

120

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 9:34 p.m.
Subject: Constitution Review submission
Attachments: 2013 April 7 Rob to Constitutional review Taxpayer Funded.docx

Please find my submission to the Constitution Review Team attached. I hope that all submissions are treated similarly and the results not a foregone conclusion.

Rob Coers

What are my aspirations for NZ?

NB: Our country is New Zealand NOT Aotearoa New Zealand

A united NZ, one people, one law, one electoral roll where we help NZers on needs not race acknowledging the fact that NZers are a blend of Maori and many other races, all immigrants one way or another.

I aspire to a NZ where our MPs are motivated by NZers best interests instead of personal gain and self-interest and they follow through with electoral campaign promises NOT doing U turns after being voted in and doing whatever they like.

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

A democracy where all MPs have to be elected; that is, no list MPs at all.

There should be NO 'state within a state' or shared power or partnership with part-Maori as that is a blatant misrepresentation of the only true treaty – Te Tiriti O Waitangi.

Parliament needs to be forced to use binding public referendums on important issues like

Adding the 'false treaty and principles' into legislation

Asset sales

Gifting of public wealth to radicle capitalist corporate iwi etc.

No U turns on party campaign promises or go to polls first

Changing names of places, environment landscapes etc and **most importantly our country**

which is NOT Aotearoa

Parliament needs to be the highest court in the land.

We can't rely on unelected judges making the laws; look at the mess we are in now!

Parliament should reflect the majority of NZers views not their own. NZ is being run like a dictatorship with a handful of people in handpicked select committees and commissions just confirming a pre-set agenda whilst ignoring the vast majority of NZers views.

MPs not declaring a 'conflict of interest' should be stood down.

16671

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 27/06/2013 1:08 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: anna maria elisabeth franseas mathea coervers Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: parapraumu Postal Region: kapiti coast Postal Post Code:
Postal Country: New Zealand Submission: to the secretariat of constitutional advisory panel

I believe that the constitution can stay as several documents as long as they are adhered to by government.

i believe however that the treaty of Waitangi should be abolished as it is totally obsolete and out of date and enough compensation has been made.

The share of the public power should stay to ensure that government too acts within the law as they should not be above the law.

head of state should be abolished as New Zealand does not really have a queen. She is only Britain's queen and not ours.

As a Dutch immigrant having permanent residency status I reject any reference made to the treaty of Waitangi or its principals in any constitutional document.

As stated above the treaty and any references should be removed from our constitution.

New Zealand is a multi cultural nation and race based parliamentary seats should be abolished.

Also any race related representatives on local bodies should be abolished.

The Waitangi tribunal has outlived its usefulness and should be abolished.

We all should be treated equally regarding race and/or beliefs we have. With the treaty of Waitangi this is not possible as this document gives preference to the Maori

Thank you

Anna Maria Coervers

Sent on the 27 June 2013 at 13:07

4421 "

From: "Barbara Coffin"
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:51 a.m.
Subject: Submission, Constitutional Review

I would hereby like to submit my thoughts on the discussions being had over a possible written constitution to govern the citizens of New Zealand.

Firstly I feel that a lot of issues have been discussed and taken up media time without any reference to the possibility of this possible new Constitution. Where have our representatives been on these issues. What stances are they taking on our behalf, and I mean stance as it is a very determined section that are pushing hell bent on getting the Treaty of Waitangi written into the new constitution.

Already the Treaty and history of New Zealand has been mischievously rewritten to suit the purposes of the Moari activists. It is time they realised that New Zealand is for everyone, its laws, its monetary system, its health and education, and its business sector. Already we are seeing certain iwi

wanting their commercial fishing boats exempt from the reflagging law until 2020.

Nobody wants a divided nation, but unfortunately those in power do not have the courage to look after the country as a whole, which is a big disappointment. For many years we have lived together without fear or favour but now the power struggle is on and if we entrench the Treaty into the constitution it can be manipulated at will as it is being done now, only there will be no recourse whatsoever. It will be ultimate power.

I am quite entitled to my point of view and it is only a point of view of which I hold quite strong to. Anyone that has a point of view now is classed as a racist. We are one people. We need to move on as one people. The country cannot afford financially all these hand outs for so called grievances which have long been settled over previous years. Tuhoe for instance had a full and final settlement when David Lange was in government. What happened. Did someone forget that. What are we paying our politicians for.

There should be no Moari seats. They are more than capable of winning their electorates. They are intelligent, articulate and equally capable as anyone else.

There should be no seats granted to Moari on local government seats as all interests are equally dealt with and they can stand on all these local body elections and win on their own merits. Once again, capable and articulate.

Electoral integrity legislation should be reintroduced.

The length of a parliamentary term should be moved to 4 years and the Prime Minister should set the date.

The Bill of Rights is adequately covered already and does not need to be entrenched.

A WRITTEN CONSTITUTION SHOULD BE AVOIDED AT ALL COST. Judges and lawyers would have a field day. Some of their judgements now are woefully inadequate and questionable.

THE DECLARATION OF EQUALITY should be enacted by Parliament. We are one people and should be moving on as one people.

A PUBLIC REFERENDUM is the only democratic way to enact major constitutional change. Any other attempt by politicians, or voting should be strongly opposed and is illegitimate.

Thankyou for consideration to my submission. I will look forward to hearing more open discussion on this matter and on a more level playing field.

There haven't been any public meetings called in our area. I haven't seen any panel discussions on TV or voting options. This is a major consideration being put forward and needs more time for consultation.

Yours sincerely

Barbara Coffin

1716

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 9:42 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Cairn Coghill Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Hastings Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Just believe that there shall be one law for
all. Do not believe that the Treaty of Waitangi or its principles should be included in any constitutional
document

Also believe that the Waitangi Tribunal should be abolished and everyone in this country treated
equally and while I do believe that it is important to preserve the culture heritage of this country it is no
reason for a race to be given preferential treatment
over others.

Sent on the 28 June 2013 at 21:41

Rotorua
28 July 2013.

The Co- chairmen and Members of Constitutional Review Committee:

I present to you my views on a change of New Zealand's Constitutional arrangements.

Various aspects of New Zealand life are already enacted into law, further additions should also be considered.

As a preamble to the Constitution reference should be made of The Magna Carter 1215, Treaty of Waitangi 1840 and The Bill of Rights 1990.

An alternative to a written constitution would be to make a list of all Acts that are able to be construed as being part of a Constitution.

After hearing different ideas in a public consultation process, the Commission draws up a draft statement to be subject to a Referendum. This referendum to be successful needs to be passed by 60% of those voting.

My proposal is for a two Chamber Parliament. The Lower House of one hundred members to be elected by universal suffrage with a population difference of $\pm 5\%$ between electorates.

The Upper House of fifty members to be made up of two members from each of the proposed "18 Super Cities". Plus two members to be representative of each of the seven waka. (Tainui, Te Arawa, Matatua, Kurahapu, Tokomaru, Aotea and Takitimu) Any Maori unsure of their tribal affiliation may opt for the general roll. There be no changing back and forth between Maori and General rolls. It is not important where in New Zealand Maori on the Maori Roll live.

The term of the Lower House be four years with half elected every two years, the Upper House six years with a third elected every two years.

Local Government would be divided into 18 "Super Cities", very broadly based on present Regional Councils each with its own chairman, elected by the successful Councillors from among their own. The successful Chair being replaced in his/her ward by the next highest candidate.

Regional Councils to be replaced by these "super cities", whose election be every four years. Half elected every two years. City and District Councils would be abolished.

Under this proposal there would an increase in M.P.'s from 121 to 150 and a

reduction of about 500 to 600 Local Govt Councillors.

In summary,

I advocate a Referendum to a two Chamber Parliament.

A/ The number of representatives in this Parliament be 150.

B/ The term of Parliament, four years for Lower House and six years for Upper House


C/ Whether this Country becomes a Republic or stays as a Constitutional Monarchy.

And finally the design of a new flag.

Thanking you for your time and consideration,

Yours faithfully.

John Cole



Addendum

Governance is the real problem with our democracy. There are many examples of this. In the United States they have had over two hundred years to get it right. Australia has had one hundred and twelve years to get theirs right. Both these countries make minor adjustments from time to time. We tried and failed in the 1990's to get it right. Now we are lucky to get a second chance, let us not fail this time.

When I left school in the mid 1950's NZ was about 4th or 5th in world GDP rankings. Today it is about 69th. I do not claim responsibility for that. I do claim it is the system of governance we have that has caused this very serious problem.

If you talk to an American he will tell you NZ has had too many left wing revolutions that cause this drastic fall in our living standards. This is not correct as we have had a democracy at least all of the 20th century.

At about the same time (mid 1950's) the leader of the Soviet Union banged his shoe on the table at the United Nations and said "We will bury you America". It turned out to be an empty threat as the Soviet Union collapsed in its own lack of governance less than forty years later.

The National party suffered an humiliating electoral defeat in 2002. We had a good look at our governance, changed the way we run our party and have since done much better electorally. A little change in policy but a much larger change in governance.

We have to change the governance of our country if we are going to do much better economically in this highly competitive world.

MMP has not served NZ well. We have dropped further and faster down the world GDP rankings over the past 17 years with it. Many of the alleged social problems endlessly brought up by our political opponents simply simply can not be fixed the way they want them to be fixed, more money. Money is simply not there.

We have in this Parliament, 22 list members from Greens and NZ first. Each received an average of 2100 electorate votes (NZ first), 3100

electorate votes(Greens). Labour list members received (11500 electorate votes) and National list members(almost 10,000 electorate votes).Compare this with what National candidates received per electorate (19000) in the Central North Island Region.

The 22 list members have no responsibility to any Electorate.Some have no responsibility to any Select committee either.I call this a gross abuse of Democracy.There have been in this term (just half over) three members who have shown they are grossly unsuitable to be there. Only one has resigned.

With no Electorate or Select Committee responsibility what do these members do? Save the birds or whales or stop the drilling? It would be better to usefully employ them grubbing gorse on DoC land.

Rural representation in Parliament has fallen sharply to accommodate these urban oriented people.

Community of interest,once a vital ingredient in setting electorate boundaries,no longer applies.

Also the extensive use of the members ballot strongly favours parties without electorate responsibilities who have time to think of ideas and policies that are against the ruling parties policies but by doing deals with some of the eight other parties represented in Parliament are able to enact laws that were not discussed at election time. Same sex marriage and Mondayising Anzac Day are just two that come immediately to mind.

It is imperative to use this opportunity to respectfully urge on the Constitutional Commission that a change in the governance of this country is essential if this country is to return to the top tier of nations and close the gap with Australia economically.It will take a major change of governance in order to achieve that as well.

4855

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:57 p.m.

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

Full Names: Warrren Arthur Douglas cole Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Whangarei
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: NZ
does not need a written constitution. We do quite OK now without one. A written constitution would
change rule by elected parliament to rule by the unelected Supreme Court.

If there is a written constitution The Treaty of Waitangi should not be the foundation document.

There should be a referendum with a two thirds majority before legislation for a written constitution is
enacted.

Submitted on the 31 July 2013 at 16:57

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 4:04 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
[http://www.ourconstitution.org.nz/ form submission](http://www.ourconstitution.org.nz/form submission)

3000

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

Full Names: warren cole Organisation Name: private citizen Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: weimington Postal Region: Weimington Postal Post Code:
Postal Country: New Zealand Submission: Attempting to codify all laws with constitutional
significance in to a single enactment is unnecessary and likely to omit much of the subtle detail of the
current arrangements.

The (inherited) UK Bill of Rights 1688 is arguably of greater significance than the Bill of Rights Act 1990.

In my considered view, Treaty Principles have no place in our constitution because they attempt to create rights that are not applicable to all citizens.

Constitutional issues should continue to be determined in the current court structure, because courts in that structure adopt the full breadth of the nz legal context.

Sent on the 9 July 2013 at 15:48

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.

Angela Coleman
Wellington
New Zealand

Received 6 May 13
972

Havelock North,
2nd May 2013.

The Constitution Advisory Panel,
Ministry of Justice,
P O Box 180,
Wellington 6140.

Dear Panellists,

I have read your 'Conversation', and commend you for its even-handedness.

I write to express my concern that the Treaty of Waitangi may find its way into a written constitution.

In the minds of most people the treaty was a very plain document. The Maori chiefs ceded sovereignty to Queen Victoria, who promised to secure to them quiet enjoyment of their lands. The chiefs also agreed that the Crown would have the exclusive right to purchase any land that they might be disposed to sell.

By 2013 the simple words of the treaty have been strained beyond belief. Glosses have been piled upon them like Pelion upon Ossa. Maori make ever more ingenious claims, which successive administrations seem unable to resist.

Without any mandate from ratepayers Maori have secured powerful representation on the Hawke's Regional Council. The council saw fit to exercise its power under s. 36 of the Resource Management Act to conclude a joint management agreement. A new committee has been established on which all the councillors sit alongside an equal number of Maori appointees. Were it not for the statutory authority, this would be an improper action for the council to have taken, as it would be a fetter upon its power to make decisions. How can it go against a recommendation coming from such a powerful committee?

Now, in your case, and notwithstanding your protestations, having half your committee made up of Maori, you will be similarly hard-pressed to resist a finding that the treaty should be 'honoured' in legislation. After all, Dr Sharples has said that that is the desired outcome.

The treaty tumour has metastasized throughout our public institutions. It is invading every aspect of our lives, and our pockets. It makes for grim humour at dinner parties.

Unfortunately the community is not interested in constitutional matters. It awakes too late, after activists have carried the day. If the activists succeed then the humour referred to will be replaced by consternation and alarm and anger.

Yours faithfully,

A J Coleman

4712

Submission from Edward Colenbrander, student at the University of Otago Law School.

In New Zealand, Parliament sits for a maximum of three years.¹ To discuss the appropriateness of this length, and whether or not this term should be fixed, requires firstly an oversight of the history of different terms of service. Then we can look at why change might be necessary at this point in time, due to the current political system and issues of globalisation. The advantages and disadvantages of three and four year will be looked at, as will the appropriateness of the current length, and feasible alternatives. Lastly, the question of whether or not the term should be fixed merits an assessment of the pros and cons of changing the status quo. This submission will come to the conclusion that the three year term of Parliament is not only a satisfactory period for government to operate in, but preferable to the proposed alternative of a four year term, and in addition, that a fixation of the term of Parliament is indeed desirable.

Terms of service in government have been part of society since ancient history. The ancient Greeks, in the seventh century BC at the dawn of democracy, had their ruling archons remain in office for no more than one year, after which they were forbidden from ruling again – “kingship ceased to be a hereditary lifelong office and... became an

¹ Constitution Act 1986, s 17(1)

annual magistracy”². Similarly, the ancient Romans used this one year term of office in their elected military position of consul.³ In more modern times, the English political tradition of Westminster system of government have used fixed terms of Parliament since the introduction of the 1694 Triennial Act, which ensured that Parliament would meet on a regular basis.⁴ Since then, the concept of a fixed term has been a part of the English political tradition.⁵ In New Zealand, this practice was brought in through the Constitution Act 1852, fixing the maximum term of Parliament at five years⁶ – later to be reduced to three years in 1879 through the efforts of the Liberal Party, who sought to shorten the term of Parliament in order to increase the accountability of government,⁷ as a countering method to the recent increase in power of the central government after the abolition of the provinces.⁸

The length and term of Parliament in New Zealand is currently outlined in statute by the Constitution Act 1986, section 17. At 17 (1),

“The term of Parliament shall, unless Parliament is sooner dissolved, be 3 years from the day fixed for the return of the writs issued for the last preceding general

² John VA Fine *The Ancient Greeks* (Harvard University Press, Cambridge 1983) at 181

³ TJ Cornell *The Beginnings of Rome* (Routledge, London 1995) at 226

⁴ Meeting of Parliament Act 1694, s 1; Karin M Kos *A Study of the Constitutional Referendum in New Zealand: with Specific Reference to the 1967 Poll on a Three or Four Year Term of Parliament* (University of Otago, Dunedin 1983) at 26

⁵ E Price “Parliamentary Reformism: The Case of the Four Year Parliamentary Term Proposal” (1981) Occasional Paper, No 1. The Parliament of the Commonwealth of Australia at 7

⁶ John H Wallace “Report of the Royal Commission on the Electoral System: Towards a Better Democracy” (1986) at 6.3

⁷ Kos, 27; Raymond Miller *New Zealand Government and Politics* (4th ed, Oxford University Press, Australia and New Zealand 2006) at 170

⁸ Wallace “Report of the Royal Commission” above n 7 at 6.3

election of members of the House of Representatives,
and no longer”⁹

This section is protected under 17 (2), where section 268 of the Electoral Act 1993 is applied in respect of subsection (1), requiring a 75% majority of the House of Representatives, or a majority referendum, to be amended or repealed.¹⁰ This section repeats much of the 1956 Electoral Act, which at section 12 stated that the House of Representatives should “unless Parliament is sooner dissolved, continue for a period of three years”.¹¹ This is slightly unusual, as most countries with fixed terms of Parliament operate under a four year term. New Zealand is one of ten that favours the three year term.¹² There are pros and cons to this difference of one year, which will be discussed later in this submission.

Of importance to the debate on the length of the term of Parliament in New Zealand is the country’s chosen system of representational democracy. Before 1993, New Zealand operated under the First Past the Post system (FPP), a simple plurality system where candidates with the highest number of votes are elected.¹³ This changed in 1993, when

⁹ Constitution Act 1986, s 17(1)

¹⁰ Electoral Act 1993, s 268(2); David McGee *Parliamentary Practice in New Zealand* (3rd ed, Dunmore Publishing Limited, Wellington, 2005) at 570

¹¹ Electoral Act 1956 (1956 No 107) s 12

¹² Miller “New Zealand Government” above n 8, at 170

¹³ Electoral Commission New Zealand “FPP – First Past the Post” (2013)

<<http://www.elections.org.nz/events/past-events-0/2011-referendum-voting-system/about-referendum-choices/fpp-first-past-post>>

the Mixed-Member Proportional system (MMP) was introduced,¹⁴ the system that remains in use today. MMP is a form of proportional representation, where the makeup of Parliament reflects the proportions of votes cast.¹⁵

In 1967, there was a public referendum on the issue of whether or not the Parliamentary term should be extended to a four year term of Parliament.¹⁶ 69.7% of the population took part, with 68.1% of the voters favouring the status quo, and 31.9% favouring a longer, four year term.¹⁷ However, doubts were cast upon the procedural integrity of this referendum. It was held concurrently with another referendum on the question of liquor licensing, and comparatively little attention was given to the length of term issue as a result.¹⁸ It was even suggested that the length of term question was deliberately included in the liquor licensing referendum “to give the voters something to vote against”.¹⁹ More recently, a referendum was held again on this issue in 1990.²⁰ Of the 85.2% of the population who voted, 69.3% favoured retaining the three year term, and 30.7% favoured switching to a four year term.²¹ This reflected the approximate two-thirds majority in

¹⁴ Electoral Commission New Zealand “Report of the Electoral Commission on the Review of the MMP Voting System” in A. Geddis (ed) *Law and the Democratic Process: Course Materials* (University of Otago, Dunedin 2013) at 19

¹⁵ Electoral Commission New Zealand “MMP Voting System” (2013)
<<http://www.elections.org.nz/voting-system/mmp-voting-system>>

¹⁶ Electoral Poll Act 1967

¹⁷ Wallace “Report of the Royal Commission” above n 7 at 6.4

¹⁸ William Jackson *Politics of Change* (Reed Education, Wellington 1973) at 64

¹⁹ *Ibid*, at 63

²⁰ Term Poll Act 1990

²¹ Electoral Commission New Zealand “Referenda” (2013)
<<http://www.elections.org.nz/voting-system/referenda>>

favour of retaining the three year term that was found in the 1967 referendum.

Now, in 2013, thirteen years after the last referendum on this issue, it has been suggested that the time has come to consider putting this before the New Zealand public again.²² Reasons for this are twofold. Firstly, with the introduction of MMP in 1993, and the recent referendum on MMP held in 2011, confirming New Zealand support and acceptance of the MMP system with 51.67% of voters choosing to keep MMP,²³ it can be said that New Zealand is comfortable with the current system of proportional representation. This system, described as “a brake on governments pushing too far”,²⁴ has meant that no singular party in Parliament has been able to govern by majority, that coalitions are necessary to form a government. Due to this, there are significantly more political checks and balances on the leading party than there were in 1990 under FPP, when the last referendum on this issue was held. As a result of these developments, it may be that New Zealand has enough trust in Parliament to allow them longer terms, and further referenda on the subject may prove more fruitful than those in the past.

Secondly, trends in globalisation that follow increased use of

²² The New Zealand Herald “Time to look at 4-year term for Parliament” (2011)

<http://www.nzherald.co.nz/opinion/news/article.cfm?c_id=466&objectid=10770001>

²³ Electoral Commission New Zealand “About the 2011 Referendum on the Voting System” (2013)

<http://www.elections.org.nz/events/past-events-0/2011-referendum-voting-system/about-2011-referendum-voting-system>

²⁴ Graeme Edgeler “A Four Year Parliamentary Term?”

<<http://publicaddress.net/legalbeagle/a-four-year-parliamentary-term/>>

technology such as the internet, social networks and personal smart phones have resulted in greater exposure to the politics of other nations. Other developed countries' systems in Europe and the United States of America have a tendency towards longer terms, commonly four or five year terms.²⁵ While it is certainly not the case that New Zealand should follow our developed neighbours on every count, especially looking at how we have been a step ahead of many others with our laws on women's suffrage and nuclear power, it does hold that there are some advantages to be gained from learning from overseas experience. It must be kept in mind that New Zealand lacks some of the other restraints in place in overseas jurisdictions, such as constitutional checks, and bicameral systems with powers of veto.²⁶

Advantages of a three year Parliamentary term include the increase in checks on the power of the government and the lessening of ability of the government to pass undemocratic legislation, a closer relationship between the public and the government, and of course the elimination of financial and procedural costs that would arise from the undertaking of a change in this area.

A shorter term of Parliament is a check on the powers of New Zealand's government. It is important that voters have the ability to keep the government in line by holding "the power to change the

²⁵ Wallace "Report of the Royal Commission" above n 7 at 6.5

²⁶ Ibid, at 6.8

government at regular and frequent intervals”.²⁷ In this way, laws passed by one government may be undone by another, and an unpopular move by one government of the day can be a powerful tool for democratic change, towards another government that would promise to remedy that unpopular move. An example of this is when the Superannuation Act was created in 1974, by a Labour government.²⁸ This Act proved to be unpopular, and at the following election, National campaigned partly on the basis that they would undo its effects. They “wooed many voters” and subsequently won the election.²⁹ Shorter terms of Parliament also mean that there is less opportunity for the government to pass undemocratic legislation. As Parliament is sovereign in New Zealand, Parliament theoretically has the ability to pass any law they see fit. However, there are political costs of Parliament passing undemocratic laws, such as laws that breach human rights, or unduly interfere with other branches such as the judiciary, thereby contradicting the doctrine of separation of power. Allowing one Parliament less time to make laws, and allowing shorter time before a new election, means that even should an undemocratic law be passed, its chances of remaining effective are lessened.

With shorter terms of Parliament, there is a closer relationship between the government and the public. In a system of representational democracy, it is very arguable that this is a positive aspect. Allowing

²⁷ Ibid, at 6.1

²⁸ New Zealand Superannuation Act Commencement Order 1974

²⁹ New Zealand History Online “1974: Key Events – New Zealand Super”
<<http://www.nzhistory.net.nz/culture/the-1970s/1974>>

greater time between elections increases the degree to which government is held accountable to the people at election time. With a three year term of Parliament, the public receive more frequent exposure to their political representatives, as electioneering campaigns and political media features occur more frequently. This is likely to be a factor leading to greater voter turnout.

Remaining at the status quo, the three year term of Parliament, means New Zealand will not be exposed to the financial and procedural costs that would accompany such a change. A simple referendum alone costs the taxpayer a significant amount of money. Back in 1967, the joint referendum on liquor licensing and term of Parliament cost \$300,000³⁰ – and more recently, the 2009 “anti-smacking” referendum cost \$8.9 million.³¹ To change the law on this matter would most likely incur the full costs of a referendum, plus untold costs in procedural and administrative change across the country. The question must be asked whether this is a matter of such importance that it merits incurring these expenses. It can be argued that the difference from three to four years is not significant enough a change to justify the efforts required. Furthermore, New Zealand’s history of debate on the issue suggests that, as a country speaking through direct democracy, we have been mostly opposed to this change. The referenda of 1967 and 1990, as discussed earlier, both saw significant majorities voting to keep the

³⁰ William Jackson *Politics* above n 19 at 63

³¹ The New Zealand Herald “Poll says \$8.9m smacking referendum ‘a waste of money’ (2009) <http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10581221>

term of Parliament at three years.³² It must be said, however, that at the times of those referenda, New Zealand was operating under a FPP system of government, less realistically representative than MMP. As New Zealand has not had a referendum or nationally significant public debate on the issue since MMP was introduced, perhaps the country will be more trusting and open to the idea of a longer term of Parliament.

The disadvantages of a three year Parliamentary term tend to revolve around the ideas of long term policies for economic stability, the realistic time Parliament has within the three years to operate efficiently, and the focus on keeping the electorates happy that occurs with shorter terms.

The economic stability of a country is something that requires more than three years to achieve. Three years in power does not necessarily equate to three years of good, stable governing – in fact, there is often insufficient time in a three year term for Parliament to set in place long term economic policies and observe their effects.³³ Furthermore, other matters of great importance to New Zealand's politicians are always present, some appearing unexpectedly to cause greater complications. Two such examples are the Canterbury Earthquakes and the Pike River mining disaster that both occurred in 2010, during the term of a single

³² McGee *Parliamentary Practice* above n 11 at 111

³³ Miller "New Zealand Government" above n 8 at 170; Wallace "Report of the Royal Commission" above n 7 at 6.14

government.³⁴ A longer term of office would allow Parliament more time to adequately deal with the regular business of the House, and any unexpected issues that arise, to greater effect. Additionally, one of the most pressing issues for a leading party is the importance of re-election to government. Re-election is a constant goal for a political party – especially with a two-party competition such as that in New Zealand between National and Labour. Because of this, governments will be reluctant to impose measures that will see them voted out of power at the next election, measures that may be necessary yet unpopular.³⁵ A longer term of office allows the government of the day to set goals that are more long term, the extra year allowing time for plans and policies to take effect before they become at risk of amendment or repeal.

However, it does not immediately follow that for these reasons, a four year term will be more efficient than a three year term. Other countries with a longer term do not necessarily see their Parliament serve the full term. Canada's five year term is rarely reached, elections there being called approximately every 37 months (3.08 years).³⁶ Furthermore, the idea that long term legislation cannot take effect over the term of one Parliament is somewhat fictional. An example of this is the Income Tax Bill, the product of fifteen years work, a major law reform that

³⁴ Canterbury Earthquake Recovery Authority "CERA" (2013) <<http://cera.govt.nz>>; Royal Commission on the Pike River Coal Mine Tragedy "Commission's Report" (2012) <<http://pikeriver.royalcommission.govt.nz/Final-Report>>

³⁵ Miller "New Zealand Government" above n 8 at 170; Wallace "Report of the Royal Commission" above n 7 at 6.16

³⁶ Wallace "Report of the Royal Commission" above n 7 at 6.9

was widely consulted and eventually implemented.³⁷ Comparatively, the reforms needed for the Electoral Finance Act showed that it was not the term length that caused the problems the Act encountered.³⁸

It has been argued that the option of the reigning government of the day to set the election date is an unfair advantage. This date can be chosen at a point where the leading party is high in public opinion polls. An option available to New Zealand is to use a fixed or semi-fixed system such as that in Sweden. In these systems, elections must be held at precise intervals. If an early election is called, for any matter, the scheduled election at the end of the interval must still be held.³⁹ This effectively would remove the power of New Zealand's Prime Minister to set the date of the next election, creating "greater electoral fairness and more efficient electoral administration".⁴⁰

In conclusion, New Zealand's length of terms of Parliament stands sufficient at three years. This has been shown to be so through the history of change, and public referendum on the issue. The three year term provides a political balance on the power of Parliament, and provides a closer relationship between the New Zealand public and its government. A four year term, while it would seem to provide more time for the government to install better policies, would not necessarily

³⁷ Income Tax Bill 2006 (third reading, NZPD) 643 at 12741 <http://www.parliament.nz/en-NZ/PB/Debates/Debates/8/a/7/48HansD_20071025_00000894-Income-Tax-Bill-Third-Reading.htm>

³⁸ Graeme Edgeler "A Four Year Parliamentary Term?" above n 25

³⁹ Miller "New Zealand Government" above n 8 at 171

⁴⁰ Robert Hazell *Fixed Term Parliaments* (University College, London 2010) at 5

serve to that effect, and might have the unintended effect of decreasing the accountability of Parliament. What is needed is the fixation of election dates, enhancing electoral administration.

1577

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 3:40 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter Graeme Coles Organisation Name: Private Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
New Plymouth Postal Region: Taranaki Postal Post Code: Postal Country: New
Zealand Submission: Our Constitution should be in a single document.

It should be only changed by Public Referendum requiring 70% support for the proposed change.

The issue of legislation being consistent with the constitution should be decided by Parliament, with an upper Court as backup.

The Treaty of Waitangi will have served its time when the Land Claim Issues are finalised. Maori will have had an input to the framing of The Constitution, and legitimate concerns and Cultural Practises will be enshrined in this.

Maori should be elected to Parliament and/or Local Government in the same way as any other ethnic Resident.

NZ does not need 120 Members of Parliament. The number is more like 100.

ALL MEMBERS OF PARLIAMENT SHOULD BE ELECTED. ie No 'List' Members.

Term of Parliament should remain at 3yrs.

Election date should be decided by a Cross Party Group.

Size of electorates and number of representatives should be decided by NEED. Welfare and Health needs should guide this.

Deserting a Political Party after having been elected should terminate the members Political Employment.

Eligibility for standing for election should remain as it is.

Sent on the 25 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.

Philippa Colgan
Auckland
New Zealand

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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:

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New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Sergio Colina
Madrid
Spain

1658

From:
To: <ConstitutionalReview@justice.govt.nz>
Date: 27/06/2013 9:44 a.m.
Subject: Submission
Attachments: Submission to Constitutional Advisory Panel on Aotearoa New Zealand.docx

Hi

Thank you for the opportunity to make a submission on the future of New Zealand's Constitution.

I attach my submission for the Panel's consideration.

I would also like to thank the Ministers, Panel and secretariat for their hard work. Well done.

Yours sincerely

Carolyn Coll-Bassett

***Submission to Constitutional Advisory Panel on New Zealand's/
Aotearoa's Constitutional Future***

Thank you for the opportunity to make a submission to the Panel. Thank you for the work done thus far by the Ministers, the Constitutional Advisory Panel and the Secretariat on the important issue of our nation's constitutional future.

Introduction:

I submit that a written constitution would formalize our constitutional arrangements and provide an important framework through which to record our nation's vision, values and to protect fundamental rights and freedoms. Like a shelter a constitution could help protect the interests of current and future generations. A written constitution could celebrate our maturing as a nation, help cement our national identity and record those things which we value so as to promote and protect them nationally and internationally.

1. A Written Constitution

A written constitution could include the following:

1. History: We could record key aspects of our nation's constitutional history,
2. Vision: What are our hopes for the future; to what do we aspire as a nation? What is it that we do well?
3. Values: what do we value eg. future generations, our natural resources , peace and a role in contributing to international peace.
4. Key Rights and Freedoms.

It is important that any written constitution be worded in such a way as to inspire vision and have sufficient constitutional weight to protect without shackling future generations and the challenges they will have to confront.

Our ability to grow quality food for New Zealanders and to export such food is one of our strengths as a nation and will become increasingly important as our own and world populations increase. We need to protect what we have for current and future generations whilst also contributing internationally.

Our environment can be protected for New Zealanders to use and enjoy and for overseas

visitors to also enjoy; a country which is refreshing will be even more sought after as the world's population increases.

We should also, I submit, encourage peace within our nation and position ourselves as international peacemakers. This aim could be part of a written constitution for New Zealand.

The Constitutional Advisory Panel's paper: *New Zealand's Constitution, The Conversation So Far*, September 2012 makes the point at p 46 that New Zealand is one of only three countries without a written constitution. The Panel also notes on the same page that "Constitutions often contain statements about what the people of the country value and aspire to."

There is great value in the fundamental rules of government and protection of people being spelt out clearly in one document – a written constitution. Justice is encouraged when people can more readily access important constitutional rules and rights.

A written constitution gives us opportunity to record those things which we value and aspire to. It is an opportunity to do a "national stock-take" and in so doing allow us to identify those things we wish to protect. Recognition of the values which we hold in high regard as a nation could be recorded in a written New Zealand constitution.

A written constitution could also be used to provide a guiding light when various draft national and international laws are debated. The question can be asked how does this draft legislation or international agreement sit against our higher national values and longer term vision? A written constitution could provide an important constitutional pause and should help produce better national and international lawmaking. This is especially so in the current unicameral parliamentary system. Whilst MMP provides some check and debate, of itself it is an inadequate check.

I note the Constitutional Advisory Panel's comment that: ¹

"Preambles are not generally enforceable by Courts, but can give a context for enforcement of other parts of the constitution".

State Powers Regarding International Treaties

In the *Conversation So Far*² the Panel states that constitutions set out state powers including:

"Powers to decide international matters, such as entering into international treaties."

There is an increasing tension between managing our national and international interests in

¹ The Constitutional Advisory Panel paper: *New Zealand's Constitution, The Conversation So Far*, September 2012, 46.

² Ibid 46.

order to protect and promote that which is important to New Zealand/ Aotearoa whilst also playing our part as a global citizen. Measures have been taken to increase the accountability of the executive prior to entering international treaties. However, there is a question of whether current procedures are sufficient. It may be appropriate to consider inserting into a written constitution the responsibility for the executive to ensure that before signing an international agreement that nothing in the agreement is inconsistent with the Constitution. Once an agreement is signed New Zealand commits itself to long term consequences. It is important to ensure prior to entering a treaty that the key values and goals contained in any written New Zealand constitution which emerges are not undermined before signing up to long term international obligations. Things to consider might include matters affecting our environment, the financial impact on future generations and any issues arising pursuant to the Treaty of Waitangi.

The Panel notes that constitutions also often provide special powers during times of emergency.³

I submit that any section of a written constitution providing for such special powers needs to be carefully crafted to allow sufficient power for the executive to govern during an emergency whilst also deliberately protecting basic human rights. A careful balance needs to be struck. A useful test might be if a tyrant somehow got into power or a seemingly worthwhile individual rose to power but then developed into a tyrant how much power should he or she be given?

Protection of Human Rights

I would like to see core human rights and freedoms contained in a written constitution as they reflect the value and dignity which is common to our global family.

More careful discussion may be required concerning what rights are or are not included in a constitution. Could some other rights be protected in other ordinary legislation for instance rather than be given specific mention in a constitution? This will need to be carefully considered in order to protect core rights but also be fair in a pluralistic society and to balance current and future governments' economic responsibilities.

There is also the important issue of whether or not such rights should become part of entrenched or supreme law?

Mechanisms for changing the Constitution

³ Ibid 46.

I note the written constitution suggested in the Appendix to Geoffrey and Matthew Palmer's book *Bridled Power, New Zealand Government under MMP*.⁴ Their suggested Constitution Act states in its preamble:⁵

"New Zealand does not have a Constitution enjoying the status of Supreme Law and it is desirable to change that situation and adopt a Constitution".

Part 1 of the Palmers' draft constitution provides for entrenchment so that the Constitution Act could not be appealed or amended without a majority of 75 % of the House of Representatives; or by the majority of valid votes cast at a poll of all electors eligible to vote in New Zealand.

The Constitution Act of 1986, an ordinary as opposed to entrenched piece of legislation, has helped to forge New Zealand's constitutional identity:⁶

"This Act highlighted the indigenous character of the New Zealand Constitution and located full sovereign authority entirely in this country. The statute removed any possible serious argument that the New Zealand Parliament was somehow subservient to Westminster.

Over recent years various commentators have noted the emergence of a national legal and constitutional identity."

A written constitution could further develop New Zealand's maturing as a nation and play an important role in helping to encapsulate our values and vision as well as protecting what is important.

2. The Treaty of Waitangi

How should the Treaty of Waitangi be viewed in any future constitutional developments in our nation? An important question is whether New Zealand is best served by a written constitution and if so whether the Treaty of Waitangi should be directly incorporated into such a constitution or rather referred to but not enacted directly. The issue has enormous legal and political consequences for current and future generations.

Under the Palmers' draft constitution⁷ The Treaty of Waitangi would effectively be enacted into New Zealand law and entrenched.

⁴ Geoffrey and Matthew Palmer *Bridled Power, New Zealand Government under MMP*, Oxford University Press 1997, 317.

⁵ Ibid 319.

⁶ McHugh Paul, *The Maori Magna Carta, New Zealand Law and the Treaty of Waitangi*, 1991, Oxford University Press, 63.

⁷ *Supra* n 4, 320.

The Palmers' draft constitution provides⁸ that the Treaty of Waitangi: "shall be considered as always speaking and shall be applied to circumstances as they arise so that effect may be given to its spirit and intent."

Given the entrenchment provisions suggested, if such a model was considered for New Zealand, a long term risk analysis of the potential impact of such an approach for both current and future generations would be prudent, including economic and political risks.

There is also a risk in our nation's ability to function both internally and externally if Maori concerns are not adequately addressed.

Paul McHugh asks the question⁹: "What is the place of the Treaty of Waitangi in such a process of constitutional growth?"

He suggests that:¹⁰

"The challenge, then, is for New Zealand legal and political institutions to 'constitutionalize' the Treaty – to adapt their laws and institutions to accommodate te tino rangatiratanga."

McHugh states further that in his view¹¹: "The political situation has not been that, however. To put it brutally, it has been one where Maori have been pacified (by compact, conquest, and confiscation) and subjected to Pakeha governance with consequential economic and political marginalization."

The systematic and significant Treaty settlement deals that have taken place between the Crown and Maori have sought to fairly address injustices of the past. The question is whether other measures such as the possible inclusion of the Treaty or reference to its principles should be included in any written constitution to help ensure the well being of current and future generations of Maori, Pakeha and other ethnic groups in New Zealand. If injustices and inequalities are not addressed in a steady and constructive manner there may develop a risk to the overall wellbeing of our nation.

McHugh makes the point:¹²

"Maori claims under the Treaty of Waitangi are exerting significant pressure on the old-fashioned view of state sovereignty as absolute and singular, and so are an important part of the constitutional discourse presently engaging the country. This means that as

⁸ Supra n 4, Part II 4 (2), 320.

⁹ Supra n 6, 63.

¹⁰ Ibid 64.

¹¹ Ibid.

¹² Ibid 65.

the predicates of government in the country change, a truly indigenous form of constitutionalism may well evolve.”

He further states that:¹³

“The polarization of argument on Maori rights (especially where questions of te tino rangatiratanga are concerned) is characteristic of the style of debate which attends periods of constitutional upheaval and resettlement, whether they be glorious or bloody.”

There lies the critical challenge; we need considered constitutional crafting that encompasses, protects and promotes the interests of all peoples within the nation of New Zealand in a constructive way for current and future generations. This is a far better way forward than chaotic and more revolutionary constitutional change which in the process of change can harm and undermine not only our internal relations but also our foreign relations.

The Treaty of Waitangi is a foundational document in New Zealand’s constitutional history and the good faith principle which underlies the Treaty has been and continues to be key in the relationship between the Crown and Maori. Therefore, the Treaty of Waitangi is of fundamental importance in the constitutional conversation. Where the Treaty sits in any future constitutional arrangement will have far reaching consequences for this nation. How should the rights of Maori sit as we continue to nation build? How can the interests of Maori best be served whilst also serving the needs of other New Zealanders? What is a fair and just approach?

Dame Joan Metge pointed out in her submission to the Constitutional Arrangements Committee in 2005 that both Maori and non-Maori have benefited from the Treaty of Waitangi¹⁴:

“4.1 Advocates of downplaying the role of the Treaty of Waitangi and Waitangi Day in national life commonly base their argument on the increasingly multicultural composition of the national population, setting this in opposition to the concept of biculturalism adopted as policy by many organisations. Along with Maori friends, I consider this opposition to be a false one, evidence of a widespread modern tendency to think in terms of either/or alternatives. It is not, however, the only option: both/and complementarity is in this case both feasible and rewarding.

4.2 The Treaty of Waitangi has relevance to all New Zealanders because it establishes

¹³ Ibid 65.

¹⁴ Dame Joan Metge MA (NZ) PhD (London) HonDLitt (Auck) DBE, SUBMISSION TO THE CONSTITUTIONAL ARRANGEMENTS COMMITTEE HOUSE OF REPRESENTATIVES, 13 April 2005 at p 4, para 4.3.

the right of those who cannot claim Maori descent to put down roots in this country. Maori had already established this right for themselves before they signed the Treaty, by virtue of at least six hundred years of occupation and utilisation of this country's resources and the development of cultural forms uniquely located here."

She notes that¹⁵: "The Treaty thus provides for the inclusion of all New Zealand citizens, regardless of their ethnicity."

New Zealand / Aotearoa will be a richer and stronger nation if our various ethnic groups can work together like a plaited rope as Dame Metge suggests¹⁶:

"Extended metaphors provide a helpful way of modeling relations between our many ethnic groups. I like the Maori metaphor of the 'taura whiri', the plaited rope. Ropes can be woven of strands of different sizes and colours – they do not have to be standardized – and new ones can be woven in at any time. Most importantly, the strands retain their individual identity yet woven together are infinitely stronger than any can be alone."

3. Entrenchment

If it is decided to adopt a written constitution for New Zealand one of the issues which flows from that is whether the constitution should be an entrenched law rather than an ordinary piece of legislation which can be changed by a simple parliamentary majority.

The key advantage of any future written constitution being entrenched, either in part or in its entirety, is that entrenchment provides a stronger legal level of protection. The power of Parliament to legislate is given a constitutional brake – those parts of the constitution which are entrenched cannot be easily overturned in future lawmaking.

Section 19 of the Palmers' draft constitution¹⁷ provides: "Subject to this Constitution the Parliament of New Zealand continues to have full power to make laws."

However, because of the entrenchment provisions of the Palmers' draft constitution Parliament's law making ability is in fact fettered.

Section 3 (2) of the draft provides that:¹⁸ "Where there is an inconsistency between any law and the Constitution, the Constitution must prevail."

¹⁵ Ibid 4, para 4.3.

¹⁶ Ibid 5.

¹⁷ Supra n 4, 324.

¹⁸ Supra n 4, 320.

Part IV of the draft ¹⁹sets out a Bill of Rights which unlike our current Bill of Rights legislation in New Zealand would not just be an ordinary piece of legislation but supreme law which, at least in theory, would provide for the greater protection of rights.

Whilst a determined tyrant could still create harm, a written constitution where core rights and freedoms were entrenched would provide a standard, a gold bar which would remind us of the sanctity and dignity of human lives. This is especially important when a nation is under pressure. A written constitution would also provide a legal brake; any future oppressive law could not be easily rushed through parliament.

Conclusion:

A written constitution for New Zealand would reflect our maturing as a nation and also help focus our vision for the future.

The Treaty of Waitangi is an important part of our nation's constitutional history and the principles contained therein are important for New Zealand's constitutional future.

The important political and legal issue of whether to refer to the Treaty and the principles underlying it or whether to incorporate all of the Treaty (both Maori and English versions) into a written constitution needs to be carefully considered. The key goal has to be to provide peace and unity for all people both now and in future generations and a careful tightrope must be walked to strengthen our nation both internally and internationally.

Entrenchment of some or all parts of a constitution could help provide important critical legal and constitutional protection of key values, rights and freedoms.

Strengthening our constitution in relatively peaceful times provides an important constitutional and legal bastion which will inevitably be tested when the country faces more testing times.

Carolyn Coll-Bassett

Bachelor of Laws, Master of Laws in Public Law, enrolled barrister and solicitor of the High Court of New Zealand.

¹⁹ Supra n 4, 325.

2944

From: "Louise Collenette"
To: <constitutionalreview@justice.govt.nz>
Date: 9/07/2013 3:07 p.m.
Subject: CAP Submission

To whom it may concern,
As a New Zealand citizen I submit that the Maori Seats should be abolished
and all New Zealand citizens made eligible to vote in the normal standard
electorates. Otherwise, we will then be having requests for other
ethnicities, e.g. Pacific Islanders,
Asian, other faiths, etc, which will increased divisions amongst our
citizens.
Sincerely,
Dorothy Louise Collenette

2142

From: "D Collie"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:00 a.m.
Subject: CAP Submission

I believe we should live in a multi cultural society with all NZ ers treated equally. I am strongly opposed to a bi cultural society which is what the Maori seats perpetuate.

David Collie

Timaru

2937

From: "Wayne Collie"
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 4:51 p.m.
Subject: CAP Submission

2031

From: "Wayne Collie" <
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 4:51 p.m.
Subject: CAP Submission

I believe all Maori electoral seats should be abolished and should have been at 1st January 2000.

I equally believe the treaty should only be in a museum on the same date.

I believe all New Zealanders should be one people, one law and equal opportunity as it once was when we were admired.

The two above reasons are why I and my money live overseas.

Wayne Collie.

5159

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:36 p.m.

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

Full Names: Marion Collin Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Napier Postal
Region: Hawkes Bay Postal Post Code: Postal Country: New Zealand Submission:
1. Constitution does not need to be in one document. Operates effectively as it is.

2. Constitution should not have higher legal status than supreme law - where would our legal system be??

3. Courts should have power as to whether decision is consistent with constitution - we have powerful and proper legal system now.

Submitted on the 12 June 2013 at 19:30

566

From:
To: <constitutionalreview@justice.govt.nz>
Date: 20/04/2013 11:40 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Richard collin Organisation Name: personal Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Hawkes Bay Postal Post Code: Postal Country:
New Zealand Submission: Dear Sir/madam,

thanks for the opportunity to make a submission towards the country 's constitution. I interpret this as the rules - which will govern and guide our country forward.

My submission is deliberately short and prioritised.

1 retain the 'Westminster' system of governance, and discourage additional layers of central governance.

2 rules that guide central government and local government structures are truly aligned. This is to optimise outcomes, maximise timely decision making and allow necessary bureaucracy to be as efficient as possible

3 MPs qualifications to include the compulsion to stand for election into government, rather than use mechanisms like 'the party list' to be appointed to parliament.

4 consider decision making techniques that will see items that will truly affect intergenerational change (like the recent gay marriage bill topic) to go to referenda or poll within the general election system.

other matters;

5 consider 4 year general election and local representation cycles

6 cap and reduce 'MP' numbers, which means proportional representation rules be changed. My suggestion is this is linked to increased representative thresholds and local government alignment.

7 through rules, encourage a parliamentary process that demands meaningful 'whole of country' policy. 'Meaningful' has to be measured against something - perhaps judged against a trigger effect like a certain percentage of GDP contribution - like a national agricultural policy

thanks and regards

R L Collin

disclosure;

My business life includes me as a governor on boards, a trustee, a strategic adviser for agribusiness, and also includes acting as a current councillor for the Hastings District council.

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.

Delia Collins
Nelson
New Zealand

2386

From: <website@cap.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 6:41 p.m.
Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel #link:<http://www.cap.govt.nz/>.

Contact Name: Elizabeth Anne Collins Phone: Email:
Comment: Kia ora,

I am Pakeha and my submission is that I fully support the Treaty of Waitangi (Maori text) as the basis of a Constitution in New Zealand.

Historically and currently, Pakeha have had to deal with the legacy of being left in the invidious position of having no firm ground to stand upon in our everyday dealings - in all arenas whether it be business, personal, social, political, whatever - because of the undermining and outright flouting of the legal document that gave us the opportunity to settle in this country.

The Treaty is still at the mercy of being excluded from any local body or national laws depending on the current whims of which individuals may be in power. So long as it is outside the core legal framework of this country's Parliament, so will we continue to have difficulties between tangata whenua and tauwi (of whatever heritage).

This is the time to pick up the Treaty and give it the place it was drafted by the English and signed by Maori to have. When this is done, people like me can walk into any gathering in this country with our heads up, knowing that our feet are on firm ground, and begin the conversations that our past has prevented us from having. Conversations as equals.

I would like to present my submission in person.

Many thanks for this opportunity to be able to express my stance in this matter.

Annie Collins

Elizabeth Anne COLLINS

Wellington

(I have tried to make this submission on your website but it keeps refusing to accept it throwing it back

as spam - sorry for any inconvenience). Sign Up For Updates: Yes

Sent on the 1 July 2013 at 18:40

1423

From: Edmund Collins ·
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 3:06 p.m.
Subject: Objection to Constitutional Review

Dear Sirs,

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

Yours faithfully,

Edmund A. Collins

Audrey T. Bowyer

Tauranga.

4640

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:46 p.m.
Attachments: Tikanga Maori House.doc

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

Full Names: Heeni Meretini Collins Organisation Name: Member of Ngati Kikopiri (hapu of Ngati Raukawa) Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Wellington Postal Region: Wellington Postal Post Code: Postal Country: New Zealand Submission: Our constitution should better reflect the partnership principles expressed in the Treaty of Waitangi, as per the model expressed by Prof Whatarangi Winiata with a Tikanga Pakeha house and a Tikanga Maori house.

Submission Upload: Tikanga Maori House.doc

Submitted on the 31 July 2013 at 12:45

Professor Whatarangi Winiata has argued for New Zealand's parliamentary democracy to better reflect the nature of the treaty partnership. Rather than simply reforming the British-derived institution of Parliament, Winiata would prefer parallel institutions giving equal recognition to Māori traditions and culture. He proposes a 'tikanga Pākehā' (Pākehā tradition) House of Representatives, where Pākehā and other non-Māori cultures' ways of doing things is reflected, and a 'tikanga Māori' House reflecting a Māori way of doing things. Sitting above both these houses of Parliament would be a Treaty of Waitangi House, with representatives from Māori, Pākehā and other non-Māori cultures. This model, Winiata believes, best represents the dual heritage of New Zealand, and is truly bicultural.

<http://www.teara.govt.nz/en/biculturalism/page-3>

Submission From James Collins

The length of terms of Parliament is yet again being considered by the Government. Twice before in New Zealand's history has this particular cross roads been met, and twice before it has been rejected.¹ The Royal Commission's 1986 Report set the stage for two important and still relevant contrasting public opinions on the matter.² The arguments in favour of an extension centre on the idea that the government will run more effectively with more time to implement policies with a four years term. A significant argument running in opposition is the lack of constitutional constraints in the New Zealand political sphere. A shorter term is one of the fewer checks in place so that Government stays accountable to their people on a regular basis. 27 years after the Report was published it is important to look at these issues in our modern society.

Arguments of Efficiency

One of the leading arguments coming from the Government in favour of an extension in the parliamentary term is that 3 years is simply not long enough.³ New Zealand is one of the few democracies around the world whose Parliament sits for a short 3 year term. In relation to the terms of Parliament, the question in my opinion is not simply what could the Government not do in 3 years that it could do in four, but rather how effective would the government be if it was in power for 4 years. Here, I believe, as the Royal Commission in 1986 reported, it is very difficult to find evidence which would prove that an increase in the Parliamentary term would lead to better policy making.⁴ Bad government is bad government, regardless of the length they sit. Therefore this inevitably comes down to a measure of pragmatism. If the Parliamentary term was extended this would potentially give Government an extra year to govern before the self interested tendencies of another election roll around the corner. It would be a naive position to think that national elections do not become the forefront concern for members of Parliament. The funding controversy of 2005, where the Auditor general reported over spending of 1.17 million dollars on campaigning across the parties is testament to efforts parties place on getting re-elected.⁵ There is some general traction in the idea that an extension in the parliamentary term would allow for more governing before the general gear shift to campaigning. Moreover as many commentators have already stated, allowing

¹ Electoral Commission "Referenda" (2013) Elections <www.elections.org.nz/voting-system/referenda>

² The Royal Commission on the Electoral System Report of *the Royal Commission on the Electoral System: Towards a Better Democracy*, Wellington, Government Printer, 1986, pp 158-164

³ Simon Day "Key wants four-year term in Parliament" (2013) Stuff <www.stuff.co.nz/national/politics/8270952/Key-wants-four-year-term-for-Parliament>

⁴ The Royal Commission on the Electoral System Report of *the Royal Commission on the Electoral System: Towards a Better Democracy*, Wellington, Government Printer, 1986, pp 159-160

⁵ Kevin Brady *Advertising expenditure incurred by the Parliamentary Service in the three months before the 2005 General Election* (2006)

for an extension in the term parliament sits would leave more observable room to see policies take effect and thus a more educated voting populace making informed decisions. Again these are practical realities that are *possible*, but are far from certain.

Constitutional Constraints

New Zealand is unique in that it has no entrenched constitutional Bill of Rights, unicameral legislature and very little ability for the public or legal bodies to strike down legislation. Many argue that this shorter term constrains the government and forces them to answer to the voting public and can be used to hold them accountable to their actions and policies. It follows that an increase in the term Parliament sits for means loosening the voters' public reigns on the government. One lesson that can be learned by Government over the years is that constitution convention, at times, is really just seen as a fluid guideline. The Royal Commission did not feel comfortable extending the term to four years unless the trend of constitutional constraints continued. This was an understandable position to take, especially when the report came after the infamous Muldoon Government. Thus it is important to assess Governmental attitudes toward constitutional conventions both then and now. One example is given in 1982. The Muldoon Government was denied the water rights by the Planning Tribunal,⁶ his Government passed empower legislation which effectively overruled and reversed the judicial decision. This has been seen by commentators to be a breach of the rule of law and separation of power, a fundamental corner stone of good government. The issue is that Government has taken an active step to knock the balance between the three legged stool that is executive, the legislature and the judiciary which is needed efficient democracy.⁷ So surely 30 years later, with the introduction of MMP, the enactment of the Constitution Act 1986 and the development of the New Zealand Bill of Rights Act Government, backed by Parliament, would be more restraint to writing blank legislative cheques? As recently as in the month of May 2013 Parliament was asked to consider, under urgency, an amendment Bill pertaining to public health and disability. After the Human Rights Tribunal, the High Court and the Court of Appeal found that not paying family carers involved unjustified discrimination on the grounds of family status under the New Zealand Bill of Rights Act 1990, Government took it upon themselves to make sure the court could not have any future say through section 70 (E) (2) of the New Zealand Public Health and Disability Amendment Bill (No.2).⁸ Fundamentally through this legislation they have boycotted the Court's power to administrative any law on the topic. This Bill (outside Parliament house) answers to no one. Now I readily admit that I lack the economic prowess

⁶ *Annan v National Water and Soil Conservation Authority and Minister of Energy (No 2)* 1982 8 NZTPA 369

⁷ P. Joseph, *Constitutional and Administrative law in New Zealand* 2nd NZ ed, Wellington, Brookers 2001 pp 148

⁸ New Zealand Public Health and Disability Amendment Bill (No.2) 2013 118-1

to comment on the necessity of this Bill, however this is somewhat redundant as the issue is the means not the necessity. Moreover the saving grace that was believed by the Royal Commission Report, to be the MMP system, seems to have done little to impede or engage in this Bill thus far. However their ability to freely debate the issue may have been somewhat hindered by the fact that the Regulatory Impact Statement given to Parliament had more black boxes than a funeral home.⁹ Furthermore the question would have to be asked, would this policy, considering the way it was handled, under urgency and heavily redacted, still take place under a 4 year term? Again the point is that the actions that Government and Parliament take either considered good or bad government has little to do with the Parliamentary term. As this is the case, in the political world of ambiguities of effectiveness, would it not make sense to consolidate rather than remove what little restraints the public has as a concrete basis of keeping those who govern us accountable?

Though it may seem that the lip service the government pays to constitutional conventions is an issue a bit off the beaten track from the issue of terms Parliament sits for, it's used as a demonstration that though New Zealand is unique in the fact that it has shorter terms than most other democracies in the developed world, but it also has a Government that with enormous power and little restraint. The three year term is a constitutional constraint. An extension in that power via an extension in their term should be met with restrictions in their power to keep the balance. However though I think it is impossible to say it would be necessary to have an extension to four years, it might be the fact that 4 years would be a better model. "Better" in some undefined sense of the word, possibly closer resembling the word easier, and here I find myself perhaps conceding. Four years allows the possibility of more governing and allows policies an extra year for the public to witness their effect. This naturally allows for more conclusive debate. Furthermore the jump from a three year term to a four year term is relatively minor and is aligned with the majority of countries overseas. Nevertheless, this move will be another piece chipped away in an already waning constitutional foundation. Therefore any conceit in favour of a four year term is riddled in caution. Throwing a rock, though perceived as minor, will still set off constitutional ripples, and if not checked and accounted for, we may find ourselves as a country, blindsided by an unexpected 4 year tidal wave.

Fixed Election Dates

The Prime Minister known to be *primus inter pares* or first among equals, has an enormous unequal power in the form of having, bar a few procedural limitations,¹⁰ sole power to determine the date of the general elections. One of the common major concerns here is simply that they can pick a date

⁹ Don Gray *Regulatory Impact Statement: Government Response to Family Carer's Case* (2013)

¹⁰ Constitution Act, 1986. S 19; Electoral Act 1993, s125

that serves in their or their party's partisan interests which can potentially hinder the idea of a legitimate, fair and educated general election¹¹

The main remedy to such an unfair advantage is to have a fixed election date as many other democratic countries in the world have. The thrust of the arguments against this move have been concerns of rigidity, something the current New Zealand system has very little of. There are two competing interests here. The first one as stated above is to stop what is commonly called a "snap" election. This is when there is a premature announcement of an election date where the timing can be seen to benefit one Prime Minister or Party or take the opposition of guard. The second interest also mentioned above is the idea of rigidity which could lead to a genuine constitutional crisis, where Parliament is in need to dissolve however is unable to due to legal requirements that elections can only be held on a specific day. Midterm dissolutions are an important issue that needs to be addressed when considering fixed term parliament law. The government must always command the confidence of the peoples' representatives if we wish to live in a democracy. Government which has lost that confidence must remove themselves.¹² It is important to note that in New Zealand, both these situations, snap elections or midterm dissolutions, have been incredibly rare. In the history of New Zealand elections there has been 3 perceived snap elections and there has been only one Prime Minister voted out through no confidence way back in 1912.

Nevertheless a system could be put into place that is flexible enough to leave room for allowance of genuine disputes leading to a midterm parliamentary dissolution while removing the advantage the Prime Minister has in picking the election. Recently the Westminster parliament, which we base our system on, enacted the Fixed-term Parliaments Act 2011 moving from a system where the Prime Minister would have de facto power to call a general election, to a fixed date with legislative provisions in place in times early dissolution.¹³ The mechanism the Fixed Term Parliament Act use is to add flexibility to in terms of dissolving Parliament can be found in section 2 of the Act an establish if the House of Commons loses confidence in the Government, an early election can be held if they cannot, as the House of Commons, find a new Government in which to place their confidence in within 14 days. If the House, with support of two-thirds of their members agree to dissolve parliament, there would be an early election. Such provisions place the onus on cross party agreement on whether an early election shall be held.¹⁴ Two further points should be addressed. There should be legislative room to change the date of an election in case of emergencies, such as

¹¹ Andrew Geddis *Electoral Law in New Zealand* (LexisNexis Wellington, 2007)

¹² Robert Hazell *Fixed Term Parliaments* (The Constitutional Unit, University College London, 2010)

¹³ Fixed-terms Parliaments Act 2011 (UK)

¹⁴ Robert Hazell *Fixed Term Parliaments* (The Constitutional Unit, University College London, 2010)

the Christchurch earthquake, in the interests of fair readily accessible elections. Secondly, in the unlikely event that there is need for midterm dissolution of Parliament followed by fresh elections, the question becomes how long would this preceding Government's term start and finish? Would it finish the previous Government's term, or would the electoral clock reset? The Fixed-term Parliament Act maintains that, the Prime Minister would set a new election date and the new Government would have a fresh term from that date. However if the new election date fell after the first Thursday in May, the term is shortened to four years rather than the regular 5.

I believe that this Statutory model would work well in the New Zealand context. It acknowledges the need to have provisions in the unlikely case of an early dissolution while in all other circumstances fixes the date in which an election can be held. This removes the frankly unneeded privilege the past and current Prime Ministers have held. Thus if we had to choose between a model, where there was a possible threat of partisan manipulation or another workable model which evens the political playing field, why would we not change to the latter?

Finally I would advocate for a fixed date rather than a minimum period. I think there is a power in having a specific date set in stone, year in and year out for an event. Similarly to the way that birthdays coming around on the same date each year so should elections. Having a date set in stone allows for electoral planning on a regular basis, rather than waiting on any announcement by Government. With just 3% of the population consider themselves as regular voters and of the non voting population 41% put just a little thought into whether or not to vote, and 29% didn't think about it at all, a fixed date coupled with further promotion, especially with younger voters in civil participation, could possibly curve the New Zealand's voting attitudes by placing it centre stage for one day of the year.¹⁵ Moreover the main reason for not voting generally in the last election was found to be other commitments such as work. In the long term a fixed date allows for scheduling and coordination on the social level.

It has been said that allowing the Prime Minister to pick the election date when they choose is like allowing an athlete to arrive at the track already in running shoes and being allowed to fire the starting pistol¹⁶. This is an apt analogy to describe the current unjustified advantage the Prime Minister has over the electoral process. Fixing the election date gives each runner the fairest opportunity to win the race.

¹⁵ Henry Milner "Fixing Canada's Unfixed Election Date: A Political Season to Reduce the Democratic Deficit" (2005) Vol. 6, No. 6 IRPP at 23-26

¹⁶ Lord Holme, HL Deb 22 May 1991 col.245

217

From:
To: <constitutionalreview@ourconstitution.org.nz>
Date: 11/04/2013 8:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Simon collins Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Nelson
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: End to treaty
"settlements" , equal rights for all races.

Sent on the 11 April 2013 at 20:00

1432

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 3:58 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tracy Jean Collins Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The Bill of Rights does not protect my rights enough. I am visually impaired enough to be legally blind, have fallen between the cracks and have faced discrimination in getting work and at workplaces. I have faced discrimination based on age/looks, suspect
I have faced discrimination on grounds of marital status, but the Bill of Rights is so vague, that nothing can be done to stop such discriminatory activity.

I believe that Human Rights should be Supreme Law. We are all human and deserve to not be discriminated against. There should be no loophole to let discriminators escape.

The Courts should have to decide what legislation is consistent with the Act. Parliament is too unreliable to decide what Human Rights are.

Additional Rights to be added: No discrimination based on age, marital status (married/unmarried), family status (children/no children), pre-existing health conditions including mental health conditions.

Disability needs to be defined more clearly. Presently, it is generally assumed to be 'person in wheelchair'. This leaves those with visual impairment or other less than obvious disabilities struggling to have to 'prove' their disability and being set aside by employers as too hard to deal with as equipment can be expensive. It is discrimination. The same applies to bus companies that charge the visually impaired (legally blind people who cannot get a driver's licence) full fare, but charge totally blind people with guide dogs lower fares. It is discrimination.

Sent on the 18 June 2013 at 15:57

1432a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 4:19 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tracy Jean Collins Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The Treaty should have no role
in any kind of Constitution because it has been used to favour one ethnic group over another for the
last three decades. Any Constitution must be racially neutral and value humanity above any other
form of labelling.

The Treaty has no formal place in the Constitution. As a document that has served to divide the
country along racial lines for decades, it has no place in a Constitution and cannot be said to uphold
the Human Rights of all citizens regardless of their ethnicity.

A Constituion is something that can be applied to all citizens equally, the Treaty does not do this.

Sent on the 18 June 2013 at 16:17

1432b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 4:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tracy Jean Collins Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Maori views should be
represented in Parliament just like the views of any other interest group.

Maori electoral participation can be improved by setting a higher bar for Parliamentary candidates, changing the Parliamentary system to direct representation rather than the Party system and abolishing the Maori seats.

In Local Government, Maori are able to stand for Council and can make public submissions to Council just like anyone else.

Sent on the 18 June 2013 at 16:23

1432c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 4:39 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tracy Jean Collins Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: How many MPs? There should be one MP per electorate and electorates should be calculated to cover an area an MP can serve effectively. If the average MP is not in his/her constituency six days a week, then maybe electorates should be smaller to encourage representation of those constituents.

The Parliamentary term should be three years. This way, if a Government is a disaster, they will do less damage.

The election date should be decided by the 'independent' Electoral Commission.

The purpose of an MP is to represent the people. Currently, MPs represent their Parties and not the people. The distribution of electorate boundaries should be random, based on population numbers and not based on the way that population votes. I'd rather see more MPs representing the people than fewer MPs representing their parties.

I have no issue with Independent MPs in Parliament. I would rather see a House filled with Independents than a House filled with Party-line towers. MPs that leave their Party should remain in the House as long as they still have a term to serve and are representing the people of their electorate.

Sent on the 18 June 2013 at 16:37

1432a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 4:45 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tracy Jean Collins Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: A single document Constitution
has not worked in the USA and has led to much injustice for the American people. It places too much
power in too few hands (politicians, judges) and is only as reliable as those hands.

If our Constitution applies to all Citizens equally, then yes it should be Supreme Law. However, if the Treaty of Waitangi touches this Constitution in any way, it should not, as the inclusion of the Treaty shows that the Constitution is not even-handed and is discriminatory.

I would like to see the Courts responsible as the Courts see more of normal life for New Zealanders. Parliament has no idea at all of how New Zealanders live and is governed by party politics.

Sent on the 18 June 2013 at 16:44

4179

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 1:01 p.m.

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

Full Names: Ronald Collinson Organisation Name: Email: Postal City: Hamilton Postal
Phone: Postal AddressA: Postal AddressB: Submission: We need a formal
Region: Postal Post Code: Postal Country: New Zealand
written constitution, because currently the government can pass laws, that are in direct conflict with the
Bill of Rights, Privacy Act, "Rule of law", and this is simply not OK.

Submitted on the 30 July 2013 at 13:00

4561²

From: Margaret Colmore
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 7:20 p.m.
Subject: Submission against the proposed changes to the New Zealand Constitution
Attachments: Submission against the proposed changes to New Zealand.pdf

We have had trouble submitting this submission, it was declared 'undeliverable' by our gmail provider. We then sent it from our yahoo account and late yesterday it bounced back and was again declared undeliverable.

We hope you take this into account and allow our submission.

Thank you,

Rob ☺ Margaret Colmore

Submission AGAINST the proposed changes to New Zealand's Constitution

The proposal that is being driven by the Maori party to incorporate the Treaty of Waitangi into a new written constitution is a dangerous wrong direction to be taking this country, if implemented this would divide New Zealand forever, creating a separatist society ultimately leading to civil unrest. One only need look at recent world news as Egypt attempted to change the constitution without a democratic referendum, the country is still rioting.

The proposal by the Maori party to give newly created privileges would be redundant as Maori already enjoy complete political equality. It seems very evident that Maori are not content with their status within the present constitutional arrangements, but seek political influence disproportionate to the size of their voting population. Maori already have political equality including race based seats enjoyed by no other group of New Zealanders, therefore any constitutional change giving Maori added political rights will alter and diminish the present balance of political equality currently enjoyed by all New Zealanders. This institutional racism has been steadily creeping into our society driven by the Maori sovereignty movement, where all "other New Zealanders" have been forced to stand by and watch as blatant racism and race based privilege is forced to us. No longer are we one people one nation but a divided society. The Maori all blacks are a prime example of blatant apartheid racism where ONLY Maori may play, is this not exactly the same as South Africa 20 years ago where the SA team only allowed whites??

The covert manner in which this supposed "conversation" has been implemented is democratically abhorrent, with a clearly biased panel that could have saved the 4 million dollars and the 2 years handed to the Maori party and given their predictable determination the very next day. With a clearly racist and apartheid driven agenda, the Hui's were held on Marae nationwide with no whites allowed, many ordinary New Zealanders are still unaware that this threat to our current constitutional arrangement even exists, such was the surreptitious covert manner the constitutional conversation has been implemented. A conversation has two sides NOT one, how can something as important as a potential change to our current constitution allow only Maori to discuss between themselves? I was further sickened by the so called debates held on National Radio, which had completely biased panels every time, no balanced debate as I hoped it would be, this was not a debate but rather a chance to indoctrinate listeners, another sad day for democracy.

At the very least all New Zealanders should have been given the opportunity to participate right from the start, this is still a democracy. Failing that, as a democracy we should be entitled to a referendum to see if this is something we all want, not just a failing Maori party in its death throes.

The Maori party claim this would be good for all New Zealanders, but the reality is that they seek to be partners with the crown, if this is achieved then they are no longer subjects, and would sit beside the crown, this clearly is against the intention of the Treaty as it is constitutionally impossible for the crown to enter into a partnership with any of its subjects. The crown is sovereign but has duties to the Maori descendants of those who signed the Treaty. Incidentally tribes such as Tuhoë and other tribes that did NOT sign the Treaty should have no say in any determination.

Driven by both the Maori party and the tribal elite, the move to write a race based constitution is not being driven by grass roots Maori nor has the need to include other New Zealanders in the farcical "conversation". The advisory panel is a complete farce as any vague attempt to label the conversation process anything to do with democracy went out the door when the panel was surreptitiously set up with a stacked deck of Maori radicals and Maori sympathisers, therefore their predetermined determination will be very predictable.

The original Treaty has been reinterpreted to favour the Maori iwi elite, as the Maori had no written language when Cook arrived or at the time of the signing in 1840. Hobson, Busby, and Williams were the authors of the original Treaty, interpreted into Maori by the aforementioned, the intention of the original Treaty has been twisted by clever lawyers, the current written Maori language has been invented to suit the era and as the invented language was accepted, Maori have reinterpreted the original Treaty to suit their own agenda over the years, the original Treaty does NOT read that it is a partnership as the Maori party would have us believe, as article one clearly states that sovereignty was ceded to the then Queen of England, Victoria. Article three offers protection and all the rights and privileges of British subjects. There are no "principals" mentioned in the original Treaty either. The advisory panel cannot use the document included as a schedule to the Treaty of Waitangi act 1975 as a reference as it is a modern revision containing material NOT found in the original Treaty.

It is absolutely essential that in our democracy that the peoples voice be heard on such an important issue and a referendum is the only democratic procedure that should take place. Lest we duplicate what is occurring in Egypt. To allow Maori descendants further preferential treatment and economic privilege will only give rise to social resentment in the majority.

Maori radicals and the Maori sovereignty movement have lofty ambitions to co-govern in New Zealand, should this occur, this, in my opinion will lead to widespread resentment against Maori. Those New Zealanders who are non-Maori will become second class citizens in their own country, ultimately leading to no confidence in the government and given the necessary spark we are destined for civil unrest/war in this country. The government has an obligation to seriously look into this matter thoroughly before making any far reaching constitutional changes which will affect the peace and good and fair governance in New Zealand.

Therefore I conclude by saying that this is far too important a matter to be used as a bargaining chip in a coalition deal with a racist party whose principal goal is to attain governmental control at any expense. I voted National at the last election, this controversial travesty was never mentioned nor was the rescinding of the foreshore and seabed act, shame on the National led government for going to any lengths necessary to hold onto the reins of power. We demand a referendum!

Sincerely yours

Robin John Colmore and Margaret Louise Colmore
Auckland

4959

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 2:15 p.m.

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

Full Names: Robin John Colmore and Margaret Louise Colmore Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Postal Post Code:
Postal Country: New Zealand Submission:

Submission AGAINST the proposed changes to New Zealand's Constitution

The proposal that is being driven by the Maori party to incorporate the Treaty of Waitangi into a new written constitution is a dangerous wrong direction to be taking this country, if implemented this would divide New Zealand forever, creating a separatist society ultimately leading to civil unrest.

One only need look at recent world news as Egypt attempted to change the constitution without a democratic referendum, the country is still rioting.

The proposal by the Maori party to give newly created privileges would be redundant as Maori already enjoy complete political equality. It seems very evident that Maori are not content with their status within the present constitutional arrangements, but seek political influence disproportionate to the size of their voting population. Maori already have political equality including race based seats enjoyed by no other group of New Zealanders, therefore any constitutional change giving Maori added political rights will alter and diminish the present balance of political equality currently enjoyed by all New Zealanders. This institutional racism has been steadily creeping into our society driven by the Maori sovereignty movement, where all "other New Zealanders" have been forced to stand by and watch as blatant racism and race based privilege is force fed to us. No longer are we one people one nation but a divided society. The Maori all blacks are a prime example of blatant apartheid racism where ONLY Maori may play, is this not exactly the same as South Africa 20 years ago where the SA team only allowed whites??

The covert manner in which this supposed "conversation" has been implemented is democratically abhorrent, with a clearly biased panel that could have saved the 4 million dollars and the 2 years handed to the Maori party and given their predictable determination the very next day. With a clearly racist and apartheid driven agenda, the Hui's were held on Marae nationwide with no whites allowed, many ordinary New Zealanders are still unaware that this threat to our current constitutional arrangement even exists, such was the surreptitious covert manner the constitutional conversation has been implemented. A conversation has two sides NOT one, how can something as important as a potential change to our current constitution allow only Maori to discuss between themselves? I was further sickened by the so called debates held on National Radio, which had completely biased panels every time, no balanced debate as I hoped it would be, this was not a debate but rather a chance to indoctrinate listeners, another sad day for democracy.

At the very least all New Zealanders should have been given the opportunity to participate right from

the start, this is still a democracy. Failing that, as a democracy we should be entitled to a referendum to see if this is something we all want, not just a failing Maori party in its death throes.

The Maori party claim this would be good for all New Zealanders, but the reality is that they seek to be partners with the crown, if this is achieved then they are no longer subjects, and would sit beside the crown, this clearly is against the intention of the Treaty as it is constitutionally impossible for the crown to enter into a partnership with any of its subjects. The crown is sovereign but has duties to the Maori descendants of those who signed the Treaty. Incidentally tribes such as Tuhoe and other tribes that did NOT sign the Treaty should have no say in any determination.

Driven by both the Maori party and the tribal elite, the move to write a race based constitution is not being driven by grass roots Maori nor has the need to include other New Zealanders in the farcical "conversation". The advisory panel is a complete farce as any vague attempt to label the conversation process anything to do with democracy went out the door when the panel was surreptitiously set up with a stacked deck of Maori radicals and Maori sympathisers, therefore their predetermined determination will be very predictable.

The original Treaty has been reinterpreted to favour the Maori iwi elite, as the Maori had no written language when Cook arrived or at the time of the signing in 1840. Hobson, Busby, and Williams were the authors of the original Treaty, interpreted into Maori by the aforementioned, the intention of the original Treaty has been twisted by clever lawyers, the current written Maori language has been invented to suit the era and as the invented language was accepted, Maori have reinterpreted the original Treaty to suit their own agenda over the years, the original Treaty does NOT read that it is a partnership as the Maori party would have us believe, as article one clearly states that sovereignty was ceded to the then Queen of England, Victoria. Article three offers protection and all the rights and privileges of British subjects. There are no "principals" mentioned in the original Treaty either.

The advisory panel cannot use the document included as a schedule to the Treaty of Waitangi act 1975 as a reference as it is a modern revision containing material NOT found in the original Treaty.

It is absolutely essential that in our democracy that the peoples voice be heard on such an important issue and a referendum is the only democratic procedure that should take place. Lest we duplicate what is occurring in Egypt. To allow Maori descendants further preferential treatment and economic privilege will only give rise to social resentment in the majority.

Maori radicals and the Maori sovereignty movement have lofty ambitions to co-govern in New Zealand, should this occur, this, in my opinion will lead to widespread resentment against Maori. Those New Zealanders who are non-Maori will become second class citizens in their own country, ultimately leading to no confidence in the government and given the necessary spark we are destined for civil unrest/war in this country. The government has an obligation to seriously look into this matter thoroughly before making any far reaching constitutional changes which will affect the peace and good and fair governance in New Zealand.

Therefore I conclude by saying that this is far too important a matter to be used as a bargaining chip in a coalition deal with a racist party whose principal goal is to attain governmental control at any expense. I voted National at the last election, this controversial travesty was never mentioned nor was the rescinding of the foreshore and seabed act, shame on the National led government for going to any lengths necessary to hold onto the reins of power. We demand a referendum!

Sincerely yours

Robin John Colmore and Margaret Louise Colmore

Submitted on the 26 July 2013 at 14:14

4673
From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:36 p.m.

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

Full Names: Alexander Graeme Colquhoun Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Waikato Postal Post Code:
Postal Country: New Zealand Submission: A Constitution should only be considered after
all Treaty

Settlement Claims have been settled.

Any decision to produce a Constitution should have to pass a 75% majority vote in a national vote.

Submitted on the 31 July 2013 at 13:35

3741

From: earlene comins
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 4:59 p.m.
Subject: Fwd: CAP Submission

>

>

>

> To whom it may concern with regards to the proposed Constitution review.

>

> I strongly appose this review for the following reasons;

> 1/. This review has been set up with government funding of some \$4,000,000 since an agreement with the Maori Party for a coalition Government in 2008.

> This is something that the vast majority of New Zealanders never knew about and even fewer understood what it could mean.

>

> 2/. The panel of people selected to consider /develop this constitution is very heavily biased towards the more radical Maori demands. The make up of the panel cannot be considered democratic or in any way balanced to get a fair composite assessment of the wishes and aspirations of all New Zealanders.

>

> 3/. The so called consultation process with a true cross section of New Zealand society just has not happened. The majority of the consultation has been with a heavy bias towards a constitution favouring a bi-racial [Maori / Pakeha] set up where all, or most, things Maori have preference over all others and would be enforced by a 'modern understanding' of the Waitangi Treaty which is very different to what was understood and agreed on in 1840 and reiterated by the Maori signatories in their meeting at Kohimaramara in 1860.

>

> 4/. These consultative meetings have been little known to most New Zealanders and have only been promulgated to those who would tend to agree with the biased constitutional review panel. To say that this review has been truly representative of the views of a wide range of NZ citizens is a lie, it has not happened!

>

> 5/. There is a proposal that this constitution could be adopted by a simple majority in Parliament, or even a 75% majority is wrong. It could in no way truly express the views of all the people. The correct and only honest way to have it approved with a substantial majority is by a referendum which can only be held after a proper information campaign is conducted throughout the country.

>

> 6/. Before the referendum can be held the constitutional review panel must be reconstituted to have a better balanced representation of informed and wise personnel. The membership of which must be well publicised.

>

> 7/. If this constitution was made law in New Zealand as proposed in its present format then it will engender an ill feeling and prosper injustices which will make the Land Confiscations and inequities look like a happy Sunday picnic. It will cause a racial division that will muddy this country and its fair mindedness for the foreseeable future. The economic destruction and social disharmony will be ongoing for both Maori, Pakeha and all others.

>

> 8/. A real fact is that the Maori people today have a majority of blood lines other than Maori. This percentage is as high as 2/3rds on average which means that 2/3rds of their wish to exercise Maori Rangtiratanga is from forebears who were not Maori and that the compensations awarded so far may have been overstated perhaps by this same amount!

> There are numerous priveledges in assistance, taxation, education, health priorities and much more which are and have been ongoing help to Maori for a long time which is not available to others because of their race. This is tolerated, indeed welcomed by many non-Maori and is a great example of good will and a desire to help. This constitution will destroy most of that.

>

> 9/. Now a serious question; Is this written constitution even necessary? Has not this country got

along well and become the country that it is with a world wide recognition as a fair and desirable place to live, with a stable government, with a reasonable living standards and freedom for its people? It has evolved with our unwritten but understood constitution embodying English law, the Magna Carta , the Human Rights Act and law interpretation though case history over 160 years.? It should be left alone and not interfered with especially when it this review sets out to delete all this and have one part of our people divided and made dominant against all the others by racial deliniation .

>

> 10/. Finally If our present unwritten constitution has flaws then consider this; so do the written constitutions of other countries. There is absolutely no reason to believe that any new and written constitution will be perfect and have no flaws either. We would exchange any known flaws for the unknown . Making changes to a written constitution is difficult or virtually impossible. Under our present rule of law our unwritten constution can be and is changed to meet a changing world. It can take time and is not easy to do but at least it is answerable to the electorate. As a written constitution is above Parliament then it becomes unanswerable to the electorate. This would over ride our democracy which for all its faults serves us well enough.

>

> Yours Sincerely,

>

Nigel Beach Browning,

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>

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Hamilton Phone

>

> I also endorse this submission.

Earlene Comins

>

Hamilton

>

>

3587

From: danielle commerer <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 15/07/2013 2:55 p.m.
Subject: Maori seats

This is my submission, I strongly feel Maori seats should be abolished. I am totally against race based benefits in our society.

This is 2013, New Zealand should not go backwards to the days of apartheid. Move forward, equality for all New Zealanders

Danielle Commerer
Whangaparaoa New Zealand

224

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 10:44 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Marla Compton Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Auckland Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: Maori should be
elected just like 'anyone else' and they should not have seats reserved for them. Maori are New
Zealanders, and no more. They should have no special treatment. Quota systems never work, and
only denegrates those who benefit from the quota.
Any special treatment will not stand the test of time.

Sent on the 11 April 2013 at 22:44

224a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 10:50 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Marla Compton Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The NZ constitution should be a
single document. This has been the most successful situation in other countries. The constitution
should be the utmost law. Again, because this is how it works best in other countries. The courts
should decide whether something
is constitutional, as the members of Parliament do not have the proper education for this task.

Sent on the 11 April 2013 at 22:49

4754

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:59 p.m.

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

Full Names: Richard & Elaine Comyn Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Western Bay of Plenty Postal Post Code: Postal
Country: New Zealand Submission: 1. Existing constitutional arrangements (as opposed to voting register arrangements) are perfectly in order and do not need any fundamental adjustment. There is no public demand for any such changes - this review being merely the result of a minority political party (having through MMP obtained far more power than its electoral representation warrants) having its own separatist agenda.

2. There should only be one Register of Electors and not separate lists based on race or ethnicity. The only requirement to be on such general list should be the existing age requirement. Similarly there should be no electoral (or indeed any other kind of) parliamentary seats that are exclusive to one sector of society based on race or any other exclusive factor. Thus the Maori seats should be abolished along with the Maori Roll. By extinguishing these "temporary arrangement" seats, the overall number of MPs will become more manageable.

3. There should be no reference to The Treaty of Waitangi in any legislation pertaining to constitutional matters (or indeed at all). Just as the Magna Carta (being the basis of English political and personal liberty) was representative of its time, it is not mentioned per se or ad infinitum in the documents and conventions that make up the UK's "unwritten constitution". So was this Treaty some 600+ years later reflective of the then prevailing political situation. It is not so now. The fact that in the recent past this Treaty has grown and developed out of all recognition to its actual intent is merely reflective of the cunning stealth by which the active (politically) minority has hoodwinked the silent and otherwise "she'll be right" mentality of the majority, is no ground for trying to include it in any constitutional arrangements.

4. All constitutional arrangements should be inclusive of all New Zealanders (or whatever the country comes to be called following a public binding referendum), rather than exclusive to one sector based on race/ethnicity.

5. Parliament must remain supreme in all aspects of law making. If it passes a law which is interpreted by the courts in a manner not intended by Parliament, then Parliament can change it. This is how the Westminster model of parliamentary government works.

Giving that power to the Courts is a recipe for disaster. Look at present day Egypt. You can vote Members of Parliament out - not so unelected Judges who should (according to presently existing constitutional arrangements) be apolitical in all aspects of their judicial function.

6. With the existing MMP arrangements, the term of Parliament should remain at 3 years and the existing arrangements continue - so we feel there is no need to have a fixed election date.

7. Consideration needs to be given in a separate and specific Review on the whole aspect of Citizen Initiated Referenda so that specific issues can be decided upon by the overall (single roll based) Electorate other than only at General Elections.

Submitted on the 31 July 2013 at 14:58

4241

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:05 p.m.

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

Full Names: Kevin Conaghan Organisation Name: Email:
Phone: Cellphone. Postal AddressA:
Postal AddressR: Postal City: Queenstown Postal Region: Central Otago Postal
Post Code: Postal Country: New Zealand Submission: The Treaty of Waitangi must
always be, by its very existence and purpose, regarded and revered as our founding document and,
protected by a written constitution. Those who would argue that a written constitution is unnecessary,
claiming that New Zealand
has been successfully governed without one, ironically overlook that failure to honor The Treaty in
the past, is evidence of poor governance, which has contributed to social disharmony, both in the
original omission and later attempts of redress.

Submitted on the 30 July 2013 at 19:04

4241a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 1:27 a.m.

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

Full Names: Kevin Conaghan Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Queenstown Postal Region: Central Otago Postal Post
Code: Postal Country: New Zealand Submission: It is a dreary thought that, recent
events in London should condemn this independent South Pacific Nation of egalitarian ideals, to
accepting foreign heads of state for perhaps the remainder of this century, barring abdications or
untimely deaths. Elizabeth,
Charles, William, George!!

Putting aside our egalitarian ideals and favoring a Monarchy, thereby avoiding the perceived stigma of
a Republic, could we not enter into dialogue with our Maori community for the purpose of joining in
solidarity under the Maori Monarch.

Submitted on the 1 August 2013 at 01:27

4578

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/08/2013 6:45 p.m.

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

Full Names: Maree Louise Conaglen Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Rotorua Postal Region: Waiariki Postal Post Code: Postal Country: New Zealand
Submission: I would like to see our country become a republic with Te Tiriti o Waitangi as the founding document of our constitution. Our constitution should also protect the basic human rights of all its citizens with out them being vulnerable to the political abuse of neo liberal parties. Any abuse by the state of its citizens like the present situation where large numbers of children live in poverty in a first world country should be within the constitutions legal parameters. The constitution should also protect Papatuanuku from exploitation and should set out a plan for a sustainable future.

Submitted on the 3 August 2013 at 18:44

4407

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:28 a.m.

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

Full Names: Brian D Congerton Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Pukekohe Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: I respectfully submit that there is no need for a "Constitution" for New Zealand. Being part of the commonwealth we have a titular head of state under the crown, and an elected parliament. If we decide to go ahead with a written document, we should start with a clean slate and relegate the "Treaty" to history. Over the preceding decades the intent of the original treaty has been high jacked from its purpose; which was to safeguard maori and give the independent tribes security and peace under crown law. As we have such a diverse population base now that differs from the original treaty participants, ALL cultures now living in this country need to be accommodated under a new constitution written along the lines of the American constitution, as originally written, allowing basic social and religious freedoms to all. Otherwise I feel that the status quo should prevail.

Submitted on the 31 July 2013 at 11:27

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.

Maria Conlon
Wellington
New Zealand

ConstitutionalReview - Submission on your questions

From: Doug Connell <
To: <constitutionalreview@justice.govt.nz>
Date: 28/04/2013 10:30 a.m.
Subject: Submission on your questions

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

Our government is functioning properly without a single document. So yes ideally, I would like to see a single document for the constitution – but I have two concerns:

1. I would be concerned that the formulation of a constitutional document would be used by special interest groups to push their own agendas. One of the key values of any government is equality of citizens with no special status provided on the basis of race, religion, or time of arrival in this country. A new citizen from China should be given equal status to citizens of Maori or English heritage. The treaty of Waitangi should not be incorporated into the constitution in any form – because it could be used to justify favouritism and unequal status. The treaty of Waitangi is a very important historical treaty – not a basis for the constitution.
2. A second problem with a single written document is that the constitution will tend to become static and difficult to amend. The formulation of laws should remain with our elected body and they should not be constrained too much by a constitution that is too big in scope. We must trust in democracy.

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

The constitution and the laws passed by the government should be viewed as different things. The constitution are the rules that govern how the Parliament should behave properly in formulating laws. The constitution should contain very few laws per se, but a set of values and rules of behaviour and guidelines about how parliament should be organized and should behave. I think this question is not very meaningful.

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

Parliament should have sole responsibility for setting laws. That is their function. The courts then interpret and execute those laws when the laws are broken. Our parliament is our elected body and we must trust in the democratic process without interference from the courts. The courts serve parliament (and not the other way around).

2433

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:28 a.m.
Subject: CAP Submission

I firmly believe that Maori Seats in Parliament should be abolished. I also think that it creates separatism which is definitely not in the best interests of the majority of New Zealanders

Ron Connell
Whitianga