" were not originally defined in legislation and were left to the Judiciary to essentially 'invent'. They have since taken on a whole new life of their own and led to the perpetuation of an entirely new grievance industry which would never have otherwise been contemplated. I submit that all references in legislation to the "principles of the Treaty" should be repealed, and that only the Treaty itself should be the basis for claims.

I believe that the Waitangi Tribunal should be abolished. To my knowledge, the Tribunal has always ruled in favour of claimants and never once in favour of the Crown. This is largely because the process involved requires claimants to portray themselves as victims, which in turn perpetuates the grievance industry. It has in many ways taken on the role of a lobby group, rather than an independent advisory body. This is inappropriate.

The New Zealand Bill of Rights Act

The Bill of Rights Act is an important piece of legislation which should be retained.

I support the current method of ensuring that the rights and freedoms of New Zealanders contained in the Bill of Rights Act are respected; that is, requiring the Attorney-General to report on legislation

which is inconsistent with the Act, and the general oversight by Parliament.

I strongly support including private property rights in the Bill of Rights Act.

However, I oppose the Bill of Rights Act becoming superior law. I am strongly of the view that Government should be “by the people, for the people”, not by a document for a document. The current debate over gun control in the United States of America is a classic example of the problems which arise when a superior document can override the will of democratically-elected representatives. In addition, a superior bill of rights would significantly shift the balance of power from Parliament to the Judiciary, which is not elected (nor do I think it should be) and not directly accountable to the people. This should be avoided. Parliament should remain supreme.

Electoral matters

I voted against the MMP system at the 2011 referendum. However, given that it is staying; I think there should be minimal changes. I support the current method for determining the size and number of electorates. I strongly oppose the Electoral Commission’s recommendations to lower the party vote threshold and abolish the one-electorate threshold.

I do not believe “anti-waka jumping” legislation should be reinstated. Party leaders already wield far too much power under MMP as it currently stands. Such legislation would simply make List MPs pawns of party leaders who never speak out or play an active role in policy, out of fear of being ‘sacked’ by the party leader. This would significantly undermine the value of parliamentary representation. The original Electoral (Integrity) Amendment Act 2001 was a kneejerk reaction to a small number of isolated incidents. I believe that present calls for it to be reinstated are likewise kneejerk reactions to an isolated incident.

Regarding the length of Parliament, I do not have a firm view on whether terms should remain at 3 years or be increased to 4 years. I understand both sides of the argument. On the one hand, three years is a very short amount of time for a Government to fully implement its agenda. I note that Governments frequently use urgency or shortened select committee time frames to pass more legislation quickly. Given that it often takes months or even years to take effect, it can be difficult to judge a Government’s performance after only 3 years. On the other hand, there are few checks and balances on Parliament other than elections. A 4-year term may increase arrogance on the part of Governments as well as increase the amount of contentious legislation which does not reflect the will of the people.

However, it is timely for the debate around the term of Parliament to be had. I therefore strongly recommend that the Constitutional Review Panel recommend to Parliament that a referendum be held on the question of whether New Zealand should move to a 4-year term; and that if a majority of voters vote in favour of a 4-year term, that this is binding on the Government.

Summary

I submit that the Review Panel make the following recommendations:

- That the Treaty of Waitangi retains a legitimate place in New Zealand’s Constitution, but that it should not be regarded as a “founding document”.

- That only the Treaty of Waitangi itself is a basis for historical claims, not the “principles of the Treaty”.
- That all references to the “principles of the Treaty” in legislation be repealed.
- That the Waitangi Tribunal be abolished.
- That private property rights be included in the New Zealand Bill of Rights Act.
- That the New Zealand Bill of Rights Act should not be superior law.
- That the Electoral Commission’s recommendations regarding changes to the MMP thresholds be rejected.
- That “anti-waka jumping” legislation should not be reinstated.
- That Parliament enact legislation requiring a referendum to be held on whether New Zealand’s parliamentary term should be extended to 4 years, and that the result of that referendum be binding on the Government.

Daniel Church

20/06/2013

1419

From: Kate Church
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 18/06/2013 2:33 p.m.
Subject: Submission

Good afternoon!

Please accept my submission to the Constitutional Advisory Panel.

It is my belief that New Zealand does not need a written constitution. I strongly oppose any legislation or reference to the Treaty of Waitangi if a constitution is drafted now or in the future.

Kind regards,

Kate Church

Tauranga

960



11.4.2013

Constitutional Advisory Panel
c/- Ministry of Justice
DX SX 10088
Wellington.

My submission regarding the NZ
Constitutional Review is that I want no
change to New Zealand's unwritten
constitution which has served us well
since the NZ Constitutional Act was
passed. It may require some alteration
in the future - but not a race based
document.

Yours faithfully
Peter T. Church

960 a

From: Kate Church
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 5/07/2013 11:36 a.m.
Subject: Maori Seats

To the Constitutional Advisory Panel;

I wish to submit my objections to the provision for separate Maori seats because;

Maori are now over-represented in Parliament relative to the total population.
the 1986 Royal Commission on the Electoral System recommended the abolition of Maori seats.
Maori are now able to establish their own party to promote their ideals as evidenced by Hone Harawira.

Peter Trevor Church

Tauranga

You can reply to me at this email address also - my daughter ☐ ☐

3852

From: Richard Church
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 11:45 p.m.
Subject: CAP Submission

It is with great, nay overwhelming, disappointments that I provide this submission. I find that:
- consultation about this particularly important issue has been hijacked to ensure Maori voices are heard over and above everyone else - this stems from the very conduct of those charged with this so called consultation process.

- there is growing racism in OUR country such that we will unlikely be able to refer to it as that in future.

- this growing racism is overwhelmingly supported by governments who seek not to lead but to simply stay in power. There is nothing honourable about these politicians and there is nothing good about creating racial separatism

- The treaty was developed and signed by both Maori and non Maori to agree an equality of all those who would be citizens and yet that intent has been allowed to be hijacked to such an extent that anti-"non-maori" policy is being enshrined into this country's laws.

You people ought to know better than I that democratic governments only work on the the willingness of the populace to be governed. I for one do not want racism in this country and will withdraw my willingness to be governed if this review even so much as recommends support for further racism - regardless of the carefully couched language that may be offered up.

I want the Treaty of Waitangi to be dissolved such that we might get on with the task of being one nation !

Richard Church

Sent from Samsung tablet

1240

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 10:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

- The Treaty of Waitangi should not have any role to play in our Constitution. The Treaty of Waitangi was written for a different time in our early history and is now outdated. The country has moved on as it now comprises numerous races and ethnicities of people such as Asians and Indians. To continue with a Treaty in a Constitution that is focused on just one race of people is divisory and wrong. We need to move forward as one nation and one people. Further, interpretation of the Treaty of Waitangi has changed and evolved to suit the needs of Maori. Any historic document that is open to such differences in interpretation is not a document that is useful to the future of New Zealand.

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

No - for the same reasons mentioned above. It is an outdated document catering to just one race of people. It incorrectly bestows and allows favourable treatment on that one race. That is just un-democratic and wrong. Why else would one wish to have principles of the Treaty incorporated into a Consitution if not to bestow favourable treatment on that one race? New Zealand needs to move forward as one country of people - people who are all treated equally as 'New Zealanders'.

Sent on the 9 June 2013 at 22:27

1780

Dunedin

25 June 2013

Individual Submission.

New Zealand should remain a constitutional monarchy under roughly the same arrangements we have at the moment. This system has served us well.

Improvements would be to have an Upper House and binding referenda as part of the balance of power.

New Zealand should recognise our traditional and cultural ties to Britain, we are a 'British' society, we are not multicultural and multiculturalism should not be part of our future.

New Zealand is an egalitarian modern democracy, so race and race based policies must be abandoned, they are divisive and various votes on this issue around the country have always had a majority in favour

1969
Constitution submission from

Rex Clapp

From: "Rex Clapp"
To: <constitutionreview@justice.govt.nz>
Sent: Saturday, 25 May 2013 4:54 p.m.
Subject: constitution
BILL OF RIGHTS

L.R. & J.P. Clapp

The Bill is adequate, can be used to keep parliament in check, but can still be altered by parliament should this have adequate approval and is deemed necessary.

IS A FORMAL CONSTITUTION NECESSARY

A formal constitution is not desirable or necessary. The USA is an example of what can happen with a formal constitution. Elapse of time can make continuation of a set in place collection of rules ridiculous -yet there is nothing can be done about it and can result in a section of the community using the situation to its own advantage.

Parliament must retain final power. There are points in favour of an "upper house" of some sort.

TREATY OF WAITANGI

The Treaty should definitely not be a part of any fixed constitution. Maori pressure groups are to be congratulated in the success they have had in convincing NZ people that the treaty is some supreme partnership document, particularly amongst "soft touch" elements such as educationalists. It isn't and never could be. Such a partnership could not work.

The Maori have the advantage of no written language. We therefore find that the treaty principles have no fixed definition and can vary as time goes on and new openings for claims appear. The original meaning of words become widened to suit the new argument eg Taonga gets a continually widened meaning.

The Maori people are suffering from their leadership convincing them that they are lacking and need propping up by the rest of the community. Their leaders should be encouraging them to get with it and adapt to the modern world.

It is a comparatively short time ago that negroid people of the USA were in a similar position and were not considered for higher positions. Their leaders requested that they stopped being molly-coddled. Now there is a dark person President of USA.

Also part Maori have what is sometimes a ridiculous advantage over others. The original Treaty reparations idea was well received by the rest of the community in respect for Maori and in the belief that this one off settlement would put an end to grievance. We now find that that is not so and that the grievance gravy train is set to go on forever. Respect for Maori is turning into hostility. We must not get to the situation where there is an organisation set up to oppose this thus splitting the country in two. There are possible other splits with the various nationalities now in NZ.

It is time we now truly became all one people

MAORI REPRESENTATION

My views on this are given under the previous heading

ELECTORAL TERM

It seems the current term is too short. The winner occupies the seat as though they have a 3 year lease and must direct their term largely toward their own re-election. We need some sort of govt. wherein we are enabled to set up a NZ plan, wherein both sides can agree on a long term basic plan for our country. Opposition should be constructive opposition and not continual carping about little, and personal attacks. Direct torpedoing of govt. initiatives to the disadvantage of the country, are not on.

OTHER MATTERS

I believe the NZ character (Pakeha plus Maori) is worth retaining. To that end, am not happy with our immigration situation. It is said we need more people as it is good for business. It may well be true but I see this as another ponzi scheme. It is kept alive by continually adding people. The NZ Character has been well proven. Lets keep it and avoid the racial problems being experienced in other countries.

723

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/05/2013 3:29 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter F Clapshaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: The Treaty of Waitangi is an historical document, now over 170 years old. It should no longer have any legal effect in today's modern society which provides equal opportunities for all regardless of ethnicity. It certainly has no place in a constitution, were we to have one.

It certainly should not be made a formal part of any constitution.

Nor should the so called "principles of the treaty" be referred to in legislation. To do so creates opportunity for differences in construction. The Treaty has served its purpose and anything that has the result of keeping it alive only maintains unreasonable expectations on the part of people who have benefited from it in the past and should not expect any future advantages.

To continue to enshrine the Treaty in any formal way pushes us further down the road to apartheid and away from a modern state with equal rights for all regardless of ethnicity.

Sent on the 2 May 2013 at 15:29

723a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/05/2013 3:54 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter F Clapshaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: Maori views should be represented in Parliament in exactly the same way as those of other citizens and residents.

Maori electoral participation should be exactly the same as for every citizen. There should be no special preferential rights or entitlements.

There should be no separate seats for Maori and only one electoral roll for us all.

The same argument applies at the local government area. There is no logic or justice in having special rights for Maori when other ethnic groups, who are becoming almost as strong numerically, do not have them.

We are all equal and should be treated the same with no group having special rights.

Sent on the 2 May 2013 at 15:54

7236

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/05/2013 4:04 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter F Clapshaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: The case for a separate written constitution has not been established. The present situation with constitutional issues being resolved by reference to various sources (except for the Treaty of Waitangi) has served us well.

Any constitution should not have the status of supreme law.

The Courts should resolve whether legislation is consistent with any constitutional principles.

Sent on the 2 May 2013 at 16:02

723c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/05/2013 4:15 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter F Clapshaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: Parliament should be limited to 100 members. This is more than adequate for a country of our size.

The term should be for four years to enable the government to carry out its policies without the threat of an impending election forcing it to pander to minority views.

The date of the election should be a fixed date in November every fourth year. This removes the temptation to tinker with the date capriciously. However the government should have the right to call an early election in the event of its losing its majority and its ability to carry out its policies.

The size of electorates should be determined on geographical and population considerations.

If a member of parliament parts company with the political party under whose aegis he or she was elected his or her parliamentary seat should be vacated forthwith.

Sent on the 2 May 2013 at 16:14

723d

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 5:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter F Clapshaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: I, and many of my friends, believe that our present constitutional arrangements are satisfactory and need no amendment.

We are concerned that New Zealand should be and continue to be a multicultural society where all citizens have equal rights privileges and obligations.

We are also concerned that the Advisory Panel may not be truly representative of all New Zealanders. It appears that Maori have a disproportionate representation on the Panel. As the Panel sees matters relating to the Treaty of Waitangi and the Waitangi Tribunal as part of its purview this apparent imbalance is unfortunate.

We believe that the Treaty is an historical document which has more than served its purpose and provided the basis for claims which have cost the country dearly. The beneficiaries of settlements have not themselves suffered as a result of any injustices there may have been in the past. The settlements have been a cost/burden on all of us and seem to be without end. Even substantial settlements in the past with Tainui and Ngai Tahu have not proved to be final and they have returned with additional claims based on the awards to other claimants.

For this to continue is an unfair and unjust burden on all New Zealanders regardless of their ethnicity or country of origin.

The suggestion that the so called (and undefined) principles of the Treaty should be enshrined in a constitution or in our statutory law is anathema. It would lead to widespread outrage and perpetuate existing injustices. It would also lead to endless arguments and litigation trying to define what the "principles" are. The Treaty is a relatively simple document drawn up to deal with the issues at the time. Its architects could never have envisaged the strained interpretations and imaginative constructions attributed to it subsequently to support claims relating to concepts which were unknown at the time. It is a nonsense that this has received any credence at all, let alone been accepted as a basis for claims.

We believe that the Treaty and the Waitangi Tribunal should be consigned to the realms of history and cease to have any legal or persuasive influence.

We believe that New Zealand is in real danger of becoming a truly racist society and the threat of apartheid is not unrealistic.

This is because we have policies and incentives which place some members of society in a privileged position based purely on their ethnicity.

While Maori claim to be the tangata whenua there are many non Maori citizens who were born here and know no other mother country. They also can claim to be indigenous New Zealanders. Their ancestors also suffered injustices in some cases but this does not provide them with the right to be compensated by today's society.

New Zealand has become a multi cultural society with citizens from a wide range of backgrounds ethnicities

and beliefs.

We must all have the same rights and obligations under the law with no preferences or disadvantages.

It is a matter of grave concern that the terms of reference for the Panel (and its membership) appear to be loaded towards consideration of issues which are out of place in a truly egalitarian society where we are all equal.

A consequence of the beliefs outlined in this submission is that race based seats in Parliament and Local Government should be abolished as they are basically unfair- and unnecessary.. There are plenty of examples of non New Zealand Europeans gaining these positions without the need for any race based preference.

We are all equal and the law should reflect this.

Sent on the 9 June 2013 at 17:06

2063

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 10:41 p.m.
Subject: CAP Submission

We should all be one race. NEW ZEALANDERS. Abolish maori seats or delegate them all to Asians, pakeha, polenesian etc. Ian Claridge

1579

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 6:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Brett Clark Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: Aspirations:

My aspiration for New Zealand is a country where everybody is treated equal regardless of race, and all laws apply equally to all people. I do not want a country where any one group has special privileges based on their race. I want all mention of the Treaty of Waitangi removed from all laws and legislation, and its status properly to be an 1840 historical document, with no influence at all on modern society.

I would like the country to be run as it is, except to have a smaller 100 member parliament, along with small changes as listed in my answers to your other questions.

I would like local government restricted to providing infrastructure and utility services only, in exchange for our rates payments, with a ban on all non-essential expenditure like "sister city" initiatives and overseas junkets.

Constitution:

I think our constitution should be written as a single new document that guarantees the rights of all citizens equally, and does not give any group special treatment. The constitution should have an EQUAL status with other laws - all of our laws should be consistent and not conflict with each other. The power to decide whether the legislation is consistent with the constitution should be held by parliament. This is because parliament is elected by the will of the people, whereas the courts are not freely elected.

Bill of Rights:

The Bill of Rights Act does enough to protect rights already. Unfortunately, the Bill of Rights can be used to help criminals avoid justice, which thereby places law-abiding citizens at greater risk of harm. The Act should have EQUAL status, and our laws should be framed so that there is no conflict. The courts should not waste time and resources arguing over conflicts, but simply refer any perceived conflict back to parliament for clarification. Parliament should have the final say, because they frame our laws, and are elected to represent the will of the people.

It should be a right of every citizen to be protected from criminal acts and to be fully compensated for the harm, damage or loss caused by any criminal act. Therefore an additional right should be the right

to full compensation for a citizen from any convicted criminal that commits a criminal act against them - meaning that all of the criminal's assets should be sold to compensate the victim, and any future earnings of the criminal should be used to pay reparations for the harm that they have caused to the citizen.
In the case of children under age 16 committing criminal acts, then the responsibility to pay should fall on their caregiver.

I would like NZ to be a country where all citizens respect that they have responsibilities as well as rights, and that one of those responsibilities is not to commit criminal acts.

Treaty of Waitangi:

I think that the Treaty of Waitangi should not have any part in our constitution. There should not be any special treatment for any NZ citizen based on their race; that is just plain wrong. The Treaty is a flawed document because it causes division and racial tension, and to use it as a starting document where one racial group has special privileges is the same as apartheid. It has no place in the modern world where all people should be treated as equal. To insert this document, with its separatist agenda, will be very detrimental to NZ. We need to bring all citizens together as true equals, and not have them fighting each other.

Maori Representation:

Maori should not be given privileged race-based seats. They should be equal with all other citizens and have exactly the same rights as all other citizens. Their views can be represented in parliament in the same manner that all other citizens' views are.

Maori electoral participation cannot be improved - if the people want to vote then they will vote - you cannot force them to vote. I fear that there is a certain agenda that is trying to influence Maori to vote a certain way (for instance trying to persuade them to join the Maori roll) when, despite all of their expensive efforts, the Maori people just don't want to join the Maori roll. They want to be free, and treated equal on the general roll, just like all other citizens. They find it embarrassing and demeaning to be given special privileges based on race that are not available to all other citizens. Being a dignified human being often means sacrificing your own self-interest for the greater good, which in this case means refusing to accept special race-based privileges (even though it is in your own self-interest to do so; albeit to the detriment of others), and enrolling on the general roll to show your belief that all NZ citizens are equal. The Maori that enrol on the general roll earn their fellow citizens' respect, whereas those that want selfish special race-based privileges do not.

Maori views should be expressed at local government level in the same manner that all other citizens' views are. They should not have special race-based privileges. This is not fair or equal, and is to the detriment of all other NZ citizens. There should be one law for all equally.

Electoral Matters:

There should be no more than 100 members of parliament because this will be affordable, efficient and give fair representation. The electorates should take priority, with the balance made up from the list.

The term of parliament should remain at 3 years so that the government remains accountable to the people and can be voted out if they are not carrying out the people's will.

The election date should be the first Saturday of November once every three years so that everybody can plan around it.

The electorates should all contain roughly the same number of voters so that voters have access to their member of parliament. As the population increases the electorates should increase, and the list members reduce to leave the total overall size at 100.

If an electorate member parts ways then they should retain their seat until the election. If a list member parts ways, then they should leave parliament, and the next list member take their place. This is because the electorate voted for a person, but the list voted for a party. The voter takes priority.

Other Issues:

So long as we keep raising our children to believe that Maori have special race-based privileges, then we will not have equality. Race-based privileges are to the detriment of Maori, because they foster a sense of arrogant entitlement (akin to the apartheid of South Africa) that relies on handouts and destroys the work ethic (along with the self-respect that goes with it). Anybody with race-based privileges is not seen as equal, or viewed with respect by their fellow citizens. It is to the great benefit of all New Zealanders, Maori included, to have one equal treatment for all.

Sent on the 25 June 2013 at 18:05

763

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 5:18 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Christopher George Clark Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Nelson Postal Region: Nelson Postal Post Code: Postal Country: New Zealand
Submission: Maori Representation.

The need for Maori Representation was originally due to them being unable to vote, as they weren't white middle class landowners. Universal Suffrage became law in New Zealand many years ago. The need is gone. Now we have the ridiculous regular advertisng thrust, costing goodness knows how much, which encourages Maoris to change to the Maori Roll in order to create a growing number of Maori seats in Parliament. Then there is the quirky rule of overlap which somehow brings further seats into being after an election.

Ridiculous, like so much of MMP. We are supposed to be one nation. Prove it by removing the Maori seats. Maoris are quite capable of winning a general seat as has been proved recently. The same applies to local body elections as has been proved in referendums recently.

Sent on the 6 May 2013 at 17:17

763a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 5:38 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Christopher George Clark Organisation Name: Email:
Phone: Postal AddressA: : Postal AddressB: Postal City:
Nelson Postal Region: Nelson Postal Post Code: Postal Country: New Zealand
Submission: Do we need a written constitution?

NO. In particualr the Treaty should not be incorporated in the Constitution. Maoris would be delighted to have this inclusion, as it would enable them to continue their gravy train of claims for misdeeds of Europeans and government and submit their 5th, 6th and subsequent claims for full and final settlements, thus perpetuating the benefits they have already received to the tune of billions of dollars.

Also of vital importance is the suggestion that some decisions on law making should pass from New Zealand Parliament to be decided by NZ Court of Law, This is absoltely wrong. We have managed very well without a fully written Constitution for 170 years and if it isn't broken, don't fix it. It is noticeable that the Maori representation on the Panel set up by Government to consider the Constitution has a much greater representation of Maoris than is found in our population balance. This not democratic.

Sent on the 6 May 2013 at 17:36

7636.

From: "Chris Clark"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 2:50 p.m.
Subject: CAP Submission

My submission is to make a plea for the abolition of the Maori Seats in our Parliament. These seats are a relic from 150 years ago and filled a need at that time. They were supposed to be only temporary and have now, through a little understood and complex system to decide their number in the House, grown in number to the stage where they are now out of all proportion to the Maori population when compared with the number of General Seats to general population. We also have the prospect of agitation from a growing number of other races for seats devoted to their particular racial background.

The final and most important reason for abolishing racial seats is the fact that MMP is designed to cater for all races, beliefs, minorities, majorities groups, in an equal and fair manner. New Zealand should be a democracy where all are treated equally.

C.G.Clark

Nelson

2413

From: Ken Clark
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 7:37 a.m.
Subject: CAP Submission

Dear Sirs

The creation of Maori seats occurred in the time of Queen Victoria. It was to compensate Maoris for their lack of representation based on land ownership.

These issues have long since been dealt with. Maoris are now fully enfranchised. The 4 seats should therefore be abolished

Thank you

Ken Clark

Thames

601

From:

To: <consututionalreview@justice.govt.nz>

Date: 22/04/2013 1:15 p.m.

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

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

Full Names: Kenith Barry Clark Organisation Name: N/A Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: AUCKLAND Postal Post Code: Postal Country: New

Zealand Submission: I believe we should change the national anthem so that there is no mention of God in it. Many of us NZers do not believe in God and should not be forced to acknowledge God in our national song. I would prefer not to sing the anthem than have to mention

God. God and any religion is a choice and the masses should be free to believe what they want to believe and not be forced to acknowledge something they do not believe in the public domain. I believe this is one of the reasons why we don't learn religion or

sing hymns in schools anymore. Also, if we swear on the bible in court to "tell the truth, the whole truth and nothing by the truth so help me God", that should also be scrapped as swearing to God for many of us (me for sure) is completely meaningless and

I would likely refuse if I was asked to do so. I believe that religion (ALL!!) is essential in our society and I also believe that ALL religious practices should be a choice.

Sent on the 22 April 2013 at 13:14

" 4476

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 7:26 p.m.
Attachments: constitution submission.odt

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

Full Names: Lilian Felicity Anne Clark Organisation Name: Email:
Phone: Postal AddressA:
Linwood Postal AddressB: Postal City: Christchurch Postal Region: Canterbury Postal
Post Code: Postal Country: New Zealand Submission: Submission Upload:
constitution submission.odt

Submitted on the 31 July 2013 at 19:25

I am personally interested in ensuring that New Zealand commits to entrenching human rights through law. The current Bill of Rights is able to be overridden by laws that breach basic human rights. New Zealand's human rights are only as strong as their weakest, metaphorical legal link. If there's a link being broken, then the current legal establishments aren't strong enough.

The New Zealand government has an excellent history of human rights that we must continue to improve on. In addition to civil and political rights (e.g. the right to vote, the right to self-determination, the right to life), the government must also be held responsible for its stance on social, economic and cultural rights. These rights include the rights to housing, education, health, water, sanitation, social security, food and work. The "grey areas" of how the government provides these rights must now be defined, and the best way to do this is to entrench human rights as law.

This will not provide an immediate solution to human rights breaches in New Zealand. However, it will give New Zealand the power and responsibility to actively ensure human rights within the country, with the assurance of a legal ground to base its actions on. The current Bill of Rights does not provide sufficient legal grounds to properly combat the absence of human rights.

For example, the recent government involvement in schools in Canterbury showed a clear breach of social rights to the communities' contribution to the education systems within their district.

The South African Constitution explicitly recognises economic, social and cultural rights. When the government refused to provide anti-retroviral treatment to those who required it in 2000, advocacy group Treatment Action Campaign took the government to court. The group won the case in 2002, and 70,000 children in South Africa that were being infected with HIV each year can now receive treatment to combat AIDS.

Human rights are not complex, challenging ideas. They already summarise the basic things a government should ensure are available in its country, to the greatest degree possible. If rights are not being ensured in a country, the government has an obligation to make concrete progress towards solving this. Decision and policy-making in government will always come down to the basic rights that a government needs to supply to its citizens.

New Zealand has been a leader in human rights issues in the past, and I am proud to be a citizen of such a country. We've spoken out against gendered voting rights, nuclear power, the Springbok Tour and even recently we have legalised same-sex marriage. I can now marry whoever I fall in love with, which is something I can do in only 15 other countries currently. However, there are still numerous issues facing New Zealand.

The Officer of the Children's Commissioner found that in 2006/07, 22% of New Zealand children were living in poverty. The recent Government Communications Security Bureau Amendment Bill has shown a blatant disregard for New Zealander's right to privacy, as well as placing an alarming amount of power in the hands of government. The government's sacking of Canterbury Regional Council (ECan) councillors and the appointment of commissioners showed a blatant disregard for democracy at a local and regional level.

The government needs to face such issues and take definitive steps towards solving them – and without a solid legal incentive to take decisive action, the government may never move towards strengthening New Zealander's human rights.

On a slightly different note, I am also certain that New Zealand can and should take measures to promote Maori culture, especially through education. After many years of political autonomy from Britain, it is curious that some members of the New Zealand community still see Maori heritage as

something that only Maori descendants can be proud of. The Treaty of Waitangi and Maori seats in parliament and councils all help ensure New Zealand benefits from the views of a group that is still suffering the effects of systemic discrimination today. Maori culture is unique to New Zealand – if New Zealand as a country fails to preserve it, there will be no second chance to get it back. I grew up learning Maori waiata in primary school, despite noone in my family having a drop of Maori blood in us, and would love for my kids to have that chance to be exposed to a major part of New Zealand's cultural history and present-day identity.

5145

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:21 p.m.

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

Full Names: Matthew Clark Email: Phone: Postal
AddressA: Postal City: Palmerston North Postal Region: Manawatu Postal
Post Code: Postal Country: New Zealand Submission: First of all I believe that there is
nothing wrong with our current Constitution. There is nothing broken with it so don't try to fix it. This
review was created as a favour from one parliamentary party to another at a time where more
important issues

should be concentrated on.

But if the Constitution is to change, here are my opinions:

The Bill of Rights should be considered the highest legal document in the land, since it protects the most basic of freedoms.

The Treaty of Waitangi should in no way be apart of the Constitution. For too long the Treaty has driven a wedge between Maori and Non-Maori. The Treaty was written too long ago to influence modern matters and is too vague because of what little it does say

and too confusing and biased thanks to poor translation.

Maori should be represented in parliament like the rest of the population, fairly and equally. Scrap the Maori seats and the Maori electoral roll as they are racist and it's segregating our population. Why aren't there Pakeha, or Asian or Pacific Island seats?

Maori views and perspectives should be represented just like every other ethnic group in New Zealand, equally. Is this Constitutional review saying that we should listen to Maori more than anyone else? We need to listen to the views and perspectives of New

Zealanders as a whole or as a majority, and not let one minority group dictate politics.

I would like to reiterate at this point to leave the Constitution alone and not change something that's working just fine.

Submitted on the 13 June 2013 at 19:41

4139

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:20 a.m.

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

Full Names: Rangi Aroha Susan Clark Organisation Name: mail:
Phone: Postal AddressA: Postal
AddressB: Postal City: Upper Hutt Postal Region: Upper Hutt Postal Post Code:
Postal Country: New Zealand Submission: Kei te hiahia ahau kia noho tonu ko te Tiriti o
vwaitangi te kaupapa ture mo te ao Maori me te pakeha hoki he aha ai e te mea na nga iwi e rua te
Tiriti o Waitangi i haina i te tau 1840 kaore i ko atu kaore ko mai. He aha i hiahia ai kia waihangatia
ano he ture hou hei kawea ia matou nga tangata whenua o Aotearoa, nga wai katoa enei ahua tanga i
whakakao, i te mea i tiro ana ahau kii aku mokopuna mo apopo i raro i tenei kaupapa kaore aku
mokopuna i whiwhi reo mo ratou i nga wa e tu mai nei, i mua i o
ratou aroaro. Taku hiahia kia whakapumautia tenei kaupapa ture mo Aotearoa katoa pakeha mai
tangata whenua mai ahu atu ki nga manene e haere mai nei ki Aotearoa noho ai. Kua hoha ahau ki
nga whakawaitanga o tenei kawangatanga kia matou ki nga tangata whenua.
Ko tana mahi he whakakao i o Aotearoa he wahi atahua hei noho nga mo te iwi Maori.

Submitted on the 30 July 2013 at 09:19

1039

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 1:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Raymond Ira Clark Organisation Name: Private Email:
Phone: (Postal AddressA: Postal
AddressB: Postal City: Rangiora. Postal Region: Canterbury Postal Post
Code: Postal Country: New Zealand Submission: That N.Z. continues to be governed by
the Parliament elected by all the citizens, of whatever, race, religion, or creed, but are full time
residents of this Country. Preferably, this Parliament should have a FOUR YEAR TERM and adhere to
full Democratic principles.

Sent on the 4 June 2013 at 13:06

5179

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:50 p.m.

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

Full Names: Simon Robert Clark Email: Phone:
Postal AddressA: Postal City: Palmerston North Postal Region: Manawatu
Postal Post Code: Postal Country: New Zealand Submission: How many members of
Parliament should we have?

100 or less. We are too small a country to have so many representatives.

How long should the term of Parliament be?

Three years is fine. Four years is too long.

How should the election date be decided?

Pre-set date. The PM should not be able to chose an early date when their chances of winning are higher.

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

Voting population. Each MP should be the equivalent representative of the same number of people.

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

If they were had an electorate seat - then they should keep the seat. It was the person who was chosen, not the party. However, I do not agree that they should be able to bring four or five MPs with them. Just themselves alone should be entered into parliament.

A cutoff of 5% is too high. 2 or 3% is plenty to keep fringe parties out of government, but 5% makes our MMP too much of a two-party system.

If a list MP, then they should leave. The seat was for the party, not the person. The next member on

the list should take the seat.

Submitted on the 11 June 2013 at 16:41

1137

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 4:33 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Simon Peter Clark Organisation Name: Individual Email:
Phone: Postal AddressA:
Road Postal AddressB: Birkenhead Postal City: Postal Region: Auckland
Postal Post Code: Postal Country: New Zealand Submission: Remove the word Maori
from this document and refer to all legal residence as New Zealander's. Remove all reference to
Minority Groups, and them being given Majority focus. Reward those that contribute. Tax payers,
Volunteers. Treat all New Zealander's
that contribute as equals. Finish Maori Separatist thinking and process upon the upcoming end to
treaty settlements. Put end to reverse racism in New Zealand. Eliminate government Maori Focus,
Scholarships racially selected, Maori Affairs, Cheap Loans, Eliminate
the Maori Seats in Parliament, Learning programs that should be funded from within, outlaw racial
selection eg. Maori All Blacks (remember we lead the world in opposition to racially selected rugby yet
we are the biggest Hippocrates) Maori. Leave all ethnic
groups to internally fund and support the relationship with their own individual heritage, religion and
belief's. Make them all including Maori no burden to others.

Thank you

Sent on the 6 June 2013 at 16:32