

3652

From: Nigel De Frere <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 17/07/2013 9:25 a.m.
Subject: CAP submission
Attachments: Submission on Constitutional Review June 2013.doc

Nigel De Frere

/ AUCKLAND

Zealand

Auckland

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Submission

Closes: 31st July 2013

Nigel de Frere

Secretariat,
Constitutional Advisory Panel

Ministry of Justice
DX SX10088
Wellington

Auckland

Email:
constitutionalreview@justice.govt.nz
with "CAP submission"

I submit as an individual

Overall I do not believe that we should have a written constitution, but I do believe we should amend some of the following:

Overall I do not believe that we should have a written constitution, but I do believe we should amend some of the following:

- i. Extending the Term of Parliament
- ii. Treaty of Waitangi relevance today
- iii. Maori representation
- iv. Setting the election date
- v. Rights of MP's expelled from their Party Caucus

- o New Zealand is a multi-cultural society, and my aspirations include ensuring that we are all treated as equals

- o I do not believe that our constitution should be written in a single document. We already have an informal constitution. The following are some of the reasons why:
 - i. A written constitution mandates us to a structure that has very limited flexibility over time. The current constitution is flexible and allows for change.
 - ii. Our legal system adequately ensures our democratic freedoms, and we should not tamper with it.
 - iii. The ability of a group of non-representative judges to determine the future of the country through judicial review.

18/05/2011

- The New Zealand Bill of Rights Act 1990 confirms fundamental rights and freedoms that the state must respect. It sets minimum standards for all public decision-making, and is appropriate for our democracy. There is no need tamper with these rights.

19/05/2011

- The Treaty of Waitangi has been given too much status in New Zealand law. It was a treaty relevant to the time when it was written, and in fact was probably made void with the commencement of the Maori Wars in the 1860's.
- There is disputed interpretation of the translation of the Treaty, and as a result has become a source of division between New Zealanders in the 21st Century.
- If New Zealand is to move forward in a positive and cohesive manner then all New Zealanders must be treated fairly and equally, and the bi-cultural model being established by the more recent interpretations of the Treaty have no place in a truly modern, fair and equal society.
- As such the Treaty should be relegated to a historical document that has no binding influence on our modern society and must never be enshrined into a written constitution.

20/05/2011

- Maori no longer need separate representation within our Parliamentary system. The MMP voting system has seen all political parties include Maori representation within their Caucuses.
- Representation based on skin colour is fundamentally anti-democratic and this form of separatist representation has no place in truly modern society.
- It is clearly divisive to continue to allow unfair and preferential representation for Maori and it needs to stop now – this is true for any representative body, including Local Government, District Health Boards, etc.

21/05/2011

18/05/2011

I would prefer to see a Parliament with a maximum of 100 members. In addition, I would like to see list members making up no more than 30% of the total Parliament, to ensure better accountability to the constituents and greater democracy.

19/05/2011

I support the term of Parliament being extended to 4 years. This will ensure that Government programmes have more time to be completed, without the interference of the next electoral cycle.

20/05/2011

The current system of setting the Election date should be retained. I liked the notice that John Key gave at the last election, but the right to go early should not be lost.

21/05/2011

The current system of determination is satisfactory, and does not need altering.

22/05/2011

List Members of Parliament should be compelled to leave Parliament if they leave their Party Caucus (either willingly or through eviction). List Members have no individual mandate as they are not representing an electorate and only have a place in Parliament as a result of the party vote under MMP. It is my view that list members who remain in Parliament when they are no longer a member of the political party that placed them there are acting undemocratically and are clearly placing their own self-interest ahead of the interests of the wider New Zealand

electorate. In these instances, the evicted member should be immediately replaced by the next person on the relevant political party's list.

viElectorally elected Members of Parliament parting ways with their party

I believe that while electorally elected Members have a clearer mandate from their individual electorate, that mandate is in no way assured. As such, in these instances a bi-election for the given electorate should be held with the incumbent member running as an independent should they choose to do so.

4445

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:13 p.m.

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

Full Names: Robin de Haan Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: NZ Constitution Submission

Human Rights:

Our rights as expounded the New Zealand Bill of Rights Act should have primary precedence and importance in Parliament and the Courts.

Legislation should require a more stringent examination as to whether it meets the standards set by the BoRA.

Legislation should be required to be in compliance with the BoRA.

Courts should be empowered to give greater priority to human rights.

Human Rights Extended:

There should be greater importance placed on cultural rights.

There should be greater protection of privacy rights.

Extension of Existing Rights:

The right to be free from poverty should be strengthened.

People should have a right to a good standard of living.

The elimination of child poverty should be prioritised.

The right to education should be extended to higher academic levels and all ages.

Housing rights should be established and extended, and the state should have a greater role in making affordable housing available.

Additions to our Constitution:

People should have greater rights to job security.

There should be greater importance placed on protecting the environment.

Animals should be free from experimentation and cruelty and should have greater rights.

Responses to Specific Advisory Panel Questions:

1. What are your aspirations for Aotearoa New Zealand?

Individuals and communities should enjoy comprehensive civil liberties.

Poverty should be completely eliminated.

People should be free from any surveillance that impinges on their right to privacy.

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

Yes.

It should be written in such a way to simplify, clarify and strengthen New Zealanders' rights and civil liberties.

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

Yes.

A constitution that emphasises people's rights should have precedence over other laws.

Our Parliament and Courts should be required to place greater importance on civil and human rights.

5. Does the Bill of Rights Act protect your rights enough? Why? What other things could be done to protect rights?

The Bill of Rights Act should be strengthened and extended.

Human rights and civil liberties are too often violated. We should have better protection from individuals, groups, business and the state.

Further Additions to our Constitution:

A living wage that allows a good standard of living should be worked towards as a measure to eliminate poverty.

The Official Information Act should be strengthened, better resourced and extended.

Resource and wealth inequality should be investigated and measures put in place to reduce inequality.

I do not want to present this submission in person, but I'm happy to be contacted in relation to this submission.

Submitted on the 31 July 2013 at 17:13

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.

Carlos De La Barra
Auckland
New Zealand

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:26 p.m.
Subject: CAP Submission

Dear sirs,

The question of Maori seats.

Should America have Sioux seats?

Should Australia have Aboriginal seats?

What is the percentage of NZ'rs left with a high percent of pure Maori blood?

The vast majority of us have a far higher level of ancestry from other nations from around

the world who have made an enormous contribution to the development of our nation

and our own lives.

This aspect of their wider than Maori heritage, appears to be ignored by the strident minority

who are defining themselves as Maori.

Clearly, for those wishing to celebrate the Maori aspects of their heritage, they should be free to do so.

But for the rest of the population, the vast majority, we are an English speaking nation of widely varied ethnic and language background, that contains little or no Maori.

For the wrongs that were involved in the early days of development of NZ, a great number

of final and subsequently repeated final settlements, have been made out of a sense fairness.

To date, these have largely been accepted as reasonable by the vast majority of NZ'rs.

That majority is with no Maori ancestry but never the less with ancestry of which they also are proud.

However this endless raising of claims (some of which it would be interesting to review with a wider range of "experts" and evidence involved) has to come to a realistic end.

The demand for continuing with separate Maori seats is part of the wider claim agenda,

including that for the establishment of a Constitution. A Constitution designed for the setting

up of a nation of two factions. One faction of probably about four million in number with their

rights and privileges defined. The other faction, comparatively small in number, of greatly

watered down Maori ancestry, claiming all those rights of the majority but demanding also an

additional range of rights and privileges denied the rest.

Even without a Constitution, there are already numerous situations, where a minority of "Maori" have

been given separate representation with separate authority that must be deferred to by the "rest", i.e..

Auckland Council, Lake Taupo, Parliament, to name just a few where this is actively happening.

In this the twenty first century, it is unreasonable and now an anachronism, that a small minority group of

ethnically diluted Maori should have powers and rights additional to and denied to, the vast majority.
Simply viewing the current world at large, it is clearly evident, civil unrest is hardly a rarity.
Only the most dedicated, self serving radicals would wish to deliberately head us in this direction.

As mentioned above a large number of settlements have already been made and re-made, but now, those other proposed settlements still in the pipeline should be closely reviewed using detailed established fact, not relying largely on one sided heresay as has occurred.
Then, the end of all divisions between us.

The time has come where it is now unreasonable that the vast majority of NZ'rs of mixed ethnicity, that largely excludes Maori, and who are working and paying the taxes (that are constantly being looked to by the articulate few of Maori elite, pushing questionable financial claims and the agenda for a two nation situation) should be expected to continue accepting this as reasonable.

One nation, one people, one law.

Abandon Maori Seats.

A further issue. Language.

The Maori language is like the Aboriginal language, quite properly preserved by those who wish to be fluent in it and have it historically recorded.
Clearly the early Maori settlers are part of our heritage, as the aboriginals were in Australia.
However as a commercial language, in NZ let alone in any other part of the world, it has about as much practical value as the aboriginal language does in Australia.

In a hundred years time, other than those few with a special interest, who will be wishing or need to be fluent in the Maori language?
Even today, apart from touring haka parties at functions, entertaining tourists, as a one sided prelude (that no other nation indulges in) at All Black matches, the occasional greeting by a TV announcer and not least, the unreasonable, costly, time wasting speaking in Maori by a tiny handful in parliament, understood by few and lending nothing to the quality of it's decision making, when is Maori, as a universal, constructive, commercially useful language, heard inside or outside of NZ?

A suggestion that Maori be taught in all schools is a cruelty to all students including those with some Maori ancestry. Education should be focused on knowledge that is going to assist every child to leave their time of learning with the very best prospect of being employable. This for their own sake and for the future prosperity of our nation.
There are already a number of valuable commercial languages to concentrate on, not least, educated, articulate English.

Yours faithfully,

M de Lautour

273

From: Yvonne de Mol
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 13/04/2013 12:26 p.m.
Subject: No, to a race based constitution

With regards to the NZ constitutional review is that I don't want a race based constitution. This will affect all people in NZ and should not be based on race! "Equality for all, One People One Nation !!

Yvonne

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;
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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.

Paul De Rungs
Auckland
New Zealand

6661

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:19 p.m.
Attachments: EDS Submission to theConstitutional Advisory Panel (Final).pdf

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

Full Names: Organisation Name: Environmental Defence Society Inc Email:
Phone: Postal AddressA: Postal AddressB:
st Postal City: Auckland Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: Submission Upload: EDS Submission to the
Constitutional Advisory Panel (Final).pdf

Submitted on the 31 July 2013 at 13:18

31 July 2013

Secretariat
Constitutional Advisory Panel
C/o Ministry of Justice
DX SX10088
WELLINGTON



constitutionalreview@justice.govt.nz

THE CONSTITUTION CONVERSION

Dear Panel,

The Environmental Defence Society (EDS) is an environmental non-government organisation comprised of resource management professionals. EDS was established in 1971 with the intention of bringing together the disciplines of science, law and planning to advocate for the environment. More recently, EDS has also focused on providing support and capacity building for individuals, community organisations and councils; undertaking research and policy analysis on key environmental governance issues; and profiling key issues through seminars and conferences.

New Zealand's Constitution

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

Yes. New Zealand is only one of three countries that do not have a constitution written down in a single document. While New Zealand is currently ranked among the top nations for the rule of law and lack of corruption these constitutional principles are regularly challenged and we cannot take them for granted. An unwritten constitution is less visible to everyday citizens and is therefore more difficult to enforce.

1.2 Do you think our constitution should have a higher legal status than other laws? Why?

Yes. Without a higher legal status our constitution is simply a moral boundary and there are few mechanisms available to enforce its contents.

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

The Courts. The separation of powers is a fundamental constitutional principle. It is essential that there is a check and balance on the powers of Parliament.

Bill of Rights Act

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

No. There are numerous examples of recent legislation failing to protect rights.

For example, the New Zealand Public Health and Disability Amendment Act 2013 precluded appeals to the Human Rights Commissioner and judicial review in relation to the legislation itself and in relation to decisions and policy made under the legislation. The Attorney-General's report on the Act states that this limitation on the right to judicial review could not be justified under section 5 of the New Zealand Bill of Rights Act 1990 ("NZBORA"). Nevertheless, the Act was passed under urgency without a select committee process.

Other recent examples include legislation limiting the right to protest at sea, the GCSB legislation infringing the right to privacy, the limitation of democratic rights in Canterbury, and the Foreshore and Seabed legislation.

The Attorney-General report on a bill's inconsistency with NZBORA has become an empty formality, with a report usually followed by the Attorney-General voting in favour of the bill they declare to be inconsistent.

The select committee system provides protection only if the government wants it to or, even more importantly, only if the government uses the process.

NZBORA is not sufficient to protect New Zealanders' rights when there is a majority in Parliament who are willing to override rights. In such a situation, citizens currently have no recourse to achieve justice.

2.2 What other things could be done to protect rights?

See 2.3 below.

2.3 Do you think the Act should have a higher legal status than other laws? Why?

Yes.

This suggestion often gives rise to concerns that the power of Parliament would just be transferred to another body. However, constitutional scholars have been developing the concept that rights should be the subject of a dialogue between the Courts and Parliament - with neither the Courts nor Parliament having 'the last word' on rights. For example, under the Canadian Charter of Rights and Freedoms the Canadian Supreme Court has the power to nullify legislation, however the Canadian Parliament can respond by legislating 'notwithstanding' the Court's decision. This could be improved upon by ensuring Parliament cannot pre-empt Court decisions, and by phrasing the language of the clause to require Parliament to respond not by legislating *notwithstanding* rights but rather to articulate a *different interpretation* (Winter).

EDS suggests that a 'constitutional dialogue' would keep Parliament (our elected representatives) at the centre of the rights dialogue while facilitating the oversight of the Courts and therefore providing New Zealanders with an institutional check on the presently unbridled power of Parliament.

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

The Courts. The separation of powers is a fundamental constitutional principle. It is essential that there is a check and balance on the powers of Parliament.

However, see 2.3 above regarding the potential for a process that creates a 'constitutional dialogue' between the Courts and Parliament.

2.4 What additional rights, if any, could be added to the Act?

EDS considers that the right to a quality environment should be included within the NZBORA or a written constitution.

The pressures on our environment continue to increase as the world's population grows alongside increasing demand for western lifestyles. It is essential that the quality of the environment is safeguarded to ensure the wellbeing of both current and future generations. Key rights, such as the right not to be deprived of life (s 8 NZBORA), are dependent on a quality environment. In addition, the inclusion of such a right would reflect international trends. In 2005, approximately 60% of states had constitutional provisions protecting the environment (Glazebrook).

Conclusion

EDS would like to thank you for the opportunity to provide feedback on these issues.

Kind regards,

Environmental Defence Society

References:

How to have a constitutional conversion – Dr Stephen Winter
http://www.adls.org.nz/for-the-profession/news-and-opinion/2013/7/1_9/how-to-have-a-constitutional-conversation/

Human Rights and the Environment – Justice Susan Glazebrook
http://www.victoria.ac.nz/law/NZACL/PDFS/Vol_14_2008/glazebrook.pdf

1378

From: "Kate Deacon"
To: <Constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:35 a.m.
Subject: Submission

I fear a 21st Century Constitution incorporating the Treaty of Waitangi, which, while being worthy in its concept at the time, is now completely out of date in as far as progressing a country in this technological age is concerned.

The Treaty has been shamefully ignored by Governments in the past at times but is now in danger of being abused by its advocates extending it into other fields.

Lets keep common sense, ensure everyone's rights as individuals and keep the country running.

Kate Deacon,

Mount Maunganui
Phone:

1066

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 7:32 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Patrick Deady Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Waikouaiti
Postal Region: East Otago Postal Post Code: Postal Country: New Zealand
Submission: I believe we don't need a written constitution.

Sent on the 4 June 2013 at 19:31

2496

From: "Kelvin Deal"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:09 a.m.
Subject: CAP Submission

Dear People,

I am opposed to separate Maori general election electorates. When the Treaty of Waitangi was signed it did not envisage separate representation for each people-group. It called for a single people for New Zealand. It is a modern day anomaly that at a time when there are so many calls to adopt the Treaty's principles there remains a two-people system of representation, thus preserving the two-people separation.

Kelvin Deal

of

Kelvin C. Deal

WHAKATANE

Phone:

<mailto:_____>

Please consider the environment before printing this e-mail

CAUTION: The views expressed in this e-mail and attachments may not necessarily reflect those of Kelvin C Deal. This e-mail and attachments may contain confidential and privileged information and if you are not the intended recipient you are hereby notified that any use, dissemination, distribution or copying of this e-mail and attachments is prohibited. If you have received this e-mail in error please notify the sender immediately and permanently delete all information

5048

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:09 p.m.

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

Submission: We do not need a written constitution. Parliament is supreme. This country does not need to be run by RACE. That can be seen in the commission set up to rule on the constitution. Maori, assume they are already the chosen people to rule this country. 50/50.

Have a good look at the make up of the commission. We need to rid ourselves of the maori seats. As it is now, Maori, are double dipping in our Parliament. We should have one electoral roll. One person one vote, and not race related. If we have the Treaty of

Waitangi as the first article of a written constitution Maori will over rule Parliament, our Judiciary, and our common Law. All other people, with the exception of Maori, will be second class Citizens. It is time Maori Seats should be disbanded, and the Treaty

of Waitangi have its gravy cut off. Full Names: Brian Lee Hutchinson Dean. Organisation Name: Loyal Born New Zealand Citizen. Email: Phone: Postal AddressA: Postal City: Whangaparaoa. Postal Region: Auckland. unfortunately. Postal Post Code: Postal Country: New Zealand

Submitted on the 20 June 2013 at 11:17

478

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 9:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Lex Dean Organisation Name: Privte Email: Phone:
 Postal AddressA Postal AddressB: Postal
 City: Wairoa Postal Region Postal Post Code Postal Country: New Zealand
 Submission: I believe the first document of any New Zealand constitution was how Maori interpreted the treaty of Waitangi. The problem is identifying what is salvageable of that treaty today after so many abuses of it. I do see that some parts of that treaty were not workable to go into the world of today without setting New Zealand backward industrially. Using the word industrially is a perspective that each person sees in a different light.

I do see New Zealand Maori and many other New Zealander's still see the beach as owned by Maori and the New Zealand general public. And no beach has been sold off legally to anyone in many people's eyes. This also means an interpretation of the treaty that resonates with most New Zealanders is something like a 12 Km zone from the beaches of New Zealand be a non-commercial and non-net fishing area for wet fish. In other words a sanitary area from commercial fishing that wet fish are able to grow to a size before they grow big enough for the larger open sea.

This allows New Zealander's to privately catch fish and also creates a large tourism fishing trade in the 12 Km zone. The tourism trade produced would create NZ jobs as over sea's fishing boats leave our water's that is beneficial to New Zealander's. And tourism will attract other aqua farming ventures for tourism too. Example Sea-weed farming for Japanese tourism.

This will only come about if a single tourism operator's licence and not the many layered operators licencing systems were to be abolished of the past. This has major impacts on harbours effecting commercial fishing industry directly. And taking many issues out of the worry of the general public.

It also creates more boat building and other secondary industries.

This rises many points.

1. Does it meet the parameters of the treaty of Waitangi?
2. Do New Zealanders what to be fishermen or a tourist operator as their vocation on the sea.
3. Does New Zealander's want the right to go out wet fishing on weekends?
4. Is this a right taken away from New Zealander's for the sake of big business and Government not seeing the potential of small Business?

Sent on the 16 April 2013 at 21:45

4691

From:
To: <constitutionalreview@justice.govt.nz>
CC:
Date: 31/07/2013 2:20 p.m.
Subject: constitutionalreview@justice.govt.nz
Attachments: RKD_ Submission.pdf

Hi

Unfortunately I don't have time to write a proper submission but I have attached the submission I sent on the Arms Amendment Act in 2011 as it will give a good idea of some areas in which NZ citizens need their rights strengthened, and others need their powers weakened

Personally I would prefer a written constitution as the separation of powers and the various Acts and bodies (Ombudsmen etc.) also there to protect citizens are becoming less and less effective.

Regards

Rachael Dean

Msg sent via Inspire @Mail - <http://www.inspire.net.nz>

Submission on the Arms (Military Style Semi-automatic Firearms and Import Controls)
Amendment Bill No. 285-1

To the Law and Order Select Committee

I wish to appear before the committee to speak on my submission.

SUBMISSION

Contents

1. Introduction
2. Background
3. Current situation
4. Part One
5. Part Two

INTRODUCTION

My submission is in two parts.

1. The first part deals with the attempt of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill, (The Bill), to introduce inappropriate use of delegated regulatory powers. These are unconstitutional and in conflict with the Treaty of Waitangi, the Human Rights Act, New Zealand Bill of Rights Act, the Bill of Rights 1688 and the Universal Declaration of Human Rights (United Nations) which New Zealand has signed and ratified.
2. The second part demonstrates that the amendments to the principal Act proposed in the Bill run contrary to the purpose of the principal Act - to promote firearms safety - by seeking to place restrictions on safety features of firearms.

BACKGROUND

The New Zealand Police (The Police) attempted to "make a law" regarding the definition of Military Style Semi-automatic Firearms (MSSAs). The Police's attempt to do so was unlawful and was so ruled by the Judiciary. The attempt failed (*Lincoln v Police*). Thus it

could be said that the systems in place to protect citizens from abuses of power, did indeed provide protection.

CURRENT SITUATION

In response to the decision in *Lincoln v Police*, The Bill seeks to remove the basic protections provided by New Zealand's constitution, by introducing regulatory powers to allow random and continuous reclassification of sporting firearms as military style semi-automatic firearms. The power is effectively handed to The Police; the same Police who have already attempted to make law in this subject but were prevented from doing so. This Bill therefore hands the power to those who have already demonstrated their conflict of interest, bias and lack of independence - on more than one occasion.

In addition the actual regulations being proposed have been suppressed, citing the Official Information Act. This suppression occurs in the departmental regulatory impact statement. <http://www.nsanzorg.nz/docs/aab-bill-ris-final.pdf>. It is my view that this suppression of information cannot be supported by the reasons given. What it does effectively do however is prevent the approximately 250,000 civilian gun owners in New Zealand from having the opportunity to be informed of, and make submissions on, the consequences of these. Once again I believe this is undemocratic and not constitutional.

PART ONE

I introduce my submission with some reminders and a note as to their relevance to this submission

1. New Zealand has no written constitution or entrenched Bill of Rights. This increases the danger of powers being abused and citizens' rights not being maintained. This Bill is an abuse of power.
2. New Zealand's constitution is formed from New Zealand's constitutional conventions plus a number of key documents. "Key written sources include the Constitution Act 1986, the New Zealand Bill Of Rights Act 1990, the Electoral Act

1993, the Treaty of Waitangi and the Standing Orders of the House of Representatives. Aspects of the constitution are also found in United Kingdom and other New Zealand legislation, judgments of the courts, and broad constitutional principles and conventions, form the nation's constitution" (Justice Department). This Bill disregards the above hence is unconstitutional

3. New Zealand's legal system includes English common law, incorporating principles which have arisen from individuals asserting their individual rights against one another and against the State/Crown. What this Bill is attempting to do has already been rejected by the Judiciary.
4. There are three Branches of government in New Zealand, the Legislature, the Executive and the Judiciary. "An integral feature of our system is the separation of power among three different branches of government. The division of power seeks to ensure that no one branch can act unconstitutionally." (Justice Department) Because the protections provided by segregation of powers have prevented the abuse of power proposed in this Bill, the Bill seeks to prevent the Judiciary "interfering" in such a way again.
5. It is a fundamental principle of the Rule of Law that the law should have safeguards against the abuse of wide discretionary powers. This Bill seeks to remove these safeguards.
6. "The terms 'delegated legislation', 'subordinate legislation', and 'regulations' are used synonymously to refer to legal instruments, often technical in nature [my emphasis], made under powers delegated by Parliament when passing legislation. An example would be a regulation to set fees for a cost-recoverable service provided by a public organisation". Turning a law abiding citizen into a non-law abiding citizen is not technical in nature.
7. The Regulations Review Committee was established in 1986 as part of a wider process of constitutional reform aimed at reining in the power of the Executive in New Zealand.^[1] The main concern was that delegated legislation was being used by the Executive to push through government policy initiatives [my emphasis].^[2] This was appealing to the Executive because of the relative ease of passing laws in this way and the general avoidance of Parliamentary scrutiny,^[3] which included debate in the House, three readings, and, in most cases, referral to the relevant

subject select committee.[4] However, this practice undermined the constitutional principle that, "democratically elected and accountable members of Parliament [should] retain control over the content of the law. [my emphasis] By attempting to use regulations to change the situation so something previously lawful becomes unlawful The Bill is doing exactly the type of thing the Regulations Review Committee was setup because of concerns about.

8. One of the grounds on which the Regulations Review Committee considers that a regulation should be drawn to the attention of the house is if the regulation trespasses unduly on personal rights and liberties. This Bill trespasses unduly on personal rights and liberties.

I OPPOSE THE INTENT OF THE BILL BECAUSE

It is unconstitutional and in conflict with the Treaty of Waitangi, the Human Rights Act, New Zealand Bill of Rights Act and the Bill of Rights 1688. For example it contravenes The New Zealand Bill of Rights Act 1990 in that it does not safeguard the civil and political rights of New Zealanders. It does not comply with the Rule of Law as it removes safeguards against the abuse of wide discretionary powers.

"The terms 'delegated legislation', 'subordinate legislation', and 'regulations' are used synonymously to refer to legal instruments, often technical in nature, made under powers delegated by Parliament when passing legislation. An example would be a regulation to set fees for a cost-recoverable service provided by a public organisation" Underlining is mine (New Zealand Parliament)

The Bill abuses the use of regulations, whose purpose is not for substantial changes in law but is for "housekeeping matters" such as determining the use-of-money interest rates on underpayments and overpayments of taxes and duties. This inappropriate use of regulations also undermines the parliamentary process of statutory legislation as it allows laws that have substantial consequences for the rights and liberties of New Zealanders to be effectively enacted without parliamentary scrutiny and without input from citizens.

The Bill effectively hands the power to make laws that have substantial consequences for the rights and liberties of New Zealanders, to the commissioner of police. The commissioner of police should never have the authority to make a binding determination of this magnitude. The courts recognised this when they found against the commissioner in *Lincoln v Police*.

The Bill contradicts itself as is clear from the Regulatory Statement. The conclusion states the amendments are proposed to ensure clarity over what firearms are to be categorized as MSSAs. By effectively handing the power to change the definition to the Commissioner of Police the definition can literally be changed overnight - hardly providing clarity and certainty. The claim that police are confused over the meaning of 'military pattern free standing pistol grip' is contradicted by police spelling out a succinct explanation of the interpretation laid down in *Lincoln v Police* in the regulatory impact statement.

Police ask the legislature to accept that regulations are required to provide flexibility to head off arms manufacturers who change designs to circumvent our laws so they can import guns into New Zealand. Even if one ignores the obvious, that is, common sense should tell one that New Zealand is far too small a market to make design changes for this purpose an economic proposition, the police then go on to demolish their own argument by explaining that arms manufacturers do not make seven round magazines that comply with our laws. There is clearly an untenable contradiction between these two assertions.

Licensed civilian gun owners in New Zealand have every reason to be distrustful of the commissioner of police, the police executive and the executive council, and to believe that more abuses of power will occur. Already licensed civilian gun owners have to comply with nonsense police policy, indeed - in the case of having to "hand in" one gun before being able to obtain another - police policy that has the appearance of unlicensed theft.

It should be noted that guns commonly used for world class competitive shooting come into the category of guns that police policy (not the Law), demands a forfeiture of. Imagine if New Zealand's rowers had to hand in (for destruction), their bought and paid for boats because they wished to obtain another one. Perhaps a case could be made for SPARC to

assist our world class competitive shooters with grants to cover the cost of having their guns extorted from them merely because they wish to remain competitive with their International counterparts. New Zealand sends a team to the World combat rifle shoots, along with such countries as the USA and Great Britain. New Zealand shooters need to have access to the firearms and parts to allow them to compete against the rest of the world. Currently a person must buy two rifles just to obtain one to shoot because one must be handed in. This also inhibits young New Zealander's - the sort of dedicated sports people who should be part of a Junior Development or High Performance squad - from being able to train and develop into the top sports people. They have the right to be the best they can be, and to be those whom our country can be proud of.

Not only does police policy (not the law), force the a citizen to hand-in a legally bought and paid for gun, the police even force shooters to forfeit (i.e. hand-in), magazines or gun parts if the shooter needs to replace parts or acquire magazines. The police will not issue an import permit for a MSSA part or magazine without a part or magazine being handed in for destruction. This forces the shooter to purchase an old magazine or part so they have something to hand in. With respect to parts, the Police argue that only worn out bits need to be replaced so forfeiture (read: extortion) is reasonable. This is incorrect. Shooting is a highly technical and evolving sport. A lot of work and study goes into improving accuracy and therefore competitiveness, by development work. Motor racing crews experiment with parts to ascertain what will give the best performance from their vehicle. So do shooters with the guns. But because of having to forfeit parts New Zealand shooters are unable to buy parts to trial in their rifles to improve their shooting because parts must be handed in for no good reason. Those parts are destroyed by Police.

I SUBMIT THAT THERE SHOULD BE NO ADDITIONAL DELEGATED POWERS OF REGULATION BY ORDER IN COUNCIL, ADDED TO THE PRINCIPLE ACT.

I FURTHER SUBMIT THAT THE COMMITTEE TAKE THIS OPPORTUNITY TO REMOVE THE ABILITY OF THE POLICE TO MAKE POLICY THAT ENABLES THEM TO MANIPULATE THE LEGITIMATE ACTIONS OF LAW ABIDING CITIZENS SO AS TO EXTORT LEGALLY ACQUIRED PROPERTY FROM THEM. WITH REFERENCE TO THIS I ASK THAT THE COMMITTEE REFER TO THE PRINCIPLE AS

CLEARLY STATED BY HON. LOUISE WALL, THAT IS TO ENSURE "...THAT THOSE WHO USE FIREARMS ARE ABLE TO DO SO AND THAT THEIR LIBERTIES ARE NOT AT ALL COMPROMISED".

PART TWO

The very use of the term Military Style Semi-automatic is nonsense. The term was invented to create a category of sporting firearms which somebody thought were cosmetically similar to real military combat weapons. Under this type of "logic" all trucks could be classified as cars because they also have seat belts. These guns are sporting firearms pure and simple, not military combat weapons.

In reality so-called "MSSAs" have been manufactured world wide since the mid-1930s. It was another ten or so years after this date that development of some "MSSA"s included items such as obvious pistol grips. Prior to this date most "MSSAs" were fitted with a 10 round magazine and a standard rifle stock. Pistol grips are a safety feature for modern times. So there are two groups of "MSSAs" - those with obvious pistol grips (the more modern) and those without pistol grips (the less modern).

The apparent reasoning behind the 1992 amendments that created the Military Style Semi-automatic fiction was that it was considered that features such as a military pattern free standing pistol grip, actually a safety feature, somehow caused New Zealand licensed civilian gun owners to lose all common sense and become murderous. Given the complete lack of evidence behind this thinking, let us also restrict the use of seat belts in cars - seat belts are generally considered a safety feature - but there could be a risk that once strapped in a seat belt a licensed New Zealand driver might take leave of their senses with overwhelming feelings of indestructibility, and therefore drive in a dangerous and reckless manner with the intention of killing people.

If there is to be difference between an "MSSA" and a rifle in sporting configuration then that should be only the magazine capacity. But it should be noted yet again that there is no evidence that having an unrestricted magazine causes New Zealand licensed civilian gun owners to lose all common sense and become dangerous. However, accepting the reality that

there is an urge to pretend New Zealanders do, then the restriction should be sensible, that is, align with what is manufactured - ten rounds.

I THEREFORE SUBMIT THAT IF THERE ARE TO BE RESTRICTIONS ON MAGAZINE SIZE FOR MSSAs THEN THE SIZE BE ANY MAGAZINE CAPABLE OF HOLDING MORE THAN 10 ROUNDS.

There is a cost to foolish regulations. The obvious costs in this case are to the licensed civilian gun owners - which include the cost of having legally purchased assets and parts taken from them - plus all the licences and paperwork, plus the "adjustments to gun owners licensing status or magazine " (yet again!) so lightly glossed over in the Regulatory Impact Statement. There are also costs to all taxpayers, firstly in terms of the cost of the time spent by the Police administering the law and secondly an opportunity cost, the work not done that the Police could be doing if they were freed up from administering irrational and pointless legalisation. Or, if it is considered that reductions in staff were possible if the need to administer foolish regulations was removed, then the savings could be used for debt reduction, or rebuilding Christchurch, something meaningful and important. Something that generally meets the stated objectives of political parties in power, that is "Cutting bureaucracy and shifting resources from the back office".

I THEREFORE SUBMIT THAT THE 1992 AMENDMENTS TO THE ARMS ACT BE REPEALED. THIS WOULD BE A FAR MORE PRUDENT OUTCOME THAN ADDING MORE IRRATIONAL COMPLEXITY TO IT.

A pistol grip of any type is a safety feature. Promoting safety with firearms is the stated purpose of the principal Act. This Bill seeks to reduce firearms safety by regulations that will create restrictions on a safety feature on a firearm. There is no evidence that in New Zealand a pistol grip ceases to become a safety feature. The only relevant issue with gun control in New Zealand is to stop guns falling into the wrong hands. It is of no importance if the 'wrong hands' hold the gun with the wrist tilted a few degrees one way or another and it is of even less importance if the 'right hands' hold a gun with the wrist tilted a few degrees one way or another.

I THEREFORE SUBMIT THAT IF NEW ZEALAND INSISTS ON PERSISTING WITH MAINTAINING A FICTIONAL CATEGORY OF GUN THAT IS, A MSSA - THEN THE PRESENCE OF A PISTOL GRIP DOES NOT CAUSE A GUN TO FALL IN THE MSSA CATEGORY .

I have no expertise in the matter of air pistols but I do have expertise and professional qualifications in the use of facts and evidence to support rational decisions. The Police wish to change the law with respect to air pistols even though they state themselves that they have no quantifiable evidence that these are a problem. Adding these changes is being opportunistic. It is an extremely cavalier action to change the law without statistics and facts to support the change and must be resisted. Interesting that in the case of lowering the blood alcohol to 50mg, the lack of facts and statistics was recognized and the law was changed merely to allow information to be gathered for research purposes. Land Transport (Road Safety and other Matters) allows police to take alcohol readings for research purposes from all drivers involved in fatal or serious injury crashes who have a Blood Alcohol Concentration (BAC) between .05 and .08 (50 milligrams and 80 milligrams of alcohol per 100 millilitres of blood), or 250 and 400 micrograms of alcohol per litre of breath;

I THEREFORE SUBMIT THAT NO FURTHER RESTRICTION BE PLACED ON AIR PISTOLS UNTIL (IF AND WHEN), THERE ARE SOME FACTS AND STATISTICS AVAILABLE TO DEMONSTRATE A NEED FOR A CHANGE.

FINALLY I SUBMIT THAT, IF NEW ZEALAND INSISTS ON PERSISTING WITH MAINTAINING A FICTIONAL CATEGORY OF FIREARM THAT IS, A MSSA THEN THE DEFINITION BE AS FOLLOWS

A Military style semi-automatic firearm means any semi-automatic firearm that is not a pistol or restricted weapon, that has a magazine that is (or, or that, by its appearance, indicates that it is capable of holding);

1. in the case of a magazine designed to hold rimfire cartridges of a calibre of 0.22 inches or less, more than 15 cartridges; or
2. in any other case, more than 10 cartridges:

Finally I should like to extend my gratitude to the Law and Order Select Committee for reading my submission, for the opportunity to be heard, and to participate, in the matters that directly impact on my rights and liberties.

3497

Lynn Christine Cadenhead

Nelson

Email:

Ph: :

From: "Lynn Cadenhead"
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 8:06 p.m.
Subject: Submission on Constitutional Review

To whom it may concern

We are concerned citizens who wish to ensure that the constitutional review acknowledges the necessity of provision for the environment protection in New Zealand's constitution, or its constitutional arrangements.

We consider that our constitutional fundamentals should be elevated above the present ability of Parliament to amend any law by a simple majority in Parliament. In other words we agree that, subject to its being developed and potential amended by a respected process, that this be a supreme law. We would prefer that the constitutional matters are addressed in a single document for clarity, but this is not essential. We think the ultimate interpretation of this law, once established, should be by way of the Courts.

We are concerned that the Treaty of Waitangi not be elevated above the basic protections of human rights in the constitutional arrangements for the country. While the Treaty is important to the country, basic and fundamental human rights and protections for all citizens and our environment, now and into the future, should take first priority above the rights of any particular group within our society.

While New Zealand has received international credit for development and passage of its Resource Management Act in 1991, current proposed fundamental changes to that Act which have the effect of reducing environmental protection demonstrate that its core provisions are vulnerable to the expediency of the politics of any government of the day. As environmental protection is about the long term and is profoundly for future generations, the means to change these environmental protections should be protected and less vulnerable to such expediency. We consider this country's constitution or its constitutional arrangements should provide for the long term protection of the environment generally and enable only that sustainable utilisation of publicly administered resources which ensures the interests of all current and future citizens, and their environment, receives adequate protection.

The South African Bill of Rights provisions are as follows:

"24. Environment. Everyone has the right -

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future

generations,

through reasonable legislative and other measures that -

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use of natural resources while

promoting justifiable economic and social development."

Provisions akin to those in the South African Bill of Rights need to be incorporated into our constitutional arrangements and these should be beyond modification of any particular government without strong protection, such as passage via a 2/3 majority. In addition, protection of our public lands and resources and access to these should be provided by a means such as the public trust doctrine in the USA.

We are also concerned that the government has chosen to pass legislation under urgency overturning the elected representation of the Canterbury Regional Council in the recent past, together with legislation including 'Henry VIIIth' clauses which enable any changes to be made to that legislation by way of regulation, if considered necessary. It concerns us that such options are available and seen fit to be readily utilised by our government under circumstances which could not be described as exceptional and justifying such provisions of dubious constitutional legitimacy. We consider that guidance to prevent such options should be made and included in our constitutional arrangements.

We also consider that some basic education into our constitutional arrangements should be readily available both as part of our secondary education and to the wider public. Most New Zealanders are, frankly, ignorant of the constitutional arrangements which underpin our various branches of government and our civil society and have no idea how our judiciary or governor-general are appointed, for example. This is unacceptable and means that we are vulnerable to manipulation by potentially unscrupulous governments, even if this has never happened to date. There are too few protections ensuring that our government can be held to account. The best form of protection regarding this is ensuring that we know about these arrangements and can ensure that governments can be held to account by exposure to scrutiny.

We seek that any revised constitutional arrangements take account of this submission and accommodate these matters in any recommendations made to the government. We would welcome an opportunity to be heard on this, if such an opportunity was made available.

Yours sincerely

69

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/03/2013 3:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Lynette Dear Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: New Zealand Postal Post Code: Postal Country: New
Zealand Submission: Before a constitution be formulated I consider it of great importance to be
talking about our 'unique history'. But to do that we would need a clearer understanding of that history.
There is still so much confusion regarding our history that any decisions
based on it are bound to be faulty. Our history is being abused, used to misled people and re-written.

We cannot afford to get such an important document such as this constitution wrong, We as a country
need to wait until the truth of our history may be disseminated without bias and people have a clear
understanding of what they are voting for.

So my opinion is WAIT. (Probably for another 50 years at least).

Sent on the 28 March 2013 at 15:59

1662

From:
To: <constitutionalreview@justice.govt.nz>
Date: 27/06/2013 11:31 a.m.
Subject: Cap submission URGENT!
Attachments: Doc1.doc

Rae Decke

Tauranga

To
Ministry of Justice
DX SX 10088,
Wellington

My Submission regarding the NZ Constitutional Review is that:

I want no change to New Zealand's unwritten constitution, it has served all well since the 1852 NZ Constitutional Act was passed, our founding Document. It may need some alteration in the future but not a raced based Constitution. Equality for all, one People one Nation.

Your faithfully
Rae Decke

4103

From: "Cathy Dee"
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 8:43 p.m.
Subject: CAP submissin

One of the things I always loved about NZ back in the days when there were only 3 million people here, was that we did only have 3 million people.

There is a population crises in the world and I think, in line with our 'clean green (HA!) image, we should be at the forefront of addressing this major problem.

I would love to see population addressed in several ways.

1. The mandatory sterilization of anyone involved in a violent crime
2. Reward people who choose not to have children (and be sterilized) with grants of up to \$10,000 (still cheaper than supporting child benefits)
3. Remove all government support for people who choose to have more than 1 child
4. Make a it a condition of all immigrants to this country to have no more than 1 child

We are hot on controlling the population of every other species but somehow, our own species seems exempt to this despite the fact that we are destroying the planet through over population.

Why is this never addressed?

Cheers

Cathy Dee

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.

Michael Dee
Okaihau
New Zealand

1581

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 7:00 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Mike Dee Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Dunedin Postal Region: Otago Postal Post Code: Postal Country: New Zealand
Submission: The treaty of Waitangi shouldn't be included in our Constitution, and it should go before
a binding public referendum.

Sent on the 25 June 2013 at 18:58

127

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 11:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Submission: How does a nonexistent Constitution reflect our unique history, our aspiration, our values. We appear to have none as we have adopted someone else's laws to cobble together what you call 'our' constitution. If we are really having a constitutional conversation

how about trying to lay out clearly what you think it is and we'll give you feedback on that. Full Name: gerry dekker Email:

Sent on the 8 April 2013 at 22:24

1279

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 11:10 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: gerry dekker Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB Postal City: Rāetihi
Postal Region: Postal Post Code Postal Country: New Zealand Submission:
2. Clarify, what is meant by supreme law? Is that the ten commandments? The constitution should be above Parliament, a set of rules that are not to be changed whenever a new fashion or business model comes along. Any change to the constitution should be preceded by open public discourse, I would suggest an open forum so that the whole country can participate and only a vote by an informed public should control the direction of our constitution. All other laws should be based on the constitution.

3. Neither, both Parliament and the courts are closed groups. An open forum participated in freely by the public would be a better system for deciding if legislation is consistent with the constitution. Ultimately any one person should be able challenge legislation that isn't in their opinion consistent with the constitution and this should be heard publicly, not behind closed doors. Justice must be seen to be done.

Sent on the 8 April 2013 at 22:08

1276

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 10:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: gerry dekker Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Raetihi
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 1. Of
course our constitution should be written in a single document. This gives it an accessibility sadly
lacking at the moment. Personally I have no idea what our constitution consists of, what our rights are
or how the division of power is supposed
to work. This country appears to be run by Cabinet full stop.

Sent on the 8 April 2013 at 21:44

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

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

Full Names: Catherine Delahunty Organisation Name: Green Party of Aotearoa New Zealand
 Email: Phone: Postal AddressA:
 Postal AddressB: Parliament Buildings Postal City: Wellington Postal Region:
 Postal Post Code: Postal Country: New Zealand Submission: Submission to the
 Constitutional Review

Catherine Delahunty

Green MP

This is an individual submission which reflects my work both inside and out of Parliament on Te Tiriti issues from a Tangata Tiriti perspective. It is deliberately focusing on what for me is the critical issue in the Review, Te Tiriti o Waitangi. It reflects my view that Te Tiriti is the basis of the constitutional dialogue we need to have rather than an aspect of a constitutional review.

The constitutional review is an opportunity to affirm the foundations of the country, expressed through two documents, He Whakaputanga, the Declaration of Independence 1835 and Te Tiriti o Waitangi 1840. If these two documents are not recognised the country can only be founded on a theft via violence rather than an honourable agreement which was part of a fraught process which is still being negotiated.

If the constitutional review places Te Tiriti in a list of issues the opportunity is lost to design any changes based on our unique foundations in Te Moana nui a Kiwa, the South Pacific. The conventional western approach is to look to western democratic models and pose a narrow set of culturally defined questions as the basis of the review, with Te Tiriti o Waitangi as a side issue tacked on to a dominant culture world view. If we recognise that there are other models both in Aotearoa and in the world and other questions to ask about constitutional arrangements we can find some creative ideas for a redesign based on the critical relationship between indigenous and non-indigenous communities. South America rather than USA and Europe have seen more creativity in the development of constitutions based on respect for the earth and indigenous rights than anything that has emerged from the rest of the other much lauded democracies.

Models of constitutional arrangements based on co governance of rivers and areas of land such as Te Urewera are essentially compromises which limit the rangatiratanga of hapu as affirmed in Article 2 of Te Tiriti. They are however a starting point towards a better reflection of what former Green Co Leader Jeanette Fitzsimons described as the double hulled waka of our nation. If we can build a constitutional model which starts with the articles of Te Tiriti we can start to imagine regional and national arrangements whereby for example collective Maori defined bodies and collective representative Pakeha and Tauiwi organisations hold decision making dialogue on resource management issues. The development of tangata whenua health, education and justice systems is badly

resourced but on-going and has not resulted in the "apartheid" feared by Pakeha terrified of power sharing outside the Westminster model. We need to create an educated openness in the dominant culture to even hold this conversation. We also need to resource that education by making sure all Te Tiriti arrangements such as settlements have a parallel education process to ensure the non-Maori population has a grasp of the enormity of what was confiscated and what that process has done to whānau and hapū .

Central to this review are questions of the management of taonga katoa as affirmed in Te Tiriti as part of te rangatiratanga of hapu and whanau. The Green Party has responded to this challenge by making recognition of Te Tiriti as written in Te Reo at Waitangi the opening statement of our Green constitution. How to apply this commitment is of course a lively, challenging and on-going debate for us.

The questions about governance arrangements need to be broad and the process of discussing them needs to be flaxroots and grassroots and participatory. The lack of robust historical and cultural education across our communities makes the conversation difficult except for the elite legal community. As a Green MP I am more concerned that we have a properly facilitated, well informed and creative conversation over a realistic timeframe such as 5 years. I am heartened by the "Matike Mai" process which is asking tangata whenua to discuss fundamental questions, and the "Time for Change" booklet for Tangata Tiriti to engage with the issues from a Te Tiriti and values based perspective.

As part of the process I facilitated a session with younger members of our Party, the Young Greens group, to see what ideas they had about Te Tiriti based constitutional change. They found the question challenging in the time we had but responded interestingly.

Their ideas included - making Parliament a waahi tapu where shoes are removed and respect shown, regularly surveying the nation with culturally appropriate questions on what wellbeing and happiness mean to people, building governance based on a "flat meeting" approach whereby difficult issues can be respectfully debated as if we all live together, creating policies based on culturally defined evidence.

The constitutional review has sparked some good debate as well as knee jerk racism. The value of it is in the long term dialogue not in the pre-election political rhetoric. It is my hope that the conversation will eventually be framed from Te Tiriti o Waitangi articles which provide a framework for authentic relationships between indigenous and non-indigenous and for practical solutions that start with our fundamental interdependency with the earth and the need for healthy relationships.

The length of the Parliamentary term and the status of the Bill of Rights are important issues within our current rather limited interpretation of democracy but are not the truly inspirational matters needing a broad and deep debate. In my view we have a framework gifted to us via Te Tiriti to build a nation via a permanent process of justice based negotiation.

Submitted on the 31 July 2013 at 10:09

4540

From: "annette.delugar"
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 8:46 a.m.
Subject: Review.

To whom it may concern,

I would like the Maori seats abolished and as I believe our democratic rights should be based on citizenship not race.

Yours Sincerely,
Annette Delugar.

PS. I regret that I am one day late submitting this email, but would ask that my views be accepted.
Thank you.

1381

From: michael demarco
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:36 a.m.
Subject: constituionalreview

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.

Sincerely

Michael & Pauline Demarco

2835

From: michael demarco
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 5:35 p.m.
Subject: CAP Submission

All Maori seats should be abolished

3900.

From: Simon Dempsey
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 8:34 p.m.
Subject: CAP Submission
Attachments: Constitutional Review Advisory Panel.docx

Please see attached document.

Simon Dempsey

Constitutional Review Advisory Panel

25 July 2013

Dear Members

I submit the following for your consideration:

1. Size of Parliament
 - a. Parliament should be reduced to a maximum of 100 MP's.
2. The length of the term of Parliament
 - a. This should be increased to 4 years
 - b. Elections should be at the discretion of the Prime Minister
3. Size and number of Electorates
 - a. These should be as even in size as possible with no seats elected on a racial basis.
4. Electoral integrity legislation
 - a. I oppose this.
5. Maori representation
 - a. The Maori electoral option should be abolished.
 - b. Parliamentary Maori seats should be abolished.
 - c. Local government Maori seats should be abolished.
6. The role of the Treaty of Waitangi
 - a. The Treaty should have no role in any constitution.
7. Bill of Rights
 - a. No view
8. Written constitution
 - a. I oppose a written constitution. Parliament should be the ultimate sovereign power.
9. Any proposed constitutional changes must be subject to a referendum to ensure broad electoral support. Newly emerging democracies all around the world hold referendums to endorse a constitution. New Zealand with its strong democratic tradition should do the same.

Thank you for your consideration.

Simon Dempsey

Wanganui

426

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 3:53 p.m.

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

Full Names: Denis Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: If there is to be a constitution, it is time to put the Treaty of Waitangi in the
past, and declare all New Zealanders equal. Creating a hierarchy is not the New Zealand way or style.
Equality is a New Zealand ideal. Creating privileged hierarchy is not.
Better to empower Maori by having them stand as equals with other New Zealand inhabitants.

Submitted on the 30 July 2013 at 15:51

140

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 9:28 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: david dennett Organisation Name: dave Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: horowhenua Postal Post Code: Postal Country: New
Zealand Submission: with the world that has changed so much in the time when God said man
is,they built a tower to be greater than him.we know what happen.,the language etc,they were divided
to different places .today many countries have changed,AFRICA ASIAN DUTCH ENGLISH
IT GOES ON.WE ARE ONE NATION.WE BECOME,one but every body wants it his own way.the
government,get paid far to much to rule as one and because of the many including myself imigrated
from uk ,they cannot rule because we all want something different,unity love
bring results not more money in their pockets.we are in the end times ,and now is the time to become
one

Sent on the 9 April 2013 at 09:27

1334

From: brendan dennis
To: "Constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 14/06/2013 1:31 p.m.
Subject: FW: Submission

Subject: Fw: Submission

SUBMISSION

One of the reasons that the Declaration of Indigenous Peoples was originally opposed by Britain, Canada, Australia and New Zealand was on the grounds they all have their origins as colonies of the UK and have large non-indigenous immigrant majorities and small remnant population of people indigenous to the Pacific not NZ.

It is hard to understand that one portion of this country's people can move aside from their collective nationhood and make claims of governance which disenable the rest of NZers no matter how they arrived here

I would submit that :-

The Treaty settlements should suffice to assuage Maori title claims and that the Treaty should then be abolished .

I request that reference and deference to the Waitangi Treaty be removed from all existing legislation.

That any reference to the Treaty of Waitangi and its principles be rejected from any Constitutional document. Indeed, we do not need a Constitution.

That race based representation on Local Bodies be abolished and that Maori rightly take their place through the ballot box.

That race based Parliamentary seats be abolished.

I am concerned for the future of generations of my family and all NZers who have called this country home for 200 years and who now, with government connivance. could watch the land, rivers , lakes, seabed and foreshore fought over by hapu and iwi for property and development rights and governance over everyone else by entrenching it in a Constitution and making it a proviso in all

Statutes. Please do not continue on this path.

Brendan Dennis

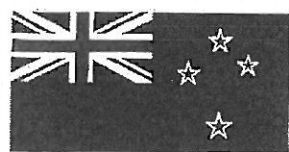
Whangamata

835

From: "Dennison"
To: <constitutionalreview@justice.govt.nz>
Date: 13/05/2013 12:28 p.m.
Subject: CAP submission
Attachments: Declaration of Wquality.jpg

Declaration of Equality attached.

Captain GL and Mrs. BW Dennison



DECLARATION OF EQUALITY



The *Declaration of Equality* is our commitment to one rule for all. It is a response to the Māori Party initiated Review of New Zealand's constitutional arrangements. Let us use the opportunity presented by the Review to reject the racial division of Treaty of Waitangi politics.

If you too believe in one law for all, with no special treatment based on race, please join the tens of thousands of citizens who have already signed this *Declaration of Equality* – and urge others to sign too. We need a strong and united voice.

WE DECLARE

THAT WE NEW ZEALANDERS of all backgrounds, having founded and developed our society in equality, fairness, and comradeship, oppose any laws which establish or promote racial distinction or division.

1. We reject references to the Treaty of Waitangi or its principles in any constitutional document.
2. We ask that such references be removed from all existing legislation.
3. We ask that race-based Parliamentary seats be abolished.
4. We ask that race-based representation on local bodies be abolished.
5. We ask that the Waitangi Tribunal be abolished.
6. We oppose separatism.

*THEREFORE in the interests of New Zealand we call on the members of the House of Representatives to implement the principles of this Declaration of Equality to **ENSURE THAT THERE IS ONE LAW FOR ALL.***

PLEASE SIGN THE DECLARATION

	Your Name	Your Signature	Email (optional) and City/Town
1	Blanche Dennison		
2	GRAHAM DENNISON		
3			
4			
5			
6			
7			
8			
9			
10			

Declaration of Equality – and full background information – is available electronically at www.ConstitutionalReview.org

To receive updates on the progress of the Declaration please visit the website and register. We are grateful for all donations to promote the Declaration of Equality. Please return completed forms as soon as you can but no later than 1st September 2013 as follows: -

➤ Mail to:

➤

➤

78

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/04/2013 6:11 p.m.
Subject: CAP Submission
Attachments: Constitutional rev my submission.doc

Attached is my submission re the constitutional review. Many thanks for the opportunity to make a contribution to this conversation.

Best wishes,

Heather Denny

Auckland,

ASPIRATIONS

I wish for a values-based constitution. These are the values that the constitution should ensure: respect for Treaty rights as in Te Tiriti, equality and fairness, justice, human rights, Aotearoa control over Aotearoa resources, sustainability, truth, and consultation for genuine peace.

THE CONSTITUTION

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

I believe there should be a written constitution setting out in one document our constitutional principles/values/rights and protections, including the rights outlined in Te Tiriti, the Māori language version of the Treaty of Waitangi, and clear direction as to how they are to be represented in the way these constitutional arrangements are carried out.

With one document the public could access more readily information about their rights and protections, and laws could be more easily and transparently monitored for compliance with these principles/ values/ rights and protections.

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

The constitution would embody the values/principles/ rights and protections that are important to us in our society. All laws should be consistent with these.

A higher legal status would give it protection from abolishment by a simple majority in Parliament.

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

I believe there should be a publicly appointed, well informed group to monitor new bills for compliance with the constitution. Where there is disagreement on whether they are constitutional, the courts should make the final ruling, because the courts are not influenced by political considerations.

Other

If there is not a written constitution there may be a need for a second chamber in Parliament to ensure greater scrutiny and consideration in the passing of new legislation. Any second chamber should have equal representation of Māori and non- Māori, to comply with the principles of Te Tiriti. Its composition and powers would need to be carefully worked out so that they were consistent with our constitutional values.

If checks and balances such as a second chamber and/or entrenched legislation are put in place, then I believe there should be a four year term of Parliament to allow for more considered long-term planning and change, provided that if there is a vote of no confidence or a vote against supply Parliament should be dissolved and an earlier election held.

BILL OF RIGHTS ACT

Do you think the Bill of Rights Act should have a higher legal status than other laws? Why?

The Bill of Rights Acts lists important rights and protections. All laws should be consistent with these.

It should therefore have higher status. Without a higher legal status the Bill of Rights Act runs the risk of being changed or abolished by a simple majority in Parliament.

Who should have the power to decide whether legislation is consistent with the Bill of Rights Act, Parliament or the courts? Why?

We believe there should be a well-informed publicly appointed group to monitor new bills for compliance with the Bill of Rights Act. Where there is disagreement, the courts should make the final ruling on whether they are constitutional, because the courts are not influenced by political considerations.

What additional rights could be added to the act and why?

The right of citizens and residents to receive a living wage or benefit should be added, because a society where there are growing differences between rich and poor is not a healthy society.

The right of the environment for protection because protecting our environment is vital for our future and that of our descendants.

The right to adequate medical care, because poor health prevents people from fully participating in society and in the end is a cost to all members of our society.

TREATY OF WAITANGI – TE TIRITI

What role do you think the Treaty of Waitangi could have in the constitution?

I want Te Tiriti (the Māori version, not the English 'translation') to be a formal part of the constitution. Te Tiriti is the text that was signed by Māori, and is the document that gave non - Māori the right to be here, and promised Māori the rights and status they already had.

How could Maori electable participation be improved?

Civics, including the way our constitutional arrangements and the political process *work*, should be taught in school at all levels as this understanding is necessary for the participation of all.

We need to work towards having a greater number of Māori representatives in Parliament.

SUMMARY

Therefore we think:

- These values should prevail in our constitutional arrangements: respect for Te Tiriti, justice, peace, human rights, truth, equality and fairness, Aotearoa control over Aotearoa resources, sustainability, and genuine consultation.
- There should be a written constitution incorporating Te Tiriti (not the English translation) along with principles/values/ rights and protections, with clear direction as to how they are to be represented in the way these constitutional arrangements are carried out.
- If there is no written constitution there should be a second chamber of Parliament with equal representation of Māori and non- Māori.
- Civics, including the constitutional processes, should be taught in schools.
- The Bill of Rights Act, the Human Rights Act, Te Tiriti and any written constitution should be entrenched as higher law alterable only with a 75% majority in Parliament
- The Bill of Rights Act should be expanded to include the right of protection for the environment, the right to a living wage or benefit and the right to adequate medical care.
- There should be a well-informed group with a watching brief to identify in bills any possible lack of compliance with any written constitution, constitutional arrangements or entrenched legislation.
- Where there is disagreement, the courts should have the final say on constitutionality of new legislation and changes to existing legislation.

1801

Kathleen. S. Denny. (Mrs).

Te Puke,

June 14th 2013.

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

Sincerely

1801

From: Janet Derksen ·
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 10:03 a.m.
Subject: CAP submission

Hello, I strongly oppose the creation of a written constitution with references to the Treaty of Waitangi. Something as important as this should not be decided by panels or 120 members of parliament but by ALL residents of New Zealand regardless of race. In my opinion the most democratic way of achieving this is to include a binding referendum on this issue in the next general election. Regards,
Janet Derksen Tauranga

1350

From: "Martin Derksen"
To: <constitutionalreview@justice.govt.nz>
Date: 15/06/2013 12:57 p.m.
Subject: CAP submission

Hello,

I strongly oppose the creation of a written constitution with references to the Treaty of Waitangi.

Something as important as this should not be decided by panels or 120 members of parliament but by ALL residents of New Zealand regardless of race.

In my opinion the most democratic way of achieving this is to include a binding referendum on this issue in the next general election.

Regards,

Martin Derksen

Tauranga

Quick Submission.

Name:

MRS. A. DESMOND

Address:

TARANAKA.

My Submission is:

One New Zealand for
all people irrespective
of race. No Treaty of
Waitangi inclusion in
any constitution it
would create apartheid.

1867'

1868¹

Quick Submission

Your name:

TERENCE DESMOND,

Name of the organisation you represent (if applicable):

N.A.

Postal address or email address:

TAURANGA.

My Submission is
One New Zealand for all
people.

No Treaty of Waitangi
in any Constitution.

1408

From: "Isabelle and Maurice Devane"
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 9:18 a.m.
Subject: CAP submission

My submission regarding the NZ Constitutional Review is that I want NO change to New Zealand's unwritten constitution . It has served us well since the 1852 NZ Constitutional Act was passed, Our Founding Document. It may require some alterations in the future but not a Race Based Constitution. EQUALITY FOR ALL ONE PEOPLE ONE NATION.

2319.

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 5:30 p.m.
Subject: Constitutional Review Submission

To Whom it May Concern

I strongly oppose divisions based on race to be included in any constitutional review. To have a culture we relate to is one thing, but to legislate or regulate in order to advantage one racial group over all other ethnicities, is in my view apartheid. At present a first generation 75% Chinese / 25% Maori person is considerably more advantaged, in numerous ways, than a sixth generation New Zealander. Please do not use this review to advance the existing racial separatism that exist in our communities already.

Our forefathers probably had good reason to introduce Maori representation in our Parliament. Times have changed considerably especially now we live in an MMP environment. Their quite simply is no justification for these racially allocated seats. Successive governments are to politically motivated to do the honest thing and remove them. Please have the courage to stamp out this institutionalised racism at the highest level, and remove it from New Zealand politics.

Sir Apirama Ngata wrote much on the true reason behind the treaty signed at Waitangi. He knew the reason behind the agreement was simply a response to the unlawfulness that existed at the time, between warring Maori tribes. Rules and laws were required to prevent these enemies annihilating each other, and as such bringing them under crown law was the only realistic solution. The ludicrous suppositions that have been invented about this treaty, and the various conclusions made from the numerous translations, are just crazy. Surely documents such as the 1852 New Zealand Constitution Act are more important milestones than a dodgy, divisive treaty that invokes a silent, feeling of hatred in the majority of normal New Zealanders.

I can only but hope this review panel does not "weaken to submission" under the considerable pressure of vocal minorities. Be strong and seek the views of the silent majority.

James Dever

Napier

1047

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 2:31 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dr. Heather Mary Devere Organisation Name: Email:
Phone: Postal AddressA:
I Postal AddressB: Postal City: Dunedin Postal Region: Otago Postal Post Code:
Postal Country: New Zealand Submission: I support the idea of incorporating the Treaty of
Waitangi into the Constitution. It is recognition of the special place of Maori in our society.

Sent on the 4 June 2013 at 14:30

2600

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 5:25 p.m.
Subject: CAP Submission

The Maori seats should be abolished. The Maori people are quite capable to stand for any seat. Seems that by having Maori seats apart from it being both racial and causing division in the country, you are perhaps telling Maori that they are as capable or as intelligent as other races. Talk about dumbing down a race!

S. Deverell

754

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/05/2013 9:45 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Contitution Conversation.docx

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

Full Names: Kent Deverson Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB Postal City:
Postal Region: Taranaki Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Contitution Conversation.docx

Sent on the 5 May 2013 at 21:44

My Aspirations:

I would like to see a NZ where everyone who contributes to the positive working of the country is treated equally. A NZ where economic success, business growth and financial prudence are seen in the highest esteem rather than selfish and greedy. A NZ where physical resources are used prudently for the betterment of all New Zealanders. A New Zealand that acknowledges its true "New Zealandyness"

Te Tiriti o Waitangi:

Te Tiriti o Waitangi should have no role in the constitution of New Zealand. It is lacking a consistent balanced translation. It is divisive and racist; as it has been applied over the last 20 years. Its application overarching everything else is internationally embarrassing. The boundaries, as it was written, have been wildly exceeded, in terms of the consideration of Maori as a separate group inside of NZ. Providing Maori consideration (above other NZers) and payment for radio airwaves and water flow that can produce electricity is laughable and not what anyone could have thought when they were signing the Te Tiriti o Waitangi. This application of the Te Tiriti o Waitangi hurts NZs economy and society.

Bill of Rights Act:

BORA should not have higher power than other Acts. It is ripe for misuse and mis-application. The "Right to Bear Arms", in The United States, ring any alarm bells? Parliament must be the higher power over judges. Politicians can be voted for by the people, and under a true democracy (that we do not have at the moment, see below) can be kicked out, or not voted in. Judges have no responsibility to the People just their jobs. We have no way of giving our opinions or providing repercussions for decisions we the People do not agree with. The People have no way to decide who becomes a judge and who does not.

To protect one person's rights the Govt has to enforce personal responsibility on others around them. We all have to abide by rules to receive freedom, freedom without responsibility and rules is anarchy.

Electoral Matters:

We must remove Maori seats on all elected boards: local Govt and parliament. It is simply racist. One person, one vote.

120 Members of Parliament, seems to work well, if the other 60 actually represented anyone.

Should have a four year electoral term, so they can actually achieve some of the things they say they are going to.

Elections date decision is fine are it is.

Size and number of electorates is really simple. 120 Members so NZ has to be cut into 120

electorates. Population-wise equal. Then each electorate is made trying to keep as similar a geographic, economy and societal mix as possible: keeping city and country in separate electorates. For example; not including Nelson as part of the West Coast.

MMP must go and get democracy back. Some form of FPP, no party votes. Vote for a person who shares your views, if they get more votes than others they get the job. 120 Members of Parliament 120 electoral seats.

If a member parts way with Party:

Under MMP – List – Leave Parliament and the next on the list comes in. Electorate – they become an independent or they choose to leave parliament and there is a by-election.

Under a democracy (FPP or similar) they become an independent or they choose to leave parliament and there is a by-election.

2511

From: "Russ Devin" <
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:42 a.m.
Subject: CAP Submission

There is no logical or justifiable reason for the retention of Maori seats in Parliament.

New Zealand is – or should be – for all peoples in an equal way

any retention of Maori seats creates – or actually perpetuates - what can only be called a racist or apartheid system

Russ Devin

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 11:16 p.m.

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

Full Name: Professor martin H Devlin ONZM ED Organisation Name: Email:
 Phone: Postal AddressA:

Postal AddressB: Postal City: Waikanae Postal Region: Postal Post Code: Postal
 Country: New Zealand Submission: The Constitution of New Zealand, whether written or
 unwritten, expresses the political and legal rights of all New Zealand citizens, irrespective of their
 particular identities, such as ethnicity, religious beliefs, age, disability, sexual orientation
 or gender. The fundamental qualification of any rights under the New Zealand Constitution must be
 that of citizenship, not any particular identity. It is therefore unacceptable as a fundamental precept
 that the Treaty of Waitangi should be entrenched in a New
 Zealand constitution, for that reason alone. There are however, several other reasons why the Treaty
 must NOT be entrenched, nor given any particular status in the NZ Constitution.

Firstly, there needs to be agreement on exactly which version, of the Treaty is considered to be
 worthy of special consideration. Next, there must be a full discussion with public involvement, on just
 what is to be considered to be the Treaty-the provisions
 and statements of the Treaty as it was presented in 1840, or the revisionist, distorted version which is
 claimed to be the Treaty in 2013? The 1840 provisions are unremarkable, clear and finite. The
 transfer of sovereignty, the establishment of property rights,
 and the provision for full equality for Maori as British subjects, cannot be disputed-that is what the
 Treaty of 1840 provided for and that is what subsequent legal provisions delivered, under various
 legislation, including the Human Rights Act and other Acts.

The "discovery" of a whole range of "principles" which purport to be the underpinning of a
 contemporary understanding or "presentist" interpretation of the Treaty, is an opportunistic rort
 designed to provide an extra range of privileges for an ethnic minority
 which cannot be substantiated, rationally, logically, morally or legally. To try to argue the opposite is a
 disgraceful attempt to justify privilege for the Maori minority under a misguided, possibly
 well-meaning, attempt to correct certain social statistics
 which may be politically embarrassing.

All New Zealanders, including Maori, currently enjoy equal rights under the law. It may be argued that
 because social failures are more obvious in certain ethnic groups, which can of course be explained
 from a cultural perspective, that this justifies a disproportionate,
 constitutionally authoritative response. This is bizarre. Appropriate solutions can be accommodated
 via social legislation and governmental initiatives. But to try to embed these issues constitutionally is
 naive, immature, mischievous and just plain wrong.

Maori culture is unique to New Zealand, and should of course be encouraged to survive-if that is what
 the majority of New Zealanders and Maori so desire. But this is NOT a constitutional matter. It is a
 cultural matter.

Any change to the constitutional status quo must be fully discussed and must be presented to the
 people via a comprehensive and binding referendum. I can assure the government of New Zealand
 that to do anything less will be to invite widespread civil disobedience
 and possibly worse.

The contempt in which the government of New Zealand appears to hold the majority of its citizens in
 this matter -particularly- is disgraceful and can only result in the type of dysfunction we see in
 countries around the world which have embodied identity politics
 in their respective constitutions.

We have a wonderful, enviable and equitable society which has been developed in an atmosphere of
 tolerance and fairness. Please do not destroy what we have by embedding identity politics in our
 constitution!!!

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

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/03/2013 4:06 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation.

Full Names: MARGARET MOEWAI DEVON

Organisation

Name:

Email:

Phone:

Postal AddressA:

Postal AddressB:

Postal City:

Postal Region:

Postal Post Code:

Postal Country: New Zealand

Submission: Ko Te Tiriti o Waitangi te mana whakahaere a tatou ture o Aotearoa, koia!

*The status of NZ's laws is derived from the
mana of Te Tiriti, agreed! or that's the case.*

Sent on the 18 March 2013 at 16:04

1979

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 1:43 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter Alexander Dey Organisation Name: Individual Email:
Phone Postal AddressA: Postal AddressB:
Postal City: Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country:
New Zealand Submission: Aspirations:

A multicultural country with racial harmony based on acceptance of a Maori community and Maori culture by the wider community.

How should the country be run:

It is good as at present.

Should the constitution be written in a single document?

No. This would be too hard and too divisive to achieve. What we have is working.

Should our constitution have a higher legal status?

No. What we have is working.

Should Parliament or the courts have greater power over the constitution.?

Parliament.

Bill of Rights Act

We should have enough freedom of speech so that employees can publicly criticize their employer if they have good reason to justify their criticism.

What role should the Treaty of Waitangi have in our constitution?

The Treaty of Waitangi Act should be amended to recognise the Treaty as a founding document. The Principles of the Treaty should be formalised and included in the Treaty of Waitangi Act.

Should the Treaty be made a formal part of the constitution?

The Principles of the Treaty should be included formally in the Treaty of Waitangi Act.

Maori representation

What we have is alright.

How many members of Parliament should we have?

What we have, 120, is alright.

How long should the term of Parliament be?

4 years would be better. At present Governments get two terms of 3 years, making 6 years altogether. This is because voters are reluctant to change too quickly. A 4 year term would be long enough for voters to vote for a change if Government policies were not working.

How should the election date be decided?

What we have is alright.

How should the size and number of electorates be decided?

Size of electorates should be based on the number of registered voters not population. People with a tiny amount of Maori ancestry who are living totally Pakeha lives should not be counted towards the numbers for Maori electorates.

What should happen when a member of Parliament parts ways from their party?

They should leave Parliament.

Sent on the 30 June 2013 at 13:42

4 227

From: "Fiona Dick " <
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 5:21 p.m.
Subject: CAP Submission
Attachments: 29 July 2013 Constitution.doc

29 July 2013

Constitutional Review – Submission - July 2013

Fiona Y S Dick

I feel fortunate that I live in a democratic country where one can express one's views without fear of reprisal – long may that continue.

Over four million people live in New Zealand and what is being discussed affects everyone – not just a select few. To say this is a bi-cultural society is quite wrong – those who think that are in a time warp. This is a global world and the world has moved on. New Zealand is very much a multicultural society and all contribute to its success or otherwise. Having said that, New Zealanders are also quite apathetic when it comes to voting, and, in this case, making submissions. From my point of view this particular Review has almost seemed like a 'covert' operation as very little publicity has been forthcoming in papers, TV, or radio. I would imagine that about 70% of the population has no idea what is being proposed/discussed. I would therefore hope that any proposed changes are not left in the hands of parliamentarians but through a public referendum – that is only fair.

If New Zealand is to prosper as a nation of New Zealanders then I fail to see the necessity of a Maori Electoral Roll. There should be just one roll for **all** New Zealanders.

As it stands at the moment there is nothing wrong with the Constitution and I am utterly opposed to any form of constitution based on co-governance of the 'treaty principles'.

What I do support is the following:

The Declaration of Equality

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

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

We ask that such references be removed from all existing legislation

We ask that race-based Parliamentary seats be abolished

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

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

Therefore in the interests of New Zealand we call on the members of the House of Representatives to implement the principles of this Declaration of Equality to ensure that there is one law for all."

1134

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 3:36 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: peter James Dick Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Papamoa Beach Postal
City: Papamoa Postal Region: Bay of Plenty Postal Post Code: Postal Country: New
Zealand Submission: The Constitutional Advisory Panel:

Sirs/madams

Should in fact a Constitution be seen as a necessity it must necessarily convey equality to all New Zealand citizens.

Equality firstly, continuously and lastly.

The thrust, that is apparent, is that a Constitution is expected to be based on the Treaty of Waitangi, I believe that this assumption is misplaced. No special right or privilege should be conceded to any particular race, creed or religion (including Maori). We have been assured, in the context of Treaty settlements, that each and every settlement, once made, is FULL AND FINAL REDRESS under the Treaty terms, therefore, further concessions and special recognition of the Treaty is surely discharged accordingly.

No mention of Treaty, Maori or indigenous peoples should appear in clausings, nor should authority be inferred to allow special, Parliamentary or Local Government seats, or Political Parties, for any particular race or creed. Equally no persons, being New Zealand citizens, should be unnecessarily restricted from being nominees for governmental registration and voting.

A Constitution in the name of NEW ZEALAND (only) and its citizens has to fairly provide EQUALITY to all, any deviation from this primary requirement will be abhorrent.

Of course the ultimate progress and acceptance of any Constitution will necessarily be by Referendum, which ideally would require a majority vote of about 75 percent of valid New Zealand registered voters.

Thanking you for this opportunity.

1968

Hello,

Please find enclosed a general submission for the Constitution Conversation 2013. I have transcribed Ron Dick's feedback and have organized it by topic. Ron is a member of the Deaf Community in Dunedin and is very involved in local and national politics and policy.

You may contact Ron at fax number:

Or I can pass any messages along to him from our office or

Kind Regards,

Anna Hurd
Community Relations Officer,
Deaf Aotearoa, Dunedin Branch

Constitution Conversation

Bill of Rights

Perhaps Deaf Societies need a good look at how to explain what this means, the reason most of our Deaf members in Otago and Southland do not know about. We need workshops and also need leadership.

Treaty of Waitangi

The question is so huge and also I do not know about. Deaf Maori people they do need leadership and also allow to use Maori and NZ Sign Language in schools, council meetings in Maori and English.

Maori and Electorate Matters

- 1) On TV stations I would like to see NZ Sign Language and/or Maori interpreters to be in the meetings with group of Deaf, hearing impaired people with Disabilities only and their rights to have a say and make the candidates listen to their problems.
- 2) I just wonder if there are any classes in Intermediate, High School, Varsity and Polytech that have Maori and NZ Sign Language and where about in New Zealand.

Human Rights Act and NZ Sign Language Act.

To me this is very weak and still nothing had been done for the last 7 years. The most important is as follows:

- 1) Education Act- (all children with disabilities, Deaf and hearing impaired) need a better education during the early ages until they leave school.
- 2) Broadcasting Act- NZSL must be included in the programmes (8 hours a week after one month of 1 hour per week).
- 3) Teletext- this is one of our governments biggest mistakes they have made. Reason, few Deaf and hearing impaired people do not have computer, laptop or any technologies at home because of high cost of broadband, and also smart phones.

Ron Dick, M.N.Z.M

Life Member of Otago Deaf Society Inc.

1287

The Secretariat,
Constitutional Advisory Panel,
C/- Ministry of Justice,
DX SX 10088
Wellington

My submission to the Constitutional Advisory Panel

1...I believe we should keep our current constitutional arrangements as they have served us well for over 100 years and I strongly oppose a written constitution for New Zealand.

2...I definitely oppose any race-based legislation and I do not want any reference to the Treaty of Waitangi in any written constitution should one be made now or any time in the future.

Name *HENDRIKA DICKINSON*

Address

TAURANGA

Signed: *[Signature]*

613

From:
To: <constitutionalreview@justice.govt.nz>
Date: 23/04/2013 11:58 a.m.
Subject: http://www.ourconstitution.org.nz/ form submission

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

Full Names:	Glenda Ann Dickson	Organisation Name:		Email:		Phone:	
	Postal AddressA:			Postal AddressB:		Postal	
City:	Postal Region:	Tasman	Postal Post Code:		Postal Country:	New	

Zealand Submission: I would like New Zealand to be a place where people can thrive physically, mentally, emotionally, economically, culturally, and spiritually, whilst respecting other nations, other creatures, and the environment.

Sent on the 23 April 2013 at 11:57

613a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 23/04/2013 12:20 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Glenda Ann Dickson Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Postal Region: Tasman Postal Post Code: Postal Country: New

Zealand Submission: I think that our constitution should be in a single document which encompasses the Bill of Rights and other Acts relevant (such as the Privacy Act). It should be of a higher legal status to make it an easier reference point for government and the judiciary. Parliamentarians could refer to the constitution when drafting new legislation but the judiciary would continue to test it, as at present.

I feel that the Treaty of Waitangi has become a default constitution which is in danger of giving permanent preference to one group of citizens. While I am in favour of Treaty settlements giving redress for past wrongs, these should be finite. NZ is a multicultural nation, and cultural groups should be able to celebrate events in a manner of their choosing. Education about other cultures and languages should be widely available but not compulsory.

Regarding our parliament, I feel we have too many members for the size of our population. I feel 100 members should be ample to govern, and I also think that political parties with under 4% of votes should not be represented. Similarly, MP's who leave their party should also need to leave parliament or at least stand again as an independent or for another party.

Sent on the 23 April 2013 at 12:19

1000

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/05/2013 12:41 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Matiu Dickson Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: I refer to the information booklet and will answer the questions raised there:

- My aspirations for New Zealand is that we live in a free and tolerant multicultural society.
- I would like to retain the Parliamentary democracy we already have but allow minorities an opportunity for a say.
- The constitution should be in written form in a single document as in the United States.
- The rights in the constitution should be supreme law and set out the rights that every person should have also taking into account the Declaration of Indigenous rights for Maori.
- The Courts ought to be the arbiters of the constitution, but the Courts need to include people from all sectors and cultures of the community not mostly Pakeha males.
- The Bill of Rights serves a good purpose for individuals but not for groups of people.
- Everyone especially the police should be made accountable for their actions to negate the Tuhoe raids disaster.
- Human rights are important enough to have them enshrined as supreme law.
- Again the Courts should decide the consistency of the law. The Courts should be protected from the influence or criticism of the Government to avoid the Ngati Apa issue.
- The principles of the Treaty of Waitangi should be enshrined in the new Constitution.
- It should be formalised because it established the relationship between Maori and the Crown. It recognises Maori rights.
- Maori should continue to have representation in Parliament by reserving the Maori seats.
- Electoral representation can be improved with education and better candidates being chosen by parties.
- Maori should have reserved seats in local government too or a better system used to get Maori voted in. eg STV.

Only Maori should decide when reserved seats are no longer required. The views of the Maori community are too easily ignored.

- We need less members in Parliament and there should be a time limit as to how long the members can stay. Three terms at the most.
- Four years is a good time but it would have to coincide with local body elections
- The election date should be decided earlier so that people know what to expect and it removes the political influence.
- Electorates can be decided on population.
- If a member parts ways with their party they should be removed from Parliament otherwise it makes a mockery of representation.

Sent on the 31 May 2013 at 12:41