

2847

**From:** "Des" <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 9:18 p.m.  
**Subject:** CAP Submission

In this day and age I can see no justification for retaining special Maori seats and believe they should be abolished.

Des.Daddy

5133

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 4:09 p.m.

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

Full Names: Rex Ian Dagg Email: Phone: Postal  
AddressA: Postal AddressB: Postal City: Napier Postal Region:  
Hawkes Bay Postal Post Code: Postal Country: New Zealand Submission: I am totally  
against any written constitution based on "The treaty of Waitangi."

I believe that NZ is going to become a country of inequality and a form of apartheid will develop if this minority driven initiative is progressed.

Submitted on the 14 June 2013 at 13:56

## 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.

Catherine Dale  
Dunedin  
New Zealand



79

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/04/2013 3:41 p.m.  
**Subject:** Constitution Reform Submission  
**Attachments:** 2013 Constitution Reform by Parliament What are your aspirations for Aotearoa New Zealand.docx

Please see the attachment for my submission.

It's up to you now to do what's right in our wonderful country

FROM:  
Carol Daley



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

Aotearoa is NOT NZ's name and should not be used as such before a National Referendum indicates that this is what ALL New Zealanders want NOT just a small percentage of the community who have no right to be implementing this unilaterally.

I want NZ to be a country that gives EQUAL RIGHTS to all its' peoples irrespective of race. Policies should be implemented on a 'NEEDS' basis NOT RACE basis.

I want ALL references to Maori race based 'rights' deleted from ALL legislation, Maori seats on Council, DOC and similar to be abolished.

I want Maori seats in Parliament abolished forever and Maoris to be added to the electoral role as a Maori ONLY IF THEY WANT AND HAVE 25% MINIMUM Maori ancestry and are knowledgeable about their ancestors and things pertaining to Maori.

They must demonstrate that their Maori ancestry means more than just an 'entry ticket' to Maori 'special' rights if any exist.

I want NZ's Constitution to remain as it is and NOT BE HIGHJACKED by the MAORI PARTY AIDED BY THE TRAITORS IN THE NATIONAL Party - namely; Chris Finlayson and his weak smiling henchman John Keys.

Any changes to the constitution should be carried out only if a minimum of 75% NZers agree. A written constitution should NEVER be allowed in NZ

ALL public assets such as Taupo, Foreshore and Seabed, Ureweras, Fishery and Forestry be returned to their previous status as owned by all NZers or private if at all possible.

NZ's Parliament needs to be reassessed by a non-biased working party with a view to having a second tier of Government.

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

As already mentioned any reference to the Treaty of Waitangi in legislation should be abolished.

Maori seats in Parliament, on councils, on government services such as DOC RMA should also be abolished.

Legislation and access to services should be NEEDS based not Race based.

More votes of confidence be made in Parliament where MPs are free to reflect the views of their electorate NOT their party takes precedence.

A second tier of government should be established where contentious issues can be investigated and decided upon. Or a similar Appeal Procedure presented to voters. (This wouldn't be necessary if we could trust our politicians but as the current fiascos show we cannot.

Decisions made by individual MPs behind closed doors are outlawed.

The Treaty of Waitangi Tribunal is abolished as a priority and in all cases possible assets 'gifted' to Scammer Fat Cat corporate Maoris be returned to ALL NZers.

New political parties allowed advertising using their own finances right up until election time. If any members of that party are elected they are made eligible for public purse electoral funding the successive years.

If any political party differs from their election promises there must be a sizeable penalty depending on the situation. EG: A new election, PM and Deputy be sacked, hefty fine such as refunding 50% of electoral funding received from the public purse (if not, re-election).

I want ALL NZ's history be taught at schools NOT JUST BIASED TOW lies.

**The TRUE TE TIRITI O WAITANGI** be used by NZ Parliament in its' daily business and ALL its legislation IE: The last draft in English (a.k.a. The Littlewood Treaty).

The results of ALL public discussions, surveys, consultation etc. is available to all who request it.

LIKEWISE the results and findings of this consultation are open and available to all.

Thank you for this opportunity to comment. My only fear is that the status quo of transfer of NZ's assets & resources & sovereignty by transferred to European Maori with no justification other than lawyer false principles and a false English draft of the Treaty be continued.

**We are meant to be One People, one country**  
**NOT separate people based on race.**

3914

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 27/07/2013 10:15 p.m.

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

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Full Names: Paul Dalley Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: I don't think New Zealand needs a formal written constitution, and it certainly shouldn't be supreme law. I think a formalised constitution constrains the politics of future generations by the views of this current generation, which is unfair. There is no demonstrable need to change from the current status quo.

I think that the idea of having the courts act as the judge of whether an act is consistent with a supreme constitution law is undemocratic, as judges are unelected officials, with the only democratic alternative being to have politically appointed judicial officials.

I think that having a formal constitution which enshrines the principles of the Treaty of Waitangi is unworkable. We, as a community, are in no agreement as to what key principles of the Treaty actually mean. To formally enshrine the principle of *tino rangatiratanga* would be to have different classes of citizenship based on race, which is unacceptable today, and would be even more unacceptable to future generations. In future generations we are likely to all be part Māori, a race-based constitution would be diabolical and prejudiced against new citizens and any non-Māori New Zealand-born citizens. The alternative of writing a constitution that doesn't formalise the Treaty is also very difficult.

The only principles that a fair constitution could be based on would be: that NZ is a pluralistic, secular, democracy with respect for the rights to individual self-determination, protection of basic freedoms and human rights and the protection of minority groups. Enshrining the TOW, would not be consistent with these freedoms.

Submitted on the 27 July 2013 at 22:14

3082

As a resident of Dallington, one of the suburbs of Christchurch most affected by the recent years of earthquakes, I would really love to see a universal right to adequate housing for everyone written into NZ's statute book. Then perhaps we wouldn't have seen the plight of so many people around here living in grossly inadequate housing after the earthquakes while the government sits on its hands and leaves everything to the so-called private (read "for profit") sector to do something to help. As a result of government inaction we have watched a whole cluster of purpose-built housing units sit idle and unused for over two years while people are reduced to living in garages and struggling to find over-priced rental accommodation during the recovery period. Anyone could have predicted the present chronic shortage of affordable housing but the government is only now beginning to talk about a few palliative moves in this direction (let alone do anything to help) when the problem has been clear to anyone with their eyes open, ever since 22 Feb 2011. Let's make an effort to get the right to adequate and affordable housing for everyone - as a clear and unequivocal government responsibility - enshrined in law before the next disaster hits and exposes, again, the inability of the 'for profit sector to provide for even the most basic human needs.

Yours sincerely,

John M Daly  
Christchurch  
New Zealand



2351

**From:** Bill Daly  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 8:29 p.m.  
**Subject:** CAP Submission

Abolished.

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Thanks  
Bill Daly  
Auckland

2351a

**From:** Bill Daly  
**To:** <ConstitutionalReview@justice.govt.nz>  
**Date:** 5/07/2013 10:44 p.m.  
**Subject:** Re: CAP Submission

Thanks, but I haven't presented any submission as yet.

Bill Daly

On 5/07/2013, at 11:18 AM, ConstitutionalReview@justice.govt.nz wrote:

Thank you for your submission, which the Constitutional Advisory Panel will consider along with the views of other New Zealanders. You can find out more about the Panel and the Constitution Conversation on the Panel's engagement website: [www.ourconstitution.org.nz](http://www.ourconstitution.org.nz) and on Facebook: [www.facebook.com/TheConstitutionConversation](http://www.facebook.com/TheConstitutionConversation)

The Panel is seeking views on a range of constitutional topics, including our aspirations as a country, the pros and cons of a written constitution, the NZ Bills of Rights Act, the Treaty of Waitangi, Māori representation and a set of electoral matters. Submitters may also comment on other topics, if they wish to.

You can download a submission guide and other information resources from the website.

You are welcome to add to your submission, or make submissions on the 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.

Regards  
Secretariat, Constitutional Advisory Panel

<mime-attachment>

>>> Bill Daly > 3/07/2013 8:29 p.m. >>>  
Abolished.

Thanks  
Bill Daly  
Auckland

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1042

**From:** <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/06/2013 1:33 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Marqreta Joan Dalziell Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City: Taupo  
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand Submission:  
Amend from all legislation references to the Treaty of Waitangi and its recently invented "principles."

Abolish race based seats and positions in central and local government.

Disestablish the Waitangi Tribunal.

Guarantee that no individual or group has priority in legislation or funding on grounds of ethnicity.

Ensure that there is no constitutional change without the support of three quarters of those voting in a referendum.

End the official state promotion and enforcement of divisive bi-culturalism.

Repeal the current foreshore and seabed legislation.

Withdraw New Zealand from the U.N. Declaration on the Rights of Indigenous Peoples.

Cease references to New Zealand as "Aotearoa"; without a binding citizens referendum confirming the name change is acceptable to the majority.

Cease the charade that The Treaty of Waitangi established a partnership.

Sent on the 4 June 2013 at 13:32

427

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/04/2013 9:33 a.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: Roder Vivian Dalziel    Organisation Name:    Email:  
Phone:    Postal AddressA:    Postal AddressB:    Postal City:  
Taupo    Postal Region:    Postal Post Code:    Postal Country: New Zealand    Submission:  
Declaration of Equality

There shall be one law for all:

I refuse to accept any reference to the Treaty of Waitangi or its principles in any constitutional document.

I require that such references be removed from all existing legislation.

I require that race-based Parliamentary seats be abolished.

I require that race-based representation on local bodies be abolished.

I require that the Waitangi Tribunal, which has outlived any usefulness may have had, be abolished.

Sent on the 16 April 2013 at 09:31

3642

**From:** "Scott Dalziel"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/07/2013 3:27 p.m.  
**Subject:** Constitution Review

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## A New Zealand Constitution

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### SUBMISSION.

I support the idea that we should have a written Constitution.

It is my contention that the framework proposed by the Review Panel is too narrow. The matters addressed in that framework all need debate as to their importance in a Constitution, but in one sense they are simply tinkering with what presently exists. And while I accept the need to include in that consideration matters which arise from The Treaty of Waitangi, that should not be an attempt to put the clock back to 1840. But I believe there is a need to address seriously some of the values enshrined in that document, especially matters respect for the Maori race, and their valuing of the natural environment.

However I choose to make this submission in a much more general form, urging a consideration of how we might get a better expression of democracy than is presently possible under our current Government system.

#### Background.

It is my understanding that democratic constitutions in all communities and nations have the objective of setting limits on the actions of those entrusted with power within the community or nation. Historically within the Anglo-Saxon world that limitation of power has gradually extended the right to have a say in the structure of the community or nation to more and more people. In most instances that has been driven by those with a growing awareness of being shut out of existing decision making about the ownership and use of resources.

However within that setting the written form of the constitution has been limited to setting down in legal form the structure of the government and how its authority is to be exercised, through elected representatives, appointed bodies and the Crown.

So our Constitution Act 1986 sets out in legal form the structure of the House of Representatives, the Cabinet, and the Crown. This document is modeled on the appropriate parts of the British Constitution but of course omits any reference to a second chamber.

Within that framework it should be noted that the powers of the Crown are strictly limited by the convention that the power is to be exercised on the advice of the Executive.

The call for a Written Constitution in New Zealand that represents some of the distinct aspects of New Zealand as a nation represents a growing demand for a document that focuses more directly on the purpose of protecting the rights of individuals, and of groups within the nation, from the arbitrary decisions of those who exercise power within the structure of Parliament, currently checked only once every three years by a general election. It also involves some consideration of how the natural resources of a politically defined geographic area are used sustainably over time in the interests of present and future generations, in a manner that is respectful of the physical environment and our interdependence with it.



It's of some interest that those charged with conducting the Constitution Review have focused exclusively on the operation of Parliament, and not at all on the rights of citizens or groups of citizens in the structure of a healthy society. No mention at all is made of an obligation to ensure the use of natural resources so that the ability to sustain all forms of life is maintained.

It's interesting that the attempt to move in that direction in the 1990's was limited, so that while legislation that threatens individual rights can be drawn to the attention of Parliament, there is no obligation to take any notice of those concerns by Parliament. That is an extremely serious lack in a Parliament that operates by party block voting.

So although Parliament recognizes and affirms Human Rights, that affirmation is not carried into our law making in a way that gives any precedence to those rights.

The practical effect of that lack allows well resourced lobby groups to exercise an undue influence on matters that pass into law.

Matters for the Constitutional Review 2013.

The first principal of the Review should be to write a Constitution:-

- 1.. That protects human rights as defined in the United Nations Declaration of Human Rights in the making of our laws.
- 2.. That defines the powers of parliament and other governing bodies elected or appointed.that contains within it a review clause( say every 20 years).
  - a. Allowing as of right the making of such laws and regulations as protect or enhance those human rights.
  - b. Allowing as of right the making of legislation protecting the natural resources of the country from overuse that compromises long term sustainability.
  - c. Allowing as of right the making of legislation to maintain activities, institutions and practices that have widespread acceptance as of value to the healthy functioning of Society.
  - d. Allowing as of right other legislation making that is accepted as of benefit to all the members of society.
3. That contains within it a review clause( say every 20 years).
- 4.. That provides the checks on the operation of Party Political legislation making which is dependent simply on the obtaining of a majority in Parliament.
- 5.. Provides for an Upper House composed of members with a proven record in one or more of the following interest areas:-
  - Work with the disabled or disadvantaged members of Society.
  - Experienced in Sustainable Resource Management
  - Business Management
  - Labour Unions
  - Health Professions
  - Education
  - International Trade
  - Such other areas as are deemed to provide a balance of the social framework of the nation.
6. That body shall have the task of examining all legislation to determine how well that



legislation serves the well being of the population as a whole, and the sustainable use of resources, with power to refer such legislation as fails to meet that test, back to Parliament for further consideration.

7. The power to declare any legislation unlawful in terms of section 2 shall remain with

The Judiciary.

Included in any such Constitution there needs to be specific provisions that give effect to the principles enshrined in the Treaty of Waitangi. This is not about creating a two tier system of rights and responsibilities or citizenship, but rather a political framework that honours the goal of individual wellbeing, and guardianship of the natural environment against abuse by those entrusted with the role of government.

In this submission I have limited comments to the outcomes I would want to see from the review rather than trying to write a document. I believe that we should limit our thinking at this point to what we would want to see a constitution to contain rather than trying to write such a document in its entirety.

Scott Dalziel

Maungaturotc



5035

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:01 p.m.

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

Full Names: Eduard Damvelt Email: Postal City: Auckland  
Postal Country: New Zealand Submission: "Do you think our constitution should be written in a single document?"

Yes. A constitution that is put together in pieces from at-will laws and documents is inhomogeneous and conflictive, such as is shown with the combination of Bill of Rights Act 1990, Constitution Act and Treaty of Waitangi, the latter on which a racially defined

group bases claims as e.g. ownership of water and air in radical contradiction to definitions in the two former. Only if being one single document can prevent that articles and definitions from different constituent laws, that together now merely form an undefined

and inadequate substitute, can contain items that are conflictive to each other. Having "established principles" as part of a constitution is legally absolutely undefined; this is at the level of going to the butcher and making a choice of what meat to use

for the next hangi: whatever fits the momental liking..

A constitution is the unchangeable basic definition of all rights and duties, on which all other laws are based and against which all other laws are tested; it is therefore that the constitution is the supreme law with the highest legal standard.

In New Zealand the separation of power is very sub-standard, as well in absolute as in comparative sense with other countries. Giving Parliament the power to decide about the consistency of their own legislative output with regard to the constitution would

make the NZ standard sink even further to a dictatorial level. Nobody in his right mind gives a banker the absolute control over all his possessions, unless he has accepted on beforehand to lose everything.

It neither is conducive to have Courts, in plural, test consistency, as differences in interpretation will be unavoidable. Only the highest court may be allowed to make this test.

It is adamant to define as first in the constitution what are the geographical areas, in which the constitution is valid, then for whom, e.g. "every person in the New Zealand territory", and, after that, the main rights and protection of every person, as they

are so exemplarily defined in the German Constitution, Art. 3 sub 3:

(3) Niemand darf wegen seines Geschlechtes, seiner Abstammung, seiner Rasse, seiner Sprache, seiner Heimat und Herkunft, seines Glaubens, seiner religiösen oder politischen Anschauungen benachteiligt oder bevorzugt werden. Niemand darf wegen seiner Behinderung

benachteiligt werden.

(3) No one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, faith, or religious or political opinions. No one shall be discriminated against because of his disability.

In this definition the word "discriminated", although its meaning is exactly the same, for clarity and for avoiding dialectical interpretation, is replaced by its extended definition "prejudiced or favoured". If this definition would be strictly adhered to,

the at present existing racial favouritism, that is based on highly interpretable and fuzzily worded documents, would be what it should be: illegal.

Submitted on the 23 June 2013 at 11:13

2621

**From:** "Terry Daniell"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/07/2013 8:48 p.m.  
**Subject:** CAP Submission

## MEMBERS OF THE CONSTITUTIONAL REVIEW.

When Parliament was established it made sense to give Maori a say by establishing Maori Seats.

Some 170 years later it makes no sense at all because:

There are no full blood Maori living,

Many Maori are 50% or less Maori blood and in another 100 years will be even less,

There are many Maori in Parliament today on their merits not because they are Maori.

We have many other nationalities here now who will be fully integrated New Zealanders in a few generations,

We can no longer continue to think in terms of Maori and Pakeha when considering a Constitution for the next 170 years.

We have become a microcosm of what the world population might be in a few thousand years and we should look ahead and develop

a Constitution appropriate for such a community not attempt to do so by looking at our past..

No Treaty lasts for ever and many lapse over time.

Many New Zealanders including Maori are sick of the Treaty discussions which seek to divide us.

God knows what newly arrived South African settlers think if they thought they were trying to get away from apartheid only to walk into

another form of it here in NZ .

Terry Daniell

4 July 2013



5199

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/08/2013 11:45 a.m.

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

Full Names: John & Debby Daniels Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal  
Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand Submission:  
We want N.Z. to be a country with no racial boundries, that means one law governs all races equally.  
This means there are no racially base members of Parilment, all are elected on their abilities and not  
on race and that no ethnic group has any specialy

services or aabilities over any other group.

Submitted on the 10 June 2013 at 19:32

S199a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/08/2013 11:45 a.m.

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

Full Names: John & Debby Daniels Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal  
Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand Submission:  
The only criteria for representation in parliament should be base on voting not based on race. No  
specific race based seats.

Submitted on the 10 June 2013 at 19:38

2899

**From:** Darragh ·  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>  
**Date:** 7/07/2013 4:18 p.m.  
**Subject:** CAP Submission

I strongly oppose the retention of the Maori seats as it is unfair to treat one section of society differently from all others. Maori are not indigenous to New Zealand they are only early settlers And lived by the law of force when it came to possession of land.

We now have a very diverse population made up of many cultures and nationalities. Why should one group of people be treated so differently!

The recent byelection where so few Maori bothered to vote really shows that even some Maori don't support the privilege.

Also just who is a Maori. What percentage of Maori blood do you have to have to be called Maori?

I strongly support the Maori having their cultural centres just as the many other nationality groups do. All other groups have to fund these themselves. Whereas Maori have received much government funding even though they have collectively received many millions of taxpayers dollars in treaty of Waitangi settlements. When I read a copy of the original treaty document I find that I can not see how people can claim many of the interpretations that are being quoted. As an example I can not find where it states that there should be separate Maori electorates.

These views are held by a lot of people that I talk to.

There is a real feeling of resentment among a lot of people in our community that one minority group should be treated differently

Bryan Darragh

Tauranga

1178

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/06/2013 3:40 p.m.

We need to stop the Land claims payments until the recession is well over and only one claim per region. Not every Iwi having a dip at it.  
Abolish the Māori as we the public voted on. Too many MPs coming in hanging onto shirt tails.  
Charter schools must be stopped. How can anyone teach without a qualification. The same as setting up to be a doctor without qualification.

Darrell

2438

**From:** "bruce.darwin"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/07/2013 8:34 a.m.  
**Subject:** CAP Submission

Dear Sir,

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We believe that Maori Seats should be abolished as they are a racist system. All seats should be equal.

Regards

Bruce, Linda, Helen, and Claire Darwin  
Auckland

4132

**From:** Robert Daultrey  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 7:44 a.m.  
**Subject:** Feedback

Dear Constitutional Review,

Overall I think that whilst the "NZ constitution" and Electoral Matters etc may not be perfect they are not completely broken.

I do not think we need a single written document for our constitution, that would open up a legal mine field so leave it as it is.

With MMP I could consider a 4 year government term and in an ideal world I believe that would be beneficial but I don't trust that all politicians will act completely with the interests of NZ as their main priority and therefore suggest that the 3 year term remains.

Kind regards,

Robert Daultrey,  
Wanaka.



4534

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 1/08/2013 12:22 a.m.

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

Full Names: Ian Walton Davey Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Motueka Postal Region: Nelson Postal Post Code:  
Postal Country: New Zealand Submission: MMP

- May be a fairer way to get M.P.s into Parliament, but the voter has little or no control over them once elected. The party demands absolute loyalty of M.P.s to vote along party lines which makes an absolute mockery of Parliament and democracy.

Arthur Chresby a specialist in constitutional law and a former member of Queensland Parliament wrote a booklet "Your Will Be Done." In it he clearly shows that if M.P.s are forced to vote along party lines that it is clearly illegal.

He gives two High Court case examples and quotes the Judge stating "that coercion, restraint or money payment, which is the price of voting at the bidding of others, destroys or imperils that function of freedom of advice which is fundamental in the very constitution of Parliament." It undermines the very cornerstone of our political system and democracy itself.

The Oxford dictionary definition of "Democracy" is - "Government by the People." This is not what happens in Parliament today. Parliament has been hi-jacked by the party system and this needs to be exposed and rectified.

Government says it has a "mandate" to carry out their policy because they were elected. Arthur Chresby states that this is false without any Constitutional or legal truth.

#### Governor General

- The Queen or in N.Z. her representative the Governor General is the permanent "government" with a perpetual "mandate" to govern according to the clearly expressed WILL of the people.

Constitutionally the representative of the Monarch may exercise "Reserve Powers" as in 1975 when the Governor General of Australia, Sir John Kerr dismissed the Australian Prime Minister, Gough Whitlam. Today except in rare cases the Governor General acts in accordance with "Constitutional Convention" and advice of the Prime Minister.

Chresby codified the powers of the Monarchy in 1941 and it has never been challenged in any High Court.

"THE POWER, PEROGATIVES AND AUTHORITIES OF THE MONARCHY, THE GOVERNOR-GENERAL AND THE STATE GOVERNORS, ARE THE BRAKES WHICH THE AUSTRALIAN PEOPLE CAN APPLY AT ANY HOUR (without having to wait for any general election) TO BRING TO A COMPLETE AND SUDDEN STOP, SO AS TO RECEIVE FROM THEM, THE ELECTORS, EITHER FRESH INSTRUCTIONS, REPRIMAND OR DISMISSAL FROM OFFICE."

The Governor General is the check and balance in the System to give what the people ask for and not to have policies forced upon them that they neither want or asked for.

### Citizens Initiated Referendum

- At present we have a claytons referendum. It needs to be Binding and lower the number of signatures from 300,000 to 50,000 as this only triggers the requirement for a referendum and has no influence on the out come.

By using modern technology voting can be done very cheaply and is far more efficient than having the extra members of Parliament.

### Treaty of Waitangi

- It was set up to adress injustices and rightly so but it has become a gravey train for a few at the top with little benefit trickling down to the grass roots maori.

I question the concept of "Partnership." How can you have a partnership when all are equal under the Monarchy System? Partnership is a recipe for division and conflict.

Submitted on the 1 August 2013 at 00:21

4534a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/08/2013 12:03 a.m.

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

Full Names: Ian Walton Davey Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Motueka Postal Region: Nelson Postal Post Code:  
Postal Country: New Zealand Submission: Would you accept a late Submission?

I had a email from [www.positivemoney.org.nz](http://www.positivemoney.org.nz) saying that they hope to put in a Submission to gain sovereignty over our money supply.

I thoroughly endorse such action as money affects every facet of our lives.

Today 98% of money in circulation comes from the private banks and there is virtually no controls over it. Only 2% is real money which is spent into circulation without incurring DEBT or INTEREST.

One of N.Z.s greatest bankers Mr Larkworthy, joint founder and managing director of the B.N.Z. in London for 30 years said - "It was the duty of the State and the State alone, to issue as much currency as the community needs."

Sir Henery Kelliher, a B.N.Z. director in the 1930s and wrote the book "N.Z. at the Cross-Roads" in 1936 said - "A Government which does not recognise as a fundamental duty the function of issuing all new money and of controlling and regulating all money in circulation, does not control the affairs of the Country, nor is it safeguarding the welfare of the people. Such a Government may GOVERN but does not RULE."

As our "money system" is the root CAUSE of almost all of our problems

(a) I say it is imperative that 1(b) Section 8 fo the Functions of the Reserve bank of N.Z. be reinstated and implemented prior to 1989 when the Act was changed.

i.e. - "To ensure that the availability and conditions of credit provided by the financial institutions are not inconsistent with the sovereign right of the Crown to control money and credit in the public interest."

(b) Need to use Reserve Bank money and credit for the Public Good as in the past . Our history tells us that from 1936 we showed the World how to expand without incurring huge debts by using Reserve Bank money till 1960 when it tapered off markedly except for Producer Boards till 1989. This was a period of the greatest expansion of our infrastructure in the history of N.Z. Examples - roads, hydro power, housing, schools, hospitals, water reticulation and sewerage systems. Also the Post Office, Housing loans (3%), State Advances Corp.loans (3%) State Insurance, Producer Boards, Social Welfare and Local bodies all had money from th Reserve Bank through the Public Account of Government.

I can supply much more detail if needed.

Yours sincerely,

Ian Davey

Submitted on the 3 August 2013 at 00:02



3618

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/07/2013 9:20 a.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:	To Kere Davey	Organisation Name:		Email:		Phone:	
	Postal AddressA:	Postal AddressB:	Postal City:	Hawera	Postal		
Region:	South Taranaki	Postal Post Code:	Postal Country:	New Zealand	Submission:		
Kia ora,							

---

A review of the Westminster Style Parliament needs to be included in the &quot;constitution conversation&quot;.

If we're serious about creating a constitution for Aotearoa New Zealand, the way/vehicle/method/system in which we implement that constitution needs to be looked at as well.

Otherwise we will be creating a constitution that is irrelevant to now, and based on a system of implementation that was developed back in a time where there was no such thing as TV, the internet, smartphones, emails, airplanes, video, radio, cars... in other words we are no longer limited by our geography and our system needs to reflect that, or at the very least should be thought of as also in need of a look-see.

Also, I had an interesting conversation with an individual who claimed to whakapapa to Henry Williams. This person held the view that there are two 'streams' within the Treaty - Kawanatanga, which governed New Zealanders, and Tino Rangatiratanga, which determined ultimate 'right' in Aotearoa, and that it was a 'right', at this point, held exclusively by Maori.

This person also believed that the interests of New Zealand's Pakeha were being excluded from the activity that is conducted under The Treaty between Kawanatanga and Tino Rangatiratanga - that there is an increasing group of dispossessed Pakeha who are feeling 'left out' by the Government, and that they needed their Tino Rangatiratanga to be taken into account.

I thought I would mention this, although very briefly, on the individual's behalf as the person didn't think that putting in a submission outlining these views was worth it.

I think it is worth it as this kaupapa is important to the positive growth of Aotearoa New Zealand as a nation, and it needs to be added to the conversation.

Taua te korero.

Ahakoia te aha, mehemea he consitution, mehemea kaore ranei, me korero tonu tatou mo te kaupapa nei.

Me whakawhiti ana, me tu kaha nga kaupapa me nga tikanga o etahi o tatou.

Kia whaia te rangatiratanga.

Kia orange nga tangata katoa o Aotearoa.

Kia tu tonu a Aotearoa New Zealand.

Mauri ora!

Sent on the 16 July 2013 at 09:19



2307

**From:** Maureen Davidge  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 5:10 p.m.  
**Subject:** CAP Submission

Please .. please .. ABOLISH MAORI SEATS ... one rule for all!

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1558

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 25/06/2013 5:09 a.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: Anthony Paul Davidson Organisation Name: None Email:  
Phone: Postal AddressA: , Auckland Postal  
AddressB: Postal City: Postal Region: Auckland Postal Post Code: Postal  
Country: New Zealand Submission: Please stop and remove all racial separation and  
discriminatory laws. The principal of one country one people should be upheld.

Sent on the 25 June 2013 at 05:08

1558a.

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 25/06/2013 5:09 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Anthony Paul Davidson Organisation Name: None Email:  
Phone: Postal AddressA: Auckland Postal  
AddressB: Postal City: Postal Region: Auckland Postal Post Code: Postal  
Country: New Zealand Submission: Please stop and remove all racial separation and  
discriminatory laws. The principal of one country one people should be upheld.

Sent on the 25 June 2013 at 05:09

## Submission to the New Zealand Constitutional Advisory Panel 2013

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

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

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

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

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

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

Gillian Davidson  
Nelson  
New Zealand

4755

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 3:00 p.m.

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

Full Names: Graeme John Davidson Organisation Name: Email:  
Phone: Postal AddressA: Postal  
AddressB: Postal City: Hastings Postal Region: Hawke's Bay Postal Post  
Code: Postal Country: New Zealand Submission: The problem with the Treaty of  
Waitangi being part of our constitution is that it gives special recognition and rights to the descendants  
of New Zealand's indigenous peoples, which unfairly sets these peoples apart from others in the  
country.

When there is a conflict between civil rights and/or issues of natural justice and indigenous rights, this  
means that the Treaty can supersede the civil rights or the natural justice of other New Zealanders.

For example, the New Zealand Public Health and Disability Act 2000 requires hospital boards to have  
Māori representation on hospital advisory and disability support advisory committees. This right is not  
extended in law to Dutch, Somali, or other ethnic groups  
who have settled in New Zealand, which means that they are not legally entitled to the same civil  
rights opportunities in the health sector as Māori.

In the interests of fairness and natural justice, our civil rights need to be enunciated and be clearly  
stated to take precedence over any treaty or treaty principles that are included, either formally or  
informally, in New Zealand's constitution.

Submitted on the 31 July 2013 at 15:00



572

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 20/04/2013 4:39 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gordon Ross Davidson Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Dunedin Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: The constitution should be one document only. The constitution needs to be re-written to fully represent the rights of all New Zealanders with no special treatment of any particular group. The Treaty of Waitangi or the principles of the Treaty should not be included in the constitution as once all historical grievance claims have been compensated for. New Zealand is now a multicultural society and Maori are just part of our society and their rights are no greater than anyone else's. The Treaty of Waitangi has never been ratified or enacted by Parliament.

The constitution should be written to allow for the head of state to be either the British monarch or a President in the event of New Zealand becoming a Republic in the future. Before the constitution is written the Bill of Rights should be reviewed and incorporated into the document and any other pieces of law that should be included.

Once all public submissions on the constitution are received a household survey should be undertaken as to what the submissions suggested to accurately determine the wishes of New Zealanders on such an important matter.

Sent on the 20 April 2013 at 16:39



1258

**From:** "Rodney Davidson" <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/06/2013 3:38 p.m.  
**Subject:** CAP Submission

Dear Sirs,

I put forward a submission to this panel on the basis of life experience and understanding of the rapid decline in Democracy presented to us by Politicians in particular and so called Maori that would undermine our country and accelerating it seems over the last fifteen years to this point of discussion now taking place.

Recently I have read and absorbed a number of books that are relevant here to frame my thoughts and I list these more or less in order to allow you to follow where I am going with this submission.

' 1421 ' by Gavin Menzies was the first one read and as I am a seaman / fisherman, I well understand more exactly how the book is relevant and the conclusions drawn. For supposed current Maori in New Zealand it is all bad and completely discredits ALL your ' History ' that you would have us more Europeans believe as fact when it is anything but in truth. This is my firm belief and has always been so that Maori history is fraud AND all of so many ' claims ' are in fact unjustified and a theft from New Zealand.

While there is a deceitful Government moratorium still in place as to opening up at least one hundred and ten known archeological sites of real value pertaining to the real provable history of New Zealand. Maunganui Bluff, Waipoua Forest stone dwellings remains etc as two examples then this Constitutional discussion is way out of line to begin with and even more effort to commit fraud upon us here in New Zealand.

' To the Ends of the Earth ' with three co authors is good too as a recent publication, and further discredits, ALL Maori. John Robinson writes well also and true too with ' The Corruption of Democracy in New Zealand ' and taking apart a very vicious current Attorney General in Chris Finlayson for his totally unworthy role to act in this capacity to the destruction that he has caused to his country and the New Zealand people . including Maori, to this point. I deplore his tenure and wish him demoted and gone.

I am aware of the finding of the ' Littlewood final copy of the treaty ' in recent times and with what has gone on between now and then is appalling to say the least to New Zealand and again I deplore all of this so called leadership shown to New Zealand. It has seemed to accelerate with the proliferation of so many poofs and queers that now roam the halls of Parliament, all with a seemingly built in vicious recessive gene, that manifests itself when they are challenged and under pressure and that somehow we, the ordinary people are somehow supposed to overlook this as they strive to be noticed and admired. Not so, and I reject this genetically embarrassed group, as any leader for New Zealand and myself.

John Robinson also recently wrote ' 2030 , New Zealand the Lifeboat Nation ' that is good and looking well ahead as one should and not in the immediate present getting sucked into just rubbish Maori greed and aspirations that is just so undeserved and unwarranted being pressured on New Zealand. So many people are parasite,s off this stupidity and all trying to run their own agenda of greed and ignorance. Shame on you all as gutless misfits of zero worth to anyone in fact.

I especially liked my most recent read of Amy Brooke,s new publication advocating the Swiss model of Democracy and allowing the people to take back the power now that our ' Leaders ' have failed us so badly over the last fifteen years or so in particular. ' The 100 Days, claiming back New Zealand ' is the title to Amy,s work and I do applaud this thinking. Read it and weep to where we have been led so badly!

If you can find a copy of ' The Truth About New Zealand ' by A N Field and written in 1929 and as true now as it was then read that too for your enlightenment as well.

In Summary; Zero to Maori as total fraudulent and no more than modern gangsters trying to hold the country to power in such a treason loaded fashion as have various other more European ' Leaders ' too.

Okay?

Rodney Davidson

Far North  
New Zealand

## 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:

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- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
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Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

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

William Davidson  
Christchurch  
New Zealand

216#5

**From:** Bob Davies | shin.com>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 11:00 a.m.  
**Subject:** CAP Submission - 3.7.13

---

Good day,

Race-based representation has no place in a modern society - our democratic rights should be based on citizenship not race. The specific allotment of Maori seats in Parliament is a racist polarising policy and should be done away with immediately.

Regards,

Bob Davies

185

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/04/2013 1:35 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: James Bowman Davies Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Postal Region: Postal Post Code: Postal Country: New Zealand Submission:  
The future of adding The Treaty of Waitangi into the constitution is a positive role to heal the country from the past mistakes from previous NZ governments. The constitution act was able to be put together in 1852 because of the signing of The Treaty of Waitangi in 1840 and was the reason the government could be possible, therefore it is true and proper to link both the constitution act and The Treaty of Waitangi together.

Sent on the 10 April 2013 at 13:33



## 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.

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Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

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

Kathleen Davies  
Auckland  
New Zealand

2655

**From:** "Kelvin Davies"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 10:50 a.m.  
**Subject:** CAP Submission

Ban the Maori Seats forthwith.

KGD

3496

**From:** "Peter" .  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 11/07/2013 7:48 p.m.  
**Subject:** CAP Submission

I think all Maori seats should be abolished, because even though they, the Maori, who ever they are ??? say that this is their land we all know the Maori came here, and have done so much damage , e.g. burning down a great percentage of native trees etc. When one applies for new Zealand citizenship one has to swear allegiance to her majesty QE2 so as all new Zealand citizens we should all be in allegiance to British rule, therefore all Maori should be no different The whole situation is past a joke !! as they the Maori get much greater benefits with out doing anything productive for them or the country as a whole All Maori should be totally discussed and ashamed of their race to see it in such a poor state. So the present system of Maori preference and Maori seats should go No a partite, and in my reckoning a person of any race should have or be 50% or more of that race, not 10% to be acknowledged as that race

signed

P Davies

4397

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 11:04 a.m.

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

Full Names: Reg davies Organisation Name: Private Email: I Phone:  
Postal AddressA: Postal AddressB: Postal City: North Shore Postal Region: Auckland  
Postal Post Code: Postal Country: New Zealand Submission: No Reference to waitangi  
treaty spin

to be in and Nz Constitution

No Maori parties

Keep NZ Democratic ,

Each person has equal rights

Submitted on the 31 July 2013 at 11:03

2223

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 2:13 p.m.  
**Subject:** CAP Submission

1 Maori Seats should not be retained as they are not in the interest of all New Zealanders and in retaining unity for NZs

---

2 The seats give unfair advantage against other Nzs and should be abolished

3 The Treaty is being settled with enormous payouts so should be abolished

4 With MMP The Minor parties like Maori party have unfair advantage if become key voting party

5 The Treaty of waitangi document is Questionable and been misrepresented and does not maori partnership rights .

6 The Constitution should not adopt or commit to Treaty of Waitangi rights as these are being introduced undemocratically and against non maori rights ..

Regards

Reg Davies

Auckland



17671

Nelson

The Advisory Panel  
c/o Ministry of Justice  
DX SX 10088  
Wellington

Tena Koutou Panel,

My name is Sue Davies my parents and grandparents were Welsh, great grandparents were Welsh and Irish. My Father's first language was Welsh. He didn't believe in apartheid and we didn't buy food from a country that did, he also belonged to a union, working to get an 8hr day!.

I came to live in this unique, fabulous country in December 1980,

1. because the country spoke English, ( I had lived in Israel for 18 months).

2. I believed that Maori had been treated better than the Native American or the Aborigine because they had a document setting out rights and obligations.

Back in the dark ages the conqueror took all and 'tough luck', not now.

Maori were living here before Europeans.

I became a citizen in 1985. (Disappointed my certificate arrived with the power bill though).

Back in December '80 when I arrived I had a shock with shops open until 9pm on Friday nights, but then everything was closed except the dairy and petrol stations over the weekend, families had the opportunity to be involved in/or attend rugby, netball or cricket with their children, or grandchildren.

I wish I had got involved in the culture and history of New Zealand earlier, done more learning than I have ( Mauri Ora and Te Reo, which is very basic & one needs other people to have a conversation).

My Aspirations:- Injustices have been done and when Maori have been compensated, hopefully we will be able to 'move-on' as a more enlightened country, together. Kotahitanga.

I have Grandchildren so It would be great that all children have a warm home with food on the table at night, and parents not stressing how to provide, books, uniforms, food *and* pay the power bill.

Being at the other side of the world has It's benefits but when we are short of (example) Doctors, why do we bring them in only for them to end-up driving a taxi. The qualifications of the doctor's should be investigated in the country they are applying from. So why not help them to pass any exams that are necessary so the doctor and our country benefit. The doctors then help in a rural district for an approved time. Some local doctors are on call 7days a week.

Christchurch has taught us that we need a lot of skilled people to help with the rebuild so the same applies make sure the people that arrive can have their dream too.

The Constitution:- If It simplifies understanding having our Laws, Rules and Rights In one document, even for Jane or John Doe (me), lets do that.

Bill of Rights:- Education a must for all. Some people learn better by making an item than

sitting in a class room. Schools need to be flexible.  
Fair trial with representation,  
To work for a fair pay.  
Freedom of speech, Oh yes.

- Supreme Law:- We need this. There could be a time when the unexpected happens.
- Parliament:- Laws made by Parliament.  
A Prime Minister :- only to serve twice.  
3yrs should be the term of Parliament.  
Having transparent honesty.  
No M.P. should be allowed to 'jump-party' or the 'Job' is GONE.
- Maori Representation:- Yes the Maori seats should remain if Maori wish them to.
- Electoral Matters:- I like MMP.  
I like the way the Maori Party and the Greens have two leaders one male one female.
- Referendums:- More of these please, let the people decide. Although and because they are expensive they should be binding, and become law, once a certain percentage has been obtained (set by Parliament). It should be mandatory before Asset Sales, Oil, coal and gold mining, which could ruin our clean healthy lives.
- Land:- NO PERSON.  
No person should be able to buy more than 1 house if they are not a NEW ZEALAND CITIZEN.  
Rent or lease.  
Definitely NO FARMS Unless a New Zealand Citizen.
- Fracking:- NO.  
Having seen a couple of documentaries and a fictional T.V. movie how dangerous It is.
- Off Sea Oil:- NO.  
We are a long way south for foreign help on a bigger disaster than the Rena which crashed causing havoc, why would we want the potential for worse to happen.
- Republic:- If we should become one, may be we could ask the Maori King and family to represent us.(since 1858).

Thank you,  
I hope I haven't said too little on the subjects you wanted to hear about and bored you on what I have written.

Yours Sincerely  
E

685

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/04/2013 9:23 a.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: Adrian Davis Phone: Email:  
Comment: How will power share between to initial  
amicable nations, Māori and Pakeha, one of whom has racked up a mountain load of historical  
(injustice) evidence to render itself powerless be reflected in the constitution conversation? Sign Up  
For Updates: Yes

Sent on the 28 April 2013 at 09:22

685a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 9:38 a.m.  
**Subject:** [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Adrian James Davis Organisation Name: Ngaa Hapuu o Niu Terini Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Napier Postal Region: Postal Post Code: Postal Country: New Zealand Submission: I  
propose that Te Tiriti (Maaori version of the 1840 Treaty) be codified in NZ's to be, modernised  
amended constitution.

A Davis

Submitted on the 28 July 2013 at 12:58



1892''

Wellington.

17 June, 2013

Submissions Secretariat,  
Constitutional Advisory Panel,  
C/o Ministry of Justice,  
DX SX1008, Wellington

Dear Sir / Madam,

Please accept my following submission regarding the Constitutional review by the Constitutional Advisory Panel (CAP). In what follows, I will first evaluate the process and content of the review, and then give my recommendation regarding our constitutional arrangements.

I understand that the present discussion is part of a review of the present legislation with respect of constitutional matters for New Zealand. Certain constitutional issues are identified in the document *New Zealand's Constitution: The Conversation So Far*, September 2012 (henceforth the Conversation document). The review was initiated by a condition made by the Maori Party as part of their Confidence and Supply Agreement with the present government. The Conversation document does not say why the Maori Party initiated the review or that there are any particular issues that need fixing.

In the 2005 report of the Constitutional Arrangements Committee, J. Cooke wrote that "the present New Zealand constitutional arrangements work reasonably well," and furthermore, legislation is constantly being revised. So my first question is: What is the compelling event that necessitates an overall review or a single constitutional document? If there are some constitutional issues that need addressing, then identify them; if they can be resolved within the present documents, then why have another single document?

Of the nine issues identified in the Conversation document, three are specifically about "Crown-Maori Relationship Matters": the Treaty, and Maori representation on both national and local government (there are no issues about relationships between the Crown and other ethnic groups such as Asians, Islanders and Muslims). Furthermore, much of the process regarding the review is biased towards Maoris: the 12 person CAP includes five Maoris, one Asian and one Islander (why does it not have, say, five Asians, one Islander and one Maori); the CAP has a Maori co-chair (why a co-chair, and if there is, why not a Muslim?); there are separate budgets of \$2 million each for facilitating discussion within Maori communities and New Zealand generally (why are they separate and why does 16% of the population get the same budget as the entire population including Asians and Islanders?); the people featured in the advertisements on television and in the press are Maoris; and the design on the Conversation document is Maori. Hence, it seems to me that this review is largely by Maoris, about Maoris, and for Maoris.

There is also bias in the CAP literature regarding the Treaty. The provisions of Article 2 are severally mentioned: the Maoris (chiefs, families and individuals) retain possession (translated as *rangatiratanga*) of their land unless they choose to sell it. But the literature does not mention the provision of Article 1: that the chiefs “cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty” which the chiefs then possessed as the then sovereigns of their territories; that is, the Maori chiefs transferred their authority to the Crown. By leaving out this important point, the literature is lying by omission.

Article 1 is quite clear that sovereignty was ceded under the Treaty. The obvious meaning of Article 2 is that Maoris retain possession of property as one would today own a house while still being subject to the Crown. There is no written definition from the time the Treaty was signed for the term ‘*rangatiratanga*’ and what it meant then is today a matter of opinion regarding an anachronistic oral tradition. If there is conflict between the two versions, the intent of those who wrote it is to be found in the English version and the translation into Maori is an attempt to communicate that intent to the Maoris. If there is difference between the two versions that is not an excuse to accept the meaning of the Treaty to be what the Maoris say the Maori version means. Rather it means that either the intent as given in the original English version is accepted or, if that cannot be agreed, then the Treaty is not valid.

In any case, it is clear that the Treaty is not the issue. The Treaty was an agreement between the Crown and individual Maori tribes. While it was signed by 512 Maori chiefs a significant minority refused to sign, including the chiefs of the Tainui, Tuwharetoa and Tuhoe tribes. The government was not obliged to make Treaty settlements with the tribes that refused to sign the Treaty; however, the government has made large payments and concessions to these three tribes. Furthermore, the Treaty has no independent legal status and the government is not obliged to make Treaty settlements with any tribe. Hence, the reason for Waitangi Treaty settlements is not the Treaty of Waitangi. There is some driver other than the Treaty that is causing the government to give public money and assets to Maoris. The most likely reason is that it has been the policy of successive governments to do deals with Maori groups, such as the Maori Party, in order to secure their position. So, again, I am being deceived.

I expect that the reason for the review is an attempt by the Maori Party to extract still more benefits exclusively for the Maoris. It is likely that the call by the Maoris for a constitution is because the Treaty of Waitangi does not confer exclusive benefits on Maoris and has no legal status, and the Maori Party want to entrench their interpretation of the ‘principles’ of the Treaty and add further benefits exclusively for Maoris. Of course this is not sufficient reason for a new constitutional document and, more importantly, it is not good social or economic policy. Furthermore, it means that the review process is not primarily about a Constitution for New Zealand, but about further as yet unspecified exclusive benefits for Maoris; so again, this is lying by omission. Justice Cooke has said that there is an obligation to act towards each other “with the utmost good faith,” but the constitutional review is not being conducted in good faith.



In summary, New Zealand's constitutional arrangements are being reviewed because the National Party wanted to shore up their coalition by including the Maori Party. No reason has been given for why the Maori Party wants the review, but it seems that it is an attempt to obtain further exclusive benefits for Maoris. In an attempt to obtain the desired outcome to the review, significant relevant information has been left out of the Conversation document provided to the public, and the public have been misled about the background and content of the review. As a consequence, there has not been sufficient reason given for revising our constitutional arrangements. If New Zealand ends up with a constitution document it will be because that was a convenient vehicle for the Maori Party to obtain race-based exclusive benefits for Maoris rather than because it was shown to be beneficial for New Zealand to have a constitution. I shall address this issue in what follows.

I assume that any constitutional arrangements should be in accordance with basic human rights. The notion of equality is important to human rights, so I take as a principle that New Zealand should treat ethnic groups equally. This means that (roughly) equal benefits should be given to ethnic groups such as Samoans, Chinese, Maoris, Muslims and Europeans. So it is necessary that our constitution should make clear that Maori do not receive any substantial benefits that other ethnic groups do not get. For example, to achieve ethnic equality, the Maori parliamentary seats should be abolished, and iwi corporations and Maori businesses should pay the same tax as everyone else. No other country in the world practices racism this way. This is not dependent on how parliament is structured, such as the introduction of MMP; it is a matter of ethnic equality. Any constitution or constitutional legislation that does not require ethnic equality does not address basic human rights and is therefore illegitimate.

Maoris argue that 'we were here first' and so they should have exclusive benefits under the Treaty of Waitangi, but this claim is not now valid for the following reasons. First, 'we were here first' does not mean that present Maoris were here before present non-Maoris; it rather means that one or more of the distant ancestors of present Maoris were here before all of the ancestors of present non-Maoris. Hence the link between present Maoris and their pre-European ancestors is only partial and distant in time. Second, none today are full-blooded Maoris and many people classified as Maori are only a small proportion Maori; so if Maoris were to receive any benefits the benefits should be accordingly proportionate. It is impractical to apply this to the Maoris now, but if it were it would greatly reduce exclusive Maori benefits. Third, everything that Maoris have today – from the food they eat, the clothes they wear and the houses they live in, to the televisions they watch, the cars they drive and the internationally used language they speak and can now write – they have because the Europeans came to New Zealand. This has not been acknowledged; nevertheless, it means that the Maoris have already been well compensated for sharing the country with other races. There is, therefore, now no reason for Treaty settlements or exclusive Maori benefits.

The Maoris have been successfully using the New Zealand justice system to argue for exclusive benefits. The justice system develops and uses laws to make decisions; however, there are two problems with the justice system. First, the justice system

develops unconstitutional laws; for example, the courts now deal with the principles of the Treaty rather than its provisions, even though the principles have not been defined. The call for a constitution is an attempt to ratify illegitimate legal decisions that discriminate on the basis of race. Second, the justice system is distanced from the facts of the matter by its own laws. For example, in the recent Kahui case although the accused was acquitted by a jury the coroner found that the accused acted as charged by the police; the coroner said that this was because the justice system uses points of law whereas he used matters of fact. I argue for a higher law than that of the courts: that of morality. No amount of rules can override the fact that the various ethnic groups in New Zealand should receive equal benefits.

Nevertheless, I think that provision could be made for assisting disadvantaged ethnic groups. Here are some principles that should apply: 1) assistance is to help a group to 'catch up' and is therefore for a limited time, e.g., 10 years; 2) assistance is with respect of specific identified needs, e.g., training; 3) assistance results are measured and evaluated, and assistance is adjusted accordingly; 4) assistance applies to all disadvantaged groups so that, for example, Samoans are as eligible as Maoris; 5) assistance is offered in moderation and takes account of what New Zealand can afford.

The current approach is to patronize Maori, which they resent, and by patronizing them make them dependent on Treaty settlements and welfare payments, which loses them the respect of others. This inappropriate cycle has developed into a burden that our economy cannot sustain. Maori cannot hide forever behind the European skirt and there is no alternative but that they participate in the new non-Maori world with everyone else. Maori have to make the effort to catch up, just as an Asian family arriving in New Zealand does. If the Asians can do this, so too will the Maoris if they have to. We will gain by acquiring Asian capabilities and participation, but we will be uncompetitive if we regress to Maori ineptitude and slothfulness; Asian is the way of the future, Maori is the way of the past. If there is a Constitution it should reward and promote the winners and encourage others to emulate them.

The present attempt by the Maori Party to surreptitiously attain more benefits for an ethnic minority is an attempt at furthering an elite iwi class. The iwis are using the Treaty as leverage to rot the political and legal systems to their advantage and are distancing themselves from the whanaus. For their part, the whanaus collectively spend more than they earn and continue to rely on welfare in disproportionate numbers. These manipulations are making Maoris more of a burden on the taxpayer. What the Maori Party, the Maori Council and the iwi leaders are doing is immoral. It is therefore wrong to validate this process in any legislation.

We need to recognize that we are now beginning to see the shape of the brave new world. The world of the future will not be like the world of the past and we need to adapt accordingly. To borrow from Tipene O'Regan, I want the people to think about whether the constitution planned by the iwis will meet the needs of the very different world their grandchildren will inherit. How, for example, will dividing New Zealand in two address the problem of climate change, balance our economy, or fix the population explosion?



We need to recognize that the Treaty and its recent interpretation as several sets of ill-defined 'principles' are a product of colonialism and are not relevant even to today's problems. To act effectively we need unity, not a partnership of disparate approaches. This was the intent of the Treaty as was made clear by Lieutenant Governor William Hobson when he said "*He iwi Tahi Tatou.*"

In summary, then, exclusive constitutional benefits for Maoris is wrong because it means that ethnic groups are not treated equally. This inequality increases Maori dependency on the state, discourages Maori contribution to our economy, places an unsustainable burden on the taxpayer, rewards and promotes losers rather than winners, and addresses the past rather than the future. The recent political actions of the Maoris are about manipulating the system for unequal gain rather than pursuit of moral good. The Maoris are perverting New Zealand's constitution to further their unethical aspirations for exclusive benefits according to race. That is, the Maoris are using the New Zealand Parliament to practice racism.

I therefore recommend that we dissolve biculturalism – a euphemism for apartheid – and that we treat all ethnic groups equally. To do this we should remove the present provisions for exclusive benefits for the Maoris from our current constitutional arrangement. Particular actions include, but are not limited to: abolishment of the Treaty of Waitangi and removal of its 'principles' from legislation; abolishment of the Maori seats in Parliament and local government; there should be no publicly funded projects exclusively for Maori except, perhaps, in moderation to 'catch up'; and iwis and Maori businesses should pay the same tax as everyone else. Furthermore, we should not institute a separate Constitution because there is no compelling reason to do so; and, in case it becomes an issue, I want New Zealand to *not* become a republic.

~~Yours sincerely,~~

Barrie Davis

Copy: Hon Bill English, Deputy Prime Minister



" 4457

**From:** Catherine Davis  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 5:51 p.m.  
**Subject:** CAP Submission  
**Attachments:** Submissions on New Zealand Constitution\_v3.doc

Tēnā koe,

Please find my submission attached for your consideration.

Noho ora mai,

Catherine Davis

(Te Rarawa, Ngāti Kuri)

Kaitiaia

Aotearoa, New Zealand

Mob:

United Nations Office of the High Commissioner for Human Rights

Indigenous Fellow (Pacific Representative) 2005





# Submissions on New Zealand Constitution

**Submitter:** Catherine Davis ( KAITAIA )

**Email:**

## 1. INTRODUCTION

2. In its current public consultation exercise, the Constitutional Advisory Panel's (the Panel's) attention and energy has been concentrated on a range of questions connected with its Terms of Reference relating to different aspects of New Zealand's constitutional arrangements. The Panel has invited the public to respond to these questions. However, I will be responding to the Panel's more general invitation to "*think about [our] vision of what Aotearoa/New Zealand might look like in the future, and to consider how our constitutional arrangements would support that vision*" by focusing on principles, rather than the specific questions they have asked as such (although there may be some overlap).

## 3. GENERAL STATEMENTS

### Constitutional Issues Definition

- 3.1. For the purposes of this paper, I will take New Zealand constitutional issues to generally mean those concerning our citizens' most basic and treasured values and priorities (some may refer to these as rules); those most fundamental life-supporting aspects that are required for the natural world and humans not just to survive, but to thrive sustainably now and into the future; and those under which we as a nation of citizens wish and agree to live by. As such, people have always talked about constitutional issues. This includes pre-colonisation Māori (although we may have used different terminology – e.g. tikanga and kawa), and those Pākehā and tauiwi who subsequently settled here and who now consider New Zealand home.
- 3.2. There have been innumerable conversations, papers written, hui, seminars, conferences and other meetings, inquiries and investigations on constitutional matters.<sup>1</sup> As a result, there is too much to address in this paper. So, I've kept my thoughts very high-level and general.

### Acknowledging our Constitutional Situation as Critical

- 3.3. To provide more context, this paper assumes that there is a constitutional 'crisis' in Aotearoa, New Zealand. Māori have expressed our concerns over the years on this, and certainly, while we may have

<sup>1</sup> For a starting point on the issues, including an insight into issues for Māori (ref Matike Mai Aotearoa: the Independent Constitutional Working Group's webpage link), see Peace Movement Aotearoa's website page at <http://www.converge.org.nz/pma/cons.htm>.



seen improvements in some areas, overall New Zealand's constitutional situation from a systematic and systemic standpoint has not improved. In fact, judging by key indicators such as the increasing lack of public trust and confidence in Government, the ever-growing gap in wealth distribution between 'the rich' and 'the poor', rising incidences of violent crime and other social ills, more demonstrations of civil unrest<sup>2</sup>, and the ongoing decline in the health of our natural environment, we believe the situation has only worsened.

**3.4. Recommendation 1:** That New Zealand Governments:

- a. Officially acknowledge that New Zealand's constitutional arrangements are in a state of crisis; and as such,
- b. Prioritise action which will realise, in a timely and meaningful manner, transformation of New Zealand's constitutional situation; and
- c. Ensure this priority is supported in an ongoing way regardless of which Government may be in power, until New Zealand's aspirations for constitutional transformation are achieved.

**A Single Written Constitution?**

3.5. We also agree that New Zealand's constitutional arrangements being located as they are in various instruments, conventions, laws and such is far too loose and messy. One has to be a constitutional expert just to locate all the component parts of it, and to articulate what it all means! Therein lies the absolute risk for New Zealand citizens:

- a. What is difficult to identify or grasp is difficult to explain;
- b. What cannot be explained cannot be understood;
- c. What cannot be understood cannot be deliberately practised, or actively protected.

3.6. If New Zealanders cannot protect that which we treasure most, then we are vulnerable to all manner of detriment and suffering. Therefore, an underlying preference of this paper is that the base values, traditions and priorities of New Zealanders be codified and entrenched in one written instrument. This will enable everyone to know what the norms and standards are for living in Aotearoa/ New Zealand. At the same time, and complimented with effective and meaningful implementation mechanisms, it will provide the primary tool by which citizens may hold all decision-makers accountable – whether they be of the Legislature, Executive or Judiciary; whether they be of central or local Government; whether they are those giving the instructions or agents or Agencies with delegated authority receiving instructions to implement; or anyone

<sup>2</sup> The most recent issue of a constitutional nature to provoke a strong response from New Zealand citizens is the Government Communications Security Bureau (GCSB) Bill. For example, see "Stop The GCSB Bill Public Meeting", 25 July 2013 at <http://www.ustream.tv/recorded/36333669>; <http://www.stuff.co.nz/national/politics/8964434/Group-gathers-to-protest-GCSB-bill>.



else.

3.7. **Recommendation 2:** That the most basic, fundamental and treasured values and priorities under which we as a nation of citizens wish and agree to live by be codified and entrenched in a single written Constitution.

### **Independent Government Auditing**

3.8. We note at this juncture that independent audits of any organisation are important to maintain accountability. This is also true, if not more important, for Governments.

3.9. New Zealand is a member of the International Organization of Supreme Audit Institutions<sup>3</sup> (IOSAI). Founded in 1953, it is an autonomous, independent and non-political umbrella organisation for supreme audit institutions (SAIs) which assists with the external auditing of Governments. It provides an institutionalised framework to promote development and transfer of knowledge, and to improve government auditing worldwide. Having special consultative status with the United Nations Economic and Social Council, it also collaborates closely with the UN to help countries to improve the quality and performance of their governance structures and institutions.

3.10. **Recommendation 3:** That, in the development of an action plan to improve New Zealand's constitutional arrangements, the Government actively seeks the assistance of the International Organization of Supreme Audit Institutions in collaboration with the United Nations.

3.11. Having said this, for the process to be effective, the powers of the SAI alone to report while necessary are not sufficient. There must be a requirement for the audit reports of New Zealand's SAI (i.e. the Controller and Auditor-General<sup>4</sup>) to be considered and implemented – e.g. including through a formal response by Parliament and/or its committees, and the Executive.<sup>5</sup>

3.12. **Recommendation 4:** That Parliament (for example, through one of its committees) and the Executive formally consider, respond and then implement in a timely manner the audit reports of its Supreme Audit Institution.

## **4. GOOD GOVERNANCE, AND THE PURSUIT OF HAPPINESS**

4.1. Arguably, all humans do in life has one common underlying motivating

<sup>3</sup> See their website at <http://www.intosai.org/about-us.html>. IOSAI presently has 191 Full Members.

<sup>4</sup> Ref [http://www.intosai.org/about-us/organisation/membership-list/national-sais/members/new\\_zealand.html](http://www.intosai.org/about-us/organisation/membership-list/national-sais/members/new_zealand.html).

<sup>5</sup> For example in Canada, each report of the Auditor-General stands referred to the Public Accounts Committee after it has been tabled in the House of Commons, and the Government must respond formally to each report within 150 days: Report on the 17th UN/INTOSAI Seminar on Government Auditing, Vienna, 19 – 23 April 2004, pp89-90. See <http://www.intosai.org/uploads/3vn2004e.pdf>.



factor at its core: to be happy. And to be happy, we must be at peace, live with dignity, and we must be free.<sup>6</sup> How does this relate to a country's constitutional arrangements?

### Basic Premise

4.2. A primary expression of a country's constitutional arrangements is the way that a country is governed. It must be recognised, however, that Governments are not an end unto themselves - Governments (and all authorities and agencies to which functions and powers have been delegated - such as the police and the military) are a creation of the people, and therefore only exist to serve the will of its Creator - the people. That is a Government's primary obligation. So, taking a principled approach, the degree to which a Government operates consistent with this primary obligation determines the extent to which a Government may continue to claim to be "good" and "democratic", and therefore legitimate. Correspondingly, citizens have the right to demand and enforce a Government's compliance with its primary obligation.<sup>7</sup> This basic premise is the foundation of the relationship between the people, and their Government.

**Recommendation 5:** That New Zealand's constitutional arrangements recognise that the primary obligation of all Governments is to serve the will of the people.

### Values and Traditions

- 4.3. A useful barometer of whether Governance is considered "good" or legitimate is the level to which a country's institutions and processes enjoy the respect, confidence and trust of the people. Such trust is in turn a function of the degree to which those institutions and processes are seen to be transparent and accountable to the people.
- 4.4. In addition to transparency and accountability, there are a host of other 'values' which Governments were created to recognise, promote and protect in a manner that is effective, efficient and enduring. These include (amongst other things) fundamental human rights (economic, social, cultural, civil, political and indigenous rights), equity (including an equitable distribution of wealth), meaningful citizen participation on matters that affect them, pluralism and diversity, the environment, and the rule of law.<sup>8</sup> One generally finds that when these and other key values are recognised and protected (i.e. a Government is governing

<sup>6</sup> This is reflected in international standards such as United Nations Universal Declaration of Human Rights, Arts. 1 and 3: see <http://www.un.org/en/documents/udhr/>.

<sup>7</sup> There are many writings on the right of citizens to demand good governance. Often, social commentators and philosophers frame this right also as an obligation of good citizenship to keep all Governments accountable. See for example Henry David Thoreau, "Civil Disobedience" at <http://xroads.virginia.edu/~hyper/WALDEN/Essays/civil.html>.

<sup>8</sup> Source: "Global Issues: Governance" at the United Nations website: <http://www.un.org/en/globalissues/governance/>.



well), the people are happier.

- 4.5. Given the growing global trend of decreasing trust in Governments (New Zealand included) and social unrest in the world,<sup>9</sup> one can only conclude that the quality of Governance is likewise on the decline.

#### **Māori, and “Indigenous Peoples” Responsibilities/ Rights**

- 4.6. For Māori in particular, our sense of freedom is in a large part a function of our ability to exercise our mana (our authority) and tino rangatiratanga (self-determination / sovereignty). And our ability to do this is in turn a function of our ability to give expression to the taonga tuku iho (values) of our tūpuna, and to practice our tikanga (customs and traditions). Both being a reflection of Natural Law or Ultimate Truths about reality, Māori recognise that living in alignment with our values and traditions leads to harmony and wellbeing (spiritually, emotionally, mentally, physically, socially, environmentally, etc). Conversely, living out of alignment with those values and violating those traditions have, to a greater or lesser degree, detrimental and destructive consequences.<sup>10</sup> This is true for the individual as it is for an organization of individuals, or even a nation’s population existing as a single collective consciousness.

#### Te Tiriti o Waitangi 1840

- 4.7. In that regard, and also in terms of constitutional significance, Te Tiriti o Waitangi<sup>11</sup> is one instrument widely recognised by whānau, hapū and iwi<sup>12</sup> as a statement of some of the key values and traditions which the rangatira of the day (in treating with the Queen of England’s representative, Governor Hobson) expected would be recognised, promoted and protected post-1840. Embedded into those values and traditions were pre-existing responsibilities: for instance, responsibilities

<sup>9</sup> “Recent events in the Arab States have brought to the fore longstanding demands from civil society, especially young people, for a development trajectory grounded in democratic governance, the rule of law and human rights. The events underscore the importance of addressing democratic governance deficits at the national and sub-national levels to ensure the legitimacy of development policies and to support the empowerment of people”: UN System Task Team on the Post-2015 UN Development Agenda, “Realizing the Future we want for All – Report to the Secretary General” (June, 2012), p 19. See

[http://www.un.org/en/development/desa/policy/untaskteam\\_undf/untt\\_report.pdf](http://www.un.org/en/development/desa/policy/untaskteam_undf/untt_report.pdf).

<sup>10</sup> For an insight into one model of Māori values and the potential for its effective application in today’s world, see Jason Hartley, “Ngā Mahi: The Pathway of the Stars” (2010).

<sup>11</sup> We emphasize the primacy of the Māori version of Te Tiriti firstly, as that is the version which the Māori signatories understood and (but for a relatively few exceptions) signed. It is widely acknowledged by Māori and informed Pākehā alike that the Māori and English versions of Te Tiriti have materially different meanings. Therefore, to safeguard the purity of the values and traditions contained within it, Te Tiriti (the Māori version) must be of paramount recognition in New Zealand’s constitutional arrangements. Secondly, the legal principle of contra proferentem demands that ‘Te Tiriti’ be recognised as the definitive version to be given effect to.

<sup>12</sup> We acknowledge the fact that not all hapū or iwi signed Te Tiriti.



to one another as fellow humans (e.g. to respect one another as whanaunga or kin), to those who might visit our lands (e.g. manaakitanga – for example, being a good host to the British settlers) and to our environment (e.g. Kaitiakitanga: stewardship or guardianship).

4.8. The Māori world view, within which an individual's and a collective's responsibilities were embedded, differed from the ensuing conventional western legal framework which was rights-based. Over time, these Māori responsibilities, values and traditions, found expression (at least in part) and evolved into a body of Indigenous Peoples human rights under international law. And today, we are grateful for the colonial Governments which have progressively come to recognise and implement these rights.

4.9. It bears remembering, however, that for Māori, our responsibilities, values and traditions pre-dated (existed prior to) the signing of Te Tiriti or any other legal instrument. Therefore, Te Tiriti and other legal instruments merely affirmed those Māori responsibilities, values and traditions – Te Tiriti, its Crown signatory or other third parties didn't create them. By this logic, neither may the Crown or any colonist 'interpretation' of Te Tiriti legitimately seek to damage or destroy those responsibilities, values, traditions and corresponding legal rights. They must be recognised, promoted, protected and implemented.

**4.10. Recommendation 6:**

- a. That New Zealand's constitutional arrangements recognise and give official status to Te Tiriti o Waitangi as the originating source instrument that founded the nation of New Zealand.
- b. As such, New Zealand's constitutional arrangements shall recognise, promote, protect and implement the guarantees therein contained, in particular:
  - i. The Māori responsibilities, values, traditions and corresponding legal rights associated with Te Tiriti (whether expressly stated in Te Tiriti, or as subsequently expressed and expanded on in evolving jurisprudence); and
  - ii. The Crown's obligations to Māori.

He Whakaputanga 1835

4.11. He Whakaputanga (the Declaration of Independence) established the independent sovereignty of those rangatira Māori within a western legal framework, thereby enabling rangatira to later 'treat' with another sovereign party (in this case, with the British Crown in 1840). As such, He Whakaputanga also has great constitutional significance, and awareness and understanding about it has significantly increased, especially in recent years. However, while whānau, hapū and iwi in certain regions (say, in Te Tai Tokerau) may give it importance, not all



whānau, hapū or iwi are descendants of tūpuna who signed or of a hapū whose rangatira signed He Whakaputanga. Therefore, not all Māori accord the same significance to it. The question is, how to recognise the constitutional significance of this instrument in a way that respects this reality.

4.12. **Recommendation 7:** That New Zealand's constitutional arrangements recognise the significance of He Whakaputanga in a way that respects the varying importance which whānau, hapū and iwi nationwide may accord to it. For example, such recognition may include provision in the constitutional arrangements at a local governance/ Territorial Authority level which corresponds with the regions where strong hapū and iwi recognition of He Whakaputanga exists.

#### Indigenous Peoples Rights

4.13. Ensuring the protection of Māori responsibilities and rights is a Te Tiriti obligation of the Crown. However, even if Te Tiriti did not exist, realising the responsibilities and rights of Māori as Indigenous Peoples is critical in any event to building a just and harmonious society.

4.14. The UN Declaration on the Rights of Indigenous Peoples (DRIP), endorsed by New Zealand in 2010, is the benchmark for minimum standards regarding Indigenous Peoples rights. Based in already existing international law, the DRIP compliments, supports and elaborates on the values and guarantees contained in Te Tiriti o Waitangi. The DRIP consists of 46 articles that emphasize the rights of Indigenous Peoples, both as individuals and collectives, to the full enjoyment of all human rights; to live freely and equally with other people; to be self-determining; to have our free, prior and informed consent obtained on matters affecting us; to maintain and strengthen our own institutions, our culture and traditions; to protect our lands, territories and resources; and to education, health, employment, language and other values.

4.15. **Recommendation 8:** That New Zealand's constitutional arrangements meaningfully provide for the protection of at least the minimum standard of Indigenous Peoples rights as contained in the United Nations Declaration on the Rights of Indigenous Peoples.

#### **Human Rights and Social Justice Generally**

##### Universal Declaration of Human Rights

4.16. It is widely acknowledged that recognising the inherent dignity of humans and the protection of equal and inalienable human rights are "the foundation of freedom, justice and peace in the world".<sup>13</sup> We obviously accept that all New Zealand citizens have inalienable rights by

<sup>13</sup> Ref preamble, Universal Declaration of Human Rights. See <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng>.



virtue of their humanity. Therefore, New Zealand's constitutional arrangements must have effect to these.

4.17. **Recommendation 9:** That New Zealand's constitutional arrangements meaningfully provide for the protection of internationally recognised human rights as contained in the United Nations Universal Declaration on Human Rights.

4.18. The following sections elaborate further on a number of key values and priorities collectively referred to above as having importance deserving of constitutional protection.

## 5. THE ENVIRONMENT

### Protection of the basics for human civilisation to flourish

5.1. It seems trite to say that for human civilisation to even exist (let alone socially and culturally flourish and thrive) we need a healthy, thriving environment to provide us with the basics of human physiological wellbeing. Natural resources on the planet are finite, so current levels of consumption and "development" without end is madness. Along with a raft of international initiatives and instruments which advocate environmental protection, Māori claimants to the Waitangi Tribunal (for example, Te Rarawa and Ngāti Kuri who are iwi claimants for the WAI 262 Flora and Fauna claim), scientists, an increasing number of industry leaders, and other social commentators have warned that at the current rate of natural resource consumption, humans would need the natural resources of more than one planet Earth just to sustain our ever-increasing world population.<sup>14</sup> Clean water, clean air, nutrient-rich soil, biodiversity of flora and fauna with natural genetic integrity (i.e. as opposed to genetically modified organisms) – especially that which provides food for society: these must all be protected.

5.2. Therefore, many have argued that protection of 'Mother Earth' or our natural environment ought to be our paramount responsibility, even ahead of protecting fundamental human rights.<sup>15</sup> As a reflection of this growing recognition, there are an increasing number of national constitutions, such as Bolivia, which are giving (or considering giving) primacy to this responsibility to nature.

5.3. **Recommendation 10:** That New Zealand's constitutional arrangements meaningfully provide for, and give primacy to, the protection of Mother Earth and the natural environment.

### Renewable, free energy

<sup>14</sup> For a New Zealand example of concerns regarding natural resource use issues in relation to the responsibilities of New Zealand business and industry, see the Pure Advantage website at <http://www.pureadvantage.org/>.

<sup>15</sup> For an Indigenous Peoples perspective, see the Universal Declaration of the Rights of Mother Earth 2010 at <http://therightsofnature.org/universal-declaration/>.



5.4. A related point is the extent to which energy production affects our environment, and peoples' right to have their minimum energy needs met. Renewable and free energy technology has been available since the late 19<sup>th</sup> Century. However, such technology has – and continues to be – suppressed by interests (e.g. major energy companies) who benefit from society's dependence on fossil fuels. When a critical mass of society knows about and is using more renewable and free energy technology, we will be free of the need to use 'dirty', unsustainable, harmful fossil fuels. This will help tremendously with healing the environment and its ecosystems which are necessary to sustain all life on the planet.

**5.5. Recommendation 11:** That New Zealand's constitutional arrangements meaningfully protect citizens' rights to access sufficient energy to fulfil their basic energy needs.

### **Food/ Water Security**

5.6. The natural genetic integrity of all Flora and Fauna must be protected, as must the right of all people to nutritious food and clean water. However, this human right today is vulnerable to a whole host of abuses. For example, the production and use of, and the enforcement of associated corporate legal rights to, genetically-modified organisms have raised a Pandora's box of unresolved moral issues, wreaked financial havoc on affected parties in the market place, and have been labelled as a direct attack on local communities' ability to create food security.<sup>16</sup> There is a groundswell of resistance to the idea alone that anyone may legally 'own' and have the sole right to exploit and control genetic material. This is due to the risk, for example, that such legal ownership then gives the 'owner' full legal ability to control others' use of any plant or animal containing that genetic material – including, theoretically, the ability to control humanity's access to the whole food system (many contend that this is in fact what Monsanto and other companies are progressively achieving through patent law).

5.7. It is also now widely acknowledged that the use of agricultural or horticulture chemicals are destroying soil integrity and health<sup>17</sup>; and the issue of water quality and water supply outstripping demand is now a top concern in many countries, with 'peak water' issues forecast to dominate political agendas in the coming years.

**5.8. Recommendation 12:** That New Zealand's constitutional arrangements:

<sup>16</sup> For some insight into the GMO issues, in particular in connection with perhaps the most well-known GMO producer on the Planet, Monsanto, see for example <http://www.motherearthnews.com/homesteading-and-livestock/is-monsanto-the-worlds-most-evil-corporation.aspx#axzz2aZeTJcF0>, and <http://www.naturalnews.com/Monsanto-Video-Revolt-Live-Broadcast.html>.

<sup>17</sup> Many communities around the world are declaring themselves to be agriculture and horticultural 'free zones', where no GMOs or chemical fertilizers are allowed to enter: see for example <http://www.gmo-free-regions.org/>.



- a. meaningfully protect citizen's rights to a sufficient supply of nutritious food and clean water necessary for life; and
- b. provide that the DNA or other genetic material of life forms may not be owned.

## 6. HEALTH

- 6.1. Stress is a primary cause of many social ills, including chronic ill-health conditions like heart disease and cancer.<sup>18</sup> Age-old wisdom teaches us that a major cause of stress is one's mental and emotional state, and our attitude towards the so-called pressures of life. In other words, much of our stress stems from and is created in the mind rather than from/ by external factors. This suggests that one antidote is to strengthen one's mind and higher thinking faculties, and many studies and scientifically-robust research has borne this out.<sup>19</sup>
- 6.2. Māori and other Indigenous Peoples and cultures also have their natural and well-established traditional practices which work for them and are also proven to have effective health benefits. Diet plays a huge role in wellbeing as well. This is not to say we should do away with mainstream Western medicine altogether. However, it is the right of every human to consider and be able to access other remedies and preventative practices available to them.

6.3. **Recommendation 13:** That New Zealand's constitutional arrangements meaningfully protect citizen's rights to health, including their right to choose their preferred health remedies and preventative practices.

## 7. EDUCATION

- 7.1. Mainstream education policies are coming under increasing criticism for largely indoctrinating children to believe that their value as human beings is predominantly a factor of the degree to which they can contribute to the market economy by getting a job, being a good consumer, and reacting in a predictable and controlled manner to people in authority.<sup>20</sup>
- 7.2. However, education should be about developing the Self and our higher thinking faculties; encouraging divergent, innovative thinking; freedom of thought; and consciousness and awareness-raising. It should also be about exploring and discovering peoples' interests, passions and gifts so that they can employ these to make a meaningful contribution to society as a whole, rather than just readying them like compliant robots

<sup>18</sup> One of the reasons why is because when a person is stressed, their energy is directed to those parts of their body that they need to instinctively react to stress by either 'fighting' or taking 'flight' (e.g. muscles, certain parts of their brain, certain bodily organs...). Conversely, this means other aspects of the body (e.g. immune system, certain organs, cells in the body, certain parts of the brain...) are deprived to a greater or lesser degree of life-giving energy. The cumulative effect over time is chronic ill health.

<sup>19</sup> See for example, [http://en.wikipedia.org/wiki/Transcendental\\_Meditation\\_research](http://en.wikipedia.org/wiki/Transcendental_Meditation_research).

<sup>20</sup> See for example, "RSA Animate – Changing Education Paradigms", <http://www.youtube.com/watch?v=zDZFcDGpL4U&feature=youtu.be>.



to participate in the capitalist market economy.<sup>21</sup>

**7.3. Recommendation 14:** That New Zealand's constitutional arrangements meaningfully protect citizen's rights to a truly quality education that is more expansive for the mind, cultivates greater creativity, and teaches innovation and critical free-thinking.

## 8. ECONOMICS AND FINANCE

### A new moral economy based on equitable distribution of wealth, and abundance

8.1. A major factor that determines the nature and degree to which dignity and respect is experienced and to which human rights find expression, is often tied to one's socio-economic situation: the more equal the members of a society are in socio-economic terms, one tends to find a more harmonious society. Conversely, the more socio-economically stratified a society is (for example, with a greater gap between the "haves" and the "have nots"), the more conflict and suffering you tend to find.<sup>22</sup> It makes sense therefore that New Zealand, like many other countries are doing, should prioritise the realisation of a more equitable distribution of wealth in society.

#### Better Values

8.2. We also need to create, practice and protect a new culture of responsible economy and business that is based on valuing an abundance of civic, caring, social, environmental and cultural contributions of human beings, rather than market-based mentality of highly valuing only that which is scarce.<sup>23</sup> If we made this paradigm switch, we would re-discover that the core economy is actually whānau

<sup>21</sup> See for example educationalist Sir Ken Robinson: e.g. "Educating the Heart and Mind", <http://www.youtube.com/watch?v=I1A4OGiVK30>, and "How to escape education's death valley", [http://www.ted.com/talks/ken\\_robinson\\_how\\_to\\_escape\\_education\\_s\\_death\\_valley.html](http://www.ted.com/talks/ken_robinson_how_to_escape_education_s_death_valley.html); or Noam Chomsky, "Education for whom and for what", [http://www.google.co.nz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CC0QtwlwAA&url=http%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DEgDShO1K8&ei=1Vj4Uc27JYbNiwKi\\_oC4Dg&usg=AFQjCNHMMGIReHMMVvPoeQd3giNiXG\\_HTeQ&sig2=a4-dIUgRJyJR5F0TFqtmBQ&bvm=bv.49967636,d.cGE](http://www.google.co.nz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CC0QtwlwAA&url=http%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DEgDShO1K8&ei=1Vj4Uc27JYbNiwKi_oC4Dg&usg=AFQjCNHMMGIReHMMVvPoeQd3giNiXG_HTeQ&sig2=a4-dIUgRJyJR5F0TFqtmBQ&bvm=bv.49967636,d.cGE).

<sup>22</sup> From a mental perspective, this suffering now has a label: "psycho-social stress". That is to say, the lower your social status, the more stress you live under. The impact of this 'gap' (re dignity and respect/ socio-economic stratification/ psychosocial stress) seems to increase the more capitalism is highly valued in a society, and can be statistically tracked. For example, in countries where there is less 'equality' among its citizens, the incidence of negative socio-economic phenomena (e.g. low life expectancy, disease, mental illness, violent crime, imprisonment, drug abuse, low educational achievement, low social capital [or the propensity for citizens to trust one another], suppression of new ideas) is higher. Conversely, in more 'equal' countries, the incidence of positive socio-economic phenomena (e.g. higher life expectancy, physiological wellness, mental wellness, harmonious communities, higher educational achievement, high social capital, and innovative thinking and ideas) is higher.

<sup>23</sup> See "The Need for a True and Moral Economy"

<http://www.scribd.com/doc/112827161/The-Need-for-a-True-and-Moral-Economy>.



and community – *not* the capitalistic, debt-driven marketplace. A growing number of countries are taking concrete action to align their policy-making with these human-based (as opposed to market-based) values, for example, by switching from Gross Domestic Product as their benchmark for a nation's 'progress' to a more genuine wellbeing index.<sup>24</sup>

#### Best Business Practice

8.3. There are several business practices which are unsustainable but which are still accepted in today's market economy. For example, the compounding effect of planned obsolescence built into all products (so consumers are forced to buy more 'stuff') is shamefully wasteful. Companies' externalising costs<sup>25</sup> is basically theft and should no longer be tolerated.

8.4. **Recommendation 15:** That New Zealand's constitutional arrangements:

- a. ensure equitable distribution of wealth and the protection of local economies; including
- b. establishing an effective national mechanism for measuring true wellbeing of and in the country, and the development and implementation of law and policy which complies with that mechanism.

#### **The Place of Corporations and other 'Legal Persons'**

8.5. At a very macro level, the power to control policy decisions in key areas of our lives is (through a series of sub-levels of financial, economic and political influence) being increasingly consolidated into the hands of a relative few unaccountable human individuals and corporations.<sup>26</sup> Conversely this means a *decrease* of Government accountability to its citizens, and a decrease of citizens' control over our lives. And while corporations were originally created and designed to serve 'the people', the reputation of corporations has been tarnished by a significant number who have associated themselves with what could only be described as pathological behaviour.<sup>27</sup>

<sup>24</sup> See for example, "What is the genuine progress index?" [http://www.youtube.com/watch?v=AcsDXEbRh\\_A](http://www.youtube.com/watch?v=AcsDXEbRh_A). The United Nations is also encouraging more attention to the implementation of such wellbeing measuring mechanisms.

<sup>25</sup> See "The Place of Corporations in a new Constitution for Aotearoa" at <http://www.scribd.com/doc/112293708/The-Place-of-Corporations-in-a-New-Constitution-For-Aotearoa>.

<sup>26</sup> E.g. By simple research we may observe the relatively small number of degrees of separation between control over these areas and certain individuals or groups. Or by the journalist's investigative rule of 'following the money' or tracking who ultimately benefits, this same pattern is revealed. For more information on the mechanisms for consolidating that control, see C Davis, "The Quest for Happiness and Freedom" at <http://www.scribd.com/doc/114372672/The-Quest-for-Happiness-and-Freedom>.

<sup>27</sup> See for example <http://www.scribd.com/doc/112293708/The-Place-of-Corporations-in-a-New-Constitution-For-Aotearoa>.



8.6. We often find that the 'rights' of corporates to conduct their business are often enforced to the detriment and at the expense of human rights and environmental imperatives. In too many instances, this is facilitated by the enabling of corporates to utilize their 'legal person' status in order to claim rights akin to actual humans. We contend that by the countless examples of pathological actions of corporate entities, the application of the concept of 'personhood' to a legal corporation has now been exposed as at best being morally problematic and at worst totally inappropriate and no longer acceptable.

8.7. **Recommendation 16:** That New Zealand's constitutional arrangements elevate the protection of human rights and environmental imperatives above corporate rights, including the removal of corporate entities' ability to claim legal 'personhood'.

### Financial Institutions

8.8. The New Zealand Reserve Bank plays a key role in and has great influence over the creation of financial bubbles in New Zealand, and the cycle of recessions/ depressions that New Zealanders suffer through. The mechanics of that role and the nature and degree of that influence needs to be clearly understood, so there is greater transparency and accountability of the Reserve Bank for its decisions, so solutions can be developed to improve our financial systems, and to create more financial stability for New Zealanders. This should lead to decisions that more serve the interests of the people, rather than corporates, and contribute to a more equitable distribution of wealth.

8.9. Currently, the Public Audit Act 2001 at s16 "Performance audit" sets out the role of the Auditor-General. S16 (1) states that the A-G may at any time examine "(a) the extent to which a public entity is carrying out its activities effectively and efficiently". But then later in subsection (3), it says that "subsection (1)(a) does not apply to the Reserve Bank of New Zealand". This situation is unacceptable.

8.10. **Recommendation 17:** That New Zealand's constitutional arrangements:

- a. return full control over financial policy and monetary supply to the Government; and
- b. ensure full accountability of the Government's Bank (formerly the Reserve Bank) and private financial institutions.

### 9. FREEDOM AND STATE SOVEREIGNTY

9.1. Finally, it should be obvious, but New Zealand as a whole /at a macro level must also be free to govern as it sees fit (according to the will of the people). So the rights of the 'nation state' or the collective right of the country's citizens to be sovereign over itself, must be protected (e.g. when there is a conflict of values or priorities between the Nation's

constitution and an international trade agreement or negotiation of the same). This principle is reflected in the underpinning values of the UN which recognise that the sovereignty of member nation States (and therefore the limitations of the UN to interfere in their domestic affairs) is paramount.<sup>28</sup>

9.2. **Recommendation 18:** That New Zealand's constitutional arrangements declare our rights as a sovereign nation, including our ability to make our own decisions in international affairs, and the correspondingly require and enforce the obligation of the Government to develop international policy consistent with the New Zealand constitution.

ENDS

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<sup>28</sup> Whether this principle is consistently enforced, however, is another matter.



25-7-2013

3041

ms Jane Davis

Invercargill

Submission.

To the Secretarial Constitutional  
Advisory Panel.

c/o Ministry of Justice

Box 5 x 100 88.

Wellington

Jana Koutou

Constitutional Change New Zealand.

My aspiration for New Zealand is that we are  
one Nation.

We cannot say we are one people, because each  
of us comes with our own unique set of heritage  
and customs.

Still we can be One Nation accepting we may be  
different, but inclusive in our pride of being a  
New Zealander.

In 1840 The Treaty of Waitangi was signed by  
two Nations. Maori and European.

Governor Hobson signed as the representative for  
Queen Victoria of England. and the English Parliament.  
Representing the Indigenous people of New Zealand.  
Were the Maori chiefs, signing on behalf of.  
Hapu and Iwi.

## The Status of The Treaty of Waitangi.

I firmly believe that the Treaty of Waitangi must be ensured and enshrined as the Founding Document of New Zealand.

I see the Treaty of Waitangi as a separate and over arching document.

I would prefer to see a separate set of documents assembled, which reflect the principals of the Treaty of Waitangi, attached to all the Acts within New Zealand Parliament.

Section 4 of the Conservation Act New Zealand is an example of how this may be achieved.

I support that public power is shared between Parliament Government and the Courts.

This separation of power ensures that each branch acts as a check and balance on the power of the other.

Thank you to the Advisory Committee.  
For their efforts to bring this kaupapa to the people.

Nga Mihi Katoa.

1367

**From:** jamie davis  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 17/06/2013 7:35 a.m.  
**Subject:** Opposition to constitution

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

Sent from Yahoo! Mail on Android



1710

**From:** Renata Davis <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/06/2013 6:15 p.m.  
**Subject:** CAP submission  
**Attachments:** Submission to the Constitutional Advisory Panel – Renata Davis.docx

Kia ora,

Please find enclosed a submission to the Constitutional Advisory Panel.

Ngā mihi,

Renata Davis

**Submission to the Constitutional Advisory Panel – Renata Davis**

Re: Civics education in schools

This is a brief submission in support of increased civics education in New Zealand's public schools, more specifically, increased education on the constitutional arrangements of New Zealand.

I find it astounding that New Zealand public schools do not adequately educate our *demos* on the fundamental arrangements of public power that govern our country. In my opinion (and with the experience of many of my friends and whānau), the trend of decreasing voter turnout (and ultimately apathy) can be attributed to this lack of knowledge.

We can look at the current constitutional review for a perfect example of the core issue here. If our citizenry were adequately informed of constitutional matters then there would be less need to hold such a discussion in the first place. The fact that we are in need of this discussion shows that there is currently a knowledge deficit held by a high majority of people who attend public schooling. It is my brief submission that we need to address this core issue (of lack of knowledge regarding our constitutional arrangements) by providing a more comprehensive scheme of civics education in the classroom.

Whilst I do not have time to provide a more complete submission on this issue, I sincerely hope that the government considers this issue. Increased across the board education is beneficial to all.

Ngā mihi nui ki a koutou,

Renata Davis

165

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/04/2013 9:20 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robert Davies Organisation Name: Email: Phone:  
Postal Address: Postal AddressB: Postal City:  
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: New Zealand benefits from an unwritten constitution.

A rigid constitution cannot respond to the fluid demands of a modern state. It is better to have a series of constitutional conventions malleable to the circumstances of a particular case.

Such a system is not necessarily subject to abuse, take our country as an example. Our government is suitably transparent to ensure constitutional conventions are adhered to where and when necessary.

New Zealand should retain its unwritten constitution, which over time has proven itself capable of fostering both democracy and economic, social, and environmental development.

I believe our existing constitutional arrangements - ensuring rule of law and representative and responsible government - are sufficient, and need only occasional tweaking to ensure relevance and effectiveness.

Sent on the 9 April 2013 at 21:20

2910

**From:** "stanita" <>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/07/2013 11:18 a.m.  
**Subject:** CAP Submission

Maori seats should be abolished, they are capable of the same terms as the other candidate's, and also have there own Māori parties, what more do they want ? ( don't answer that)

Yours Truly,

Stan C. Davis  
& Anita D. Davis

4170

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 12:06 p.m.  
**Subject:** constitutional review

I am making this submission to the constitutional review.

I am  
against the so called Maori's getting any special treatments or  
allocated seats on any board or government,

All Maori seats should be  
abolished.

We are all New Zealanders, There are no full blooded Maori  
in N.Z. Now, so why do they keep blaming the gov of past  
years, and the  
older generation, when the biggest percentage of them are very likely  
related to  
the ones they say did all these terrible things,

Two of my  
grand children are registered as Maori, there mother had a great great  
grandmother, who was Maori.

So they have so little Maori blood, and  
no sign of a Maori feature in any of them, (both very fair hair small  
European nose  
etc including the mother). And only registered to get all  
the special treatments that are going to the Maori's.

The Treaty is a  
fa's, and should be faded out. All the money they are given is only  
getting to a very few fat cats.

Anything that is likely to be  
detrimentally to there gravy, train is hidden away, like the "Wipua  
Forest Embargo for 75  
years" ? What is so damaging to them that they  
want two generations to go by before it is able to be seen?

The only  
reason they keep falling behind, is because the don't try because its  
easier to sit on bum, and collect the doll,

They should look at the  
Asians that come here, they have NO help, and through hard work they  
come over here and  
succeed,

So does this mean that the Maori are not a  
very bright race? They are certainly not forward looking, when it comes  
to improving there

race, regardless of how much and many times they  
keep saying that is what they are doing

they are very good at saying



all the right things but no action

S. Davis

## 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.

Sarah Davis  
Auckland  
New Zealand

3154"

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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.

Victoria Davis  
Takaka  
New Zealand

3154a

**From:** "Victoria Davis"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 8:13 p.m.  
**Subject:** CAP Submission

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Please accept my submission on the New Zealand constitution

It is important that our human rights are protected in this document, with robust methods to insure breaches are dealt with in such a manner as to avoid repetition.

Politicians need to be held accountable for their actions.

New Zealand citizens need protection from overseas corporations that are given special rights through trade agreements.

Our media needs to be free from government bias.

The freedom to live the way one chooses needs to be protected, for example if some chooses to live in a house truck or yurt with composting toilets, they should be free to do so.

kind regards,  
Victoria Davis

Takaka . . .



## 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.

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Wendy Davis  
Wellington  
New Zealand