

4182

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 1:19 p.m.

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

Full Names: Andus Craig Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Bop Postal Post Code: Postal Country: New  
Zealand Submission: My submission is that we keep the same unwritten constitution that new  
Zealand has had since 1852. It may need small amendients in places, but it must be for all new  
zealanders equally. No race based constitution. We must move forward into the future as  
equals under the law otherwise we will be a country divided.

Submitted on the 30 July 2013 at 13:17

1213

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 3:10 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: colin & alexa craig Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: i Postal  
City: Balclutha Postal Region: South Otago Postal Post Code: Postal Country: New  
Zealand Submission: It is obvious from the ethnicity bias of the Constitutional Review Panel that  
this review has less to do with constitutional reform and more with political motivation and dominance  
of Maori and Treaty interests in any constitutional changes resulting.  
The conclusions should therefore be regarded as null and void, being unrepresentative of the views  
of New Zealanders in general, only selected groups having been approached..

Any constitutional changes must be approved by a binding national referendum.

Sent on the 9 June 2013 at 15:09

1213a

**From:** "Alexa & Colin" <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 3:28 p.m.  
**Subject:** CAP Submission

It is obvious from the ethnicity bias of the Constitutional Review Panel that this review has less to do with Constitutional reform and more with political motivation and dominance of Maori and Treaty interests in any constitutional changes resulting. The conclusions should therefore be regarded as null and void, being unrepresentative of the views of New Zealanders in general, only selected groups having been approached.

Any constitutional changes must be approved by a binding national referendum.

Colin and Alexa Craig,

Balclutha

1213b

**From:** "Alexa & Colin"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 4:42 p.m.  
**Subject:** Submission

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We find the obvious bias of certain members of this supposedly unbiased Constitutional Review Panel quite unacceptable, making a blatant attempt to cement Maori dominance and apartheid into our society. The Treaty did not imply partnership but made all equal under British Sovereignty. The present situation exhibits two major deficiencies of MMP democracy i.e. the unequal influence of minor parties in Government and the presence of unelected list members.

Colin Craig  
AlexaCraig

Balclutha



1214

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 3:19 p.m.  
**Subject:** [http://www.ourconstitution.org.nz/ form submission](http://www.ourconstitution.org.nz/form submission)

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

Full Names: Ernest Arthur CRAIG Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country: New  
Zealand Submission: I do not think there is a need for a new constitution

The Treaty of Waitangi should not be part of any .constitution and need not be part of any legal document.

The size of Parliament should be reduced and should not have Maori seats,neither should Local Bodies.

The current Waitangi Trubunal should be abolished

Sent on the 9 June 2013 at 15:18

3578

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 15/07/2013 11:04 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tracey Lucille Craig Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Hastings Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: 1. Do you think our constitution should be written in a single document?

No, I do not. The way it is represented already is enough - why do something again?

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

No, law is law and that is the legal status.

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

I think Courts should as Parliament representatives are not honest enough and may have their own or their party's interests in mind rather than the country's. The COURT is apolitical and must represent New Zealand and New Zealand's law.

Sent on the 15 July 2013 at 11:02

1949

[newzealand.govt.nz](http://newzealand.govt.nz)

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



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

I CRAIG thank  
that we get things  
changed quickly  
O

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

Name(s):

Email or postal Address:

You can find out more about the Constitution Conversation and make a fuller submission online at [www.ourconstitution.org](http://www.ourconstitution.org)

☒ Tick box to receive regular updates by email

6088.1



3787<sup>1</sup>

**From:** .....  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 24/07/2013 9:19 a.m.  
**Subject:** CAP Submission

I am firmly opposed to the idea of a constitution based on the Treaty of Waitangi.

New Zealand is a democratic country, one people, one law, one government, one language. This is the premise under which people who come to New Zealand from other countries integrate into our community. Basing NZ Constitution on the Treaty of Waitangi will create a perception of legal bias to Maori rights and issues over all other races.

It is also true that Maori, regardless of time or place have had "special" treatment. In 1971 when my first son was born, we struggled to find a house we could afford and spent our first years in a damp cottage with an outside toilet while the Government and Maori Affairs department provided state housing for a number of maori families just up the road from us. Some of the children from these families attended Queen Victoria and St Stephens Schools, fees paid. I have never been offered or known of a Government department that would send my sons to private schools even though our income in the early years was probably no more than their benefits. There has never been equality for Maori and Pakeha in New Zealand regardless of the reasons.

We currently live in Northland. Inequality is rampant up here. To get a job in the public service, you need to be Maori or of Maori extraction. My nephew was denied a place on a sports team because he didn't have an iota of maori blood and his mother refused to say he did! The friend of a niece of ours worked her way through university on the pakeha card because she refused to take the "easy" options offered to her on enrolment. Many young Maori (not all we have some wonderful young Maori friends who are positive contributors to society) have developed an overwhelming sense of entitlement based on the whole Treaty of Waitangi scenario, they bully pakeha and maori alike in the streets, they take what they want because even the government of New Zealand gives them money and handouts and land etc etc and... under the Treaty.... we (Pakeha) OWE them!!! We note over the years history being rewritten and the wrongs done to innocent pakeha settlers and swept under the carpet. The gifts and payments for land now being seen as bribes or forced settlements. Even the statement of Maori being the traditional owners of the land is false... it is a well known but little discussed fact that Maori long preceded Pakeha and were wiped out by them!

In the far North our rates go up every year and services are being cut because council is unable to collect rates on so much of the land up here as it is Maori land and there is no single owner or entity from which to claim rates. If both Maori and Pakeha paid their fair share of rates our rate bill, or FNDC Debt, one of the other would decline dramatically.

Since well before the 70s there was a perception of reverse apartheid in New Zealand. It is interesting to note now that other ethnic groups who have settled in New Zealand, particularly Asian cultures, are now demanding a voice. I believe New Zealand should do away with Maori seats in Parliament and let every ethnic group put up their own candidates and everyone vote for the candidate of their choice. The candidate that will get the vote will be the one who can best represent the greatest majority of people in their electorate regardless of creed, colour, race or religion. New Zealand would then be a true democracy.

Please do not change the constitution. I believe this will be to the detriment of a country already on the brink of apartheid.

Vivienne Cramond

Kaitiaia.

Sent from my iPad

1206

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 12:18 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

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Full Names: David Graeme Craven Organisation Name: Email:  
Phone ( ) Postal AddressA: Postal AddressB:  
Postal City: Cambridge Postal Region: Waikato Postal Post Code: Postal Country:  
New Zealand Submission: Make all maori claimants produce documented evidence that proving  
beyond all reasonable doubt that they are full blooded maori. No part maoris qualify!

Sent on the 9 June 2013 at 12:17

4101

**From:** Judith Craven  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 8:26 p.m.  
**Subject:** Submission re Constitutional Review.

I respectfully wish to express my concern about the current constitutional review.

I am concerned that the constitutional review is happening behind closed doors. Why is it not high profile news?

Research just released by Research New Zealand, shows only 33% of New Zealanders are aware of the current Constitutional Review.

Why is the government so eager to change the constitution? New Zealanders have not asked for this process, nor is it inclusive of all residents of New Zealand. Why is there no transparency in this process?

This process is clearly a waste of tax payer's money. I have not seen any information about this process on the media, nor any mandate from the tax payer's for this use of government funds. This money could be better spent on the many pressing needs within our country, such as economic development and employment.

Nearly eighty percent of New Zealanders believe that major issues such as this constitutional review should be put to a referendum.

Can we please have a return to true democracy.

sincerely,

Mrs Judith Craven

856

**From:** ""  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/05/2013 3:56 p.m.  
**Subject:** Constitution

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



2235

**From:** "Ted Crawford"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 1:49 p.m.  
**Subject:** CAP Submission

Dear Constitutional Review panel,

- 1) I don't see any need for any change to how New Zealand has been successfully governed to date, with more than adequate reference to the Treaty of Waitangi within current legislation. The courts have brought down decisions that have been used to form our set of guidelines in the past, and what we have is abundantly adequate as it stands.
- 2) Should you make any changes to what we currently successfully use, then anything new must be submitted to the New Zealand population to ratify by a binding referendum.
- 3) As far as reserving seats in Parliament for those of one race is concerned (referring to "the Maori seats") the reservation should be abolished, because, now that various Maori are becoming members of Parliament in their own right, there are more Maori in Parliament, than their percentage of the population, so the so-called "Maori seats" are no longer needed.
- 4) If the Maori seats are retained, there would be a real case for a claim against any amended constitution on the basis of racial discrimination, as Maori are immigrants to this land, the same as the rest of us - (and there is adequate proof that Maori weren't the first here anyway).
- 5) Don't get me wrong, I am not "anti Maori", as I have many Maori friends; - it is just that New Zealand is now so "multi ethnic", that one group of immigrants shouldn't have privileges above other immigrants ingrained in any Constitution, or have reserved representation in Parliament.

Respectfully submitted,

E J (Ted) Crawford



3079

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I would like New Zealanders to know what New Zealand is for. What would be lost if we weren't around? Do we stand for anything? Human rights seems to be a movable feast as far as our asymmetrical treatment of our neighbour Fiji and our treatment of Sri Lanka (where thousands of civilians were murdered by the government) is concerned. Do we really know better than Fijians how to manage change in such a complicated post colonial situation? Is our relationship with China healthy? Can we talk about it out loud?

George Crawford  
Auckland  
New Zealand

3843

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/07/2013 9:22 p.m.

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

Full Names: Tom Crawford Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Invercargill Postal Region: Postal Post  
Code: Postal Country: New Zealand Submission: How many members of Parliament should  
we have? Why?

Though of current system of 120 seems to be working well, the coalitions of government are increasingly becoming even in numbers and it could end up being that there could be a 50% 50% split, this could be dealt with by having an extra member of parliament, a tie breaker of sorts, this way the continuation of the legislative process can be assured.

How long should the term of Parliament be? Why?

Having an election every 3 years seems to work quite well, however this is not to say that all mp's should be replaced every 3-4 years as some submitters are suggesting term limits would turn New Zealand politics into the media sideshow that America is today,  
If a party want certain people to continue to stand for their party, and if electorates wish to continue to vote for the same people then let them do so.

How should the election date be decided? Why?

This is quite a non-issue, however in name of fairness, as decision by governor general rather than the ruling party would seem proper.

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

The primary factor here is population of course, however as populations are often changing, historical factors need to be taken into account too. There also needs to be considerations for urban and rural differences, urban communities tend to vote labor and rural tend to vote for National, there needs to be care taken in ensuring urban electorates do not get to absorb rural electorates and vice versa

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

If that member of parliament was an electorate mp and not a list mp then he should continue to stand for his electorate until the next election, where of course he could try to continue as independent or member of another party. Care must be taken however that he does not support opposition legislation contrary to the wishes of his electorate, simply so that he will have political support from the opposition.

Submitted on the 24 July 2013 at 21:21

2040

**From:** GREGORY CREAGH  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 2/07/2013 6:34 p.m.  
**Subject:** CAP Submission

To the panel i think the maori seats should be abolished.

--  
Gregory Creagh  
New Zealand

5225

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/08/2013 12:08 p.m.

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

Full Names: Walter Michael Creak Email: Phone:   
Postal AddressA: Postal AddressB: Bethlehem Postal City:   
Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country: New   
Zealand Submission: I am in favour of a written constitution to cover all New Zealanders equally. I   
am 100% against any written constitution which includes any reference to the Treaty of Waitangi. Also   
none of the principles in the Treaty of Wairangi should be included. I

do not regard this document, signed by some Maori tribes, as a founding document. Many races have   
made this country their home and all should be treated equally. I do not want to see this country   
become what South Africa used to be. Any constitution must be

voted on by a binding referendum and not simply forced upon us all under a political agreement   
between National and the Maori Party.

Submitted on the 10 June 2013 at 11:22

2971

**From:** Peter Creighton <...>  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 12:34 p.m.  
**Subject:** CAP Submission

Any constitutional review must not show favour to any one section of the community(eg Maoris) which would be discriminatory. Rather, the law should, and must, be impartial and fair to each citizen, without fear OR favour . Finish of story.....

Signed, Peter Creighton

Sent from my iPad

2971a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/08/2013 11:49 a.m.

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

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Full Names:	peter Creighton	Email:		Phone:		Postal
AddressA:		Postal City:	Auckland	Postal Region:	Auckland	
Postal Post Code:		Postal Country:	New Zealand	Submission:	There is a fear in some quarters that the Treaty will continue to dominate the law makers thinking.	

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NZ however has come a long way since 1840' and all citizens SHOULD have equal rights, meaning any racial based laws should form no part of our society. Particularly now when most settlements have been or are about to be paid out. With these behind us, any discrimination

or favouritism should stop forthwith, end of story. Otherwise we will resemble an apartheid system which we were at pains to see discontinued in South Africa. The same rule for one and all is fair and equitable, otherwise it won't work.

We do not want to go back in time and initiate racial based tensions and chaos. No one will be a winner if this happens.

Submitted on the 10 June 2013 at 16:44



1607

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 26/06/2013 11:50 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ian R Cresswell Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand  
Submission: I strongly oppose a written constitution. I also especially request the abolition of the Waitangi tribunal and demand that all New Zealanders be treated the same, with EQUAL rights for all. Don't give special privilege's to Maori under the guise of the "Treaty of Waitangi".

Sent on the 26 June 2013 at 11:48



1604

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 26/06/2013 11:37 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jocelyn D Cresswell Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New  
Zealand Submission: I oppose the adoption of a written constitution. Leave things as they are, and  
especially do not include the claims in the name of the treaty of Waitangi in any way as part of a  
formal constitution.

Sent on the 26 June 2013 at 11:35

2153

**From:** "Gavin Crew"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 10:31 a.m.  
**Subject:** CAP Submission

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Never did agree that Maori Parliamentary Seats were a good idea. They are divisive and I don't see that they promote any good feeling amongst the Maori race. Over the last two terms of government they have received so many advantages in terms of settlements and government assistance and still they ask for more. It just has to stop and taking these seats out of the political mix would be an excellent way to start. In any event it should be realized some Maori parliamentary contestants have just as much chance to represent their ideals whether they are Maori or Pakeha in any political party.

Gavin Crew.

90

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/04/2013 2:28 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan Crofskey Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
City: Postal Region: Bay of Plenty Postal Post Code Postal Country: New  
Zealand Submission: 1. Aspirations are that there is one law for all. No priveleges or extra benefits  
in any form to anybody.

2. A full democracy -- get rid of MMP and all racially or religious based parties. No automatic  
integration into any Government or Local Body advisory or any other committee based on race or  
religion.

Sent on the 8 April 2013 at 13:27

90a

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/04/2013 2:34 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan Crofskey Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
City: Postal Region: Bay of Plenty Postal Post Code: Postal Country: New  
Zealand Submission: The Treaty is not NZ's founding document and was never intended to be. It's  
meaning has been grossly exaggerated and should never be in any constitution.

Sent on the 8 April 2013 at 13:32

906

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/04/2013 2:37 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan Crofskey Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
City: Postal Region: Bay of Plenty Postal Post Code: Postal Country: New  
Zealand Submission: 1. None whatsoever !!!!!!!!

2. The Treaty should definately NOT be part of any Constitution.

Sent on the 8 April 2013 at 13:35

90c

**From:**  
**To:** <constitutionareview@justice.govt.nz>  
**Date:** 8/04/2013 2:46 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan Crofskey Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
City: ~ Postal Region: Bay of Plenty Postal Post Code: Postal Country: New  
Zealand Submission: 1. About 50 -- for a country with 4.5 Million people 120 politicians is  
ridiculous. MMP dictates much of what is done -- this is not democratic.

2. Four years -- gives the incoming Government time to do effect the things they were voted in on.
3. Just prior to year end so that the new Government has time to get set in.
4. Simply based on population. \$.5 Million divided by say 50 Polititions
5. Then that Member is out of office -- finish !! No loyalty no office !!

Sent on the 8 April 2013 at 13:44



## 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.

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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.

Catherine Croft  
Thames  
New Zealand



2179

**From:** Digby Crompton  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 11:22 a.m.  
**Subject:** CAP Submission

Abolish Maori Seats

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. Maori are tribal and their nature is to separate. It is clear from the variances in their pronunciation and mixed use of consonants right down to every day attitudes.

Although there is not one pure Maori in the land, the many mixtures of blood and culture together with religion still show a leaning towards tribal difference when placing themselves on the Maori Roll.

As is shown by people voting Maori on a rather shaky roll that admits a 32nd to substantiate a place in that electorate, the country is not being shown a true and fair representation, and any true Maori policies are being split by the dispirit views of the electoral representatives.

Uniting as one voice has and always will be difficult in playing their part alongside other NZers in over 100 electorates and tends to be against the National interest and be solely governed by the WIIFM factor (What's in it for Me )

2986

J.B. Cronin

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Wellington  
New Zealand  
Tel/Fax  
E-mail:

1 July, 2013.

Submissions,  
Secretariat, Constitutional Advisory Panel,  
C/- Ministry of Justice,  
DX SX10088,  
WELLINGTON.

#### **The Constitution**

Any attempt to modify New Zealand's present laws by adding references to the Treaty of Waitangi would be, paradoxically, contrary to the intention of the original Treaty.

The one and only Treaty, Te Tiriti o Waitangi, the translation into Maori by Henry Williams of the original English draft by Hobson and Busby, drawn up on 4 February 1840 and subsequently signed by more than 500 Maori chiefs, was clearly an attempt to unify the inhabitants of New Zealand. It did this by obtaining agreement that all Maori would become subjects of the reigning British queen, Queen Victoria, and by so doing, would gain the protection of Britain, and also be subject to its laws.

Hence the well-recorded greeting of Captain Hobson to the chiefs who signed the Treaty, "Now we are one people".

In recent years, attempts have been made to reinterpret the original Treaty to give Maori some form of separate status, calling them "partners" in the Treaty agreement. This was never the case. Had it been suggested, I am sure that the British would never have agreed. It is nonsensical that there could be two separate entities accepting the same British laws, but each having different laws based on race. Hence Maori became, and are still, New Zealanders, with the same rights and laws applying to all.

The major reinterpretation of the original Treaty which took place in 1975, with the passing of the Treaty of Waitangi Act 1975 and the formation of the Waitangi Tribunal, has been described as an interpretation of the Treaty in a modern context. This I contend was wrong in principle. The original Treaty was drawn up and agreed upon in 1840, to meet the then current situation. No one at the original ceremony could have had foreknowledge of the many developments the future would bring, and so could not have intended that anything pertinent to them be included in the agreement.



Present-day attempts to establish "the principles of the Treaty" have led to endless disagreement. The Treaty meant what it said, and no more. The concept of the Waitangi Tribunal that the Treaty signed 135 years earlier should grant Maori preferential treatment and special privileges under the law in the present day is illogical, and has led to racial division rather than unity – surely not what the original Treaty intended.

### **Treaty Settlements**

The lavish handouts of hundreds of millions of dollars of taxpayers' money in so-called settlement of alleged wrongs to Maori by the then government almost two centuries ago is both illogical and unjust, and is causing rapidly growing hostility amongst the rest of the population. Where in law, and in justice, is it acceptable that present generations should be held legally or financially liable for the actions of their long-dead ancestors, let alone people unrelated and unknown to them? We are not a Corsican society, where family vendettas are carried on endlessly and senselessly through many generations.

A traditional feature of common law is the Statute of Limitations, under which claims for restitution can not be recognised after a specified number of years. This principle seems to have been ignored by both the Waitangi Tribunal and the Government alike.

### **Submission**

There should be no inclusion of special treatment for Maori in the laws which make up our present constitution, such as suggested by the Constitutional Review. The only possible outcome of such action would be a total and bitter division of the races, leading to a permanent apartheid situation in New Zealand.

If the original Treaty is no longer relevant to modern times, it should be dissolved, rather than be rewritten, or reinterpreted.

The Waitangi Tribunal, with its contrived ideas about the intentions of the original Treaty, should be decommissioned, and all New Zealanders, of whatever race, should be subject to the same laws, as intended by the original Treaty. It should be remembered that the Treaty was never a law, and any attempt to make racially discriminatory laws an integral part of New Zealand law would be contrary to the democratic system under which we live.

Financial Treaty settlements, which the nation can not afford, and can sustain only by borrowing, thus increasing our large overseas debt, should cease immediately.

A racially divided nation, with simmering ill-feeling between races, is not the future I wish for New Zealand, nor a situation I would wish to pass on to future generations. Now is our chance to examine and realise what is really happening in our society, and to take bold steps to reverse the trend towards separatism, and work honestly, openly, and without prejudice towards the ideal of equality for all people.

JOSEPH BARRYMORE CROWD

3959

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/07/2013 4:19 p.m.  
**Attachments:** SUBMISSION ON CONSTITUTIONCONVERSATION Jaine Cronin.docx

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

---

Full Names: Vanessa Jaine Cronin Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Nelson Postal Region: Postal Post Code: Postal Country: New Zealand Submission:  
Submission Upload: SUBMISSION ON CONSTITUTION CONVERSATION Jaine Cronin.docx

Submitted on the 28 July 2013 at 16:18

## SUBMISSION ON CONSTITUTION CONVERSATION

The major thing that is important in any discussion on having a constitution in New Zealand is that it must be based on the Treaty of Waitangi. Often The Treaty is referred to as the founding document of New Zealand. It is not, the Declaration of Independence is. The Treaty is the first immigration document of this country, it allows Tau iwi to settle here, protects their rights and protects the rights of Māori and the retention of their resources both material and immaterial.

Any constitution in New Zealand must recognise these protected rights as its basis, it is simply unacceptable to relegate The Treaty as an add on or as an after thought. If any part of the constitution contravenes The Treaty, that part should be exised. There is a danger in that some people feel the Treaty is obsolete – it is not, you cannot back out of a binding contract once you have got what you want out of it and not live up to one's own part of the deal. The Treaty must always stand protected in this country, the very heart of any constitution.

Ngā mihi  
Vanessa Jaine Cronin  
Nelson



4786''

**From:** "Hugh Cronwright" ·  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 3:42 p.m.  
**Subject:** CAP Submission

1. Size of Parliament. Any change in the number of seats should not result in the ratio of List to Elected MP's exceeding a 40 (List) 60 (Elected) split.
2. Term of Parliament. Should be increased to 4 years, providing for more stable policy making and better long term decision making by MP's. Allowing the date of elections to be flexible within a 3 month time span, seems reasonable. Many factors could result in a fixed date turning out to be difficult to achieve.
3. Electorates. The number does need to vary as population expands.
4. Electoral integrity. MP's who break away from the Party for which they were elected to support, should be required to resign from Parliament, both List and Elected.
5. Maori representation in Parliament. At some point the Maori seats need to be abolished. It makes no sense for one group of the population to have such a privilege, if we are to move forward as a unified country.
6. Maori representation in local government. As seen in the experience of Auckland, this is nothing more than a great source of income for a select few Maori. They have served to useful purpose, they hinder all developments because of "consultation", they do not make decisions themselves, instead Council has to pay the external Advisers which they call up. This has no place in a balanced society.
7. Treaty of Waitangi. The constant distortions of the original agreement brought about by decisions of both Judiciary and politicians have led us a long way from the intentions of the Treaty. Even the booklet The Conversation So Far, uses these distortions. Witness:-

"The Treaty confirms rangatiratanga ... different hapū and iwi independently have and exercise rangatiratanga. Article II guarantees te tino rangatiratanga, which is absolute authority for chiefs (or rangatira) to be chiefs and hold sway in their territories." Waitangi Tribunal The Tāmaki Makaurau Settlement Process Report (2007) p6.

This is an interpretation, not what the original Treaty intended.

The constant growth in racial division in NZ is appalling to observe, and we are heading down a path of reverse apartheid with all its consequences of bitterness, hatred and finally racially motivated violence. If you constantly tell one sector that they have been badly done to, they will believe it! The world does not progress by looking back at the wrongs in history and trying to fix them. Imagine the chaos in Europe if populations tried to follow this practice!

N Z needs to decide, does it wish to move forward and prosper as a united country, or allow one sector to hold the country to ransom for the wrongs of our predecessors?

Do we wish to avoid the mistakes of countries like South Africa, Fiji and such where bitterness and fear pervade everyday life, or live in harmony?

As the Asian population outstrips Maori in numbers, are we going to allow them special voting rights, Seats in Parliament and so on?

The Treaty is a wonderful resource for the legal profession, elements of Maori elite, certain University "intellectuals" and those who want to be seen as "politically correct". It adds no value to the economic good of the nation or to the social fabric of society. It needs to be relegated to its proper place, an interesting historical document, and be given no role in the governing of the country in today's world.

8. Human Rights. This already has sufficient power and integration in our law making processes. We do not need this strengthened further.

9. Written Constitution. It is extremely dangerous to try and re-structure an entire nations structure in such a way. We have a complex enough legal and political structure now. Any attempt to create new one is massively prone to influences by present day authorities, where personal biases cannot be separated from their thoughts and actions. Thus leading to aspects being written in with long term serious consequences, and aspects that would be almost impossible to change in the future.

We do not need a second Chamber in our Parliament. We are a tiny nation, carrying already a huge burden of cost in our political system!

Kind regards

Hugh Cronwright

Auckland

New Zealand

Phone

Email

2964

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 9:59 a.m.  
**Subject:** Constitutional Review

Sir,

We are all citizens of New Zealand, black, brown white, yellow or brindle! There should be one common roll and one vote for every eligible person. Anything else merely panders to minorities for political reasons. Keep your findings morally and ethically simple!!

Jim Crook.

Christchurch.



5029

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 2:57 p.m.

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

Full Names: John Patrick Crooks Email: Postal AddressA:  
Postal City: Invercargill Postal Region: Southland Postal Country: New  
Zealand Submission: Thank you for the opportunity to make a submission on New Zealands  
Constitutional arrangements.

Just a few points.

I would like to keep to the present constitutional setup for New Zealand as it has served us very well  
and I see no need to change it.

I don't think that it needs to be written into a single document, nor do I think our constitution should  
have a higher status than other laws because I believe the present situation is working well. Also  
parliament and not the courts always should have the

power to decide what legislation is consistent with our constitution as it is our elected body given  
power, by the people.

I think that the Treaty of Waitangi should have no formal role in a written Constitution as it is an  
historical document written in 1840 and it was never the intent of the authors or the people who  
signed it for this to happen.

---

All the Best

John Crooks

Submitted on the 24 June 2013 at 12:54

4107

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 8:56 p.m.  
**Attachments:** C Cross Subn.pdf

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

Full Names: Colin Cross Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Wellington  
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand  
Submission: Submission Upload: C Cross Subn.pdf

Submitted on the 29 July 2013 at 20:55

## Constitutional review

The fundamental purpose of any constitution should be to protect the rights of all individuals against the danger of an overbearing state.

All citizens of the state must be governed by the same laws that should show no prejudice or favour to any particular citizen. Laws should be blind to all forms of identity politics be it gender, race, sexual orientation or religion.

The history of the world is littered with examples of governments cherry picking who should receive preferential rights over others or whose rights should be denied. The most recent example would be the homosexual community which is still criminalised in many states around the world.

It would be very easy in the current New Zealand political environment to assume that we will be safe from any extreme authoritarian government but the only way to ensure that that is the case is to enshrine in the Constitution limits to what the government can do against any individual citizen.

Any variation that does not protect the rights of all individual citizens equally is political tampering rather than a principled goal of enshrining an objective constitution that protects everyone.

Colin Cross

Secretariat, Constitutional Advisory Panel  
c/o Ministry of Justice  
DX SX10088  
Wellington

3052

As a supporter of Amnesty International, I write to not only add to a collective voice, but as an individual with this submission to the constitutional conversation now in progress.

I am concerned that not all of our human rights are adequately protected under New Zealand law.

For example, the 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 other rights are not also adequately protected and respected.

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 not fallen short, but failed in their obligations to respect, promote and fulfil these fundamental tenets.

While the Government holds that economic, social and cultural rights are currently protected by subject specific statutes, current issues concerning these rights, such as child poverty, reveal the present system is not working sufficiently, if at all, to afford warranted protection. The confusion of laws and policies around economic, social and cultural rights make it difficult, if not impossible, for most New Zealanders to understand or access these supposed rights.

Without a clear and transparent framework to guide legislation and policy it also makes it difficult to ascertain whether laws or policies are actually working; that they in fact recognise the rights of New Zealanders. In addition if said laws or rights are breached many human, indeed common rights in New Zealand, lack avenues to remedies, which limit 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;



- Importantly, 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 automatically assume a human rights approach to addressing human rights issues; and

- Increased human rights education initiatives to increase awareness in all our centres of learning of economic, social and cultural rights.

[As regards this last item all Americans, for example, are taught of their civic and shared rights and become engaged in the social and human rights conversation from an early age. From childhood every American citizen knows that they have a 'right' to bear arms; have a 'right' to a fair trial; and have a 'right' to free speech and legal protest among others. Should we not likewise engage our children and young people that they know, and can be proud of, a New Zealand that requires similar attention to such fundamentals?]

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights for everyone.

Taking these measures will ensure a robust legal arrangement in which all rights are uniformly protected. It will attest to a Government that can take a rights-based approach to addressing pertinent issues in New Zealand, such as child poverty, which highlights the essential difference between 'policy' and 'law.' Whereas policy establishes a platform, a legal structure will, and ought to ensure accountability. And we must be answerable, to future generations.

New Zealand has a requirement, indeed obligation, to progressively realise such rights as open access to good health care, high quality education, and adequate housing for its people. Ensuring said rights are unambiguously protected in law, is a significant step on the way to ensuring New Zealand a place where human rights are protected, respected and when called for; acted upon.

Thank you for this opportunity afforded by the Constitution Conversation. I wish the panel well in its deliberations, and hope that we can once more show the world what Kiwi's can achieve when we put our energies behind a proper and worthy ideal. Let's get it right this time.

James A. Cross

Secretary:  
Amnesty International, Kapiti/Horowhenua group



1693

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/06/2013 1:32 p.m.  
**Subject:** CAP Submission

To Whom It May Concern.

1. I want New Zealand to develop as a multicultural, democratic society where parliamentarians make the laws for society. I do not want New Zealand to develop as a bi-cultural society where earliest immigrants are given legal rights over all subsequent immigrants. This is not to say that Maori are not given due respect as our founding settlers.

2. I want all New Zealand citizens to have equal rights. Especially under MMP there should be no special race based seats in Parliament. Put another way, there should not be European, Asian, Polynesian or any other ethnic background represented by special seats in Parliament.

3. The Treaty of Waitangi or the so called 'principles' of the Treaty of Waitangi must never be enshrined in our constitution as this will inevitably lead to excessive litigation where our Courts, whose judges are not freely elected by the general population, will determine the future development of New Zealand.

Thankyou for the opportunity to make this submission.

Russell A Cross

Christchurch

PS Incidentally, I object to the use of 'mixed' language on your web page. I do not speak or understand the Maori language so the use of words from that language interspersed in what is essentially an English document is, to say the least, confusing.

4650<sup>2</sup>

**From:** Margaret Maloney  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 1:09 p.m.  
**Subject:** CAP Submission  
**Attachments:** SUBMISSION TO THE CONSTITUTIONAL ADVISORY PANEL.doc; Part.002

With respect we submit our submission for consideration by the  
Constitutional Advisory Panel.

Margaret & Adrian Maloney



## SUBMISSION TO THE CONSTITUTIONAL ADVISORY PANEL

We are grateful for the opportunity to have, what we hope is, a meaningful input into the Discussion re New Zealand's Constitution.

We have made a serious study over the last 2 years of our and other forms of government. After considerations we would like to put forward these opinions and suggestions.

We do not think a written Constitution is necessary providing that the Bill of Rights Act 1990 and the Constitution Act 1986 are followed and enforced to protect the values and democratic rights of everyone. This means strong and fully independent checks and balances.

The rule of law should apply to all without exception, that includes all Parliamentarians and all citizens regardless of race or creed, so that the values of fairness and transparency can be fully evident.

Parliamentarians are representatives of their electorates and more rules should be put in place to make this so. A written job description of their expected role should be the basis for their employment. The basic values and principles inherent in this should be included in the oath of office on entry into their Parliamentary term. It should emphasise and underpin their work for their electorates so they can be held truly accountable.

We believe that all Parliamentarians should be able to freely exercise their conscience vote on all legislation in the House. This would mean dispensing with Whips.

We think that at present the Executive has too much unbridled power. The Courts should be given the power to review Parliament's decisions and should be able to overrule legislation where there is inconsistency or transgression against our democratic principles.

We believe New Zealand is a country where we should be able to dispense with adversarial politics. It is wasteful of time and resources. As in wartime and times of economic crises we have had consensus government. This enables long term planning and a better overview of needs and priorities.

We think Switzerland's direct democracy is a system of government that we could learn from. The Federal Council, the Executive Branch, has seven members. Each year a different member becomes Federal President. The post confers no special powers or privileges. They have binding referenda. We suggest that serious decisions in New Zealand, e.g. Asset Sales, should be subject to binding referendum.

We think that the Governor General should be given a stronger role, as an alternative to an Upper House, ensuring that the government is adhering to the principles of democracy and following the rule of law. He should not be an ex parliamentarian and be seen to be free of any political ties.

We think that the Attorney General and Speaker of the House should be

independent of party politics, persons knowledgeable and respected in Constitutional law. We would like to see more participatory democracy in our New Zealand Constitution.

Parliamentarians once elected should stay with the party they were with for the term of their office. If they change their party or form another one or become independent they should forfeit their role immediately and a by-election should be held as they have ceased to represent the people who elected them. We would like to see the Electoral (Integrity ) Amendment Act 2001 re-introduced.

We think the Parliamentary term should remain at 3 years. We would prefer to see STV introduced.

In order for citizens to understand their rights and obligations under our Constitution there needs to be education in Civics and Social Studies in the school curriculum. This should lead to a more enthusiastic participatory role and increase the exercise of a citizen's franchise, a basic essential of democracy. Low voter turn out has resulted in a government, which is in effect a minority government pushing through important and hasty legislation with the majority of one vote, not truly representative of the will of the citizens. Rushed law is ill considered and often wasteful of time and resources when it needs to be re-visited.

The values of Integrity, Fairness, Justice, Liberty, Security, Empathy, Respect for the Environment, Transparency, Honesty should be upheld always in our Constitution and thereby by our Parliamentarians and Law Makers.

Margaret & Adrian Maloney

Golden Bay

e-mail

ph



4671

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

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

Full Names: Paula Crosswell Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: PUKEKOHE Postal Region: Postal Post Code: Postal Country:  
New Zealand Submission: Would like NZ constitution to:

- effectively acknowledge the treaty partnership between Maori and the Crown,
- adhere to the Universal Declaration of Human Rights
- maintain NZ sovereignty (and control) over our resources, land and armed services
- protect NZ'ers rights to privacy and the rights to equal justice under the law
- acknowledge the humanity of providing basic living conditions for all
- require higher standards for public discourse when changing fundamental laws

Submitted on the 31 July 2013 at 13:33

2241

**From:** "Darryn Crothall"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 2:56 p.m.  
**Subject:** CAP Submission

Thank you for the opportunity to submit.

---

I believe Maori seats are racist, unnecessary and should be completely abolished.

--

Darryn Crothall

Auckland,

Telephone: +

Facsimile

Email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message and any attachments are those of the individual sender, and are not necessarily the views of or any of its subsidiary companies.

This footnote also confirms that this email has been virus scanned. No computer viruses were detected however no liability will be accepted for any consequential damage resulting from an email containing computer viruses.

680

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 15/04/2013 6:48 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: Stephen Crowsen Phone: Email:  
Comment: I would like to make a submission as I believe  
the Treaty has a broader meaning than is usually accepted, and as such I think this broader meaning  
should be part of a constitution.  
Sign Up For Updates: Yes

Sent on the 15 April 2013 at 18:47

2642'

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 8:44 a.m.  
**Subject:** CAP Submission

ABOLISH THE SEATS.

Winner National Sustainable Design and Innovation Award

Murray Cruickshank.

5124

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 4:05 p.m.

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

Full Names: John Cua Email: Phone: Postal AddressA:  
Postal City: Hamilton Postal Region: Country: New Zealand  
Submission: A constitution should totally based on equality. The Treaty only make everyone  
unequal. I feel uncomfortable about it. It will be the most strange thing in a country's constitution.

Submitted on the 15 June 2013 at 14:24

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5124a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 4:05 p.m.

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

Full Names: John Cua Email: Phone: Postal AddressA:  
Postal City: Hamilton Postal Region: Postal Country: New Zealand  
Submission: A constitution should totally based on equality. The Treaty only make everyone  
unequal. I feel uncomfortable about it. It will be the most strange thing in a country's constitution.

Submitted on the 15 June 2013 at 14:24

---

5124b

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 4:05 p.m.

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

Full Names: John Cua Email: Phone: Postal AddressA:  
Postal City: Hamilton Postal Region: Postal Country: New  
Zealand Submission: in advanced countries, all the representatives should be elected because of  
their abilities, not their ethnic background. Moaris' privilege only degrade the life quality in New  
Zealand.

---

Submitted on the 15 June 2013 at 14:35

289

**From:**  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 13/04/2013 5:49 p.m.  
**Subject:** Submission

My submission is that I want no change to NZ's constitution especially if it makes one ethnicity more important than others. Some slight changes may be required in the future but not to a race based constitution. We need equality and to be seen as one people - New Zealand citizens

Lois Cubis

Sent from my iPhone

1903

14.05.2013.

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

My submission regarding the N.Z. Constitutional Review is that I want NO change to  
New Zealand's unwritten constitution which has served us well since the 1852 N.Z.

Constitutional Act was passed, our founding document. It may well require some  
alteration in the future, but not something based on the version of the Treaty of  
Waitangi adopted by the Government of 1975, i.e. a race-based Constitution.

I still adhere to Governor Hobson's words "We are now one people".

B. R. Cullen

961

Tauranga  
14<sup>th</sup> May, 2013.

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

With regard to the N.Z. Constitutional Review, my submission is that I want no change to New Zealand's unwritten constitution that has served us well since the 1852 Constitutional Act was passed.

A formal Constitution may well be needed in the future, but I am totally convinced that the best interests of New Zealanders can only be served by a constitution that is not race-based.

For New Zealand to have a prosperous future, our people must face that future as one people, free of racial divisions.

Margaret H. Cullen.



5108

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:45 p.m.

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

Full Names: John Frederick Cummings    Email:    Phone:     
Postal AddressA:    Postal AddressB:    Postal City: Tauranga  
Postal Post Code: BOP    Postal Country: New Zealand    Submission: 1. There should be 114  
members of parliament this is because there shouldn't be any Maori Electorate seats.

Personally I would also reduce the number of list MP's to 37 total MP's 100 this would stop the tail wagging the dog.

2. maybe the term of government could be stretch to 4 years but you have to have good governments - that are there to lead the country well and not point scoring on how best to hold the country back or shaft the working class.

5. If a list member leaves his party then he leaves parliament.

If a party member leaves his party,

he was elected by the people on the values of that party and should

either opt to leave parliament and be replaced with a list MP of that party

or have a by election and stand for his new beliefs against a new member of the party he left in a two horse race,

no other party is allowed to put forward a candidate.

Submitted on the 16 June 2013 at 15:22

5108a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:47 p.m.

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

Full Names: John Frederick Cummings Email: Postal  
AddressA: Postal AddressB: Postal City: Tauranga Postal Region:  
BOP Postal Post Code: Postal Country: New Zealand Submission: These seats in  
parliament should be abolished.

Maori seem to have a load enough voice without them, and should consider taking their place in this  
country by standing on their own two feet.

Submitted on the 16 June 2013 at 14:57

51086

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:47 p.m.

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

Full Names: John Frederick Cummings    Email:    Phone:  
Postal AddressA:    Postal AddressB:    Postal City: Tauranga  
Postal Region: BOP    Postal Post Code:    Postal Country: New Zealand    Submission:  
New Zealand does not need a written constitution and I strongly oppose any legislation or reference to the Treaty of Waitangi should one be drafted now or in the future.

---

New Zealand needs one law for all it's citizens and NOT a

system that has been deemed inappropriate and wrong in this day and age - I speak of apartheid.

There is also a creeping racism that is raising it's ugly head in this country it seemed to start with the adding of another verse to the national anthem - there wasn't a referendum on that? your own web site is also part of this

unwelcome change we are NEW ZEALAND not aotearoa New Zealand.

Once the treaty settlements are completed once and for all time the Treaty of Waitangi should take it's place as a historic document for that is all it is.

Finally stop a minority holding us all to ransom, and let this country grow to excel once again.

Submitted on the 16 June 2013 at 14:47

1374

**From:** " & PM Cummins"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 17/06/2013 7:35 a.m.  
**Subject:** constitutional review

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

Tauranga.

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 8453  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

4149

**From:** Cunliffe Family  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 10:23 a.m.  
**Subject:** Re: Review

Dear Sir

I wish to make the following comment with regard to the NZ Constitution and ask for your consideration in this regard:

I believe there should be a cessation of all work on the Constitutional Review; including all discussions relating to the place of the Treaty; until it has been established that the people of New Zealand wish to have their Constitutional arrangements reviewed  
kind regards

Deborah Cunliffe (Mrs)



5127

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 4:05 p.m.

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

Full Names: Allan & Lois Cunningham Email: Phone:  
Postal AddressA: Postal City: Postal Region: North Otago Postal  
Post Code: Postal Country: New Zealand Submission: WE think a constitution is ok but  
should have nothing to with the treaty of Waitangi

Submitted on the 15 June 2013 at 10:43

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3584

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 15/07/2013 2:29 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

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Full Name: Duncan Cunningham Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Nelson Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: I want to see this NATION reach a stage of maturity in which we have moved past a mentality of entitlement, of blame and punishment, of tribal "me and mine against you and yours" and Responsibilities and Rights instead of rights. And that those Responsibilities and Rights apply equally to all citizens.

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I want all human beings who are citizens of this land to have the maturity to give up living out of the past in which we blame each for the things done by long-dead people who may or may not be our ancestors. What is happening now is like today's and tomorrow's Germans continually being punished for the atrocities of Hitler's Nazi Germany.

I want to see the people of my chosen country draw line in the sand and say "that's the place and time where we abandon the past in order to create a new future which is based on our actual similarities not our perceived differences". That's place where we rise together.

I want the Treaty of Waitangi, an extraordinary document of its time, be consigned to history. It's causing too much pain to NZ society and we must acknowledge the diminishing relevance in a world which could not possibly have been foreseen by those who wrote it and those who signed it. It would be like England keeping the Magna Carta as its core constitutional document - exactly what was need AT THAT TIME.

I want the Bill of Rights completely re-written as the Bill of Responsibilities and Rights. Note that Responsibilities come first. In a society in which all citizens TAKE responsibility, rights immediately become a lesser issue. To some degree, it could be argued that if everyone took responsibility for themselves and others, we may not even need rights.

I want to see the Waitangi Tribunal closed. How many more "claims" based on someone's say-so, have to be processed and paid out before we can say Enough! For how much longer do today's citizens have to be punished for something they did not do by people who claim they want justice but get it by punishing the innocent?

I want to see this country fully acknowledge that the "Mother of the Nation" is not an erstwhile TV news reader who got the sack for being too greedy but is in reality that insightful, gracious and inspiring woman Dame Whina Cooper. Why Whina Cooper? It was she who responded to an angry niece or grand-daughter who asked "how do we get rid of the Pakeha?" Whina replied with "marry them". She was intelligent enough to know that not only would Pakeha "disappear" but so would Maori.

We become One People. No racism, no tribalism. All resources belong to all people who have the responsibility for the sustainable guardianship of them. It cannot work any other way.

UNITY: RISE, TOGETHER, TODAY.

And how do I want our country to be run in the future?

See above. In the context of representation in a country of One People, I see no more need for special concessions which will only ever divide us. How can we possibly be divided by treating one "race" as more "special" than another when when so many races have intermarried. What is Pakeha when the world is now a melting-pot?

We must learn to run our country as a place in which we think of ourselves as the guardians of or children's future, not the jail-keepers of the past.

I close with a quote from Jiddu Krishnamurti:

"When you call yourself an Indian or a Muslim or a Christian or a European, or anything else, you are being violent. Do you see why it is violent? Because you are separating yourself from the rest of mankind. When you separate yourself by belief, by nationality, by tradition, it breeds violence. So a man who is seeking to understand violence does not belong to any country, to any religion, to any political party or partial system; he is concerned with the total understanding of mankind."

Sent on the 15 July 2013 at 14:28

3584 a)

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/07/2013 3:05 p.m.

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

Full Names: Duncan Cunningham Organisation Name: Email:  
City: Nelson Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: Q2: Do you think that the Treaty should be made a formal part of the constitution?  
Why?

Again, a loaded question which does not invite "why not?"

The treaty must NOT be a formal part of the constitution as it is:

1. An agreement reached for a particular purpose 173 years ago.
2. There is still no agreement on the principles and those that do exist are subject to widely varying interpretations.

We need to create an entirely new path forward in the same manner that the South Africans created a new "Rainbow Nation" by using the famous Mont Fleur Scenario planning session in the early 90's. The work as conducted by Adam Kahane as is reported here:

<http://www.montfleur.co.za/about/scenarios.html>.

The scenario they settled for, more or less, was one called the Flight of Flamingoes in which "the transition is successful, with everyone in the society rising slowly and together."

My greatest concern is that too many people with a fixed agenda will view this as irrelevant when, if they let go of their self-interest positions, will see that unity is the only sustainable path.

Submitted on the 16 July 2013 at 15:03





3584 b)

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/07/2013 2:43 p.m.

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

Full Names: Duncan Cunningham Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Nelson Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: Q1: Thinking of the future, what role do you think the Treaty of Waitangi could have in  
our constitution?

Firstly, this is clearly an intentionally loaded question as it pre-supposes that I accept that the treaty has a place in NZ society 173 years after it was written and signed. I don't.

So here's where I experience a high level of frustration - that is seems like no-one is listening to any voices that disagree with the role of the treaty in a society, in a world that has changed far beyond anything that anyone could have imagined in 1840.

All we have heard, and been fed, is that Pakeha did terrible things (really? worse than Maori were doing to each other?) and have not honoured the principles of the treaty. And yes, much of that is true but NEVER has anyone, that publicly acknowledged the following (and none of this is criticism, just what's so):

1. The Maori population was in decline owing to the tribal warfare, declining protein sources and female infanticide.

2. Maori people were being forced off their traditional lands by more powerful tribes and their allies.

3. Technologically, Maori were a stone-age, pre-agricultural people.

4. Tribal warfare, and all the atrocious practices that went with it, was stopped by Pakeha intervention - including the Treaty of Waitangi.

5. And this the biggest thing I object to: Pakeha brought resources and technology (domestic animals and steel implements, woven clothing, building technology, "modern" medicine, ocean-going vessels, etc,etc...) that changed the lives and futures of the indigenous people dramatically. So much so that the population of Maori expanded from a low of 50,000-70,000 in about 1850 to about 750,000 (incl Australia) in 2006. And this has never been acknowledged.

Throughout the history of humanity new cultures have an impact on the existing culture and always it's a case of the "double edged sword". Always there are losses and gains and new agreements have to be made and kept as the times change and this is where the relevance of the Treaty of Waitangi, 173 years later, has to be questioned.

People talk about the principles of the treaty as if they are clear to everyone that everyone agrees what they are. It was not until the late 1980's that a set of principles as was finally agreed upon - in the context of the a modern society. And even now there is still disagreement so how can the citizens of NZ be expected to understand the treaty when those we look to to guide us cannot agree?

Thus my assertion that the rightful place for this amazing document is the same as the Magna Carta of 13th century England: history. Trying to apply something designed for an old context to a new age and social context is a recipe for social disaster. As the author and futurist Buckminster Fuller put it: "You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete."

Nelson Mandela understood this principle and applied the principles that came out of the famous Mont Fleur Scenario Planning sessions to create an entirely new approach to building a new South African society. This is so well-known and entirely relevant to our country that I'm surprised it has not been mentioned. It's here: <http://www.montfleur.co.za/about/scenarios.html>.

I can only hope that my voice will be heard and accredited with some credibility. I live in a world where all people are the same, we have more about us that make us the same than make us different. We have to choose THAT. All other options will simply divide us.

Submitted on the 16 July 2013 at 14:42

4547  
**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 1/08/2013 10:32 a.m.

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

Full Names: Maxine Cunningham Organisation Name: Private individuals Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Wellington Postal Region: Wellington Postal Post Code:  
Postal Country: New Zealand Submission: We have sufficient constitutional protections  
within our current laws. Pulling them out and putting them into a constitutional statements is not  
necessary - those countries who have a written Consitution don't seem to be any more supportive of  
human rights  
than those who do not, in fact some breach human rights (e.g. Fiji). However any new constitutional  
arrangements have to consider Maori rights in terms of the Treaty of Waitangi.

Submitted on the 1 August 2013 at 10:31

199

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/04/2013 8:44 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: S. Cunningham Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Christchurch Postal Region: Postal  
Post Code: Postal Country: New Zealand Submission: We reject references to the Treaty of  
Waitangi or its principles in any constitutional document.

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

We ask that race-based Parliamentary seats be abolished.

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

We ask that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished.

Sent on the 10 April 2013 at 20:43



31.45

## 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.

B.Dale Curham  
Napier  
New Zealand

628

**From:** \*  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/04/2013 5:02 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

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Full Names: John Curran Organisation Name: Email:  
Postal AddressA: Postal AddressB:  
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:  
My submission is that, while the Constitutional Advisory Panel is independent of Government, its  
make-up is unbalanced and not truly representative of the current makeup of New Zealanders, both  
in terms of ethnicity and background.

Also this is an issue that will impact upon all New Zealanders when and if any of the Panel's  
recommendations are implemented.

Because of the two factors mentioned above, any recommendations of the Panel should only be  
implemented if passed by means of a referendum by a majority of registered electors.

I also submit that since we already have a Bill of Rights for all New Zealanders, and a Treaty that  
established the dealings of Maori with the Crown, and other established laws that protect New  
zealanders, there is no need for a third document being a Constitution  
to be established.

I therefore oppose Constitutional Review if it means a new Constitution will be imposed upon New  
Zealanders.

Sent on the 24 April 2013 at 17:02

630

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/04/2013 7:19 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

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Full Names: Liam John Curran Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
City: LONDON Postal Region: Postal Post Code: Postal Country: United  
Kingdom Submission: My submission is that, while the Constitutional Advisory Panel is  
independent of Government, its make-up is unbalanced and not truly representative of the current  
makeup of New Zealanders, both in terms of ethnicity and background.

Also this is an issue that will impact upon all New Zealanders when and if any of the Panel's  
recommendations are implemented.

Because of the two factors mentioned above, any recommendations of the Panel should only be  
implemented if passed by means of a referendum by a majority of registered electors.

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established the dealings of Maori with the Crown, and other established laws that protect New  
Zealanders, there is no need for a third document being a Constitution  
to be established.

I therefore oppose Constitutional Review if it means a new Constitution will be imposed upon New  
Zealanders.

Sent on the 24 April 2013 at 19:19

260

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 12/04/2013 9:58 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Thomas Currie Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Richmond Postal Region: Tasman Postal Post Code: Postal Country: New Zealand  
Submission: Based on the problems other countries especially America have with their constitution  
which locks the country into a set of rules that can't be upgraded to keep up with the changeing times,  
New Zealand does not need a constitution, it is too binding and  
a very old fashion way of trying to deal with problems that don't exist until the rules are made.

Sent on the 12 April 2013 at 21:57

260a

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 12/04/2013 10:06 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Thomas Currie Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Postal Region, Postal Post Code: Postal Country: New Zealand  
Submission: New Zealand is rapidly becoming a multi race society. The treaty of Waitangi covers one race so to keep us from becoming a racial society, the Treaty of Waitangi has no place in the future development of New Zealand if we are to forge ahead in harmony and should be phased out over the next few years.

Sent on the 12 April 2013 at 22:05



## 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.

Harold Curry  
Canterbury  
UK

2066

**From:** "Curry" <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 1:11 a.m.  
**Subject:** CAP Submission

Canada Calling:

2013:07:02

Abandon the Maori Party altogether, Please!

Comment:

Mandated bilingualism has no place in a multi-cultural society any society divided against itself will also fail.

Learn from a failed Canadian experience.

N. R. Curry

Canada

182

**From:****To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>**Date:** 10/04/2013 10:58 a.m.**Subject:** CAP submission

I never thought that I would have the opportunity to express my views on how the country could be run.

If only we could get rid of the chain that is round our neck with the Treaty of Waitangi. We have been hampered in our prosperity and our race relations with this antiquated and useless piece of legislation. It is to the detriment of New Zealanders that we have legislation that allows Maori to have racist inequalities that in other countries would not be tolerated. However because of the Treaty we have two distinct races in our country and this is causing division and intolerance. I find it abhorant that we have Maori rugby teams. Can we have an all white or European or perhaps "Pakeha" team? No, this is very racist.

With the final settlement that we are experiencing for the third time it would be timely for this Treaty to be done with after 150+ years.

It is time to put the Treaty to rest and have one people NEW ZEALANDERS. Equal rights for all New Zealanders with no hand outs that rattle the other ethnic groups in our wonderful country.

I have in my life time (70 years) had many Maori friends and still appreciate the fact that we have not in the history of our nation not treated our ethnic race with a dignity that might have been expected. That is our history we now live in the year 2013 it is time to move on, look to the future not dwell in the past.

I have said my piece not that it will be taken any notice of but one that I know is expressed by many NEW ZEALANDERS.

Thankyou for this opportunity  
Andrew Curteis





182a

**From:**  
**To:** "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.govt.nz>  
**Date:** 11/04/2013 8:54 a.m.  
**Subject:** Re: CAP submission

I thought that I would add this to my constitutional review letter as an after thought.

I wish I was a Maori.....

I have been wondering about why only Whites are racists, but no other race is..... so I got to thinking Maori call me a 'Pakeha', [Pa = village, keha = flea, vermin ] 'Whitey', 'Honky' and 'Redneck' and that's OK, but if I call you Hori, you call me a racist.

You have a race based Maori Political party, special Maori only parliamentary seats and Maori can stand as a candidate in any parliamentary electorate in New Zealand but white people cannot stand for a Maori seat or be on the Maori roll or a member of the Maori Party. You have '3 bites at the same electoral cherry'. White people have only one and yet you still say you are dis-advantaged. If I complain you call me a red neck racist.

You have a race based Maori caucus in parliament which includes the Maori members from all parties. It concerns itself with protecting and advancing Maori values, not party political values. If whites or any other ethnic group had a multi party parliamentary caucus that dealt with the advancement of its own race or for whites only, and not politics we would be called racist.

You also want to appoint your own representation on Local bodies and demand the granting of special seats or privilege. If not granted you scream racism. Yet Maori can be elected just the same as any person from any race. If there were seats on any local body that were just for whites only there would be great cries of racism.

You have a flag of your own, which you insist be recognised and flown alongside the flag of our country.

This illustrates your separateness and division from the rest of New Zealanders. If a white person flew and demanded recognition of a competitive flag for New Zealand, it would be tantamount to Treason.

There are a number of openly proclaimed Maori schools and Colleges in New Zealand. Maori colleges and high schools specifically for Maori students. Yet if there were 'Whites Only colleges', they would be racist colleges.

If whites had scholarships, college funds and Trusts that only gave white students Scholarships, you know they'd be racists.

You expect whites and other New Zealanders to ignore your special tax payer funded educational institutions and when we complain or say you should teach your language and culture in the home as other races do you call us racists.

Who pays for the running of Maori colleges? If whites objected to their taxes going to pay for them they would be called racist. If white people had their own schools and colleges they would be called elitist racists

You have Government funded race based Kohanga Reo's [pre-schools] to teach your race your own language and even have transport to pick the children up. If any other

race asked for the taxpayer to fund the teaching of only their own language, or transport to take their children to pre-school they would be laughed at and called racist.

You have Maori Health Services. Special organisations within the taxpayer funded public health system which are run by Maori for only Maori. If whites asked for such special and separatist privileges from the health services they would be racists..

You have a Maori TV channel funded by the New Zealander taxpayer. If there was a Whitesonly TV or if whites said Maori should fund their own TV, they would be called racists. You also have your own Te Reo TV channel which broadcasts solely in Maori. Of the 14 free to air Freeview TV channels Maori have two of them and yet there are also Maori language programs and news on the main network channels such as TV One and TVNZ 7. If we consider that an over representation of a language that the rest of us don't want to learn, we are called racists.

If we had any organisations, schools, trusts, and governmental groups TV stations, etc for whites only to advance OUR lives, we'd be racists.

A white woman cannot be Maori sportswoman of the year, but any race can be New Zealand sportswoman of the year..

A white person cannot be in the Maori All blacks or any Maori sporting team, but any colour can be in the All blacks or any New Zealand sports team. This separatism is decidedly racist but if a white person comments on it they are labelled racist.. The fact that we have a Maori allblack team is as racist as is any race based sports team can be but if there was a whites only fallback team or any other whites only sports team it would be considered blatantly racist.

You say the whites commit as much violence as you do.

So why are the Maori parts of town the most dangerous places to live? Why are the jails so full of Maori?

Why are so many children killed and bashed by Maori.

But when I say that Maori are a violent people you call me a racist.

You rob us, convert our cars, rape our women and bash our elderly.. But, if a white police officer shoots a Maori or a Maori gang member, or assaults a Maori criminal running from the law and posing a threat to society, you scream racism..

You are proud to be Maori and you're not afraid to announce it, even though you may not be full Maori, but part Maori, or even only 'trace element' Maori, but when we announce our white pride, you call us racists.

Why is it that only whites can be racists?

There is nothing improper about this e-mail. It's all true and illustrates that it's time we started to pressure all politicians to eliminate special race based privilege and parliamentary seats based on race..

Stop giving Maori special privilege and treat them the same as any white person, Chinese, Asian, Indian or Pacific Islander.

There are many races that live in New Zealand, all were alien initially, now there are many minorities and if we don't learn to stand up and stop privilege being accorded to any one particular group, the next group to start wanting separatist rules, favouritism and privilege will be alien religious groups.

The great gravy train, a.k.a the Waitangi grievance Industry, has hopefully nearly finished it work of judging events of 160 years ago through today's eyes and making compensation awards in today's money so now is the time to stop and ask:

Do we want a privileged group enjoying special favour for no rational reason, or do we want racial equality in New Zealand with fairness and equal privilege for all  
There is nothing improper about this e-mail..... so let's see which of you care enough to send it on.  
Think about this ... If you don't want to forward this for fear of offending someone – THEN YOU ARE PART OF THE PROBLEM!  
It's not a crime to be white YET.. but getting very close!

From: "ConstitutionalReview@justice.govt.nz" <ConstitutionalReview@justice.govt.nz>  
To: .  
Sent: Wednesday, 10 April 2013 1:27 PM  
Subject: Re: CAP submission

Dear Mr. Curteis,

Thank you very much for your submission, which the Constitutional Advisory Panel will consider along with the views of other New Zealanders.

You are welcome to add to your submission, or make submissions on other topics if you wish, either online at [www.ourconstitution.org.nz](http://www.ourconstitution.org.nz), by emailing this address, or by post to:

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

Please note that the Panel may publish submissions and submissions may be released under the Official Information Act, if requested.

Thank you for being part of The Constitution Conversation.

Kind regards,

I never thought that I would have the opportunity to express my views on how the country could be run.

If only we could get rid of the chain that is round our neck with the Treaty of Waitangi. We have been hampered in our prosperity and our race relations with this antiquated and useless piece of legislation. It is to the detriment of New Zealanders that we have legislation that allows Maori to have racist inequalities that in other countries would not be tolerated. However because of the Treaty we have two distinct races in our country and this is causing division and intolerance. I find it abhorant that we have Maori rugby teams. Can we have an all white or European or perhaps "Pakeha" team? No, this is very racist.

With the final settlement that we are experiencing for the third time it would be timely for this treaty to be done with after 150+ years.

It is time to put the Treaty to rest and have one people NEW ZEALANDER'S. Equal rights for all New Zealanders with no hand outs that rattle the other ethnic groups in our wonderful country.

I have in my life time (70 years) had many Maori friends and still appreciate the fact that we have not in the history of our nation not treated our ethnic race with a dignity that might have been expected. That is our history we now live in the year 2013 it is time to move on, look to the future not dwell in the past.

I have said my piece not that it will be taken any notice of but one that I know is expressed by many NEW ZEALANDER'S.

Thankyou for this oportunity

Andrew Curteis =====

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(1) reply promptly to that effect, and remove this email and the reply from your system;

(2) do not act on this email in any other way.

Thank you.

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>>>

> 10/04/2013 10:57 a.m. >>>



1826

**From:****To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>**Date:** 17/04/2013 11:11 a.m.

Hi Constitutional Reform Panel

I was so pleased that as an older NZer (70) that I was to be given the opportunity to express how I felt about our constitution and how our "country will progress into the 21st century. Where will we be in 2050? Are we looking to the future or still living in the past and regretting what we had done not what we can achieve? Will our nation still be racially divided?

What would you say is the most contentious issue in the constitution of New Zealand?

Yes !!! The Treaty of Waitangi.. Would you have a vote on who would like to see the Treaty written out of the constitution? No!! because its not politically correct and you would not be very popular.

Look at the make up of the advisory panel for constitutional reform. Five Maori activists, one Polynesian, one Asian, one European who is a Maori supporter, and two white Europeans. Where is the racial equality? The projections for the population of NZ for 2026 are NZ Europeans 70%, Maori 15%, Asians, 11% and Polynesians 6%. Shouldn't the panel consist of the proportion that the population indicates for the future. You may call me a racist but I can assure you that I attended a very cosmopolitan school and have taught at many such schools that have had a large racial base..

Treaty settlements have been going on since 1920 and we are told that this will be the full and final.

What a laugh!!! The tax payer has paid out \$952 million dollars so far and still more to come. How that money could be spent on the population of New Zealand instead of a racist hand out.

We are at present living in a racist society and it is time that it was fixed and we all became NEW ZEALAND ers.

Hoping for some results

Andrew Curteis





4852

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 4:54 p.m.  
**Attachments:** Curtin submission.pdf

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

Full Names: Jennifer Curtin Organisation Name: The University of Auckland Email:  
Phone: Postal AddressA: Dept of Political Studies  
Postal AddressB: Postal City: Auckland Postal Region:  
Auckland Postal Post Code: Postal Country: New Zealand Submission: Submission  
Upload: Curtin submission.pdf

Submitted on the 31 July 2013 at 16:54



## **Gendering the Constitutional Conversation**

Jennifer Curtin

Associate Professor, Department of Political Studies

The University of Auckland

Submission to the Constitutional Advisory Panel, 31 July 2013.

### **Introduction**

The University of Auckland's Human Rights Centre Symposium held on 7-8 June 2013, included in its programme a workshop dedicated to the discussion of women's rights and constitutional reform. An introductory paper was presented by Dr Jennifer Curtin and participants discussed how New Zealand's constitutional framework could better protect and enhance the rights of women and advance gender equality.

Approximately 20 women from a range of organisations and community groups were involved in the workshop discussion and/or provided additional responses in the plenary session or via email. Participants did not begin with a preconceived idea of whether a written constitution or an entrenched Bill of Rights was the preferred outcome. Rather, our starting point was how we could build a more inclusive constitutional framework that recognised the Treaty of Waitangi as a founding document, and addressed the substantive rights of women. This submission summarises the issues raised from the conversation at the Symposium, in the context of recommendations and best practice that has been identified in the international literature on women's rights, gender equality and constitution building.

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### **Gender and the Constitutional Advisory Panel's Terms of Reference**

In 1995, at the United Nations Fourth World Conference on Women in Beijing, Hillary Clinton reminded the world that women's rights are human rights and "that it is no longer acceptable to discuss women's rights as separate from human rights" whether they be individual economic, social or political rights.

And yet the terms of reference for the Constitutional Advisory Panel are largely silent on the issue of women's rights and gender equality. This is an unfortunate omission and it has been left largely to women concerned with gender equality and women's rights to remind the Constitutional Advisory Panel and our decision makers that: gender matters to our constitutional framework; to how we think about institutionalising both positive and negative rights; and what is needed to advance substantive gender equality outcomes in the political, economic, social and cultural spheres.

It is an absolute necessity that attention be given to women, and gender equality, because of the absence of our inclusion historically. In 1850, married women did not have control over property, they had to prove aggravated adultery if they wanted to divorce their husbands and

no woman, married or not, had the right to vote (Hutching 2010, 15). Women were barely citizens in the full sense of the word, and as such, most were excluded from designing New Zealand's formative constitutional framework.<sup>1</sup> That the Westminster model and traditions inherited from the United Kingdom also viewed women as irrelevant to political and legal institutional design, exacerbated prejudices against women's right to participate in the constitutional discussions prior to the establishment of New Zealand's first parliament, and again in the constitutional conventions across the Tasman that ultimately resulted in New Zealand's decision not to join the Australian federation.

Moreover, while New Zealand likes to present itself as a democratic innovator given they were the first country to give women the vote, this citizenship right was partial – women did not become eligible to stand for parliament until 1919. It was in 1933 that the first Labour woman MP was elected (Elizabeth McCombs), and in 1945 when Hilda Ross was elected as National's first woman MP. It took another 40 years for women's political representation to reach double figures (12 in 1984) and despite the introduction of MMP, women's parliamentary representation has stagnated at 33 per cent, with the major political parties resistant to any form of affirmative action aimed at addressing this democratic deficit. Indeed the recent reaction by politicians and media commentators alike, to Labour's proposal for All Women Short Lists indicates how oblivious those advantaged by the current constitutional framework and its corollary institutions are to their embedded and gender specific positions of power and influence (Curtin 2012; Curtin 2013).

This most contemporary example of resistance to the discussion and adoption of gender equality measures acts as a clear reminder that women can rely only rarely on the benevolence of the male-majority who hold positions of power and influence in political parties, the legislature and executive, and in the machinery of government. History demonstrates that policy reforms that address gender inequalities are dependent on women's voices, through lobbying and protest, and feminist activism (Hutching 2010; Rei 1993). Advances for women as mothers, their access to education, health, reproductive rights, safe sex work, economic equality, and freedom and protection from domestic violence and sexual assault have, for the most part, resulted from the continued fight by women in civil society, within political parties and the bureaucracy (cf Curtin and Sawyer 1996; Curtin and Teghtsoonian 2010; Dann, 1985; Grey 2006).

For many, including those on the Panel and the secretariat who will be reading this submission, this history is well known. Nevertheless it is important to reflect on our exclusionary past, for it is disappointing that yet again it requires women's voices to remind those in charge that gender equality and women's rights should be at the forefront of this conversation. Applying gender neutral language does not in itself ensure gender inclusivity, for our inherited and adapted constitutional system is underpinned by gendered norms and assumptions (Baines et al 2012; Williams 2009).

Here the work of Australian Professor of Law Helen Irving is worth considering (Irving 2008). Irving begins with the premise that a country's constitution, even where it may appear neutral, will impact disparately or differentially with respect to gender. In a cross-national historical study she examines how constitutions have framed women's membership of, or absence from, the constitutional community; and how constitutional provisions may present or overcome obstacles to both gender equity and agency.

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<sup>1</sup> Women ratepayers were given the right to vote in local body elections in 1875, they were not able to vote in national elections until 1893, meaning their participation in discussions of constitutional issues was limited.



For Irving, equity and agency go further than gender equality (where formal equality offers the same rights, conditions and opportunities to women and men most often expressed through the prohibition of gender discrimination or the denial of rights on the grounds of sex or gender). She argues that equity involves justice, fairness, recognition and respect, while agency entails inclusion, access to and effective participation in all spheres. The pursuit of both through constitutional reform would facilitate full belonging and a substantive (rather than purely formal) approach to women's rights.

In this sense, Irving's analysis is underpinned by a normative framework – she argues that too often the consideration of issues relating to gender and women's rights is undertaken as an after-thought. Best practice, she advocates, is when a full gender 'audit' is applied to a whole constitution, or where the commitment to gender equity and agency has been central to the process of constitutional design.

As yet, this encompassing gender audit process has seldom been applied to constitutional reform or re-design, although women have sought to be active participants in the resurgence of constitutional reform evident globally (Dobrowolsky et al 2003; Williams 2009). In 1998, several women's groups joined forces to organise Women's Constitutional Convention in advance of the government-initiated Constitutional Convention; over 300 women attended and drafted recommendations that addressed gender equality with a view to informing the design of a possible new constitution. Similar initiatives aimed at pre-empting the process of redesign have been undertaken by women in post-apartheid South Africa, Scotland during the process of devolution (Mackay 2006) and more recently in Ireland (NWCi 2012), with some degree of success.

Drawing from this scholarship and practice, our workshop conversation concluded:

- Any constitutional discussion in Aotearoa/New Zealand must, from the outset, take full consideration of the relevance and centrality of gender equality and women's rights to the constitutional reform process;
- That current and future terms of reference around constitutional re-design be explicit and gender specific in the language used;
- There be a recognition that while women's interests and identities will be diverse, women's rights be considered and expressed explicitly, both in formal and substantive terms.

#### **Substantive rights and gender equality**

The biggest concern to women participating in the Human Rights Centre's Symposium was how our constitutional framework could be re-designed to make a real, material, and substantive contribution to advancing women's rights. Participants acknowledged that the current Bill of Rights Act (BORA) provided all individuals with the right to freedom from discrimination (section 19), but this was considered to be a very limited means by which to extend women's rights and gender equality.

Participants gave particular and strong emphasis to the following:

- That women be guaranteed both legal and substantive freedom from violence in their homes (protection in the private sphere is not explicitly provided for in the current BORA). This would require state involvement not only in terms of the administration of law enforcement and justice, but also in terms of ensuring adequate resources are available to support and keep safe women and their families who are victims of violence;
- That women's reproductive rights and the right for women to have control over their bodies be recognised as a critical, gender specific rights that require legal attention. Women's capacity for childbirth is an intrinsic difference that cannot be covered by equality rights. It should not be left to convention, political will or as a conscience issue to be decided by parliamentarians;
- That recognition of the Treaty of Waitangi as a foundational constitutional document be addressed in substantive as well as legal terms. This would help to address issues relating to the incarceration rates of Māori women and men, and issues of mental health and wellbeing of Māori for example;
- That the constitutional framework be redesigned so that the burden of proof of discrimination and/or a breach of individual human rights not be placed on the shoulders of the victim. Women are already, on average, more likely to be the primary care giver of children, to be the victims of domestic violence and sexual assault, and are more likely to earn significantly less income than men. Thus, the current form of rights protection indirectly discriminates against women, reinforces asymmetry of power that may already exist and will stall the progression of gender equality by legal means;
- That our constitutional framework protect the rights of immigrant women whose families' or communities' values and cultural norms facilitate practices that may not be explicitly illegal, but which have a significant impact on women's lives but most often in the private sphere (eg dowry; forced arranged marriages, female circumcision);
- That the under-representation of women in politics be addressed more directly through the constitution; legal quotas have been adopted in many countries around the world, including countries in Europe (Freidenvall and Dahlerup 2013)<sup>2</sup>. If a constitutional requirement that at least 40 per cent women/men be represented in our national parliament cannot be supported because of a cultural aversion to mandated measures, then stronger incentives should be provided to the major political parties to adopt voluntary quotas of some kind;
- That the Ministry of Women's Affairs be restored as an agency committed to advancing gender equality through substantive rather than selective gender analysis mainstreaming and monitoring. This would bring Aotearoa/New Zealand in line with other EU democracies.

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<sup>2</sup> Over 180 countries have adopted some form of gender quota to increase the political representation of women. While New Zealand still ranks in the top 30 it is one of the few established democracies where an active resistance to an affirmative action is acceptable. Cross-national evidence indicates that a proportional representation system alone will not deliver equality in women's political representation; political parties remain the critical gatekeepers to gender equality in candidate selection (Curtin 2006; Tremblay 2012).

Claims for recognition of women's legal and substantive rights and measures are often labelled social rights to be dealt with through social policy. Yet a reading of the comparative and feminist scholarship on gender and constitutional design reveals that the process of constitutional reform can be used to advance the substantive (or defacto) rights of women, and equality between men and women. In this sense, constitutional reformers in Aotearoa/New Zealand need not consider our situation unique, nor need they 'reinvent the wheel'.

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, was the culmination of thirty years of work by the UN Commission on the Status of Women. It is internationally recognised as a bill of rights for women, one that addresses the need for both formal and substantive equality between the sexes. Thus CEDAW not only defines discrimination and principles of equality, it also requires states to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men" (CEDAW article 3).

In particular, Article 4.1 of the Convention states that the adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination. This article was strengthened further in 1988 through a general recommendation that "States Parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, the economy, politics and employment" (CEDAW General Recommendations).

Participants at the workshop thus noted that:

- Given Aotearoa/New Zealand is a signatory to CEDAW, there is no reason why we could not redesign our constitutional framework in a way that builds on this critical and comprehensive UN Human Rights instrument.
- In particular, there should be an 'equality right' for women that explicitly protects substantive equality rather than formal equality and applies to both the public and private spheres;
- That 'temporary special measures' be adopted as part of a revised constitutional framework to address gender inequalities and to protect and enhance women's rights across all spheres – political, economic, and social, in ways that will address issues of women's security and safety in the home, women's bodily integrity, and economic equality;
- That the Panel recommend that the application of temporary special measures to advance women's rights and gender equality be more thoroughly investigated by the Human Rights Commission or an equivalent agency, in order to identify how positive action can be reconciled with Aotearoa/New Zealand's formal legal doctrine. International research demonstrates that the mechanism of temporary special measures has the potential to be stretched to include much more than the advancement of women's representation in politics and public administration (Boerefijn et al, 2003).



## Conclusions:

Following Irving's line of argument, participants noted that while they advocated recognising women as a constitutional category of difference this does not preclude establishing a more inclusive constitutional framework or set of provisions that allow for the recognition of oppression or disadvantage caused by, or related to indigeneity, disability, sexuality, ethnicity, and so on (Irving 2008, 33).

Participants also argued that although recognition that women's rights and gender equality in the current constitutional conversation, is both necessary and important, intervention in the drafting process does not in itself lead to changing practice. Fiona Mackay's work is instructive here, reminding us that institutional norms around constitutional practice are often as entrenched as formal rules meaning that the adoption of gender-specific constitutional changes will not lead to immediate change (Mackay 2006).

This is a significant constitutional moment, but given the gender neutral language in the terms of reference, it is unlikely that there will be sufficient consideration given to the issues we have raised above through public submissions at this time. Nevertheless, we would urge that the Panel consider including in their recommendations that any future process of constitutional review explicitly recognise gender equality from the outset.

In addition, future reviews need to be a recognition that the language and terminology used in such conversations is 'doing representation' and has a symbolic and substantive significance. Gender specific terms of reference would signal to the New Zealand public that consolidating women's rights and gender equality into our constitutional framework will enhance our sense of belonging to a constitutional community.

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

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**From:** . . . . .  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/03/2013 10:04 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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Sent from The Constitution Conversation.

**Full Names:** Kerry Desmond Curtin

**Organisation** Private citizen living at home in Hamilton

**Name:**

**Email:**

**Phone:**

**Postal**

**AddressA:**

**Postal**

**AddressB:**

**Postal City:** Hamilton

**Postal Region:** Waikato

**Postal Post**

**Code:**

**Postal** New Zealand

**Country:**

**Submission:** I am very concerned that if our constitution is written in a single document format and it is based on the Treaty Of Waitangi, then it may be simply unworkable. How can this possibly work as a basis for all things fair and equal when one group claims tribal rights to this and that and bases their claims on an ancient Document that obviously nobody and I mean "nobody" understands. It has already been shown over and over again that Government Officials, University Professionals, and even Maori elders, all have totally different interpretations of the so called Treaty. If none of our Bureaucrats can agree on the meaning of a particular ancient document then it would be criminal for it to be used as a basis for any future Constitution for our beautiful country. It would surely be more sensible and productive for the country as a whole to have drawn up, an entirely new "Treaty Of The Nation" with the accent on the word Nation which refers to all indigenous and non indigenous peoples that includes reference to ethnic groups from all our immigrants. New Zealand is becoming more and more culturally intergrated by the day. And from what I've seen as a New Zealander from nearly 66 years of living here, the majority of our immigrants are valuable to the future developemet of our Nation. and it is therefore time that we dropped this Maori Pakeha rivalry nonsense, and proceeded with a multi document Constitution that includes absolute equality to all New Zealanders regardless of race colour or ethnicity. This is the only

way that our lovely unique country can forge ahead in peace and tranquility. Far too many of our citizens are looking for greener pastures across the ditch and around other parts of the world. Proceeding with a single document Constitution that is based on unknown subject matter, will only in my view, enhance this mass migration of very capable New Zealanders. We have an opportunity here and now to grow this country into a future of agricultural and technological greatness, If we can stick together as one Nation and encourage our young graduates and particularly our families to remain here and proceed into our future with pride and passion. I ask you to consider the consequences of proceeding with the one document treaty based Constitution, and the rivalry and unease it will continue to cause in our every day life in our schools our homes our parliament, our businesses, and ask yourselves is this the way forward. I say hell no, the way forward is together as one Nation with total equality.

Sent on the 28 March 2013 at 10:04

2189

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 11:48 a.m.  
**Subject:** CAP Submission

Hello.

I wish to say that I believe that all Maori Parliamentary Seats should be abolished. Why, because in a democratic society such as ours each persons "Rights" should be based on citizenship not on race. The further we go down the lines of "race based" Parliament the more divided we will become as a nation.

Over recent times New Zealand has become and is becoming more Racially or Ethnically diverse. We must all be treated the same, that is our "Rights" must all be on the same footing otherwise we cannot be sure what the future may hold for the peacefulness of our society.

Yours sincerely,  
Alan Curtis

3:604

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 15/07/2013 5:34 p.m.  
**Subject:** http://www.ourconstitution.org.nz/ form submission  
**Attachments:** Submission re MaoriRepresentation.pdf

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

Full Names: Harriet Barabara Curtis Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Waihi Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: Submission Upload: Submission re Maori Representation.pdf

Sent on the 15 July 2013 at 17:32



Submission re Maori Representation.

I think voting should be mandatory for all New Zealanders. Voting should be able to be done over the period of one week either on line or in person. In this way everyone will be able to vote for their candidate of choice.

Each party should have candidates that represent the population. Parties that do not choose Maori candidates should be named and shamed, (likewise for women candidates and other minority groups.) MPs should be free to “cross the floor” according to their own consciences so that minorities views are considered.

Maori seats should be abolished because it is a racist concept.

Legislation should refer to the Treaty of Waitangi to ensure that the promises made in 1840 are kept.

3658

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 17/07/2013 11:32 a.m.  
**Subject:** [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

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Full Names: Piaterini Curtis	Organisation Name:	Email:	Phone:
Postal AddressA:	Postal AddressB:	Postal City:	
Rotorua Postal Region: BOP	Postal Post Code:	Postal Country: New Zealand	
Submission:			

---

Do you think our constitution should be written in a single document? Why? no - as there are too many societal context to cover - there is alot of grey areas of society that need to be sorted case by case. - too many parts of society to have in one document  
hence why America has amendments to go along their constitution. this must fit for NZers.

Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?  
yes - if it does not have a higher legal status it is not worth having in the first place.

Who should have the power to decide whether legislation is consistent with the constitution:  
Parliament or the Courts? Why? firstly get rid of the queen being head of state what is she really doing for NZers, is she or her family doing anything for NZers who need jobs, who have lost their jobs etc, and why are NZers footing the bill for her and her family's visits. second the this should come under the court system as the courts is the likely place for matters re: the constitution be dealt wth.

Submitted on the 16 July 2013 at 19:02

4950

**From:** "Yvonne and Neil Curtis" ·  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 26/07/2013 11:23 a.m.  
**Subject:** CAP submission  
**Attachments:** The Constitution Conversation.docx

Here is my submission to the Constitutional Advisory Panel.  
I would like to thank the panel and all the staff involved in the project  
for their support and encouragement to make my voice heard on this issue.

Thank you

Yvonne Curtis

Wellington



Mrs Yvonne Curtis

Wellington

### **The Constitution Conversation Response**

#### **Page 5 What are your aspirations for Aotearoa New Zealand?**

My main aspiration is that all who live here are happy to call Aotearoa New Zealand their home.

An indication that this has been achieved is that the majority (preferably over 80%) of would say that we, and the people we care about, are happy with our everyday lives. That our upbringing helps each of us to understand our responsibilities and rights, and reciprocity is valued.

We need to encourage national conversations about national issues rather than debates, as we need the best that each of us can give if we are going to create an enjoyable future that will continue for future generations. High levels of in-equality in opportunities and resources, and polarisation into two opposing options as a solution to any issue need to be actively discouraged.

#### **Page 6 NZ Constitution**

1. No – keep as at present to provide flexibility to manage the rapid changes happening now and into the future. The idea of having the various elements easily available in one place for interested citizens is a good one
2. Not necessarily – if the constitution is embodied in various elements and to be flexible must be open to change when circumstances and most people ( more than 80-90%) want the change.
3. I think it should be a partnership and depending on the issue being legislated for. If there is not agreement between the two then a public referendum can be held to decide who has the power on that particular legislation.

#### **Page 7 Bill of Rights**

1. Not always. Because in life it is impossible to any one person's perceived rights in all cases. My experience is that those in either the majority or power will have their "rights" protected before others.
2. Educate people to consider all others as worthy as themselves to have their needs and aspirations met to the best of our collective ability.
3. No. It is an important element of NZ constitution and must be considered when framing



legislation.

4. The Courts. Though they will need to consider carefully the reasons parliament have considered the particular legislation necessary.
5. I suggest that at the highest level that the rights listed must be very basic ones to enable the individual to live – so I would consider removing some. But considering only the rights of an individual is ignoring the fundamental flip side of the coin of life. There needs to be a parallel Bill of Responsibilities to enable individuals to live together in community

#### **Page 8 Treaty of Waitangi**

- 1 It can be considered as one of the elements of the collected constitution.
- 2 As I consider that the “constitution” should be a collection of documents I am not sure what would be meant by the formal part of the constitution. It is a very important historical document that has helped shape our country and I think can still help New Zealand retain the values that I hold dear in the future. It is similar to the Magna Carta in British history.

#### **Page 9 Maori representation**

- 1 As a non-Maori I would expect that Maori people are able to express their views as freely as I can as a non-Maori in Parliament. But it is for Maori to decide this
- 2 See above
- 3 Similarly at the local government level

#### **Page 10 Electoral Matters**

- 1 As is for now, but does need to be reviewed on a regular basis. There needs to a wide variety of experience at parliament to enable all to be able to keep in touch with the wider population, to help make decisions wisely in the more uncertain situation the world is in at present and most likely will be in the future.
- 2 I think eight years but with a revue after 4 years – simple yes or no for an election with a 70% majority needed to continue for the rest of the term.
- 3 The date should be fixed as at the end of the full term unless the courts or governor general at the request of citizens’ petition changes it.
- 4 As much as possible the size of the electorate should be decided so that it is easy for even the poorest person to have access to an MP on a regular basis if needed. Another way for this to be determined is by the number of MPs needed to make the system of government chosen to operate effectively.
- 5 In the present system any list MP should resign but electorate MPs remain and become independent members.

5119

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:59 p.m.  
**Attachments:** mysay.txt

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

Full Names: Mark Brian Cuthbert Email: Postal City: Wellington  
Postal Country: New Zealand Submission Upload: mysay.txt

Submitted on the 15 June 2013 at 19:40

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I want to start this submission by saying I oppose any rewrite or amendment to our current founding documents and constitution by any group or interested parties. Any changes to our constitution should be fully democratic. There should be a referendum voted on by the people to decide if we want a new written constitution. If the people choose a new written constitution, it should follow that we the people vote on the broad details and contents of that constitution.

I am gravely concerned that any unwise decisions and actions made to our constitutional documents could lead us down a path of future civil conflict and strife.

And specifically my feedback as requested:

1. I want my child (of Maori and European ancestry) to be first and foremost a New Zealand Citizen with exactly the same rights and responsibilities as someone seeking asylum and awarded citizenship from a wartorn country like Afghanistan. New Zealand Citizenship should transcend a person's genetic makeup and history, be they born on these shores or not. Each one of us that calls ourselves New Zealanders should feel united with a bond only seconded to that of family. At the heart of our land there should be no room for division or fear of separation based on race, creed or religion. We should move forward as one people, with any prior grievances being addressed and settled once and for all, between the parties involved.

2. I want the country to be run by and large as it is today. And one day, maybe in my lifetime, become a fully sovereign republic.

480

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/04/2013 10:02 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Submission: Why do you have 6 Maoris on the the panel?

The Maori people do not make up 50% of the population.

Your panel is biased from the start ,not a true representation of nz society.

The request for a review of the constitution came about when John key asked the Maori party to come on board to help him form a government .this race based party received less than 2% of the vote.

How is this democratic?

There is nothing wrong with our constitution so why do the maori party want to change it .

Except for separatist ,racist reasons?? Full Name: Gregory Cuttance Email:

Sent on the 16 April 2013 at 22:01

480a

**From:** Greg Cuttance  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 11:33 a.m.  
**Subject:** CAP Submission

Hi review panel

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New Zealand needs to abolish Maori seats .

They are based on Race.

This is illegal under the United Nations charter.

Anything that is based on race in New Zealand is not good for our country.

We need to move forward as a nation. Most kiwis agree that there has been injustices to Maori ,but they have a voice in our democratic society. We must learn from the past ,but move forward as one nation.

We are all immigrants including Maori . Racism has no place in our society and we has too many race based decisions being made today. if you speak out against them you are called a racist.

I am a proud kiwi lets not take a backward step

Our constitution does not need reviewing.

Regards  
Greg Cuttance

Sent from my iPad



480b

**From:** <website@cap.govt.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/7/2013 5:44 p.m.  
**Subject:** The form on your contact page has just been submitted

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

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Contact Name: Greg Cuttance Phone: Email:  
Comment: Why is it your panel is calling nz aotearoa nz?

Why is it you have part maori people on this panel who are involved in indigenous studies.

Why is who is indigenous important ?

Maori are not indigenous although your inference is that they are.

Excuse me for thinking this panel has a Maori bias because it sure looks like it.

We are all New Zealanders and The part Maori are only one part. Sign Up For Updates: Yes

Sent on the 7 July 2013 at 17:44

1044

**From:** .  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/06/2013 1:41 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Anthony Eliot Cargill CUTTEN Organisation Name: Email:  
Phone: Postal AddressA: Postal  
AddressB: Postal City: Auckland Postal Region: Postal Post Code: Postal  
Country: New Zealand Submission: Aspirations:

I believe we have a future as a multicultural small trading nation cooperating with our Australian cousins, the wider Pacific region of nations and our important ally USA.

I believe we should pursue bilateral free trade agreements with our most important trading partners, as well as the emerging Pacific trade agreement including Japan and USA.

We need to preserve our constitutional monarchy within the Commonwealth of nations, with allegiance to the British monarchy. We need to preserve our Christian values while recognising the rights of non-Christians to their own beliefs, provided that are not detrimental to our core values.

I believe we should move to a 4 year parliament.

How should NZ be run in the future:

I do not agree with the MMP system of election of MP's. It does not deliver strong government adhering to the policies that the majority party was elected to deliver, but results in minor parties causing undue influence on the main government executive they may be in coalition with, quite unjustified by the degree of electoral support they may have.

We can do better for all.

Sent on the 4 June 2013 at 13:41

103

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/04/2013 8:33 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: RT Cutter Organisation Name: Cutter Family Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Postal Region: Horowhenua Postal Post Code Postal Country: New Zealand  
Submission: All of our "social rights" laws as laid out in the "1215 Magna Carta" that usurper King John of England was forced to sign - also known as "The Great Charter of the Rights of The Common Man", also known as Common /Tort Law; as laid out in the Westminster  
Act 1949 that declared Aotearoa/New Zealand as an independent State; as laid out in the Treaty of Waitangi 1840; as laid out in the UNO Charters and Conventions on Human Rights; and as laid out in the Commonwealth Charter recently signed by Queen Elizabeth II; need to be incorporated under Common Law and under Statute within our new Constitution.

This new Constitution to be inviolable.

This new Constitution to be the Supreme Law of the Independent State of Aotearoa/New Zealand.

A "new" Constitutional Court to be a Higher Court than the Supreme Court.

Sent on the 8 April 2013 at 19:32